

As Passed by the Senate

134th General Assembly

Regular Session

2021-2022

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**

A BILL

To amend sections 109.73, 109.77, 109.771, 109.78, 1
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5123.45, 5126.25, 5902.02, 5903.04, 6109.04, and 55
6111.46; to enact sections 3746.041, 4796.01, 56
4796.02, 4796.03, 4796.04, 4796.05, 4796.08, 57
4796.10, 4796.11, 4796.12, 4796.13, 4796.20, 58
4796.21, 4796.22, 4796.23, 4796.24, 4796.25, 59
4796.30, and 4796.35; and to repeal sections 60
921.08, 1322.24, 4707.12, 4740.08, and 4757.25 61
of the Revised Code to require an occupational 62
licensing authority to issue a license or 63
government certification to an applicant who 64
holds a license, government certification, or 65
private certification or has satisfactory work 66
experience in another state under certain 67
circumstances and to amend the version of 68
section 3319.22 of the Revised Code that is 69
scheduled to take effect on April 12, 2023, to 70
continue the changes on and after that date. 71

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

Section 1. That sections 4796.01, 4796.02, 4796.03, 72
4796.04, 4796.05, 4796.08, 4796.10, 4796.11, 4796.12, 4796.13, 73
4796.20, 4796.21, 4796.22, 4796.23, 4796.24, 4796.25, 4796.30, 74
and 4796.35 of the Revised Code be enacted to read as follows: 75

Sec. 4796.01. As used in this chapter: 76

(A) "License" means an authorization evidenced by a 77
license, certificate, registration, permit, card, or other 78
authority that is issued or conferred by a licensing authority 79
to an individual by which the individual has or claims the 80

privilege to engage in a profession, occupation, or occupational activity over which the licensing authority has jurisdiction. 81
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(B) "Licensing authority" means a state agency or political subdivision that issues licenses or government certifications. 83
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(C) "State agency" has the same meaning as in section 1.60 of the Revised Code. 86
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(D) "Political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state. 88
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(E) "Out-of-state occupational license" means a license, certificate, registration, permit, card, or other authority that is issued or conferred by one of the uniformed services or the government of another state to an individual by which the individual has or claims the privilege to engage in a profession, occupation, or occupational activity over which that service or state has jurisdiction. 92
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(F) (1) "Government certification" means authorization from a licensing authority, one of the uniformed services, or the government of another state to an individual who meets qualifications related to a profession, occupation, or occupational activity to which both of the following apply: 99
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(a) Only an individual holding the authorization may use a specific title or titles when advertising or holding the individual's self out to engage in the profession, occupation, or occupational activity. 104
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(b) An individual is not required to have the authorization to engage in the profession, occupation, or 108
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<u>occupational activity in the respective jurisdiction.</u>	110
<u>(2) "Government certification" does not include a license</u>	111
<u>or an out-of-state occupational license.</u>	112
<u>(G) "Private certification" means authorization from a</u>	113
<u>private organization to an individual who meets qualifications</u>	114
<u>determined by the organization related to the performance of a</u>	115
<u>profession, occupation, or occupational activity and by which</u>	116
<u>the individual may hold the individual's self out as certified</u>	117
<u>by the organization.</u>	118
<u>(H) "National standard" means a standard declared by a</u>	119
<u>national organization to be the preferred standard for licensure</u>	120
<u>of a profession if both of the following apply:</u>	121
<u>(1) The standard is required by at least forty-five</u>	122
<u>states, including this state, to receive a license or government</u>	123
<u>certification for the respective profession, occupation, or</u>	124
<u>occupational activity.</u>	125
<u>(2) The standard includes both of the following:</u>	126
<u>(a) A uniform quantitative minimum education or experience</u>	127
<u>requirement;</u>	128
<u>(b) A requirement to pass a national examination.</u>	129
<u>(I) "Uniform quantitative minimum education or experience</u>	130
<u>requirement" means a quantitative minimum education or</u>	131
<u>experience requirement that is identical in all states that</u>	132
<u>adopt a national standard.</u>	133
<u>(J) "National examination" means an examination that is</u>	134
<u>substantially similar in all states that adopt a national</u>	135
<u>standard.</u>	136

(K) "Good standing" means that the individual's out-of- 137
state occupational license, government certification, or private 138
certification, as applicable, is not restricted or limited by 139
the entity that regulates the out-of-state license, government 140
certification, or private certification. 141

(L) "Armed forces of the United States" means the army, 142
navy, air force, marine corps, space force, coast guard, or any 143
other reserve components of those forces. 144

(M) "Uniformed services" means the armed forces of the 145
United States; the commissioned corps of the national oceanic 146
and atmospheric administration; the commissioned corps of the 147
public health service; or any reserve components of those 148
forces; and such other service as may be designated by congress. 149

Sec. 4796.02. For purposes of any law requiring a 150
licensing authority to issue a license or government 151
certification under this chapter to an individual who holds a 152
license or government certification issued by another state, 153
"another state," "any other state," and "home state" include the 154
uniformed services. This section does not apply to any provision 155
of a law governing a profession, occupation, or occupational 156
activity that does not require an individual who holds a license 157
or government certification in another state to be issued a 158
license or government certification under this chapter. 159

Sec. 4796.03. Except as otherwise provided in this 160
chapter, a licensing authority shall issue a license or 161
government certification to an applicant if the licensing 162
authority determines that all of the following apply: 163

(A) The applicant holds either of the following: 164

(1) A substantially similar out-of-state occupational 165

license that authorizes the applicant to engage in the same 166
profession, occupation, or occupational activity as the license 167
or government certification for which the applicant is applying 168
in this state; 169

(2) A government certification in the same profession, 170
occupation, or occupational activity as the license or 171
government certification for which the applicant is applying in 172
this state from one of the uniformed services or a state that 173
does not issue an out-of-state occupational license for the 174
respective profession, occupation, or occupational activity. 175

(B) (1) Except as provided in division (B) (2) of this 176
section, the applicant has held the out-of-state occupational 177
license or government certification for at least one year 178
immediately preceding the date the application is submitted and 179
has been actively engaged in the practice of the same 180
profession, occupation, or occupational activity as the license 181
or government certification for which the applicant is applying 182
in this state for at least one of the five years immediately 183
preceding the date the application is submitted. 184

(2) A licensing authority may waive the requirement that 185
an applicant has held the out-of-state occupational license or 186
government certification for at least one year immediately 187
preceding the date the application is submitted and has been 188
actively engaged in the practice of the profession, occupation, 189
or occupational activity for one of the five years immediately 190
preceding the date the application is submitted. 191

(C) The applicant is in good standing in all jurisdictions 192
in which the applicant holds an out-of-state occupational 193
license or government certification to practice the same 194
profession, occupation, or occupational activity for which the 195

<u>applicant is applying in this state.</u>	196
<u>(D) (1) Except as provided in division (D) (2) of this</u>	197
<u>section, the applicant was required to satisfy minimum</u>	198
<u>education, training, or experience requirements or pass an</u>	199
<u>examination to receive the out-of-state occupational license or</u>	200
<u>government certification.</u>	201
<u>(2) Division (D) (1) of this section does not apply if the</u>	202
<u>applicable law governing the license or government certification</u>	203
<u>for which the applicant is applying in this state does not</u>	204
<u>require an applicant to do at least one of the following to</u>	205
<u>receive the license or government certification:</u>	206
<u>(a) Satisfy minimum education, training, or experience</u>	207
<u>requirements;</u>	208
<u>(b) Pass an examination.</u>	209
<u>(E) The applicant has not surrendered or had revoked a</u>	210
<u>license, out-of-state occupational license, or government</u>	211
<u>certification because of negligence or intentional misconduct</u>	212
<u>related to the applicant's work in the same profession,</u>	213
<u>occupation, or occupational activity for which the applicant is</u>	214
<u>applying in this state.</u>	215
<u>(F) The applicant pays a fee to the licensing authority</u>	216
<u>that is equal to one of the following, as determined by the</u>	217
<u>licensing authority:</u>	218
<u>(1) The renewal fee for license or government</u>	219
<u>certification holders under the applicable law;</u>	220
<u>(2) The initial licensure fee for applicants to be issued</u>	221
<u>the license or government certification under the applicable</u>	222
<u>law;</u>	223

(3) The fee in effect before the effective date of this 224
section for applicants who hold an out-of-state occupational 225
license or government certification to be issued the license or 226
government certification under the applicable law. 227

(G) The applicant has not been convicted of, found guilty 228
pursuant to a judicial finding of, or plead guilty to a criminal 229
offense for which a licensing authority may deny an application 230
for a license or government certification or that would 231
otherwise disqualify the applicant for the license or government 232
certification under the applicable law of this state governing 233
the profession, occupation, or occupational activity for which 234
the applicant is applying. 235

Sec. 4796.04. Except as otherwise provided in this 236
chapter, a licensing authority shall issue a license or 237
government certification to an applicant if the licensing 238
authority determines that all of the following apply: 239

(A) (1) Except as provided in division (A) (2) of this 240
section, the applicant has held a private certification for at 241
least two years immediately preceding the date the application 242
is submitted and has been actively engaged in the same 243
profession, occupation, or occupational activity as the license 244
or government certification for which the applicant is applying 245
in this state in a state that does not issue an out-of-state 246
occupational license or government certification for the 247
respective profession, occupation, or occupational activity for 248
at least two of the five years immediately preceding the date 249
the application is submitted. 250

(2) A licensing authority may waive the requirement that 251
an applicant has held the private certification for at least two 252
years immediately preceding the date the application is 253

submitted and has been actively engaged in the practice of the 254
profession, occupation, or occupational activity for two of the 255
five years immediately preceding the date the application is 256
submitted. 257

(B) The applicant is in good standing with the private 258
organization that issued the private certification. 259

(C) The applicant meets the requirements specified under 260
divisions (E) to (G) of section 4796.03 of the Revised Code. 261

Sec. 4796.05. (A) Except as otherwise provided in this 262
chapter, a licensing authority shall issue a license or 263
government certification to an applicant if the licensing 264
authority determines that an applicant satisfies divisions (B) 265
and (C) of this section. 266

(B) (1) Except as provided in division (B) (2) of this 267
section, the applicant has been actively engaged in the same 268
profession, occupation, or occupational activity as the license 269
or government certification for which the applicant is applying 270
in this state for at least three of the five years immediately 271
preceding the date the application is submitted in either of the 272
following: 273

(a) A state that does not issue an out-of-state 274
occupational license or government certification for the 275
respective profession, occupation, or occupational activity; 276

(b) Service of the uniformed services. 277

(2) A licensing authority may waive the requirement that 278
an applicant has been actively engaged in the practice of the 279
profession, occupation, or occupational activity for three of 280
the five years immediately preceding the date the application is 281
submitted. 282

<u>(C) The applicant meets the requirements under divisions</u>	283
<u>(E) to (G) of section 4796.03 of the Revised Code.</u>	284
<u>Sec. 4796.08.</u> (A) <u>If a licensing authority requires an</u>	285
<u>applicant to pass an examination on this state's laws and rules</u>	286
<u>governing the applicable profession, occupation, or occupational</u>	287
<u>activity to receive a license or government certification under</u>	288
<u>the applicable law, a licensing authority may require an</u>	289
<u>applicant to pass the examination to receive a license or</u>	290
<u>government certification under this chapter.</u>	291
<u>(B) If a licensing authority requires an applicant under</u>	292
<u>the law governing the applicable profession, occupation, or</u>	293
<u>occupational activity to submit to a criminal records check to</u>	294
<u>receive a license or government certification, the licensing</u>	295
<u>authority shall require an applicant to submit to the criminal</u>	296
<u>records check to receive a license or government certification</u>	297
<u>under this chapter.</u>	298
<u>(C) If a licensing authority requires an applicant under</u>	299
<u>the law governing the applicable profession, occupation, or</u>	300
<u>occupational activity to satisfy a financial responsibility</u>	301
<u>requirement to receive a license or government certification,</u>	302
<u>the licensing authority shall require an applicant to satisfy</u>	303
<u>the requirement to receive a license or government certification</u>	304
<u>under this chapter.</u>	305
<u>(D) If a federal law, rule, or regulation requires the</u>	306
<u>state to impose a requirement on an applicant with which the</u>	307
<u>applicant must comply to receive a license or government</u>	308
<u>certification as a condition for the state to receive federal</u>	309
<u>funding, the licensing authority may require an applicant to</u>	310
<u>satisfy that requirement to receive a license or government</u>	311
<u>certification under this chapter.</u>	312

Sec. 4796.10. If an applicant would be disqualified from 313
obtaining a license or government certification under this 314
chapter because of a conviction, judicial finding of guilt, or 315
plea of guilty to a disqualifying criminal offense as described 316
in division (G) of section 4796.03 of the Revised Code, the 317
licensing authority may, in accordance with rules adopted under 318
section 4796.30 of the Revised Code, issue a restricted or 319
limited license or government certification to the applicant, 320
provided the limitation or restriction is relevant to the 321
offense. 322

Sec. 4796.11. If the law governing the applicable 323
profession, occupation, or occupational activity allows or 324
requires a licensing authority to take disciplinary action 325
against an applicant, including but not limited to refusing to 326
issue, limiting, or restricting a license or government 327
certification for a reason that is not related to minimum 328
education, training, or experience requirements or an 329
examination requirement, the licensing authority may apply the 330
applicable provision of law to an applicant under this chapter 331
in the same manner as to an applicant for an initial license 332
under the applicable law. 333

Sec. 4796.12. If the law governing the applicable 334
profession, occupation, or occupational activity allows a 335
licensing authority to determine the fitness to practice of an 336
applicant who has not been engaged in the practice of the 337
profession, occupation, or occupational activity for a period of 338
time specified in that law and to impose terms and conditions on 339
the applicant to receive a license or government certification, 340
the licensing authority may apply the requirements of that law 341
to an applicant under this chapter. 342

Sec. 4796.13. If the law governing the applicable 343
profession, occupation, or occupational activity allows or 344
requires a licensing authority to deny an applicant a license or 345
government certification if the applicant was subject to 346
discipline by an entity that regulates a license, out-of-state 347
occupational license, or government certification, the licensing 348
authority may apply the applicable provision of law to an 349
applicant under this chapter. 350

Sec. 4796.20. (A) Except as provided in division (B) of 351
this section, a licensing authority shall provide an applicant 352
with a written decision to issue or reject a license or 353
government certification under this chapter or take any other 354
action under this chapter within sixty days after receiving a 355
complete application. For purposes of this division, an 356
application shall not be considered complete until any required 357
examination or criminal records check under divisions (A) and 358
(B) of section 4796.08 of the Revised Code is complete. 359

(B) If an applicant is the subject of a complaint, 360
allegation, or investigation that relates to information 361
provided in the application, unprofessional conduct, a violation 362
of a law regulating a profession, occupation, or occupational 363
activity, or an alleged crime pending before a court, 364
administrative agency, licensing authority, or other entity that 365
regulates a license, out-of-state occupational license, or 366
government certification, a licensing authority shall not issue 367
or deny a license or government certification to the applicant 368
under this chapter until the complaint, allegation, or 369
investigation is resolved to the satisfaction of the licensing 370
authority. A licensing authority shall provide the applicant 371
with a written decision to issue or reject a license or 372
government certification under this chapter or take any other 373

action under this chapter within sixty days after the complaint, 374
allegation, or investigation is resolved to the satisfaction of 375
the licensing authority. 376

Sec. 4796.21. An applicant who is issued a license or 377
government certification under this chapter is subject to the 378
laws regulating the practice of the applicable occupation or 379
profession in this state and is subject to the licensing 380
authority's jurisdiction. 381

An applicant who is issued a license or government 382
certification under this chapter may practice the applicable 383
occupation or profession in this state only within the scope and 384
practice that is permitted under Ohio law and that does not 385
exceed the applicant's training. 386

Sec. 4796.22. (A) Except as provided in division (B) of 387
this section, a license or government certification issued under 388
this chapter shall be considered a license or government 389
certification issued under the laws regulating the practice of 390
the applicable occupation or profession in this state. 391
Provisions of law applicable to a license or government 392
certification issued to an applicant who does not obtain a 393
license or government certification under this chapter apply in 394
the same manner to licenses and government certifications issued 395
under this chapter. 396

(B) A licensing authority may, for purposes of verifying 397
licensure status in this state with an entity that licenses the 398
same profession, occupation, or occupational activity in another 399
state, require an applicant issued a license or government 400
certification under this chapter to satisfy a national standard 401
to have that license or government certification verified as a 402
license or government certification issued by this state. A 403

licensing authority may require satisfaction of a national 404
standard under this division only if both of the following 405
apply: 406

(1) An applicant for a license or government certification 407
under the laws of this state governing the profession, 408
occupation, or occupational activity is required to satisfy the 409
national standard to receive the license or government 410
certification. 411

(2) The licensing authority posts notice of the 412
requirement to satisfy the national standard on the web site 413
maintained by the licensing authority. 414

(C) If a licensing authority elects to require 415
satisfaction of a national standard under division (B) of this 416
section and the law governing the license or government 417
certification in effect immediately before the effective date of 418
this section required an applicant who holds an out-of-state 419
occupational license or government certification to satisfy a 420
requirement that is less restrictive than a requirement 421
described in division (B), (C), (D), (E), or (F) of section 422
4796.03 of the Revised Code to receive the license or government 423
certification, the licensing authority shall do the following: 424

(1) Apply the less restrictive requirement to an applicant 425
who satisfied the national standard; 426

(2) Apply the requirements of section 4796.03, 4796.04, or 427
4796.05 of the Revised Code to an applicant who did not satisfy 428
the national standard. 429

Sec. 4796.23. A licensing authority may prohibit an 430
individual who is issued a license or government certification 431
under this chapter from using the license or government 432

certification to obtain a substantially similar license or 433
government certification in another state if the licensing 434
authority determines that allowing the individual to do so would 435
jeopardize any reciprocal licensing agreement with the other 436
state that is in effect on the effective date of this section. 437

Sec. 4796.24. A person who holds a license issued pursuant 438
to an interstate licensure compact to which Ohio is a party is 439
not required to obtain a license under this chapter to practice 440
in this state. 441

A licensing authority may prohibit an individual who is 442
issued a license under this chapter from using the license to 443
obtain a license through an interstate licensure compact if the 444
licensing authority determines that allowing the individual to 445
do so would jeopardize the state's membership in the compact. 446

Sec. 4796.25. This chapter does not apply to any of the 447
following: 448

(A) Licenses issued under Chapter 3796. of the Revised 449
Code; 450

(B) Licenses issued pursuant to rules prescribed under 451
Section 5 of Article IV, Ohio Constitution; 452

(C) Commercial fishing licenses issued under section 453
1533.342 of the Revised Code; 454

(D) Licenses issued under Chapter 4506. of the Revised 455
Code; 456

(E) Physician certificates to recommend treatment with 457
medical marijuana issued under section 4731.30 of the Revised 458
Code; 459

(F) Money transmitter licenses issued under section 460

<u>1315.04 of the Revised Code;</u>	461
<u>(G) Lottery sales agent licenses issued under section</u>	462
<u>3770.05 of the Revised Code;</u>	463
<u>(H) Licenses issued under Chapter 3905. of the Revised</u>	464
<u>Code;</u>	465
<u>(I) Fantasy contest operator licenses issued under section</u>	466
<u>3774.02 of the Revised Code;</u>	467
<u>(J) Teledentistry permits issued under section 4715.43 of</u>	468
<u>the Revised Code;</u>	469
<u>(K) Physician training certificates issued under section</u>	470
<u>4731.291 of the Revised Code;</u>	471
<u>(L) Podiatrist training certificates issued under section</u>	472
<u>4731.573 of the Revised Code;</u>	473
<u>(M) Licenses issued under Chapter 4740. of the Revised</u>	474
<u>Code;</u>	475
<u>(N) Licenses issued by a political subdivision to an</u>	476
<u>individual by which the individual has or claims the privilege</u>	477
<u>to act as a tradesperson as defined in section 4740.01 of the</u>	478
<u>Revised Code in the political subdivision's jurisdiction.</u>	479
<u>Sec. 4796.30. Each licensing authority shall adopt rules</u>	480
<u>as necessary to implement this chapter, including rules</u>	481
<u>regarding issuing restricted or limited licenses or government</u>	482
<u>certifications under section 4796.10 of the Revised Code.</u>	483
<u>Sec. 4796.35. A political subdivision shall not prohibit</u>	484
<u>an individual who holds a license or government certification</u>	485
<u>issued by a state agency under this chapter from engaging in the</u>	486
<u>respective profession, occupation, or occupational activity in</u>	487

the political subdivision's jurisdiction. 488

Section 2. That sections 109.73, 109.77, 109.771, 109.78, 489
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5123.45, 5126.25, 5902.02, 5903.04, 6109.04, and 6111.46 be 529
amended and section 3746.041 of the Revised Code be enacted to 530
read as follows: 531

Sec. 109.73. (A) The Ohio peace officer training 532
commission shall recommend rules to the attorney general with 533
respect to all of the following: 534

(1) The approval, or revocation of approval, of peace 535
officer training schools administered by the state, counties, 536
municipal corporations, public school districts, technical 537
college districts, and the department of natural resources; 538

(2) Minimum courses of study, attendance requirements, and 539
equipment and facilities to be required at approved state, 540
county, municipal, and department of natural resources peace 541
officer training schools; 542

(3) Minimum qualifications for instructors at approved 543
state, county, municipal, and department of natural resources 544
peace officer training schools; 545

(4) The requirements of minimum basic training that peace 546
officers appointed to probationary terms shall complete before 547

being eligible for permanent appointment, which requirements 548
shall include training in the handling of the offense of 549
domestic violence, other types of domestic violence-related 550
offenses and incidents, and protection orders and consent 551
agreements issued or approved under section 2919.26 or 3113.31 552
of the Revised Code; crisis intervention training; and training 553
in the handling of missing children and child abuse and neglect 554
cases; and training in handling violations of section 2905.32 of 555
the Revised Code; and the time within which such basic training 556
shall be completed following appointment to a probationary term; 557

(5) The requirements of minimum basic training that peace 558
officers not appointed for probationary terms but appointed on 559
other than a permanent basis shall complete in order to be 560
eligible for continued employment or permanent appointment, 561
which requirements shall include training in the handling of the 562
offense of domestic violence, other types of domestic violence- 563
related offenses and incidents, and protection orders and 564
consent agreements issued or approved under section 2919.26 or 565
3113.31 of the Revised Code, crisis intervention training, and 566
training in the handling of missing children and child abuse and 567
neglect cases, and training in handling violations of section 568
2905.32 of the Revised Code, and the time within which such 569
basic training shall be completed following appointment on other 570
than a permanent basis; 571

(6) Categories or classifications of advanced in-service 572
training programs for peace officers, including programs in the 573
handling of the offense of domestic violence, other types of 574
domestic violence-related offenses and incidents, and protection 575
orders and consent agreements issued or approved under section 576
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 577
and in the handling of missing children and child abuse and 578

neglect cases, and in handling violations of section 2905.32 of 579
the Revised Code, and minimum courses of study and attendance 580
requirements with respect to such categories or classifications; 581

(7) Permitting persons, who are employed as members of a 582
campus police department appointed under section 1713.50 of the 583
Revised Code; who are employed as police officers by a qualified 584
nonprofit corporation police department pursuant to section 585
1702.80 of the Revised Code; who are appointed and commissioned 586
as bank, savings and loan association, savings bank, credit 587
union, or association of banks, savings and loan associations, 588
savings banks, or credit unions police officers, as railroad 589
police officers, or as hospital police officers pursuant to 590
sections 4973.17 to 4973.22 of the Revised Code; or who are 591
appointed and commissioned as amusement park police officers 592
pursuant to section 4973.17 of the Revised Code, to attend 593
approved peace officer training schools, including the Ohio 594
peace officer training academy, and to receive certificates of 595
satisfactory completion of basic training programs, if the 596
private college or university that established the campus police 597
department; qualified nonprofit corporation police department; 598
bank, savings and loan association, savings bank, credit union, 599
or association of banks, savings and loan associations, savings 600
banks, or credit unions; railroad company; hospital; or 601
amusement park sponsoring the police officers pays the entire 602
cost of the training and certification and if trainee vacancies 603
are available; 604

(8) Permitting undercover drug agents to attend approved 605
peace officer training schools, other than the Ohio peace 606
officer training academy, and to receive certificates of 607
satisfactory completion of basic training programs, if, for each 608
undercover drug agent, the county, township, or municipal 609

corporation that employs that undercover drug agent pays the 610
entire cost of the training and certification; 611

(9) (a) The requirements for basic training programs for 612
bailiffs and deputy bailiffs of courts of record of this state 613
and for criminal investigators employed by the state public 614
defender that those persons shall complete before they may carry 615
a firearm while on duty; 616

(b) The requirements for any training received by a 617
bailiff or deputy bailiff of a court of record of this state or 618
by a criminal investigator employed by the state public defender 619
prior to June 6, 1986, that is to be considered equivalent to 620
the training described in division (A) (9) (a) of this section. 621

(10) Establishing minimum qualifications and requirements 622
for certification for dogs utilized by law enforcement agencies; 623

(11) Establishing minimum requirements for certification 624
of persons who are employed as correction officers in a full- 625
service jail, five-day facility, or eight-hour holding facility 626
or who provide correction services in such a jail or facility; 627

(12) Establishing requirements for the training of humane 628
society agents under section 1717.061 of the Revised Code, 629
including, without limitation, a requirement that the agents 630
receive instruction on traditional animal husbandry methods and 631
training techniques, including customary owner-performed 632
practices; 633

(13) Permitting tactical medical professionals to attend 634
approved peace officer training schools, including the Ohio 635
peace officer training academy, to receive training of the type 636
described in division (A) (14) of this section and to receive 637
certificates of satisfactory completion of training programs 638

described in that division; 639

(14) The requirements for training programs that tactical 640
medical professionals shall complete to qualify them to carry 641
firearms while on duty under section 109.771 of the Revised 642
Code, which requirements shall include at least the firearms 643
training specified in division (A) of section 109.748 of the 644
Revised Code; 645

(15) Procedures and requirements for a portion of basic 646
training that peace officers complete in proper interactions 647
with civilians during traffic stops and other in-person 648
encounters as specified in division (B)(4) of section 109.803 of 649
the Revised Code and including the topics of instruction listed 650
for active duty peace officers under divisions (B)(4)(a) to (d) 651
of that section. 652

(B) The commission shall appoint an executive director, 653
with the approval of the attorney general, who shall hold office 654
during the pleasure of the commission. The executive director 655
shall perform such duties assigned by the commission. The 656
executive director shall receive a salary fixed pursuant to 657
Chapter 124. of the Revised Code and reimbursement for expenses 658
within the amounts available by appropriation. The executive 659
director may appoint officers, employees, agents, and 660
consultants as the executive director considers necessary, 661
prescribe their duties, and provide for reimbursement of their 662
expenses within the amounts available for reimbursement by 663
appropriation and with the approval of the commission. 664

(C) The commission may do all of the following: 665

(1) Recommend studies, surveys, and reports to be made by 666
the executive director regarding the carrying out of the 667

objectives and purposes of sections 109.71 to 109.77 of the Revised Code; 668
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(2) Visit and inspect any peace officer training school that has been approved by the executive director or for which application for approval has been made; 670
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(3) Make recommendations, from time to time, to the executive director, the attorney general, and the general assembly regarding the carrying out of the purposes of sections 109.71 to 109.77 of the Revised Code; 673
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(4) Report to the attorney general from time to time, and to the governor and the general assembly at least annually, concerning the activities of the commission; 677
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(5) Establish fees for the services the commission offers under sections 109.71 to 109.79 of the Revised Code, including, but not limited to, fees for training, certification, and testing; 680
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(6) Perform such other acts as are necessary or appropriate to carry out the powers and duties of the commission as set forth in sections 109.71 to 109.77 of the Revised Code. 684
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(D) In establishing the requirements, under division (A) (12) of this section, the commission may consider any portions of the curriculum for instruction on the topic of animal husbandry practices, if any, of the Ohio state university college of veterinary medicine. No person or entity that fails to provide instruction on traditional animal husbandry methods and training techniques, including customary owner-performed practices, shall qualify to train a humane society agent for appointment under section 1717.06 of the Revised Code. 687
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(E) (1) As used in this division, "license" has the same 696

meaning as in section 4796.01 of the Revised Code, except that 697
it includes a certificate of completion of a training program 698
required under sections 109.71 to 109.804 of the Revised Code. 699
"License" does not include a certificate of completion of a 700
firearm basic training program under division (B)(1) of section 701
109.78 of the Revised Code or a certificate of completion of any 702
firearm requalification training program. 703

(2) Notwithstanding any requirement for a license issued 704
by the commission, the commission shall issue a license in 705
accordance with Chapter 4796. of the Revised Code to an 706
individual if either of the following applies: 707

(a) The individual holds a license in another state. 708

(b) The individual has satisfactory work experience, a 709
government certification, or a private certification as 710
described in that chapter in the same profession, occupation, or 711
occupational activity as the profession, occupation, or 712
occupational activity for which the license is required in this 713
state in a state that does not require such a license. 714

Sec. 109.77. (A) As used in this section: 715

(1) "Felony" has the same meaning as in section 109.511 of 716
the Revised Code. 717

(2) "Companion animal" has the same meaning as in section 718
959.131 of the Revised Code. 719

(B) (1) Notwithstanding any general, special, or local law 720
or charter to the contrary, and except as otherwise provided in 721
this section, no person shall receive an original appointment on 722
a permanent basis as any of the following unless the person 723
previously has been awarded a certificate by the executive 724
director of the Ohio peace officer training commission attesting 725

to the person's satisfactory completion of an approved state, 726
county, municipal, or department of natural resources peace 727
officer basic training program: 728

(a) A peace officer of any county, township, municipal 729
corporation, regional transit authority, or metropolitan housing 730
authority; 731

(b) A natural resources law enforcement staff officer, 732
forest-fire investigator, wildlife officer, or natural resources 733
officer of the department of natural resources; 734

(c) An employee of a park district under section 511.232 735
or 1545.13 of the Revised Code; 736

(d) An employee of a conservancy district who is 737
designated pursuant to section 6101.75 of the Revised Code; 738

(e) A state university law enforcement officer; 739

(f) A special police officer employed by the department of 740
mental health and addiction services pursuant to section 5119.08 741
of the Revised Code or the department of developmental 742
disabilities pursuant to section 5123.13 of the Revised Code; 743

(g) An enforcement agent of the department of public 744
safety whom the director of public safety designates under 745
section 5502.14 of the Revised Code; 746

(h) A special police officer employed by a port authority 747
under section 4582.04 or 4582.28 of the Revised Code; 748

(i) A special police officer employed by a municipal 749
corporation at a municipal airport, or other municipal air 750
navigation facility, that has scheduled operations, as defined 751
in section 119.3 of Title 14 of the Code of Federal Regulations, 752
14 C.F.R. 119.3, as amended, and that is required to be under a 753

security program and is governed by aviation security rules of 754
the transportation security administration of the United States 755
department of transportation as provided in Parts 1542. and 756
1544. of Title 49 of the Code of Federal Regulations, as 757
amended; 758

(j) A gaming agent employed under section 3772.03 of the 759
Revised Code. 760

(2) Every person who is appointed on a temporary basis or 761
for a probationary term or on other than a permanent basis as 762
any of the following shall forfeit the appointed position unless 763
the person previously has completed satisfactorily or, within 764
the time prescribed by rules adopted by the attorney general 765
pursuant to section 109.74 of the Revised Code, satisfactorily 766
completes a state, county, municipal, or department of natural 767
resources peace officer basic training program for temporary or 768
probationary officers and is awarded a certificate by the 769
director attesting to the satisfactory completion of the 770
program: 771

(a) A peace officer of any county, township, municipal 772
corporation, regional transit authority, or metropolitan housing 773
authority; 774

(b) A natural resources law enforcement staff officer, 775
park officer, forest officer, preserve officer, wildlife 776
officer, or state watercraft officer of the department of 777
natural resources; 778

(c) An employee of a park district under section 511.232 779
or 1545.13 of the Revised Code; 780

(d) An employee of a conservancy district who is 781
designated pursuant to section 6101.75 of the Revised Code; 782

(e) A special police officer employed by the department of 783
mental health and addiction services pursuant to section 5119.08 784
of the Revised Code or the department of developmental 785
disabilities pursuant to section 5123.13 of the Revised Code; 786

(f) An enforcement agent of the department of public 787
safety whom the director of public safety designates under 788
section 5502.14 of the Revised Code; 789

(g) A special police officer employed by a port authority 790
under section 4582.04 or 4582.28 of the Revised Code; 791

(h) A special police officer employed by a municipal 792
corporation at a municipal airport, or other municipal air 793
navigation facility, that has scheduled operations, as defined 794
in section 119.3 of Title 14 of the Code of Federal Regulations, 795
14 C.F.R. 119.3, as amended, and that is required to be under a 796
security program and is governed by aviation security rules of 797
the transportation security administration of the United States 798
department of transportation as provided in Parts 1542. and 799
1544. of Title 49 of the Code of Federal Regulations, as 800
amended. 801

(3) For purposes of division (B) of this section, a state, 802
county, municipal, or department of natural resources peace 803
officer basic training program, regardless of whether the 804
program is to be completed by peace officers appointed on a 805
permanent or temporary, probationary, or other nonpermanent 806
basis, shall include training in the handling of the offense of 807
domestic violence, other types of domestic violence-related 808
offenses and incidents, protection orders and consent agreements 809
issued or approved under section 2919.26 or 3113.31 of the 810
Revised Code, crisis intervention training, and training on 811
companion animal encounters and companion animal behavior. The 812

requirement to complete training in the handling of the offense 813
of domestic violence, other types of domestic violence-related 814
offenses and incidents, and protection orders and consent 815
agreements issued or approved under section 2919.26 or 3113.31 816
of the Revised Code does not apply to any person serving as a 817
peace officer on March 27, 1979, and the requirement to complete 818
training in crisis intervention does not apply to any person 819
serving as a peace officer on April 4, 1985. Any person who is 820
serving as a peace officer on April 4, 1985, who terminates that 821
employment after that date, and who subsequently is hired as a 822
peace officer by the same or another law enforcement agency 823
shall complete training in crisis intervention as prescribed by 824
rules adopted by the attorney general pursuant to section 825
109.742 of the Revised Code. No peace officer shall have 826
employment as a peace officer terminated and then be reinstated 827
with intent to circumvent this section. 828

(4) Division (B) of this section does not apply to any 829
person serving on a permanent basis on March 28, 1985, as a park 830
officer, forest officer, preserve officer, wildlife officer, or 831
state watercraft officer of the department of natural resources 832
or as an employee of a park district under section 511.232 or 833
1545.13 of the Revised Code, to any person serving on a 834
permanent basis on March 6, 1986, as an employee of a 835
conservancy district designated pursuant to section 6101.75 of 836
the Revised Code, to any person serving on a permanent basis on 837
January 10, 1991, as a preserve officer of the department of 838
natural resources, to any person employed on a permanent basis 839
on July 2, 1992, as a special police officer by the department 840
of mental health and addiction services pursuant to section 841
5119.08 of the Revised Code or by the department of 842
developmental disabilities pursuant to section 5123.13 of the 843

Revised Code, to any person serving on a permanent basis on May 844
17, 2000, as a special police officer employed by a port 845
authority under section 4582.04 or 4582.28 of the Revised Code, 846
to any person serving on a permanent basis on March 19, 2003, as 847
a special police officer employed by a municipal corporation at 848
a municipal airport or other municipal air navigation facility 849
described in division (A)(19) of section 109.71 of the Revised 850
Code, to any person serving on a permanent basis on June 19, 851
1978, as a state university law enforcement officer pursuant to 852
section 3345.04 of the Revised Code and who, immediately prior 853
to June 19, 1978, was serving as a special police officer 854
designated under authority of that section, or to any person 855
serving on a permanent basis on September 20, 1984, as a liquor 856
control investigator, known after June 30, 1999, as an 857
enforcement agent of the department of public safety, engaged in 858
the enforcement of Chapters 4301. and 4303. of the Revised Code. 859

(5) Division (B) of this section does not apply to any 860
person who is appointed as a regional transit authority police 861
officer pursuant to division (Y) of section 306.35 of the 862
Revised Code if, on or before July 1, 1996, the person has 863
completed satisfactorily an approved state, county, municipal, 864
or department of natural resources peace officer basic training 865
program and has been awarded a certificate by the executive 866
director of the Ohio peace officer training commission attesting 867
to the person's satisfactory completion of such an approved 868
program and if, on July 1, 1996, the person is performing peace 869
officer functions for a regional transit authority. 870

(C) No person, after September 20, 1984, shall receive an 871
original appointment on a permanent basis as a veterans' home 872
police officer designated under section 5907.02 of the Revised 873
Code unless the person previously has been awarded a certificate 874

by the executive director of the Ohio peace officer training 875
commission attesting to the person's satisfactory completion of 876
an approved police officer basic training program. Every person 877
who is appointed on a temporary basis or for a probationary term 878
or on other than a permanent basis as a veterans' home police 879
officer designated under section 5907.02 of the Revised Code 880
shall forfeit that position unless the person previously has 881
completed satisfactorily or, within one year from the time of 882
appointment, satisfactorily completes an approved police officer 883
basic training program. 884

(D) No bailiff or deputy bailiff of a court of record of 885
this state and no criminal investigator who is employed by the 886
state public defender shall carry a firearm, as defined in 887
section 2923.11 of the Revised Code, while on duty unless the 888
bailiff, deputy bailiff, or criminal investigator has done or 889
received one of the following: 890

(1) Has been awarded a certificate by the executive 891
director of the Ohio peace officer training commission, which 892
certificate attests to satisfactory completion of an approved 893
state, county, or municipal basic training program for bailiffs 894
and deputy bailiffs of courts of record and for criminal 895
investigators employed by the state public defender that has 896
been recommended by the Ohio peace officer training commission; 897

(2) Has successfully completed a firearms training program 898
approved by the Ohio peace officer training commission prior to 899
employment as a bailiff, deputy bailiff, or criminal 900
investigator; 901

(3) Prior to June 6, 1986, was authorized to carry a 902
firearm by the court that employed the bailiff or deputy bailiff 903
or, in the case of a criminal investigator, by the state public 904

defender and has received training in the use of firearms that 905
the Ohio peace officer training commission determines is 906
equivalent to the training that otherwise is required by 907
division (D) of this section. 908

(E) (1) Before a person seeking a certificate completes an 909
approved peace officer basic training program, the executive 910
director of the Ohio peace officer training commission shall 911
request the person to disclose, and the person shall disclose, 912
any previous criminal conviction of or plea of guilty of that 913
person to a felony. 914

(2) Before a person seeking a certificate completes an 915
approved peace officer basic training program, the executive 916
director shall request a criminal history records check on the 917
person. The executive director shall submit the person's 918
fingerprints to the bureau of criminal identification and 919
investigation, which shall submit the fingerprints to the 920
federal bureau of investigation for a national criminal history 921
records check. 922

Upon receipt of the executive director's request, the 923
bureau of criminal identification and investigation and the 924
federal bureau of investigation shall conduct a criminal history 925
records check on the person and, upon completion of the check, 926
shall provide a copy of the criminal history records check to 927
the executive director. The executive director shall not award 928
any certificate prescribed in this section unless the executive 929
director has received a copy of the criminal history records 930
check on the person to whom the certificate is to be awarded. 931

(3) The executive director of the commission shall not 932
award a certificate prescribed in this section to a person who 933
has been convicted of or has pleaded guilty to a felony or who 934

fails to disclose any previous criminal conviction of or plea of 935
guilty to a felony as required under division (E)(1) of this 936
section. 937

(4) The executive director of the commission shall revoke 938
the certificate awarded to a person as prescribed in this 939
section, and that person shall forfeit all of the benefits 940
derived from being certified as a peace officer under this 941
section, if the person, before completion of an approved peace 942
officer basic training program, failed to disclose any previous 943
criminal conviction of or plea of guilty to a felony as required 944
under division (E)(1) of this section. 945

(F)(1) Regardless of whether the person has been awarded 946
the certificate or has been classified as a peace officer prior 947
to, on, or after October 16, 1996, the executive director of the 948
Ohio peace officer training commission shall revoke any 949
certificate that has been awarded to a person as prescribed in 950
this section if the person does either of the following: 951

(a) Pleads guilty to a felony committed on or after 952
January 1, 1997; 953

(b) Pleads guilty to a misdemeanor committed on or after 954
January 1, 1997, pursuant to a negotiated plea agreement as 955
provided in division (D) of section 2929.43 of the Revised Code 956
in which the person agrees to surrender the certificate awarded 957
to the person under this section. 958

(2) The executive director of the commission shall suspend 959
any certificate that has been awarded to a person as prescribed 960
in this section if the person is convicted, after trial, of a 961
felony committed on or after January 1, 1997. The executive 962
director shall suspend the certificate pursuant to division (F) 963

(2) of this section pending the outcome of an appeal by the 964
person from that conviction to the highest court to which the 965
appeal is taken or until the expiration of the period in which 966
an appeal is required to be filed. If the person files an appeal 967
that results in that person's acquittal of the felony or 968
conviction of a misdemeanor, or in the dismissal of the felony 969
charge against that person, the executive director shall 970
reinstate the certificate awarded to the person under this 971
section. If the person files an appeal from that person's 972
conviction of the felony and the conviction is upheld by the 973
highest court to which the appeal is taken or if the person does 974
not file a timely appeal, the executive director shall revoke 975
the certificate awarded to the person under this section. 976

(G) (1) If a person is awarded a certificate under this 977
section and the certificate is revoked pursuant to division (E) 978
(4) or (F) of this section, the person shall not be eligible to 979
receive, at any time, a certificate attesting to the person's 980
satisfactory completion of a peace officer basic training 981
program. 982

(2) The revocation or suspension of a certificate under 983
division (E) (4) or (F) of this section shall be in accordance 984
with Chapter 119. of the Revised Code. 985

(H) (1) A person who was employed as a peace officer of a 986
county, township, or municipal corporation of the state on 987
January 1, 1966, and who has completed at least sixteen years of 988
full-time active service as such a peace officer, or equivalent 989
service as determined by the executive director of the Ohio 990
peace officer training commission, may receive an original 991
appointment on a permanent basis and serve as a peace officer of 992
a county, township, or municipal corporation, or as a state 993

university law enforcement officer, without complying with the 994
requirements of division (B) of this section. 995

(2) Any person who held an appointment as a state highway 996
trooper on January 1, 1966, may receive an original appointment 997
on a permanent basis and serve as a peace officer of a county, 998
township, or municipal corporation, or as a state university law 999
enforcement officer, without complying with the requirements of 1000
division (B) of this section. 1001

(I) No person who is appointed as a peace officer of a 1002
county, township, or municipal corporation on or after April 9, 1003
1985, shall serve as a peace officer of that county, township, 1004
or municipal corporation unless the person has received training 1005
in the handling of missing children and child abuse and neglect 1006
cases from an approved state, county, township, or municipal 1007
police officer basic training program or receives the training 1008
within the time prescribed by rules adopted by the attorney 1009
general pursuant to section 109.741 of the Revised Code. 1010

(J) No part of any approved state, county, or municipal 1011
basic training program for bailiffs and deputy bailiffs of 1012
courts of record and no part of any approved state, county, or 1013
municipal basic training program for criminal investigators 1014
employed by the state public defender shall be used as credit 1015
toward the completion by a peace officer of any part of the 1016
approved state, county, or municipal peace officer basic 1017
training program that the peace officer is required by this 1018
section to complete satisfactorily. 1019

(K) This section does not apply to any member of the 1020
police department of a municipal corporation in an adjoining 1021
state serving in this state under a contract pursuant to section 1022
737.04 of the Revised Code. 1023

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

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

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

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

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

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

(a) The professional has been awarded a certificate by the executive director of the Ohio peace officer training commission, which certificate attests to satisfactory completion of an approved state, county, or municipal basic training program or a program at the Ohio peace officer training academy that qualifies the professional to carry firearms while on duty

and that conforms to the rules adopted under section 109.748 of 1053
the Revised Code. 1054

(b) Prior to or during employment as a tactical medical 1055
professional and prior to ~~the effective date of this section~~ 1056
June 1, 2018, the professional has successfully completed a 1057
firearms training program, other than one described in division 1058
(A) (2) (a) of this section, that was approved by the Ohio peace 1059
officer training commission. 1060

(B) A tactical medical professional to whom division (A) 1061
of this section applies and who is carrying one or more firearms 1062
under authority of that division has protection from potential 1063
civil or criminal liability for any conduct occurring while 1064
carrying the firearm or firearms to the same extent as a law 1065
enforcement officer of the law enforcement agency the 1066
professional is serving has such protection. 1067

(C) The executive director of the commission shall issue a 1068
certificate of completion of a training program required under 1069
this section in accordance with Chapter 4796. of the Revised 1070
Code to an individual if either of the following applies: 1071

(1) The individual holds a certificate of completion of 1072
such a program in another state. 1073

(2) The individual has satisfactory work experience, a 1074
government certification, or a private certification as 1075
described in that chapter as a tactical medical professional who 1076
carries a firearm while on duty in a state that does not require 1077
completion of such a training program. 1078

Sec. 109.78. (A) The executive director of the Ohio peace 1079
officer training commission, on behalf of the commission and in 1080
accordance with rules promulgated by the attorney general, shall 1081

certify persons who have satisfactorily completed approved 1082
training programs designed to qualify persons for positions as 1083
special police, security guards, or persons otherwise privately 1084
employed in a police capacity and issue appropriate certificates 1085
to such persons. Application for approval of a training program 1086
designed to qualify persons for such positions shall be made to 1087
the commission. An application for approval shall be submitted 1088
to the commission with a fee of one hundred twenty-five dollars, 1089
which fee shall be refunded if the application is denied. Such 1090
programs shall cover only duties and jurisdiction of such 1091
security guards and special police privately employed in a 1092
police capacity when such officers do not qualify for training 1093
under section 109.71 of the Revised Code. A person attending an 1094
approved basic training program administered by the state shall 1095
pay to the agency administering the program the cost of the 1096
person's participation in the program as determined by the 1097
agency. A person attending an approved basic training program 1098
administered by a county or municipal corporation shall pay the 1099
cost of the person's participation in the program, as determined 1100
by the administering subdivision, to the county or the municipal 1101
corporation. A person who is issued a certificate for 1102
satisfactory completion of an approved basic training program 1103
shall pay to the commission a fee of fifteen dollars. A 1104
duplicate of a lost, spoliated, or destroyed certificate may be 1105
issued upon application and payment of a fee of fifteen dollars. 1106
Such certificate or the completion of twenty years of active 1107
duty as a peace officer shall satisfy the educational 1108
requirements for appointment or commission as a special police 1109
officer or special deputy of a political subdivision of this 1110
state. 1111

(B) (1) The executive director of the Ohio peace officer 1112

training commission, on behalf of the commission and in 1113
accordance with rules promulgated by the attorney general, shall 1114
certify basic firearms training programs, and shall issue 1115
certificates to class A, B, or C licensees or prospective class 1116
A, B, or C licensees under Chapter 4749. of the Revised Code and 1117
to registered or prospective employees of such class A, B, or C 1118
licensees who have satisfactorily completed a basic firearms 1119
training program of the type described in division (A) (1) of 1120
section 4749.10 of the Revised Code. 1121

Application for approval of a basic firearms training 1122
program shall be made to the commission. An application shall be 1123
submitted to the commission with a fee of one hundred dollars, 1124
which fee shall be refunded if the application is denied. 1125

A person who is issued a certificate for satisfactory 1126
completion of an approved basic firearms training program shall 1127
pay a fee of ten dollars to the commission. A duplicate of a 1128
lost, spoliated, or destroyed certificate may be issued upon 1129
application and payment of a fee of five dollars. 1130

(2) The executive director, on behalf of the commission 1131
and in accordance with rules promulgated by the attorney 1132
general, also shall certify firearms requalification training 1133
programs and instructors for the annual requalification of class 1134
A, B, or C licensees under Chapter 4749. of the Revised Code and 1135
registered or prospective employees of such class A, B, or C 1136
licensees who are authorized to carry a firearm under section 1137
4749.10 of the Revised Code. Application for approval of a 1138
training program or instructor for such purpose shall be made to 1139
the commission. Such an application shall be submitted to the 1140
commission with a fee of fifty dollars, which fee shall be 1141
refunded if the application is denied. 1142

(3) The executive director, upon request, also shall 1143
review firearms training received within three years prior to 1144
November 23, 1985, by any class A, B, or C licensee or 1145
prospective class A, B, or C licensee, or by any registered or 1146
prospective employee of any class A, B, or C licensee under 1147
Chapter 4749. of the Revised Code to determine if the training 1148
received is equivalent to a basic firearms training program that 1149
includes twenty hours of handgun training and five hours of 1150
training in the use of other firearms, if any other firearm is 1151
to be used. If the executive director determines the training 1152
was received within the three-year period and that it is 1153
equivalent to such a program, the executive director shall issue 1154
written evidence of approval of the equivalency training to the 1155
licensee or employee. 1156

(C) There is hereby established in the state treasury the 1157
peace officer private security fund, which shall be used by the 1158
Ohio peace officer training commission to administer the 1159
training program to qualify persons for positions as special 1160
police, security guards, or other private employment in a police 1161
capacity, as described in division (A) of this section, and the 1162
training program in basic firearms and the training program for 1163
firearms requalification, both as described in division (B) of 1164
this section. All fees paid to the commission by applicants for 1165
approval of a training program designed to qualify persons for 1166
such private police positions, basic firearms training program, 1167
or a firearms requalification training program or instructor, as 1168
required by division (A) or (B) of this section, by persons who 1169
satisfactorily complete a private police training program or a 1170
basic firearms training program, as required by division (A) or 1171
(B) of this section, or by persons who satisfactorily requalify 1172
in firearms use, as required by division (B) (2) of section 1173

4749.10 of the Revised Code, shall be transmitted to the 1174
treasurer of state for deposit in the fund. The fund shall be 1175
used only for the purpose set forth in this division. 1176

(D) No public or private educational institution or 1177
superintendent of the state highway patrol shall employ a person 1178
as a special police officer, security guard, or other position 1179
in which such person goes armed while on duty, who has not 1180
received a certificate of having satisfactorily completed an 1181
approved basic peace officer training program, unless the person 1182
has completed twenty years of active duty as a peace officer. 1183

(E) The executive director of the commission shall issue a 1184
certificate of completion of a training program required under 1185
division (A) of this section in accordance with Chapter 4796. of 1186
the Revised Code to an individual if either of the following 1187
applies: 1188

(1) The individual holds a certificate of completion of 1189
such a program in another state. 1190

(2) The individual has satisfactory work experience, a 1191
government certification, or a private certification as 1192
described in that chapter in the same profession, occupation, or 1193
occupational activity as the profession, occupation, or 1194
occupational activity for which the certificate is required in 1195
this state in a state that does not require completion of such a 1196
training program. 1197

Sec. 109.804. (A) (1) The Ohio peace officer training 1198
commission shall develop and conduct a chief of police training 1199
course lasting forty hours for newly appointed chiefs of police 1200
appointed on or after January 1, 2018. The commission shall 1201
determine the course topics, which shall include diversity 1202

training with an emphasis on historical perspectives and 1203
community-police relations, and shall establish criteria for 1204
what constitutes successful completion of the course. The 1205
commission shall conduct the course at the Ohio peace officer 1206
training academy and shall offer the course at least 1207
semiannually. 1208

(2) The executive director of the commission shall issue a 1209
certificate of completion of a training program required under 1210
this section in accordance with Chapter 4796. of the Revised 1211
Code to a newly appointed chief of police if either of the 1212
following applies: 1213

(a) The person holds a certificate of completion of such a 1214
program in another state. 1215

(b) The person has satisfactory work experience, a 1216
government certification, or a private certification as 1217
described in that chapter as a chief of police in a state that 1218
does not require completion of such a training program. 1219

(B) A newly appointed chief of police may request an 1220
equivalency exemption from a portion of the forty hours of the 1221
chief of police training course by submitting to the Ohio peace 1222
officer training commission, not more than ten calendar days 1223
following the person's appointment as a chief of police, 1224
evidence of training or qualification in the subject area of the 1225
exempted portion. 1226

(C) Upon presentation of evidence by a newly appointed 1227
chief of police that because of a medical disability or other 1228
good cause the newly appointed chief of police is unable to 1229
complete the chief of police training course, the Ohio peace 1230
officer training commission may defer the requirement for the 1231

newly appointed chief of police to complete the chief of police 1232
training course until the disability or cause terminates. 1233

(D) A newly appointed chief of police appointed on or 1234
after January 1, 2018, shall attend a chief of police training 1235
course conducted by the Ohio peace officer training commission 1236
pursuant to division (A) of this section not later than six 1237
months after the person's appointment as a chief of police. 1238
While attending the chief of police training course, a newly 1239
appointed chief of police shall receive compensation in the same 1240
manner and amounts as if carrying out the powers and duties of 1241
the office of chief of police. The costs of conducting the chief 1242
of police training course shall be paid from state funds 1243
appropriated to the attorney general. The cost of meals, 1244
lodging, and travel of a newly appointed chief of police 1245
attending the chief of police training course shall be paid from 1246
the budget of the entity for which the newly appointed chief of 1247
police was appointed. 1248

(E) As used in this section: 1249

"Newly appointed chief of police" means a person appointed 1250
chief of police under section 505.49, 737.05, or 737.15 of the 1251
Revised Code or any administrative official that is responsible 1252
for the daily administration and supervision of peace officers 1253
in a law enforcement agency who did not hold the office of chief 1254
of police on the date the person was appointed chief of police. 1255

"Law enforcement agency" means a municipal or township 1256
police department, or any other entity authorized by statute to 1257
appoint peace officers to enforce criminal laws and who have the 1258
statutory power of arrest. "Law enforcement agency" does not 1259
include a county sheriff's office, the state highway patrol, or 1260
the bureau of criminal identification and investigation. 1261

Sec. 147.01. (A) The secretary of state may appoint and 1262
commission as notaries public as many persons who meet the 1263
qualifications of division (B) of this section as the secretary 1264
of state considers necessary. 1265

(B) In order for a person to qualify to be appointed and 1266
commissioned as a notary public, except as provided in division 1267
(F) of this section, the person shall demonstrate to the 1268
secretary of state that the person satisfies all of the 1269
following: 1270

(1) The person has attained the age of eighteen years. 1271

(2) (a) Except as provided in division (B) (2) (b) of this 1272
section, the person is a legal resident of this state. 1273

(b) The person is not a legal resident of this state, but 1274
is an attorney admitted to the practice of law in this state by 1275
the Ohio supreme court, and has the person's principal place of 1276
business or the person's primary practice in this state. 1277

(3) (a) Except as provided in division (B) (3) (b) of this 1278
section, the person has submitted a criminal records check 1279
report completed within the preceding six months in accordance 1280
with section 147.022 of the Revised Code demonstrating that the 1281
applicant has not been convicted of or pleaded guilty or no 1282
contest to a disqualifying offense as determined in accordance 1283
with section 9.79 of the Revised Code. 1284

(b) An attorney admitted to the practice of law in this 1285
state shall not be required to submit a criminal records check 1286
when applying to be appointed a notary public. 1287

(4) (a) Except as provided in divisions (B) (4) (b) and (c) 1288
of this section, the person has successfully completed an 1289
educational program and passed a test administered by the 1290

entities authorized by the secretary of state as required under 1291
section 147.021 of the Revised Code. 1292

(b) An attorney who is commissioned as a notary public in 1293
this state prior to September 20, 2019, shall not be required to 1294
complete an education program or pass a test as required in 1295
division (B) (4) (a) of this section. 1296

(c) Any attorney who applies to become commissioned as a 1297
notary public in this state after September 20, 2019, shall not 1298
be required to pass a test as required in division (B) (4) (a) of 1299
this section, but shall be required to complete an education 1300
program required by that division. 1301

(C) A notary public shall be appointed and commissioned as 1302
a notary public for the state. The secretary of state may revoke 1303
a commission issued to a notary public upon presentation of 1304
satisfactory evidence of official misconduct or incapacity. 1305

(D) The secretary of state shall oversee the processing of 1306
notary public applications and shall issue all notary public 1307
commissions. The secretary of state shall oversee the creation 1308
and maintenance of the online database of notaries public 1309
commissioned in this state pursuant to section 147.051 of the 1310
Revised Code. The secretary of state may perform all other 1311
duties as required by this section. The entities authorized by 1312
the secretary of state pursuant to section 147.021 or 147.63 of 1313
the Revised Code shall administer the educational program and 1314
required test or course of instruction and examination, as 1315
applicable. 1316

(E) All submissions to the secretary of state for 1317
receiving and renewing commissions, or notifications made under 1318
section 147.05 of the Revised Code, shall be done 1319

electronically. 1320

(F) The secretary of state shall appoint and commission as 1321
a notary public for the state an applicant who is commissioned 1322
or licensed as a notary public in another state in accordance 1323
with Chapter 4796. of the Revised Code. 1324

Sec. 147.63. (A) A notary public who has been duly 1325
appointed and commissioned under section 147.01 of the Revised 1326
Code, and who is a resident of this state, may apply to the 1327
secretary of state to be authorized to act as an online notary 1328
public during the term of that notary public's commission. A 1329
state resident commissioned as a notary public qualifies to be 1330
an online notary public by paying the fee described in section 1331
147.631 of the Revised Code and submitting to the secretary of 1332
state an application in the form prescribed by the secretary 1333
that demonstrates to the satisfaction of the secretary that the 1334
applicant will comply with the standards adopted in rules under 1335
section 147.62 of the Revised Code and that the applicant is 1336
otherwise qualified to be an online notary. 1337

(B) (1) Before an individual may be authorized to act as an 1338
online notary public, that individual shall successfully 1339
complete a course of instruction approved by the secretary of 1340
state and pass an examination based on the course. The content 1341
of the course shall include notarial rules, procedures, and 1342
ethical obligations pertaining to online notarization contained 1343
in sections 147.60 to 147.66 of the Revised Code or in any other 1344
law or rules of this state. The course may be taken in 1345
conjunction with the educational program required under section 1346
147.021 of the Revised Code for a notary public commission. 1347

(2) The secretary of state shall approve one business 1348
entity comprised of bar associations with statewide scope and 1349

regional presence that have expertise and experience in notary 1350
laws and processes to provide the course and administer the 1351
examination to become an online notary. 1352

(C) The application required under division (A) of this 1353
section shall be transmitted electronically to the secretary of 1354
state and shall include all of the following information: 1355

(1) The applicant's full legal name and official notary 1356
public name to be used in acting as an online notary public; 1357

(2) A description of the technology the applicant intends 1358
to use in performing online notarizations; 1359

(3) A certification that the applicant will comply with 1360
the rules adopted under section 147.62 of the Revised Code; 1361

(4) An electronic mail address of the applicant; 1362

(5) Any decrypting instructions, keys, codes, or software 1363
necessary to enable the application to be read; 1364

(6) Proof of successful completion of the course and 1365
passage of the examination required under division (B) of this 1366
section; 1367

(7) A disclosure of any and all license or commission 1368
revocations or other professional disciplinary actions taken 1369
against the applicant; 1370

(8) Any other information that the secretary of state may 1371
require. 1372

(D) (1) If the secretary of state is satisfied that an 1373
applicant meets the standards adopted in rules under section 1374
147.62 of the Revised Code, and that the applicant is otherwise 1375
qualified to be an online notary public, then the secretary 1376

shall issue to the applicant a written authorization to perform 1377
online notarizations. 1378

The secretary of state shall issue a written authorization 1379
to perform online notarizations to an applicant who holds an 1380
authorization or license to perform online notarizations in 1381
another state in accordance with Chapter 4796. of the Revised 1382
Code. 1383

(2) Except as provided in division (D) (4) of this section, 1384
the authorization shall expire when the notary public's 1385
commission expires or is revoked under section 147.03, 147.031, 1386
or 147.032 of the Revised Code. 1387

(3) (a) Except as provided in division (D) (5) of this 1388
section, the authorization shall be renewed when the notary 1389
public's commission is renewed. 1390

(b) An authorization to perform online notarizations that 1391
is set to expire shall not be renewed unless the notary submits 1392
to the secretary of state through the entity authorized in this 1393
section all of the following: 1394

(i) A fee, set by the secretary of state, of not more than 1395
four times the fee prescribed in division (B) (2) of section 1396
147.031 of the Revised Code; 1397

(ii) An application for renewal on a form prescribed by 1398
the secretary; 1399

(iii) Evidence of having completed continuing education, 1400
as required under division (G) of this section. 1401

(c) If a notary public's online notarization authorization 1402
expires before the notary submits the application for renewal, 1403
the secretary of state shall not renew that expired 1404

authorization but shall permit that person to apply for a new 1405
online notarization authorization. 1406

(4) An authorization to perform online notarizations 1407
granted to an attorney admitted to the practice of law in this 1408
state by the Ohio supreme court shall expire on the earlier of 1409
five years after the date the authorization is granted or when 1410
the attorney's term of office as a notary public ends. 1411

(5) An attorney authorized to perform online notarizations 1412
may apply to renew the attorney's authorization three months 1413
prior to the authorization's expiration date. 1414

(6) (a) The secretary may deny an application for an online 1415
notary public if any of the required information is missing or 1416
incorrect on the application form. 1417

(b) The secretary may also deny an application if the 1418
technology the applicant identifies pursuant to division (C) (2) 1419
of this section does not conform to the standards developed by 1420
the secretary pursuant to section 147.62 of the Revised Code. 1421

(E) Nothing in this section shall be construed as 1422
prohibiting an online notary public from receiving, installing, 1423
and utilizing a software update to the technology that the 1424
online notary public disclosed pursuant to division (C) (2) of 1425
this section if that software update does not result in a 1426
technology that is materially different from the technology that 1427
the online notary public disclosed pursuant to division (C) (2) 1428
of this section. 1429

(F) (1) If a notary public changes either the hardware or 1430
the software that the notary intends to use to carry out online 1431
notarizations, then the notary shall inform the secretary of 1432
this intent on a form prescribed by the secretary. 1433

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

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

(2) The secretary shall adopt rules in accordance with Chapter 119. of the Revised Code related to continuing education requirements for an online notarization authorization. The rules shall specify the number of hours of continuing education a notary must complete over the duration of the notary's license and may specify content to be included in the continuing education.

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

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

(1) The applicant's full name, home address, and work address;	1464 1465
(2) The name, address, and telephone number of the two witnesses who have provided the reference letters;	1466 1467
(3) A statement that the applicant has not, during the five-year period immediately preceding the submission of the application, violated division (A) of this section on or after the effective date of this section, or division (C) of section 169.13 of the Revised Code;	1468 1469 1470 1471 1472
(4) A statement that the applicant has not been convicted of, or pleaded guilty to, any disqualifying offense as determined in accordance with section 9.79 of the Revised Code;	1473 1474 1475
(5) The notarized signature of the applicant immediately following an acknowledgment that any false or perjured statement subjects the applicant to criminal liability under section 2921.13 of the Revised Code.	1476 1477 1478 1479
(C) Upon the filing of the application with the division of unclaimed funds, the division may investigate the applicant to verify the information provided in the application and to determine the applicant's eligibility for a certificate of registration under this section. False information on an application is grounds for the denial or revocation of the applicant's certificate of registration.	1480 1481 1482 1483 1484 1485 1486
(D) The (1) <u>Except as provided in division (D) (2) of this section, the</u> director shall issue a certificate of registration to an applicant if the director finds that the following conditions are met:	1487 1488 1489 1490
(1) (a) The applicant has not, during the five-year period immediately preceding the submission of the application,	1491 1492

violated division (A) of this section on or after the effective 1493
date of this section, or division (C) of section 169.13 of the 1494
Revised Code; 1495

~~(2)~~ (b) The applicant has not been convicted of, or 1496
pleaded guilty to, any disqualifying offense as determined in 1497
accordance with section 9.79 of the Revised Code. 1498

~~(3)~~ (c) The applicant's general fitness command the 1499
confidence of the public and warrant the belief that the 1500
applicant's business will be conducted honestly and fairly. 1501

(2) The director shall issue a certificate of registration 1502
in accordance with Chapter 4796. of the Revised Code to an 1503
applicant if either of the following applies: 1504

(a) The applicant holds a license or certificate of 1505
registration in another state. 1506

(b) The applicant has satisfactory work experience, a 1507
government certification, or a private certification as 1508
described in that chapter in the same profession, occupation, or 1509
occupational activity as the profession, occupation, or 1510
occupational activity for which the certificate of registration 1511
is required in this state in a state that does not issue such a 1512
license or certificate of registration. 1513

~~(E) The A certificate of registration issued pursuant to 1514
division (D) of this section may be renewed annually if the 1515
director finds that the following conditions are met: 1516~~

(1) The applicant submits a renewal application form 1517
prescribed by the director. 1518

(2) The applicant meets the conditions set forth in 1519
divisions (D) (1) (a) and ~~(3)~~ (c) of this section. 1520

(3) The applicant has not, during the ten-year period 1521
immediately preceding the submission of the renewal application 1522
but excluding any time before the initial issuance of the 1523
certificate of registration, been convicted of, or pleaded 1524
guilty to, any felony or any offense involving moral turpitude, 1525
including theft, attempted theft, falsification, tampering with 1526
records, securing writings by deception, fraud, forgery, and 1527
perjury. 1528

(4) The applicant's certificate of registration is not 1529
subject to an order of revocation by the director. 1530

Sec. 173.21. (A) The office of the state long-term care 1531
ombudsman program, through the state long-term care ombudsman 1532
and the regional long-term care ombudsman programs, shall 1533
require each representative of the office to complete a training 1534
and certification program in accordance with this section and to 1535
meet the continuing education requirements established under 1536
this section. 1537

(B) The department of aging shall adopt rules in 1538
accordance with Chapter 119. of the Revised Code specifying the 1539
content of training programs for representatives of the office 1540
of the state long-term care ombudsman program. Training for 1541
representatives other than those who are volunteers providing 1542
services through regional long-term care ombudsman programs 1543
shall include instruction regarding federal, state, and local 1544
laws, rules, and policies on long-term care facilities and 1545
community-based long-term care services; investigative 1546
techniques; and other topics considered relevant by the 1547
department and shall consist of the following: 1548

(1) A minimum of forty clock hours of basic instruction, 1549
which shall be completed before the trainee is permitted to 1550

handle complaints without the supervision of a representative of 1551
the office certified under this section; 1552

(2) An additional sixty clock hours of instruction, which 1553
shall be completed within the first fifteen months of 1554
employment; 1555

(3) An internship of twenty clock hours, which shall be 1556
completed within the first twenty-four months of employment, 1557
including instruction in, and observation of, basic nursing care 1558
and long-term care provider operations and procedures. The 1559
internship shall be performed at a site that has been approved 1560
as an internship site by the state long-term care ombudsman. 1561

(4) One of the following, which shall be completed within 1562
the first twenty-four months of employment: 1563

(a) Observation of a survey conducted by the director of 1564
health to certify a nursing facility to participate in the 1565
medicaid program; 1566

(b) Observation of an inspection conducted by the director 1567
of mental health and addiction services to license a residential 1568
facility under section 5119.34 of the Revised Code that provides 1569
accommodations, supervision, and personal care services for 1570
three to sixteen unrelated adults. 1571

(5) Any other training considered appropriate by the 1572
department. 1573

(C) Any person who for a period of at least six months 1574
prior to June 11, 1990, served as an ombudsman through the long- 1575
term care ombudsman program established by the department of 1576
aging under section 173.01 of the Revised Code shall not be 1577
required to complete a training program. Such a person and 1578
persons who complete a training program shall take an 1579

examination administered by the department of aging. On 1580
attainment of a passing score, the person shall be certified by 1581
the department as a representative of the office. The department 1582
shall issue the person an identification card, which the 1583
representative shall show at the request of any person with whom 1584
the representative deals while performing the representative's 1585
duties and which shall be surrendered at the time the 1586
representative separates from the office. 1587

(D) The state ombudsman and each regional program shall 1588
conduct training programs for volunteers on their respective 1589
staffs in accordance with the rules of the department of aging 1590
adopted under division (B) of this section. Training programs 1591
may be conducted that train volunteers to complete some, but not 1592
all, of the duties of a representative of the office. Each 1593
regional office shall bear the cost of training its 1594
representatives who are volunteers. On completion of a training 1595
program, the representative shall take an examination 1596
administered by the department of aging. On attainment of a 1597
passing score, a volunteer shall be certified by the department 1598
as a representative authorized to perform services specified in 1599
the certification. The department shall issue an identification 1600
card, which the representative shall show at the request of any 1601
person with whom the representative deals while performing the 1602
representative's duties and which shall be surrendered at the 1603
time the representative separates from the office. Except as a 1604
supervised part of a training program, no volunteer shall 1605
perform any duty unless the volunteer is certified as a 1606
representative having received appropriate training for that 1607
duty. 1608

(E) The state ombudsman shall provide technical assistance 1609
to regional programs conducting training programs for volunteers 1610

and shall monitor the training programs. 1611

(F) Prior to scheduling an observation of a certification 1612
survey or licensing inspection for purposes of division (B) (4) 1613
of this section, the state ombudsman shall obtain permission to 1614
have the survey or inspection observed from both the long-term 1615
care facility at which the survey or inspection is to take place 1616
and, as the case may be, the director of health or director of 1617
mental health and addiction services. 1618

(G) Notwithstanding the requirements for a certification 1619
under this section, the department shall issue a certificate as 1620
a representative of the office of the state long-term care 1621
ombudsman program in accordance with Chapter 4796. of the 1622
Revised Code to a person if either of the following applies: 1623

(1) The person holds a license or certificate in another 1624
state. 1625

(2) The person has satisfactory work experience, a 1626
government certification, or a private certification as 1627
described in that chapter as a representative of a state long- 1628
term care ombudsman program in a state that does not issue that 1629
license or certificate. 1630

(H) The department of aging shall establish continuing 1631
education requirements for representatives of the office. 1632

Sec. 173.391. (A) Subject to section 173.381 of the 1633
Revised Code and except as provided in division (I) of this 1634
section, the department of aging or its designee shall do all of 1635
the following in accordance with Chapter 119. of the Revised 1636
Code: 1637

(1) Certify a provider to provide services, including 1638
community-based long-term care services, under a program the 1639

department administers if the provider satisfies the 1640
requirements for certification established by rules adopted 1641
under division (B) of this section and pays the fee, if any, 1642
established by rules adopted under division (G) of this section; 1643

(2) When required to do so by rules adopted under division 1644
(B) of this section, take one or more of the following 1645
disciplinary actions against a provider certified under division 1646
(A) (1) of this section: 1647

(a) Issue a written warning; 1648

(b) Require the submission of a plan of correction or 1649
evidence of compliance with requirements identified by the 1650
department; 1651

(c) Suspend referrals; 1652

(d) Remove clients; 1653

(e) Impose a fiscal sanction such as a civil monetary 1654
penalty or an order that unearned funds be repaid; 1655

(f) Suspend the certification; 1656

(g) Revoke the certification; 1657

(h) Impose another sanction. 1658

(3) Except as provided in division (E) of this section, 1659
hold hearings when there is a dispute between the department or 1660
its designee and a provider concerning actions the department or 1661
its designee takes regarding a decision not to certify the 1662
provider under division (A) (1) of this section or a disciplinary 1663
action under divisions (A) (2) (e) to (h) of this section. 1664

(B) The director of aging shall adopt rules in accordance 1665
with Chapter 119. of the Revised Code establishing certification 1666

requirements and standards for determining which type of 1667
disciplinary action to take under division (A) (2) of this 1668
section in individual situations. The rules shall establish 1669
procedures for all of the following: 1670

(1) Ensuring that providers comply with sections 173.38 1671
and 173.381 of the Revised Code; 1672

(2) Evaluating the services provided by the providers to 1673
ensure that the services are provided in a quality manner 1674
advantageous to the individual receiving the services; 1675

(3) In a manner consistent with section 173.381 of the 1676
Revised Code, determining when to take disciplinary action under 1677
division (A) (2) of this section and which disciplinary action to 1678
take; 1679

(4) Determining what constitutes another sanction for 1680
purposes of division (A) (2) (h) of this section. 1681

(C) The procedures established in rules adopted under 1682
division (B) (2) of this section shall require that all of the 1683
following be considered as part of an evaluation described in 1684
division (B) (2) of this section: 1685

(1) The provider's experience and financial 1686
responsibility; 1687

(2) The provider's ability to comply with standards for 1688
the services, including community-based long-term care services, 1689
that the provider provides under a program the department 1690
administers; 1691

(3) The provider's ability to meet the needs of the 1692
individuals served; 1693

(4) Any other factor the director considers relevant. 1694

(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:

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

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

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

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

(a) A government entity of this state, other than the department of aging, has terminated or refused to renew any of the following held by, or has denied any of the following sought by, a provider: a provider agreement, license, certificate,

permit, or certification. Division (E) (2) (a) of this section 1724
applies regardless of whether the provider has entered into a 1725
provider agreement in, or holds a license, certificate, permit, 1726
or certification issued by, another state. 1727

(b) The provider or a principal owner or manager of the 1728
provider who provides direct care has entered a guilty plea for, 1729
or has been convicted of, an offense materially related to the 1730
medicaid program. 1731

(c) A principal owner or manager of the provider who 1732
provides direct care has entered a guilty plea for, been 1733
convicted of, or been found eligible for intervention in lieu of 1734
conviction for an offense listed or described in divisions (A) 1735
(3) (a) to (e) of section 109.572 of the Revised Code, but only 1736
if the provider, principal owner, or manager does not meet 1737
standards specified by the director in rules adopted under 1738
section 173.38 of the Revised Code. 1739

(d) The department or its designee is required by section 1740
173.381 of the Revised Code to deny or revoke the provider's 1741
certification. 1742

(e) The United States department of health and human 1743
services has taken adverse action against the provider and that 1744
action impacts the provider's participation in the medicaid 1745
program. 1746

(f) The provider has failed to enter into or renew a 1747
provider agreement with the PASSPORT administrative agency, as 1748
that term is defined in section 173.42 of the Revised Code, that 1749
administers programs on behalf of the department of aging in the 1750
region of the state in which the provider is certified to 1751
provide services. 1752

(g) The provider has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years. 1753
1754
1755

(h) The provider denied or failed to provide the department or its designee access to the provider's facilities during the provider's normal business hours for purposes of conducting an audit or structural compliance review. 1756
1757
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(i) The provider has ceased doing business. 1760

(j) The provider has voluntarily relinquished its certification for any reason. 1761
1762

(3) The provider's provider agreement with the department of medicaid has been suspended under section 5164.36 of the Revised Code. 1763
1764
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(4) The provider's provider agreement with the department of medicaid is denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section 5164.36 of the Revised Code. 1766
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(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department shall send a notice to the provider describing a decision not to certify the provider under division (A) (1) of this section or the disciplinary action the department is taking under divisions (A) (2) (e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the department and may be sent by regular mail. 1772
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(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be 1780
1781

charged by the department of aging or its designee for 1782
certification issued under division (A) of this section. 1783

(H) Any amounts collected by the department or its 1784
designee under this section shall be deposited in the state 1785
treasury to the credit of the provider certification fund, which 1786
is hereby created. Money credited to the fund shall be used to 1787
pay for services, including community-based long-term care 1788
services, to pay for administrative costs associated with 1789
provider certification under this section, and to pay for 1790
administrative costs related to the publication of the Ohio 1791
long-term care consumer guide. 1792

(I) The director shall certify a provider in accordance 1793
with Chapter 4796. of the Revised Code if either of the 1794
following applies: 1795

(1) The provider is licensed or certified in another 1796
state. 1797

(2) The provider has satisfactory work experience, a 1798
government certification, or a private certification as 1799
described in that chapter as a provider of community-based long- 1800
term care services under a state program in a state that does 1801
not issue that license or certificate. 1802

Sec. 173.422. (A) The department of aging shall certify 1803
individuals who meet certification requirements established by 1804
rule to provide long-term care consultations for purposes of 1805
sections 173.42 and 173.421 of the Revised Code. The director of 1806
aging shall adopt rules in accordance with Chapter 119. of the 1807
Revised Code governing the certification process and 1808
requirements. The rules shall specify the education, experience, 1809
or training in long-term care a person must have to qualify for 1810

certification. 1811

(B) Notwithstanding the requirements for a certification 1812
under division (A) of this section, the department shall issue a 1813
certification to provide long-term care consultations in 1814
accordance with Chapter 4796. of the Revised Code to a person if 1815
either of the following applies: 1816

(1) The person holds a license or certification in another 1817
state. 1818

(2) The person has satisfactory work experience, a 1819
government certification, or a private certification as 1820
described in that chapter as a provider of long-term care 1821
consultations in a state that does not issue that license or 1822
certification. 1823

Sec. 503.41. (A) A board of township trustees, by 1824
resolution, may regulate and require the registration of massage 1825
establishments and their employees within the unincorporated 1826
territory of the township. In accordance with sections 503.40 to 1827
503.49 of the Revised Code, for that purpose, the board, by a 1828
majority vote of all members, may adopt, amend, administer, and 1829
enforce regulations within the unincorporated territory of the 1830
township. 1831

(B) A board may adopt regulations and amendments under 1832
this section only after public hearing at not fewer than two 1833
regular sessions of the board. The board shall cause to be 1834
published in a newspaper of general circulation in the township, 1835
or as provided in section 7.16 of the Revised Code, notice of 1836
the public hearings, including the time, date, and place, once a 1837
week for two weeks immediately preceding the hearings. The board 1838
shall make available proposed regulations or amendments to the 1839

public at the office of the board. 1840

(C) Regulations or amendments adopted by the board are 1841
effective thirty days after the date of adoption unless, within 1842
thirty days after the adoption of the regulations or amendments, 1843
the township fiscal officer receives a petition, signed by a 1844
number of qualified electors residing in the unincorporated area 1845
of the township equal to not less than ten per cent of the total 1846
vote cast for all candidates for governor in the area at the 1847
most recent general election at which a governor was elected, 1848
requesting the board to submit the regulations or amendments to 1849
the electors of the area for approval or rejection at the next 1850
primary or general election occurring at least ninety days after 1851
the board receives the petition. 1852

No regulation or amendment for which the referendum vote 1853
has been requested is effective unless a majority of the votes 1854
cast on the issue is in favor of the regulation or amendment. 1855
Upon certification by the board of elections that a majority of 1856
the votes cast on the issue was in favor of the regulation or 1857
amendment, the regulation or amendment takes immediate effect. 1858

(D) The board shall make available regulations it adopts 1859
or amends to the public at the office of the board and shall 1860
cause to be published once a notice of the availability of the 1861
regulations in a newspaper of general circulation in the 1862
township within ten days after their adoption or amendment. 1863

(E) Nothing in sections 503.40 to 503.49 of the Revised 1864
Code shall be construed to allow a board of township trustees to 1865
regulate the practice of any limited branch of medicine 1866
specified in section 4731.15 of the Revised Code or the practice 1867
of providing therapeutic massage by a licensed physician, a 1868
licensed chiropractor, a licensed podiatrist, a licensed nurse, 1869

or any other licensed health professional. As used in this 1870
division, "licensed" means licensed, certified, or registered to 1871
practice in this state. 1872

(F) If a township adopts regulations to require the 1873
registration of massage establishments and their employees, the 1874
township shall comply with Chapter 4796. of the Revised Code. 1875

Sec. 715.27. (A) Any municipal corporation may: 1876

(1) Regulate the erection of fences, billboards, signs, 1877
and other structures, within the municipal corporation, and 1878
provide for the removal and repair of insecure billboards, 1879
signs, and other structures; 1880

(2) Regulate the construction and repair of wires, poles, 1881
plants, and all equipment to be used for the generation and 1882
application of electricity; 1883

(3) Provide for the licensing of house movers; plumbers; 1884
sewer tappers; vault cleaners; and specialty contractors who are 1885
not required to hold a valid license issued pursuant to Chapter 1886
4740. of the Revised Code; 1887

(4) Require all specialty contractors other than those who 1888
hold a valid license issued pursuant to Chapter 4740. of the 1889
Revised Code, to successfully complete an examination, test, or 1890
demonstration of technical skills, and may impose a fee and 1891
additional requirements for a license or registration to engage 1892
in their respective occupations within the jurisdiction of the 1893
municipal corporation. 1894

(B) No municipal corporation shall require any specialty 1895
contractor who holds a valid license issued pursuant to Chapter 1896
4740. of the Revised Code to complete an examination, test, or 1897
demonstration of technical skills to engage in the type of 1898

contracting for which the license is held, within the municipal 1899
corporation. 1900

(C) A municipal corporation may require a specialty 1901
contractor who holds a valid license issued pursuant to Chapter 1902
4740. of the Revised Code to register with the municipal 1903
corporation and pay any fee the municipal corporation imposes 1904
before that specialty contractor may engage within the municipal 1905
corporation in the type of contracting for which the license is 1906
held. Any fee shall be the same for all specialty contractors 1907
who engage in the same type of contracting. A municipal 1908
corporation may require a bond and proof of all of the 1909
following: 1910

(1) Insurance pursuant to division (B) (4) of section 1911
4740.06 of the Revised Code; 1912

(2) Compliance with Chapters 4121. and 4123. of the 1913
Revised Code; 1914

(3) Registration with the tax department of the municipal 1915
corporation. 1916

If a municipal corporation requires registration, imposes 1917
such a fee, or requires a bond or proof of the items listed in 1918
divisions (C) (1), (2), and (3) of this section, the municipal 1919
corporation immediately shall permit a contractor who presents 1920
proof of holding a valid license issued pursuant to Chapter 1921
4740. of the Revised Code, who registers, pays the fee, obtains 1922
a bond, and submits the proof described under divisions (C) (1), 1923
(2), and (3) of this section, as required, to engage in the type 1924
of contracting for which the license is held, within the 1925
municipal corporation. 1926

(D) A municipal corporation may revoke the registration of 1927

a contractor registered with that municipal corporation for good 1928
cause shown. Good cause shown includes the failure of a 1929
contractor to maintain a bond or the items listed in divisions 1930
(C) (1), (2), and (3) of this section, if the municipal 1931
corporation requires those. 1932

(E) A municipal corporation that licenses specialty 1933
contractors pursuant to division (A) (3) of this section may 1934
accept, for purposes of satisfying its licensing requirements, a 1935
valid license issued pursuant to Chapter 4740. of the Revised 1936
Code that a specialty contractor holds, for the construction, 1937
replacement, maintenance, or repair of one-family, two-family, 1938
or three-family dwelling houses or accessory structures 1939
incidental to those dwelling houses. 1940

(F) A municipal corporation shall not register a specialty 1941
contractor who is required to hold a license under Chapter 4740. 1942
of the Revised Code but does not hold a valid license issued 1943
under that chapter. 1944

(G) If a municipal corporation regulates a profession, 1945
occupation, or occupational activity under this section, the 1946
municipal corporation shall comply with Chapter 4796. of the 1947
Revised Code. 1948

(H) As used in this section, "specialty contractor" means 1949
a heating, ventilating, and air conditioning contractor, 1950
refrigeration contractor, electrical contractor, plumbing 1951
contractor, or hydronics contractor, as those contractors are 1952
described in Chapter 4740. of the Revised Code. 1953

Sec. 903.07. (A) On and after the date that is established 1954
in rules by the director of agriculture, both of the following 1955
apply: 1956

(1) The management and handling of manure at a major concentrated animal feeding facility, including the land application of manure or the removal of manure from a manure storage or treatment facility, shall be conducted only by or under the supervision of a person holding a livestock manager certification issued under this section. A person managing or handling manure who is acting under the instructions and control of a person holding a livestock manager certification is considered to be under the supervision of the certificate holder if the certificate holder is responsible for the actions of the person and is available when needed even though the certificate holder is not physically present at the time of the manure management or handling.

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

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

(C) Information required to be included in an application

for a livestock manager certification, the amount of the 1987
application fee, requirements regarding training and the 1988
examination, requirements governing the management and handling 1989
of manure, including the land application of manure, and 1990
requirements governing the keeping of records regarding the 1991
handling of manure, including the land application of manure, 1992
shall be established in rules. 1993

(D) The director shall issue a livestock manager 1994
certification in accordance with Chapter 4796. of the Revised 1995
Code to an individual if either of the following applies: 1996

(1) The individual holds a certification in another state. 1997

(2) The individual has satisfactory work experience, a 1998
government certification, or a private certification as 1999
described in that chapter as a livestock manager in a state that 2000
does not issue that license. 2001

Sec. 905.321. (A) Beginning September thirtieth of the 2002
third year after ~~the effective date of this section~~ August 21, 2003
2014, no person shall apply fertilizer for the purposes of 2004
agricultural production unless that person has been certified to 2005
do so by the director of agriculture under this section and 2006
rules or is acting under the instructions and control of a 2007
person who is so certified. 2008

(B) ~~A~~ Except as otherwise provided in this division, a 2009
person shall be certified to apply fertilizer for purposes of 2010
agricultural production in accordance with rules. A person that 2011
has been so certified shall comply with requirements and 2012
procedures established in those rules. 2013

The director shall issue a certification to apply 2014
fertilizer for purposes of agricultural production in accordance 2015

with Chapter 4796. of the Revised Code to an individual if 2016
either of the following applies: 2017

(1) The individual holds a license or certification in 2018
another state. 2019

(2) The individual has satisfactory work experience, a 2020
government certification, or a private certification as 2021
described in that chapter as a fertilizer applicator in a state 2022
that does not issue that license or certification. 2023

(C) A person that has been licensed as a commercial 2024
applicator under section 921.06 of the Revised Code or as a 2025
private applicator under section 921.11 of the Revised Code may 2026
apply to be certified under this section, but shall not be 2027
required to pay the application fee for certification 2028
established in rules adopted under section 905.322 of the 2029
Revised Code. 2030

Sec. 917.09. (A) The director of agriculture may issue the 2031
following types of licenses: 2032

(1) Producer; 2033

(2) Processor; 2034

(3) Milk dealer; 2035

(4) Raw milk retailer; 2036

(5) Weigher, sampler, or tester; 2037

(6) Milk hauler. 2038

(B) The director may adopt rules establishing categories 2039
for each type of license that are based on the grade or type of 2040
dairy product with which the licensee is involved. 2041

(C) Except as provided in section 917.091 of the Revised 2042

Code and division (J) of this section, no person shall act as or 2043
hold the person's self out as a producer; processor; milk 2044
dealer; raw milk retailer; weigher, sampler, or tester; or milk 2045
hauler unless the person holds a valid license issued by the 2046
director under this section. 2047

(D) Each person desiring a license shall submit to the 2048
director a license application on a form prescribed by the 2049
director, accompanied by a license fee in an amount specified in 2050
rules adopted under section 917.02 of the Revised Code. The 2051
applicant shall specify on the application the type of license 2052
and category requested and shall include any other information 2053
required by rules adopted under section 917.02 of the Revised 2054
Code. 2055

(E) Each applicant for a weigher, sampler, or tester 2056
license or registration, prior to issuance of the license or 2057
registration, shall pass an examination that is given in 2058
accordance with section 917.08 of the Revised Code and rules 2059
adopted under section 917.02 of the Revised Code. 2060

Each applicant for any other type of license issued under 2061
this section, prior to issuance of the license, shall pass an 2062
inspection that is made in accordance with rules adopted under 2063
section 917.02 of the Revised Code. 2064

(F) The director shall not issue a license to an applicant 2065
unless the director determines, through an inspection or 2066
otherwise, that the applicant is in compliance with the 2067
requirements set forth in this chapter and the rules adopted 2068
under it. 2069

(G) Examinations that must be passed prior to issuance of 2070
a weigher, sampler, or tester license, inspections that must be 2071

passed prior to issuance of any other type of license issued 2072
under this section, procedures for issuing and renewing 2073
licenses, and license terms and renewal periods shall comply 2074
with rules adopted under section 917.02 of the Revised Code. 2075

(H) Suspension and revocation of licenses shall comply 2076
with section 917.22 of the Revised Code and rules adopted under 2077
section 917.02 of the Revised Code. 2078

(I) Each licensed weigher, sampler, and tester annually 2079
shall meet the continuing education requirements established in 2080
rules adopted under division (B) of section 917.02 of the 2081
Revised Code. 2082

(J) A person whose religion prohibits the person from 2083
obtaining a license under this section, in place of a license, 2084
shall register with the director as a producer; processor; milk 2085
dealer; raw milk retailer; weigher, sampler, or tester; or milk 2086
hauler. 2087

The person claiming the exemption from licensure shall 2088
register on a form prescribed by the director and shall meet any 2089
other registration requirements contained in rules adopted under 2090
section 917.02 of the Revised Code. Upon receiving the person's 2091
registration form and determining that the person has satisfied 2092
all requirements for registration, the director shall notify the 2093
person that the person is registered to lawfully operate as a 2094
producer; processor; milk dealer; raw milk retailer; weigher, 2095
sampler, or tester; or milk hauler. 2096

A registrant is subject to all provisions governing 2097
licensees, such as provisions concerning testing, sampling, and 2098
inspection of dairy products. A registrant is subject to 2099
provisions governing issuance of a temporary weigher, sampler, 2100

or tester license under section 917.091 of the Revised Code. A 2101
registration shall be renewed, suspended, and revoked under the 2102
same terms as a license. 2103

(K) Notwithstanding the requirements for a license or 2104
registration under this section, the director shall issue a 2105
license or registration to operate as a producer; processor; 2106
milk dealer; raw milk retailer; weigher, sampler, or tester; or 2107
milk hauler, as applicable, in accordance with Chapter 4796. of 2108
the Revised Code to an individual if either of the following 2109
applies: 2110

(1) The individual holds a license or registration in 2111
another state. 2112

(2) The individual has satisfactory work experience, a 2113
government certification, or a private certification as 2114
described in that chapter as a producer; processor; milk dealer; 2115
raw milk retailer; weigher, sampler, or tester; or milk hauler, 2116
as applicable, in a state that does not issue the applicable 2117
license or registration. 2118

Sec. 917.091. The director of agriculture may issue a 2119
temporary weigher, sampler, or tester license to an applicant 2120
upon determining that the applicant has met all qualifications 2121
for licensure under section 917.09 of the Revised Code except 2122
successful completion of an examination. A temporary weigher, 2123
sampler, or tester license is effective for ninety days from the 2124
date of issuance. An applicant who has not taken an examination 2125
for licensure may receive no more than three temporary weigher, 2126
sampler, or tester licenses. An applicant who takes and fails an 2127
examination for licensure may receive no more than two temporary 2128
weigher, sampler, or tester licenses. Chapter 4796. of the 2129
Revised Code does not apply to a temporary license issued under 2130

this section. 2131

Sec. 921.06. (A) (1) No individual shall do any of the 2132
following without having a commercial applicator license issued 2133
by the director of agriculture: 2134

(a) Apply pesticides for a pesticide business without 2135
direct supervision; 2136

(b) Apply pesticides as part of the individual's duties 2137
while acting as an employee of the United States government, a 2138
state, county, township, or municipal corporation, or a park 2139
district, port authority, or sanitary district created under 2140
Chapter 1545., 4582., or 6115. of the Revised Code, 2141
respectively; 2142

(c) Apply restricted use pesticides. Division (A) (1) (c) of 2143
this section does not apply to a private applicator or an 2144
immediate family member or a subordinate employee of a private 2145
applicator who is acting under the direct supervision of that 2146
private applicator. 2147

(d) If the individual is the owner of a business other 2148
than a pesticide business or an employee of such an owner, apply 2149
pesticides at any of the following publicly accessible sites 2150
that are located on the property: 2151

(i) Food service operations that are licensed under 2152
Chapter 3717. of the Revised Code; 2153

(ii) Retail food establishments that are licensed under 2154
Chapter 3717. of the Revised Code; 2155

(iii) Golf courses; 2156

(iv) Rental properties of more than four apartment units 2157
at one location; 2158

(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;	2159 2160
(vi) Child day-care centers or school child day-care centers as defined in section 5104.01 of the Revised Code;	2161 2162
(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education;	2163 2164 2165 2166 2167 2168
(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code, and private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;	2169 2170 2171 2172 2173 2174 2175 2176 2177 2178
(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;	2179 2180
(x) Any other site designated by rule.	2181
(e) Conduct authorized diagnostic inspections.	2182
(2) Divisions (A)(1)(a) to (d) of this section do not apply to an individual who is acting as a trained serviceperson under the direct supervision of a commercial applicator.	2183 2184 2185
(3) Licenses shall be issued for a period of time	2186

established by rule and shall be renewed in accordance with 2187
deadlines established by rule. The fee for each such license 2188
shall be established by rule. If a license is not issued or 2189
renewed, the application fee shall be retained by the state as 2190
payment for the reasonable expense of processing the 2191
application. The director shall by rule classify by pesticide- 2192
use category licenses to be issued under this section. A single 2193
license may include more than one pesticide-use category. No 2194
individual shall be required to pay an additional license fee if 2195
the individual is licensed for more than one category. 2196

The fee for each license or renewal does not apply to an 2197
applicant who is an employee of the department of agriculture 2198
whose job duties require licensure as a commercial applicator as 2199
a condition of employment. 2200

(B) Application for a commercial applicator license shall 2201
be made on a form prescribed by the director. Each application 2202
for a license shall state the pesticide-use category or 2203
categories of license for which the applicant is applying and 2204
other information that the director determines essential to the 2205
administration of this chapter. 2206

(C) ~~If~~ (1) Except as provided in division (C) (2) of this 2207
section, if the director finds that the applicant is competent 2208
to apply pesticides and conduct diagnostic inspections and that 2209
the applicant has passed both the general examination and each 2210
applicable pesticide-use category examination as required under 2211
division (A) of section 921.12 of the Revised Code, the director 2212
shall issue a commercial applicator license limited to the 2213
pesticide-use category or categories for which the applicant is 2214
found to be competent. If the director rejects an application, 2215
the director may explain why the application was rejected, 2216

describe the additional requirements necessary for the applicant 2217
to obtain a license, and return the application. The applicant 2218
may resubmit the application without payment of any additional 2219
fee. 2220

(2) The director shall issue a commercial applicator 2221
license in accordance with Chapter 4796. of the Revised Code to 2222
an individual if either of the following applies: 2223

(a) The individual holds a commercial applicator license 2224
in another state. 2225

(b) The individual has satisfactory work experience, a 2226
government certification, or a private certification as 2227
described in that chapter as a commercial applicator in a state 2228
that does not issue that license. 2229

A license issued under this division shall be limited to 2230
the pesticide-use category or categories for which the applicant 2231
is licensed in another state or has satisfactory work 2232
experience, a government certification, or a private 2233
certification in that state. 2234

(D) (1) A person who is a commercial applicator shall be 2235
deemed to hold a private applicator's license for purposes of 2236
applying pesticides on agricultural commodities that are 2237
produced by the commercial applicator. 2238

(2) A commercial applicator shall apply pesticides only in 2239
the pesticide-use category or categories in which the applicator 2240
is licensed under this chapter. 2241

(E) All money collected under this section shall be 2242
credited to the pesticide, fertilizer, and lime program fund 2243
created in section 921.22 of the Revised Code. 2244

Sec. 921.11. (A) (1) No individual shall apply restricted 2245
use pesticides unless the individual is one of the following: 2246

(a) Licensed under section 921.06 of the Revised Code; 2247

(b) Licensed under division (B) of this section; 2248

(c) A trained serviceperson who is acting under the direct 2249
supervision of a commercial applicator; 2250

(d) An immediate family member or a subordinate employee 2251
of a private applicator who is acting under the direct 2252
supervision of that private applicator. 2253

(2) No individual shall directly supervise the application 2254
of a restricted use pesticide unless the individual is one of 2255
the following: 2256

(a) Licensed under section 921.06 of the Revised Code; 2257

(b) Licensed under division (B) of this section. 2258

(B) ~~The~~ (1) Subject to division (B) (2) of this section, 2259
the director of agriculture shall adopt rules to establish 2260
standards and procedures for the licensure of private 2261
applicators. An individual shall apply for a private applicator 2262
license to the director, on forms prescribed by the director. 2263
The individual shall include in the application the pesticide- 2264
use category or categories of the license for which the 2265
individual is applying and any other information that the 2266
director determines is essential to the administration of this 2267
chapter. The fee for each license shall be established by rule. 2268
Licenses shall be issued for a period of time established by 2269
rule and shall be renewed in accordance with deadlines 2270
established by rule. If a license is not issued or renewed, the 2271
state shall retain any fee submitted as payment for reasonable 2272

expenses of processing the application. 2273

(2) The director shall issue a private applicator license 2274
in accordance with Chapter 4796. of the Revised Code to an 2275
individual if either of the following applies: 2276

(a) The individual holds a private applicator license in 2277
another state. 2278

(b) The individual has satisfactory work experience, a 2279
government certification, or a private certification as 2280
described in that chapter as a private applicator in a state 2281
that does not issue that license. 2282

A license issued under this division shall be limited to 2283
the pesticide-use category or categories for which the applicant 2284
is licensed in another state or has satisfactory work 2285
experience, a government certification, or a private 2286
certification in that state. 2287

(C) An individual who is licensed under this section shall 2288
use or directly supervise the use of a restricted use pesticide 2289
only for the purpose of producing agricultural commodities on 2290
property that is owned or rented by the individual or the 2291
individual's employer. 2292

(D) All money collected under this section shall be 2293
credited to the pesticide, fertilizer, and lime program fund 2294
created in section 921.22 of the Revised Code. 2295

Sec. 921.12. (A) The director of agriculture shall require 2296
each applicant for a license by examination under section 921.06 2297
or 921.11 of the Revised Code to be examined on the applicant's 2298
knowledge and competency in each of the following: 2299

(1) This chapter and rules adopted under it; 2300

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

(B) Each application for renewal of a license provided for in section 921.06 of the Revised Code shall be filed prior to the deadline established by rule. If filed after the deadline, a penalty of fifty per cent shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license is issued. However, if a license issued under section 921.06 or 921.11 of the Revised Code is not renewed within one hundred eighty days after the date of expiration, the licensee shall be required to take another examination on this chapter and rules adopted under it and on the proper use, handling, and application of pesticides and, if applicable, the proper conducting of diagnostic inspections in the pesticide-use categories for which the licensee has been licensed.

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

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

(E) The holder of a private applicator license may renew

the license within one hundred eighty days after the date of 2331
expiration without re-examination unless the director determines 2332
that a new examination is necessary to insure that the holder 2333
continues to meet the requirements of changing technology and to 2334
assure a continuing level of competence and ability to use 2335
pesticides safely and properly. 2336

(F) Instead of requiring a commercial applicator or 2337
private applicator to complete re-examination successfully under 2338
division (D) or (E) of this section, the director may require, 2339
in accordance with criteria established by rule, the commercial 2340
applicator or private applicator to participate in training 2341
programs that are designed to foster knowledge of new technology 2342
and to ensure a continuing level of competence and ability to 2343
use pesticides safely and properly. The director or the 2344
director's representative may provide the training or may 2345
authorize a third party to do so. In order for such 2346
authorization to occur, the third party and its training program 2347
shall comply with standards and requirements established by 2348
rule. 2349

Sec. 921.24. No person shall do any of the following: 2350

(A) Apply, use, directly supervise such application or 2351
use, or recommend a pesticide for use inconsistent with the 2352
pesticide's labeling, treatment standards, or other restrictions 2353
imposed by the director of agriculture; 2354

(B) Act as a commercial applicator without being licensed 2355
to do so; 2356

(C) Use any restricted use pesticide, unless the person is 2357
licensed to do so, is a trained serviceperson acting under the 2358
direct supervision of a commercial applicator, or is an 2359

immediate family member or a subordinate employee of a private applicator under the direct supervision of that private applicator;	2360 2361 2362
(D) Refuse or fail to keep or maintain records required by the director in rules adopted under this chapter, or to make reports when and as required by the director in rules adopted under this chapter;	2363 2364 2365 2366
(E) Falsely or fraudulently represent the effect of pesticides or methods to be utilized;	2367 2368
(F) Apply known ineffective or improper materials;	2369
(G) Operate in a negligent manner, which includes the operation of faulty or unsafe equipment;	2370 2371
(H) Impersonate any federal, state, county, or municipal official;	2372 2373
(I) Make false or fraudulent records, invoices, or reports;	2374 2375
(J) Fail to provide training to trained servicepersons in the application of pesticides;	2376 2377
(K) Fail to provide direct supervision as specified in rules adopted under division (C) of section 921.16 of the Revised Code;	2378 2379 2380
(L) Distribute a misbranded or adulterated pesticide;	2381
(M) Use fraud or misrepresentation in making application for a license or registration or renewal of a license or registration;	2382 2383 2384
(N) Refuse, fail, or neglect to comply with any limitation or restriction of a license or registration issued under this	2385 2386

chapter or rules adopted thereunder;	2387
(O) Aid or abet a licensee or another person in violating this chapter or rules adopted thereunder;	2388 2389
(P) Make a false or misleading statement in an inspection concerning any infestation of pests or the use of pesticides;	2390 2391
(Q) Refuse or fail to comply with this chapter, the rules adopted thereunder, or any lawful order of the director;	2392 2393
(R) Distribute restricted use pesticides to the ultimate user without a pesticide dealer's license;	2394 2395
(S) Except as provided in division (F) of section 921.26 of the Revised Code, distribute restricted use pesticides to an ultimate user who is not licensed under section 921.06, 921.08, or 921.11 of the Revised Code and rules adopted under this chapter;	2396 2397 2398 2399 2400
(T) Use any pesticide that is under an experimental use permit contrary to the provisions of the permit;	2401 2402
(U) Engage in fraudulent business practices;	2403
(V) Dispose of any pesticide product or container in such a manner as to have unreasonable adverse effects on the environment;	2404 2405 2406
(W) Display any pesticide in any manner to produce unreasonable adverse effects on the environment, or to contaminate adjacent food, feed, or other products;	2407 2408 2409
(X) Apply any pesticide by aircraft without being licensed as a commercial applicator;	2410 2411
(Y) Distribute a pesticide that is not registered with the director;	2412 2413

(Z) Fail to properly supervise a trained serviceperson.	2414
Sec. 921.26. (A) The penalties provided for violations of	2415
this chapter do not apply to any of the following:	2416
(1) Any carrier while lawfully engaged in transporting a	2417
pesticide or device within this state, if that carrier, upon	2418
request, permits the director of agriculture to copy all records	2419
showing the transactions in the movement of the pesticides or	2420
devices;	2421
(2) Public officials of this state and the federal	2422
government, other than commercial applicators employed by the	2423
federal government, the state, or a political subdivision, while	2424
engaged in the performance of their official duties in	2425
administering state or federal pesticide laws or rules, or while	2426
engaged in pesticide research;	2427
(3) The manufacturer or shipper of a pesticide for	2428
experimental use only by or under supervision of an agency of	2429
this state or of the federal government authorized by law to	2430
conduct research in the field of pesticides, provided that the	2431
manufacturer or shipper is not required to obtain an	2432
experimental use permit from the United States environmental	2433
protection agency;	2434
(4) The manufacturer or shipper of a substance being	2435
tested in which its purpose only is to determine its value for	2436
pesticide purposes or to determine its toxicity or other	2437
properties, and from which the user does not expect to receive	2438
any benefit in pest control from its use;	2439
(5) Persons conducting laboratory research involving	2440
pesticides;	2441
(6) Persons who incidentally use pesticides. The	2442

incidental use shall involve only the application of general use pesticides. If a person incidentally uses a pesticide, the pesticide shall be applied in strict accordance with the manufacturer's label for general use purposes. If further applications are necessary following the incidental use application, a pesticide applicator shall apply the pesticide.

(B) No pesticide or device shall be considered in violation of this chapter when intended solely for export to a foreign country, and when prepared or packed according to the specifications or directions of the purchaser. If the pesticide or device is not so exported, this chapter applies.

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

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

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

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

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

(4) Meets any other requirement established by rule.	2472
(E) Section 921.06 of the Revised Code relating to licenses and requirements for their issuance does not apply to licensed physicians or veterinarians applying pesticides to human beings or other animals during the normal course of their practice, provided that they are not regularly engaged in the business of applying pesticides for hire amounting to a principal or regular occupation or do not publicly hold themselves out as commercial applicators.	2473 2474 2475 2476 2477 2478 2479 2480
(F) Division (S) of section 921.24 of the Revised Code does not apply to a pesticide dealer who distributes restricted use pesticides to a nonresident who is licensed in another state having a state plan approved by the United States environmental protection agency.	2481 2482 2483 2484 2485
Sec. 926.30. (A) No licensed handler or employee of a licensed handler who receives an agricultural commodity from a producer, either for sale or for storage under a bailment agreement, shall perform a quality test on the commodity for the purpose of applying a premium, discount, or conditioning charge unless the person making the test has passed an examination on the subject that is approved by the director of agriculture.	2486 2487 2488 2489 2490 2491 2492
Upon Except as provided in division (D) of this section, upon application by a person who has passed the examination, the director shall issue to the person an agricultural commodity tester certificate that shall be valid for a period of three years. Except as otherwise provided in this division, an agricultural commodity tester shall pass an examination on agricultural commodity testing approved by the director prior to each renewal of a certificate. The director may exempt from the examination requirement for certificate renewal an agricultural	2493 2494 2495 2496 2497 2498 2499 2500 2501

commodity tester who, during the year prior to expiration of the certificate, successfully completes training on agricultural commodity testing that has been approved by the director. The director shall establish by rule standards that such training must meet in order to be approved by the director. The rules shall require the training to include instructions in the use of the official grain standards of the United States as a basis for determining the quality of the commodities tested by an agricultural commodity tester. An agricultural commodity tester certificate issued prior to ~~the effective date of this amendment~~ July 29, 1998, shall be considered to be valid until the date on which, at the time of issuance, it was scheduled to expire. Upon expiration of the certificate, the examination requirement for renewal shall apply.

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

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

(D) The director shall issue an agricultural commodity 2533
tester certificate in accordance with Chapter 4796. of the 2534
Revised Code to an individual if either of the following 2535
applies: 2536

(1) The individual holds a license or certificate in 2537
another state. 2538

(2) The individual has satisfactory work experience, a 2539
government certification, or a private certification as 2540
described in that chapter as a agricultural commodity tester in 2541
a state that does not issue that license. 2542

Sec. 928.02. (A) (1) The director of agriculture shall 2543
establish a program to monitor and regulate hemp cultivation and 2544
processing in this state. Under the program, the director shall 2545
issue hemp cultivation licenses and hemp processing licenses in 2546
accordance with rules adopted under section 928.03 of the 2547
Revised Code. 2548

(2) As authorized by the director, the department of 2549
agriculture or a university may cultivate or process hemp 2550
without a hemp cultivation license or hemp processing license 2551
for research purposes. 2552

(B) Except as authorized under division (A) (2) or (E) of 2553
this section, any person that wishes to cultivate hemp shall 2554
apply for and obtain a hemp cultivation license from the 2555
director in accordance with rules adopted under section 928.03 2556
of the Revised Code. Except as authorized under division (A) (2) 2557
or (E) of this section, any person that wishes to process hemp 2558
shall apply for and obtain a hemp processing license from the 2559
director in accordance with those rules. Such licenses are valid 2560
for three years unless earlier suspended or revoked by the 2561

director. 2562

(C) The department, a university, or any person may, 2563
without a hemp cultivation license or hemp processing license, 2564
possess, buy, or sell hemp or a hemp product. 2565

(D) Notwithstanding any other provision of the Revised 2566
Code to the contrary, the addition of hemp or a hemp product to 2567
any other product does not adulterate that other product. 2568

(E) The director shall issue a hemp cultivation license or 2569
hemp processing license in accordance with Chapter 4796. of the 2570
Revised Code to an individual if either of the following 2571
applies: 2572

(1) The individual holds the applicable license in another 2573
state. 2574

(2) The individual has satisfactory work experience, a 2575
government certification, or a private certification as 2576
described in that chapter as a hemp cultivator or hemp processor 2577
in a state that does not issue the applicable license. 2578

Sec. 943.09. Licenses—(A) Except as provided in division 2579
(B) of this section, licenses shall be issued by the department 2580
of agriculture to weighers under such rules and regulations as 2581
the department shall prescribe. Each weigher shall display ~~his~~ 2582
the weigher's license in a conspicuous place on or adjacent to 2583
the weighing facility operated by such weigher. A weigher's 2584
license may be revoked for a violation of section 943.11 of the 2585
Revised Code or of the rules and regulations of the department 2586
relating thereto. The license of any weigher convicted of a 2587
violation of such section shall be promptly revoked. A weigher's 2588
license, unless revoked, shall expire on the thirty-first day of 2589
March of each year and shall be renewed according to the 2590

standard renewal procedure of sections 4745.01 to 4745.03, 2591
inclusive, of the Revised Code. 2592

(B) The director of agriculture shall issue a weigher's 2593
license in accordance with Chapter 4796. of the Revised Code to 2594
an individual if either of the following applies: 2595

(1) The individual holds a license in another state. 2596

(2) The individual has satisfactory work experience, a 2597
government certification, or a private certification as 2598
described in that chapter as a weigher in a state that does not 2599
issue that license. 2600

Sec. 956.05. (A) (1) No person shall act as or perform the 2601
functions of a dog broker in this state without a dog broker 2602
license issued by the director of agriculture in accordance with 2603
this section and rules adopted under section 956.03 of the 2604
Revised Code. 2605

(2) The director shall not issue a license under this 2606
section unless the director determines that the applicant will 2607
act as or perform the functions of a dog broker in accordance 2608
with this chapter and rules adopted under it. 2609

(B) A person who is proposing to act as or perform the 2610
functions of a dog broker shall submit an application for a 2611
license to the director. During the month of December, but 2612
before the first day of January of the next year, a person who 2613
is proposing to continue to act as or perform the functions of a 2614
dog broker shall obtain a license from the director for the 2615
following year. 2616

(C) The director shall issue a dog broker license in 2617
accordance with Chapter 4796. of the Revised Code to a person if 2618
either of the following applies: 2619

<u>(1) The person holds a license in another state.</u>	2620
<u>(2) The person has satisfactory work experience, a</u>	2621
<u>government certification, or a private certification as</u>	2622
<u>described in that chapter as a dog broker in a state that does</u>	2623
<u>not issue that license.</u>	2624
Sec. 956.06. (A) (1) No person shall operate an animal	2625
rescue for dogs without first registering with the director of	2626
agriculture in accordance with <u>division (C) of this section or</u>	2627
<u>rules adopted under section 956.03 of the Revised Code, as</u>	2628
<u>applicable.</u> A registration is valid for one year.	2629
(2) A registration may be renewed. An application for	2630
renewal shall be submitted to the director at least ninety days	2631
prior to the expiration of the registration.	2632
(3) The director shall not charge a registration fee to an	2633
animal rescue for dogs. However, if a person fails to renew a	2634
registration prior to its expiration, the director shall charge	2635
the person a late renewal fee of two hundred dollars.	2636
(B) The director shall maintain a database of all persons	2637
that are registered to operate an animal rescue for dogs in this	2638
state.	2639
<u>(C) The director shall issue an animal rescue license for</u>	2640
<u>dogs registration in accordance with Chapter 4796. of the</u>	2641
<u>Revised Code to a person if either of the following applies:</u>	2642
<u>(1) The person holds a license or registration in another</u>	2643
<u>state.</u>	2644
<u>(2) The person has satisfactory work experience, a</u>	2645
<u>government certification, or a private certification as</u>	2646
<u>described in that chapter as an animal rescue for dogs operator</u>	2647

in a state that does not issue that license or registration. 2648

Sec. 1315.23. (A) Upon the filing of an application for an 2649
original license to engage in the business of cashing checks, 2650
and the payment of the fees for investigation and licensure, the 2651
superintendent of financial institutions shall investigate the 2652
financial condition and responsibility and general fitness of 2653
the applicant. As part of that investigation, the superintendent 2654
shall request that the superintendent of the bureau of criminal 2655
identification and investigation investigate and determine, with 2656
respect to the applicant, whether the bureau has any information 2657
gathered under section 109.57 of the Revised Code that pertains 2658
to that applicant. 2659

~~(B) The~~ (1) Except as provided in division (B) (2) of this 2660
section, the superintendent shall issue a license, which shall 2661
apply to all check-cashing business locations of the applicant, 2662
if the superintendent determines that the applicant meets all 2663
the following requirements: 2664

~~(1) (a)~~ The applicant is financially sound and has a net 2665
worth of at least twenty-five thousand dollars. The applicant's 2666
net worth shall be computed according to generally accepted 2667
accounting principles. The applicant shall maintain a net worth 2668
of at least twenty-five thousand dollars throughout the 2669
licensure period. 2670

~~(2) (b)~~ The applicant has the ability and fitness in the 2671
capacity involved to engage in the business of cashing checks. 2672

~~(3) (c)~~ The applicant has not been convicted of, or has 2673
not pleaded guilty or no contest to, a disqualifying offense 2674
determined in accordance with section 9.79 of the Revised Code. 2675

~~(4) (d)~~ The applicant has never had a check-cashing 2676

license revoked. 2677

(2) The superintendent shall issue a license to engage in the business of cashing checks in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 2678
2679
2680
2681

(a) The applicant holds a license in another state. 2682

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in the business of cashing checks in a state that does not issue that license. 2683
2684
2685
2686

(C) (1) A license issued to a check-cashing business shall remain in full force and effect through the thirty-first day of December following its date of issuance, unless earlier surrendered, suspended, or revoked. 2687
2688
2689
2690

(2) Each check-cashing business shall conspicuously post and at all times display in every business location its check-cashing license. No check-cashing license is transferable or assignable. 2691
2692
2693
2694

(D) A check-cashing business voluntarily may surrender its license at any time by giving written notice to the superintendent and sending, by certified mail, to the superintendent all license documents issued to it pursuant to sections 1315.21 to 1315.28 of the Revised Code. 2695
2696
2697
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2699

(E) (1) A check-cashing business annually may apply to the superintendent for a renewal of its license on or after the first day of December of the year in which its existing license expires. 2700
2701
2702
2703

(2) If a check-cashing business files an application for a 2704

renewal license with the superintendent before the first day of 2705
January of any year, the license sought to be renewed shall 2706
continue in full force and effect until the issuance by the 2707
superintendent of the renewal license applied for or until ten 2708
days after the superintendent has given the check-cashing 2709
business notice of the superintendent's refusal to issue a 2710
renewal license. 2711

(F) The superintendent may, except as otherwise provided 2712
in this division, suspend, revoke, or refuse an original or 2713
renewal license for failure to comply with this section or for 2714
any violation of section 1315.28 of the Revised Code. If a 2715
suspension, revocation, or refusal of an original or renewal 2716
license is based on a violation of section 1315.28 of the 2717
Revised Code that is committed, without the licensee's 2718
knowledge, at a check-cashing business location of the licensee, 2719
the suspension or revocation applies only to that check-cashing 2720
business location. In all other cases, a suspension, revocation, 2721
or refusal of an original or renewal license applies to all 2722
check-cashing business locations of the licensee. The 2723
superintendent shall not refuse an original license to an 2724
applicant because of a criminal conviction unless the refusal is 2725
in accordance with section 9.79 of the Revised Code. 2726

(G) No original or renewal license shall be suspended, 2727
revoked, or refused except after a hearing in accordance with 2728
Chapter 119. of the Revised Code. In suspending a license under 2729
this division, the superintendent shall establish the length of 2730
the suspension, provided that no suspension may be for a period 2731
exceeding one year. The superintendent's decision to revoke, 2732
suspend, or refuse an original or renewal license may be 2733
appealed pursuant to Chapter 119. of the Revised Code. 2734

(H) Upon revocation of a license, the licensee shall 2735
immediately send, by certified mail, all license documents 2736
issued pursuant to sections 1310.21 to 1310.28 of the Revised 2737
Code to the superintendent. 2738

(I) The superintendent may, in lieu of a suspension or 2739
revocation of a license, impose a fine of not more than one 2740
thousand dollars for each violation. 2741

Sec. 1321.04. ~~Upon (A) Except as otherwise provided in~~ 2742
division (B) of this section, upon the filing of an application 2743
under section 1321.03 of the Revised Code and payment of fees 2744
pursuant to section 1321.20 of the Revised Code, the division of 2745
financial institutions shall investigate the facts concerning 2746
the applicant and the requirements provided for in divisions (A) 2747
(1) and ~~(B) (2)~~ of this section. 2748

The division shall approve the application and issue and 2749
deliver a license to the applicant if the division finds both of 2750
the following: 2751

~~(A) (1)~~ That the financial responsibility, experience, and 2752
general fitness of the applicant and of the members thereof, if 2753
the applicant is a partnership or an association, and of the 2754
officers and directors thereof, if the applicant is a 2755
corporation, are such as to warrant the belief that the business 2756
will be operated lawfully, honestly, and fairly under sections 2757
1321.01 to 1321.19 of the Revised Code and within the purposes 2758
of those sections, that the applicant has fully complied with 2759
those sections, and that the applicant is qualified to act as a 2760
licensed lender; 2761

~~(B) (2)~~ That the applicant has available for the operation 2762
of such business cash or moneys deposited in a readily 2763

accessible fund or account of not less than twenty-five thousand 2764
dollars. 2765

If the division does not so find, it shall enter an order 2766
denying such application and forthwith notify the applicant of 2767
the denial, the grounds for the denial, and the applicant's 2768
reasonable opportunity to be heard on the action in accordance 2769
with Chapter 119. of the Revised Code. In the event of denial, 2770
the division shall return the license fee but shall retain the 2771
investigation fee. 2772

(B) The division shall issue and deliver a license in 2773
accordance with Chapter 4796. of the Revised Code to an 2774
applicant if either of the following applies: 2775

(1) The applicant holds a license in another state. 2776

(2) The applicant has satisfactory work experience, a 2777
government certification, or a private certification as 2778
described in that chapter in the business of lending money, 2779
credit, or choses in action in amounts of five thousand dollars 2780
or less in a state that does not issue that license. 2781

Sec. 1321.37. (A) Application for an original or renewal 2782
license to make short-term loans shall be in writing, under 2783
oath, and in the form prescribed by the superintendent of 2784
financial institutions, and shall contain the name and address 2785
of the applicant, the location where the business of making 2786
loans is to be conducted, and any further information as the 2787
superintendent requires. At the time of making an application 2788
for an original license, the applicant shall pay to the 2789
superintendent a nonrefundable investigation fee of two hundred 2790
dollars. No investigation fee or any portion thereof shall be 2791
refunded after an original license has been issued. The 2792

application for an original or renewal license shall be 2793
accompanied by an original or renewal license fee, for each 2794
business location of one thousand dollars, except that 2795
applications for original licenses issued on or after the first 2796
day of July for any year shall be accompanied by an original 2797
license fee of five hundred dollars, and except that an 2798
application for an original or renewal license, for a nonprofit 2799
corporation that is incorporated under Chapter 1702. of the 2800
Revised Code, shall be accompanied by an original or renewal 2801
license fee, for each business location, that is one-half of the 2802
fee otherwise required. All fees paid to the superintendent 2803
pursuant to this division shall be deposited into the state 2804
treasury to the credit of the consumer finance fund. 2805

(B) Upon the filing of an application for an original 2806
license and, with respect to an application filed for a renewal 2807
license, on a schedule determined by the superintendent by rule 2808
adopted pursuant to section 1321.43 of the Revised Code, and the 2809
payment of fees in accordance with division (A) of this section, 2810
the superintendent shall investigate the facts concerning the 2811
applicant and the requirements provided by this division. The 2812
superintendent shall request the superintendent of the bureau of 2813
criminal identification and investigation, or a vendor approved 2814
by the bureau, to conduct a criminal records check based on the 2815
applicant's fingerprints in accordance with section 109.572 of 2816
the Revised Code. Notwithstanding division (K) of section 121.08 2817
of the Revised Code, the superintendent of financial 2818
institutions shall request that criminal record information from 2819
the federal bureau of investigation be obtained as part of the 2820
criminal records check. The superintendent of financial 2821
institutions shall conduct a civil records check. The 2822
superintendent shall approve an application and issue an 2823

original or renewal license to the applicant if the 2824
superintendent finds all of the following: 2825

(1) The financial responsibility, experience, and general 2826
fitness of the applicant are such as to warrant the belief that 2827
the business of making loans will be operated lawfully, 2828
honestly, and fairly under sections 1321.35 to 1321.48 of the 2829
Revised Code and within the purposes of those sections; that the 2830
applicant has fully complied with those sections and any rule or 2831
order adopted or issued pursuant to section 1321.43 of the 2832
Revised Code; and that the applicant is qualified to engage in 2833
the business of making loans under sections 1321.35 to 1321.48 2834
of the Revised Code. 2835

(2) The applicant is financially sound and has a net worth 2836
of not less than one hundred thousand dollars, or in the case of 2837
a nonprofit corporation that is incorporated under Chapter 1702. 2838
of the Revised Code, a net worth of not less than fifty thousand 2839
dollars. The applicant's net worth shall be computed according 2840
to generally accepted accounting principles. 2841

(3) The applicant has never had revoked a license to make 2842
loans under sections 1321.35 to 1321.48 of the Revised Code, 2843
under former sections 1315.35 to 1315.44 of the Revised Code, or 2844
to do business under sections 1315.21 to 1315.30 of the Revised 2845
Code. 2846

(4) Neither the applicant nor any senior officer, or 2847
partner of the applicant, has pleaded guilty to or been 2848
convicted of a disqualifying offense as determined in accordance 2849
with section 9.79 of the Revised Code. 2850

(5) Neither the applicant nor any senior officer, or 2851
partner of the applicant, has been subject to any adverse 2852

judgment for conversion, embezzlement, misappropriation of 2853
funds, fraud, misfeasance or malfeasance, or breach of fiduciary 2854
duty, or if the applicant or any of those other persons has been 2855
subject to such a judgment, the applicant has proven to the 2856
superintendent, by a preponderance of the evidence, that the 2857
applicant's or other person's activities and employment record 2858
since the judgment show that the applicant or other person is 2859
honest and truthful and there is no basis in fact for believing 2860
that the applicant or other person will be subject to such a 2861
judgment again. 2862

(C) If the superintendent finds that the applicant does 2863
not meet the requirements of division (B) of this section, or 2864
the superintendent finds that the applicant knowingly or 2865
repeatedly contracts with or employs persons to directly engage 2866
in lending activities who have been convicted of a felony crime 2867
listed in division (B) (5) of this section, the superintendent 2868
shall issue an order denying the application for an original or 2869
renewal license and giving the applicant an opportunity for a 2870
hearing on the denial in accordance with Chapter 119. of the 2871
Revised Code. The superintendent shall notify the applicant of 2872
the denial, the grounds for the denial, and the applicant's 2873
opportunity for a hearing. If the application is denied, the 2874
superintendent shall return the annual license fee but shall 2875
retain the investigation fee. 2876

(D) No person licensed under sections 1321.35 to 1321.48 2877
of the Revised Code shall conduct business in this state unless 2878
the licensee has obtained and maintains in effect at all times a 2879
corporate surety bond issued by a bonding company or insurance 2880
company authorized to do business in this state. The bond shall 2881
be in favor of the superintendent and in the penal sum of at 2882
least one hundred thousand dollars, or in the case of a 2883

nonprofit corporation that is incorporated under Chapter 1702. 2884
of the Revised Code, in the amount of fifty thousand dollars. 2885
The term of the bond shall coincide with the term of the 2886
license. The licensee shall file a copy of the bond with the 2887
superintendent. The bond shall be for the exclusive benefit of 2888
any borrower injured by a violation by a licensee or any 2889
employee of a licensee, of any provision of sections 1321.35 to 2890
1321.48 of the Revised Code. 2891

(E) Notwithstanding any provision of this section to the 2892
contrary, the superintendent shall issue an original license in 2893
accordance with Chapter 4796. of the Revised Code to an 2894
applicant if either of the following applies: 2895

(1) The applicant holds a license in another state. 2896

(2) The applicant has satisfactory work experience, a 2897
government certification, or a private certification as 2898
described in that chapter as a short-term lender in a state that 2899
does not issue that license. 2900

Sec. 1321.53. (A) (1) An application for a certificate of 2901
registration under sections 1321.51 to 1321.60 of the Revised 2902
Code shall contain an undertaking by the applicant to abide by 2903
those sections. The application shall be in writing, under oath, 2904
and in the form prescribed by the division of financial 2905
institutions, and shall contain any information that the 2906
division may require. Applicants that are foreign corporations 2907
shall obtain and maintain a license pursuant to Chapter 1703. of 2908
the Revised Code before a certificate is issued or renewed. 2909

(2) Upon the filing of the application and the payment by 2910
the applicant of a nonrefundable two-hundred-dollar 2911
investigation fee and a nonrefundable three-hundred-dollar 2912

annual registration fee, the division shall investigate the 2913
relevant facts. If the application involves investigation 2914
outside this state, the applicant may be required by the 2915
division to advance sufficient funds to pay any of the actual 2916
expenses of such investigation, when it appears that these 2917
expenses will exceed two hundred dollars. An itemized statement 2918
of any of these expenses which the applicant is required to pay 2919
shall be furnished to the applicant by the division. No 2920
certificate shall be issued unless all the required fees have 2921
been submitted to the division. 2922

(3) The investigation undertaken upon application shall 2923
include both a civil and criminal records check of the applicant 2924
including any individual whose identity is required to be 2925
disclosed in the application. Where the applicant is a business 2926
entity the superintendent shall have the authority to require a 2927
civil and criminal background check of those persons that in the 2928
determination of the superintendent have the authority to direct 2929
and control the operations of the applicant. 2930

(4) (a) Notwithstanding division (K) of section 121.08 of 2931
the Revised Code, the superintendent of financial institutions 2932
shall obtain a criminal history records check and, as part of 2933
that records check, request that criminal record information 2934
from the federal bureau of investigation be obtained. To fulfill 2935
this requirement, the superintendent shall request the 2936
superintendent of the bureau of criminal identification and 2937
investigation, or a vendor approved by the bureau, to conduct a 2938
criminal records check based on the applicant's fingerprints or, 2939
if the fingerprints are unreadable, based on the applicant's 2940
social security number, in accordance with section 109.572 of 2941
the Revised Code. 2942

(b) Any fee required under division (C) (3) of section 2943
109.572 of the Revised Code shall be paid by the applicant. 2944

(5) If an application for a certificate of registration 2945
does not contain all of the information required under division 2946
(A) of this section, and if such information is not submitted to 2947
the division within ninety days after the superintendent 2948
requests the information in writing, including by electronic 2949
transmission or facsimile, the superintendent may consider the 2950
application withdrawn. 2951

(6) If the division finds that the financial 2952
responsibility, experience, and general fitness of the applicant 2953
command the confidence of the public and warrant the belief that 2954
the business will be operated honestly and fairly in compliance 2955
with the purposes of sections 1321.51 to 1321.60 of the Revised 2956
Code and the rules adopted thereunder, and that the applicant 2957
has the applicable net worth and assets required by division ~~(B)~~ 2958
(C) of this section, the division shall thereupon issue a 2959
certificate of registration to the applicant. The superintendent 2960
shall not use a credit score as the sole basis for a 2961
registration denial. 2962

(a) (i) Certificates of registration issued on or after 2963
July 1, 2010, shall annually expire on the thirty-first day of 2964
December, unless renewed by the filing of a renewal application 2965
and payment of a three-hundred-dollar nonrefundable annual 2966
registration fee and any assessment as determined by the 2967
superintendent pursuant to division (A) (6) (a) (ii) of this 2968
section on or before the last day of December of each year. No 2969
other fee or assessment shall be required of a registrant by the 2970
state or any political subdivision of this state. 2971

(ii) If the renewal fees billed by the superintendent 2972

pursuant to division (A) (6) (a) (i) of this section are less than 2973
the estimated expenditures of the consumer finance section of 2974
the division of financial institutions, as determined by the 2975
superintendent, for the following fiscal year, the 2976
superintendent may assess each registrant at a rate sufficient 2977
to equal in the aggregate the difference between the renewal 2978
fees billed and the estimated expenditures. Each registrant 2979
shall pay the assessed amount to the superintendent prior to the 2980
last day of June. In no case shall the assessment exceed ten 2981
cents per each one hundred dollars of interest (excluding 2982
charge-off recoveries), points, loan origination charges, and 2983
credit line charges collected by that registrant during the 2984
previous calendar year. If such an assessment is imposed, it 2985
shall not be less than two hundred fifty dollars per registrant 2986
and shall not exceed thirty thousand dollars less the total 2987
renewal fees paid pursuant to division (A) (6) (a) (i) of this 2988
section by each registrant. 2989

(b) Registrants shall timely file renewal applications on 2990
forms prescribed by the division and provide any further 2991
information that the division may require. If a renewal 2992
application does not contain all of the information required 2993
under this section, and if that 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

(c) Renewal shall not be granted if the applicant's 2999
certificate of registration is subject to an order of 3000
suspension, revocation, or an unpaid and past due fine imposed 3001
by the superintendent. 3002

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

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

(B) Notwithstanding division (A) of this section, the division shall issue a certificate of registration 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.

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

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

(1) A net worth of at least fifty thousand dollars; 3032

(2) For each certificate of registration, assets of at 3033
least fifty thousand dollars either in use or readily available 3034
for use in the conduct of the business. 3035

~~(C)~~ (D) Not more than one place of business shall be 3036
maintained under the same certificate, but the division may 3037
issue additional certificates to the same registrant upon 3038
compliance with sections 1321.51 to 1321.60 of the Revised Code, 3039
governing the issuance of a single certificate. No change in the 3040
place of business of a registrant to a location outside the 3041
original municipal corporation shall be permitted under the same 3042
certificate without the approval of a new application, the 3043
payment of the registration fee and, if required by the 3044
superintendent, the payment of an investigation fee of two 3045
hundred dollars. When a registrant wishes to change its place of 3046
business within the same municipal corporation, it shall give 3047
written notice of the change in advance to the division, which 3048
shall provide a certificate for the new address without cost. If 3049
a registrant changes its name, prior to making loans under the 3050
new name it shall give written notice of the change to the 3051
division, which shall provide a certificate in the new name 3052
without cost. Sections 1321.51 to 1321.60 of the Revised Code do 3053
not limit the loans of any registrant to residents of the 3054
community in which the registrant's place of business is 3055
situated. Each certificate shall be kept conspicuously posted in 3056
the place of business of the registrant and is not transferable 3057
or assignable. 3058

~~(D)~~ (E) Sections 1321.51 to 1321.60 of the Revised Code do 3059
not apply to any of the following: 3060

(1) Entities chartered and lawfully doing business under 3061

the authority of any law of this state, another state, or the 3062
United States as a bank, savings bank, trust company, savings 3063
and loan association, or credit union, or a subsidiary of any 3064
such entity, which subsidiary is regulated by a federal banking 3065
agency and is owned and controlled by such a depository 3066
institution; 3067

(2) Life, property, or casualty insurance companies 3068
licensed to do business in this state; 3069

(3) Any person that is a lender making a loan pursuant to 3070
sections 1321.01 to 1321.19 or sections 1321.62 to 1321.701 of 3071
the Revised Code or a business loan as described in division (B) 3072
(6) of section 1343.01 of the Revised Code; 3073

(4) Any political subdivision, or any governmental or 3074
other public entity, corporation, instrumentality, or agency, in 3075
or of the United States or any state of the United States, or 3076
any entity described in division (B) (3) of section 1343.01 of 3077
the Revised Code; 3078

(5) A college or university, or controlled entity of a 3079
college or university, as those terms are defined in section 3080
1713.05 of the Revised Code. 3081

~~(E)~~ (F) No person engaged in the business of selling 3082
tangible goods or services related to tangible goods may receive 3083
or retain a certificate under sections 1321.51 to 1321.60 of the 3084
Revised Code for such place of business. 3085

Sec. 1321.64. (A) An application for a license shall 3086
contain an undertaking by the applicant to abide by those 3087
sections. The application shall be in writing, under oath, and 3088
in the form prescribed by the superintendent of financial 3089
institutions, and shall contain any information that the 3090

superintendent may require. Applicants that are foreign 3091
corporations shall obtain and maintain a license pursuant to 3092
Chapter 1703. of the Revised Code before a license is issued or 3093
renewed. 3094

(B) Upon the filing of the application and the payment by 3095
the applicant of a nonrefundable investigation fee of two 3096
hundred dollars, a nonrefundable annual registration fee of 3097
three hundred dollars, and any additional fee required by the 3098
NMLSR, the division of financial institutions shall investigate 3099
the relevant facts. If the application involves investigation 3100
outside this state, the applicant may be required by the 3101
division to advance sufficient funds to pay any of the actual 3102
expenses of the investigation when it appears that these 3103
expenses will exceed two hundred dollars. An itemized statement 3104
of any of these expenses which the applicant is required to pay 3105
shall be furnished to the applicant by the division. A license 3106
shall not be issued unless all the required fees have been 3107
submitted to the division. 3108

(C) (1) The investigation undertaken upon receipt of an 3109
application shall include both a civil and criminal records 3110
check of any control person. 3111

(2) (a) Notwithstanding division (K) of section 121.08 of 3112
the Revised Code, the superintendent shall obtain a criminal 3113
records check on each control person and, as part of that 3114
records check, request that criminal records information from 3115
the federal bureau of investigation be obtained. To fulfill this 3116
requirement, the superintendent shall do either of the 3117
following: 3118

(i) Request the superintendent of the bureau of criminal 3119
identification and investigation, or a vendor approved by the 3120

bureau, to conduct a criminal records check based on the control 3121
person's fingerprints or, if the fingerprints are unreadable, 3122
based on the control person's social security number, in 3123
accordance with section 109.572 of the Revised Code; 3124

(ii) Authorize the NMLSR to request a criminal records 3125
check of the control person. 3126

(b) Any fee required under division (C) (3) of section 3127
109.572 of the Revised Code or by the NMLSR shall be paid by the 3128
applicant. 3129

(D) If an application for a license does not contain all 3130
of the information required under division (A) of this section, 3131
and if such information is not submitted to the division or to 3132
the NMLSR within ninety days after the superintendent or the 3133
NMLSR requests the information in writing, including by 3134
electronic transmission or facsimile, the superintendent may 3135
consider the application withdrawn. 3136

(E) If the superintendent of financial institutions finds 3137
that the financial responsibility, experience, and general 3138
fitness of the applicant command the confidence of the public 3139
and warrant the belief that the business will be operated 3140
honestly and fairly in compliance with the purposes of sections 3141
1321.62 to 1321.702 of the Revised Code and the rules adopted 3142
thereunder, and that the applicant has the requisite net worth 3143
and assets required under section 1321.65 of the Revised Code, 3144
the superintendent shall issue a license to the applicant. The 3145
license shall be valid until the thirty-first day of December of 3146
the year in which it is issued. A person may be licensed under 3147
both sections 1321.51 to 1321.60 and sections 1321.62 to 3148
1321.702 of the Revised Code. 3149

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

(G) Notwithstanding any provision of this section to the contrary, the superintendent shall issue a 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 consumer installment loan lender in a state that does not issue that license.

Sec. 1321.74. (A) Application for a license as a premium finance company shall be in writing, under oath, in the form prescribed by the division of financial institutions. An applicant also shall provide the form of premium finance agreement it intends to use in doing business under sections 1321.71 to 1321.83 of the Revised Code. Upon the filing of an application and the payment of the license fee, and upon deposit of an investigation fee not to exceed three hundred dollars if the investigation can be conducted in this state or the estimated costs of the investigation if it must be conducted outside this state, the division shall make an investigation of each applicant and shall issue a license if the applicant is qualified in accordance with sections 1321.71 to 1321.83 of the Revised Code. An itemized statement of any investigation

expenses incurred which the applicant is required to pay shall 3180
be furnished the applicant by the division, and only the actual 3181
cost of such investigation shall be paid by the applicant, but 3182
at no time shall the investigation fee be less than two hundred 3183
dollars. If the division does not so find, it shall, within a 3184
reasonable period of time after it has received the application, 3185
at the request of the applicant, give the applicant opportunity 3186
for a hearing conducted in accordance with Chapter 119. of the 3187
Revised Code. 3188

(B) (1) The division shall, except as provided in division 3189
(B) (2) of this section, issue or renew a license when it is 3190
satisfied that the applicant: 3191

(a) Is competent and trustworthy and intends to act in 3192
good faith in the capacity involved by the license applied for; 3193

(b) Has a good business reputation and has had experience, 3194
training, or education so as to be qualified in the business for 3195
which the license is applied for; 3196

(c) If a corporation, is a corporation incorporated under 3197
the laws of this state or is a foreign corporation authorized to 3198
transact business in this state; 3199

(d) Has a net worth of at least fifty thousand dollars, as 3200
determined in accordance with generally accepted accounting 3201
principles; 3202

(e) With respect to the issuance of a license, has filed 3203
with the division a form of premium finance agreement that 3204
complies with sections 1321.71 to 1321.83 of the Revised Code. 3205

(2) The division shall not refuse to issue a license to an 3206
applicant because of a criminal conviction unless the refusal is 3207
in accordance with section 9.79 of the Revised Code. 3208

(C) Not more than one place of business shall be 3209
maintained under the same license, but the division may issue 3210
additional licenses to the same licensee upon compliance with 3211
sections 1321.71 to 1321.83 of the Revised Code. 3212

No change in the place of business of a licensee to a 3213
location outside the original municipal corporation shall be 3214
permitted under the same license without the approval of a new 3215
application, the payment of the license fee as determined by the 3216
superintendent of financial institutions pursuant to section 3217
1321.20 of the Revised Code, and, if required by the 3218
superintendent, the payment of an investigation fee of two 3219
hundred dollars. If a licensee wishes to change its place of 3220
business within the same municipal corporation, it shall give 3221
written notice of the change in advance to the division, which 3222
shall provide a license for the new address without cost. If a 3223
licensee changes its name, it shall give, prior to entering into 3224
or otherwise acquiring premium finance agreements under the new 3225
name, written notice of the change to the division, which shall 3226
provide a license in the new name, without cost. 3227

Each license shall be kept conspicuously posted in the 3228
place of business of the licensee and is not transferable or 3229
assignable. 3230

Notwithstanding any other provision of this section to the 3231
contrary, the division shall issue a license to act as a premium 3232
finance company in accordance with Chapter 4796. of the Revised 3233
Code to an applicant if either of the following applies: 3234

(1) The applicant is licensed in another state. 3235

(2) The applicant has satisfactory work experience, a 3236
government certification, or a private certification as 3237

described in that chapter as an operator of a premium finance 3238
company in a state that does not issue that license. 3239

Sec. 1322.10. (A) Upon the conclusion of the investigation 3240
required under division (B) of section 1322.09 of the Revised 3241
Code, the superintendent of financial institutions shall issue a 3242
certificate of registration to the applicant if the 3243
superintendent finds that the following conditions are met: 3244

(1) The application is accompanied by the application fee 3245
and any fee required by the nationwide mortgage licensing system 3246
and registry. 3247

(a) If a check or other draft instrument is returned to 3248
the superintendent for insufficient funds, the superintendent 3249
shall notify the applicant by certified mail, return receipt 3250
requested, that the application will be withdrawn unless the 3251
applicant, within thirty days after receipt of the notice, 3252
submits the application fee and a one-hundred-dollar penalty to 3253
the superintendent. If the applicant does not submit the 3254
application fee and penalty within that time period, or if any 3255
check or other draft instrument used to pay the fee or penalty 3256
is returned to the superintendent for insufficient funds, the 3257
application shall be withdrawn. 3258

(b) If a check or other draft instrument is returned to 3259
the superintendent for insufficient funds after the certificate 3260
of registration has been issued, the superintendent shall notify 3261
the registrant by certified mail, return receipt requested, that 3262
the certificate of registration issued in reliance on the check 3263
or other draft instrument will be canceled unless the 3264
registrant, within thirty days after receipt of the notice, 3265
submits the application fee and a one-hundred-dollar penalty to 3266
the superintendent. If the registrant does not submit the 3267

application fee and penalty within that time period, or if any 3268
check or other draft instrument used to pay the fee or penalty 3269
is returned to the superintendent for insufficient funds, the 3270
certificate of registration shall be canceled immediately 3271
without a hearing, and the registrant shall cease activity as a 3272
mortgage broker, mortgage lender, or mortgage servicer. 3273

(2) If the application is for a location that is a 3274
residence, evidence that the use of the residence to transact 3275
business as a mortgage lender, mortgage broker, or mortgage 3276
servicer is not prohibited. 3277

(3) The applicant maintains all necessary filings and 3278
approvals required by the secretary of state. 3279

(4) The applicant complies with the surety bond 3280
requirements of section 1322.32 of the Revised Code. 3281

(5) The applicant has not made a material misstatement of 3282
fact or material omission of fact in the application. 3283

(6) Neither the applicant nor any person whose identity is 3284
required to be disclosed on an application for a certificate of 3285
registration has had such a certificate of registration or 3286
mortgage loan originator license, or any comparable authority, 3287
revoked in any governmental jurisdiction or has pleaded guilty 3288
or nolo contendere to or been convicted of a disqualifying 3289
offense as determined in accordance with section 9.79 of the 3290
Revised Code. 3291

(7) The applicant's operations manager successfully 3292
completed the examination required by section 1322.27 of the 3293
Revised Code. 3294

(8) The applicant's financial responsibility, experience, 3295
and general fitness command the confidence of the public and 3296

warrant the belief that the business will be operated honestly, 3297
fairly, and efficiently in compliance with the purposes of this 3298
chapter and the rules adopted thereunder. The superintendent 3299
shall not use a credit score or a bankruptcy as the sole basis 3300
for registration denial. 3301

(B) For purposes of determining whether an applicant that 3302
is a partnership, corporation, or other business entity or 3303
association has met the conditions set forth in divisions (A) (6) 3304
and (8) of this section, the superintendent shall determine 3305
which partners, shareholders, or persons named in the 3306
application must meet those conditions. This determination shall 3307
be based on the extent and nature of the partner's, 3308
shareholder's, or person's ownership interest in the 3309
partnership, corporation, or other business entity or 3310
association that is the applicant and on whether the person is 3311
in a position to direct, control, or adversely influence the 3312
operations of the applicant. 3313

(C) The certificate of registration issued pursuant to 3314
division (A) of this section may be renewed annually on or 3315
before the thirty-first day of December if the superintendent 3316
finds that all of the following conditions are met: 3317

(1) The renewal application is accompanied by a 3318
nonrefundable renewal fee of seven hundred dollars for each 3319
location of an office to be maintained by the applicant in 3320
accordance with division (A) of section 1322.07 of the Revised 3321
Code and any fee required by the nationwide mortgage licensing 3322
system and registry. If a check or other draft instrument is 3323
returned to the superintendent for insufficient funds, the 3324
superintendent shall notify the registrant by certified mail, 3325
return receipt requested, that the certificate of registration 3326

renewed in reliance on the check or other draft instrument will 3327
be canceled unless the registrant, within thirty days after 3328
receipt of the notice, submits the renewal fee and a one- 3329
hundred-dollar penalty to the superintendent. If the registrant 3330
does not submit the renewal fee and penalty within that time 3331
period, or if any check or other draft instrument used to pay 3332
the fee or penalty is returned to the superintendent for 3333
insufficient funds, the certificate of registration shall be 3334
canceled immediately without a hearing and the registrant shall 3335
cease activity as a mortgage broker, mortgage lender, or 3336
mortgage servicer. 3337

(2) The applicant meets the conditions set forth in 3338
divisions (A)(2), (3), (4), (5), (7), and (8) of this section. 3339

(3) Neither the applicant nor any person whose identity is 3340
required to be disclosed on the renewal application has had a 3341
certificate of registration or mortgage loan originator license, 3342
or any comparable authority, revoked in any governmental 3343
jurisdiction or has pleaded guilty or nolo contendere to or been 3344
convicted of any of the following in a domestic, foreign, or 3345
military court: 3346

(a) During the seven-year period immediately preceding the 3347
date of the renewal application but excluding any time before 3348
the certificate of registration was issued, a misdemeanor 3349
involving theft or any felony; 3350

(b) At any time between the date of the original 3351
certificate of registration and the date of the renewal 3352
application, a felony involving an act of fraud, dishonesty, a 3353
breach of trust, theft, or money laundering. 3354

(4) The applicant's certificate of registration is not 3355

subject to an order of suspension or an unpaid and past due fine 3356
imposed by the superintendent. 3357

(D) (1) Subject to division (D) (2) of this section, if a 3358
renewal fee or additional fee required by the nationwide 3359
mortgage licensing system and registry is received by the 3360
superintendent after the thirty-first day of December, the 3361
certificate of registration shall not be considered renewed, and 3362
the applicant shall cease activity as a mortgage lender, 3363
mortgage broker, or mortgage servicer. 3364

(2) Division (D) (1) of this section shall not apply if the 3365
applicant, not later than forty-five days after the renewal 3366
deadline, submits the renewal fee or additional fee and a one- 3367
hundred-fifty-dollar penalty to the superintendent. 3368

(E) Certificates of registration issued under this chapter 3369
annually expire on the thirty-first day of December. 3370

(F) The pardon or expungement of a conviction shall not be 3371
considered a conviction for purposes of this section. 3372

(G) Notwithstanding any provision of this chapter to the 3373
contrary, the superintendent shall issue a certificate of 3374
registration in accordance with Chapter 4796. of the Revised 3375
Code to an applicant if either of the following applies: 3376

(1) The applicant holds a license or certificate of 3377
registration in another state. 3378

(2) The applicant has satisfactory work experience, a 3379
government certification, or a private certification as 3380
described in that chapter as a mortgage broker or mortgage 3381
lender in a state that does not issue that license or 3382
certificate of registration. 3383

Sec. 1322.21. (A) Upon the conclusion of the investigation 3384
required under division (C) of section 1322.20 of the Revised 3385
Code, the superintendent of financial institutions shall issue a 3386
mortgage loan originator license to the applicant if the 3387
superintendent finds that the following conditions are met: 3388

(1) The application is accompanied by the application fee 3389
and any fee required by the nationwide mortgage licensing system 3390
and registry. 3391

(a) If a check or other draft instrument is returned to 3392
the superintendent for insufficient funds, the superintendent 3393
shall notify the applicant by certified mail, return receipt 3394
requested, that the application will be withdrawn unless the 3395
applicant, within thirty days after receipt of the notice, 3396
submits the application fee and a one-hundred-dollar penalty to 3397
the superintendent. If the applicant does not submit the 3398
application fee and penalty within that time period, or if any 3399
check or other draft instrument used to pay the fee or penalty 3400
is returned to the superintendent for insufficient funds, the 3401
application shall be withdrawn. 3402

(b) If a check or other draft instrument is returned to 3403
the superintendent for insufficient funds after the license has 3404
been issued, the superintendent shall notify the licensee by 3405
certified mail, return receipt requested, that the license 3406
issued in reliance on the check or other draft instrument will 3407
be canceled unless the licensee, within thirty days after 3408
receipt of the notice, submits the application fee and a one- 3409
hundred-dollar penalty to the superintendent. If the licensee 3410
does not submit the application fee and penalty within that time 3411
period, or if any check or other draft instrument used to pay 3412
the fee or penalty is returned to the superintendent for 3413

insufficient funds, the license shall be canceled immediately 3414
without a hearing, and the licensee shall cease activity as a 3415
loan originator. 3416

(2) The applicant has not made a material misstatement of 3417
fact or material omission of fact in the application. 3418

(3) The applicant has not been convicted of or pleaded 3419
guilty or nolo contendere to a disqualifying offense as 3420
determined in accordance with section 9.79 of the Revised Code. 3421

(4) The applicant completed the prelicensing instruction 3422
set forth in division (B) of section 1322.20 of the Revised 3423
Code. 3424

(5) The applicant's financial responsibility and general 3425
fitness command the confidence of the public and warrant the 3426
belief that the business will be operated honestly and fairly in 3427
compliance with the purposes of this chapter. The superintendent 3428
shall not use a credit score or bankruptcy as the sole basis for 3429
a license denial. 3430

(6) The applicant is in compliance with the surety bond 3431
requirements of section 1322.32 of the Revised Code. 3432

(7) The applicant has not had a mortgage loan originator 3433
license, or comparable authority, revoked in any governmental 3434
jurisdiction. 3435

(B) The license issued under division (A) of this section 3436
may be renewed annually on or before the thirty-first day of 3437
December if the superintendent finds that all of the following 3438
conditions are met: 3439

(1) The renewal application is accompanied by a 3440
nonrefundable renewal fee of two hundred dollars and any fee 3441

required by the nationwide mortgage licensing system and 3442
registry. If a check or other draft instrument is returned to 3443
the superintendent for insufficient funds, the superintendent 3444
shall notify the licensee by certified mail, return receipt 3445
requested, that the license renewed in reliance on the check or 3446
other draft instrument will be canceled unless the licensee, 3447
within thirty days after receipt of the notice, submits the 3448
renewal fee and a one-hundred-dollar penalty to the 3449
superintendent. If the licensee does not submit the renewal fee 3450
and penalty within that time period, or if any check or other 3451
draft instrument used to pay the fee or penalty is returned to 3452
the superintendent for insufficient funds, the license shall be 3453
canceled immediately without a hearing, and the licensee shall 3454
cease activity as a loan originator. 3455

(2) The applicant has completed at least eight hours of 3456
continuing education as required under section 1322.28 of the 3457
Revised Code. 3458

(3) The applicant meets the conditions set forth in 3459
divisions (A) (2), (4), (5), (6), and (7) of this section. 3460

(4) The applicant has not been convicted of or pleaded 3461
guilty or nolo contendere to any of the following in a domestic, 3462
foreign, or military court: 3463

(a) During the seven-year period immediately preceding the 3464
date of the renewal application but excluding any time before 3465
the license was issued, a misdemeanor involving theft or any 3466
felony; 3467

(b) At any time between the date of the original license 3468
and the date of the renewal application, a felony involving an 3469
act of fraud, dishonesty, a breach of trust, theft, or money 3470

laundering. 3471

(5) The applicant's license is not subject to an order of 3472
suspension or an unpaid and past due fine imposed by the 3473
superintendent. 3474

(C) (1) Subject to division (C) (2) of this section, if a 3475
license renewal application fee, including any fee required by 3476
the nationwide mortgage licensing system and registry, is 3477
received by the superintendent after the thirty-first day of 3478
December, the license shall not be considered renewed, and the 3479
applicant shall cease activity as a mortgage loan originator. 3480

(2) Division (C) (1) of this section shall not apply if the 3481
applicant, not later than forty-five days after the renewal 3482
deadline, submits the renewal application and any other required 3483
fees and a one-hundred-fifty-dollar penalty to the 3484
superintendent. 3485

(D) Mortgage originator licenses annually expire on the 3486
thirty-first day of December. 3487

(E) The pardon or expungement of a conviction shall not be 3488
considered a conviction for purposes of this section. When 3489
determining the eligibility of an applicant, the superintendent 3490
may consider the underlying crime, facts, or circumstances 3491
connected with a pardoned or expunged conviction. 3492

(F) Notwithstanding any provision of this chapter to the 3493
contrary, the superintendent shall issue a mortgage loan 3494
originator license in accordance with Chapter 4796. of the 3495
Revised Code to an applicant if either of the following applies: 3496

(1) The applicant holds a license in another state. 3497

(2) The applicant has satisfactory work experience, a 3498

government certification, or a private certification as 3499
described in that chapter as a mortgage loan originator in a 3500
state that does not issue that license. 3501

Sec. 1513.07. (A) (1) No operator shall conduct a coal 3502
mining operation without a permit for the operation issued by 3503
the chief of the division of mineral resources management. 3504

(2) All permits issued pursuant to this chapter shall be 3505
issued for a term not to exceed five years, except that, if the 3506
applicant demonstrates that a specified longer term is 3507
reasonably needed to allow the applicant to obtain necessary 3508
financing for equipment and the opening of the operation and if 3509
the application is full and complete for the specified longer 3510
term, the chief may grant a permit for the longer term. A 3511
successor in interest to a permittee who applies for a new 3512
permit within thirty days after succeeding to the interest and 3513
who is able to obtain the performance security of the original 3514
permittee may continue coal mining and reclamation operations 3515
according to the approved mining and reclamation plan of the 3516
original permittee until the successor's application is granted 3517
or denied. 3518

(3) A permit shall terminate if the permittee has not 3519
commenced the coal mining operations covered by the permit 3520
within three years after the issuance of the permit, except that 3521
the chief may grant reasonable extensions of the time upon a 3522
showing that the extensions are necessary by reason of 3523
litigation precluding the commencement or threatening 3524
substantial economic loss to the permittee or by reason of 3525
conditions beyond the control and without the fault or 3526
negligence of the permittee, and except that with respect to 3527
coal to be mined for use in a synthetic fuel facility or 3528

specified major electric generating facility, the permittee 3529
shall be deemed to have commenced coal mining operations at the 3530
time construction of the synthetic fuel or generating facility 3531
is initiated. 3532

(4) (a) Any permit issued pursuant to this chapter shall 3533
carry with it the right of successive renewal upon expiration 3534
with respect to areas within the boundaries of the permit. The 3535
holders of the permit may apply for renewal and the renewal 3536
shall be issued unless the chief determines by written findings, 3537
subsequent to fulfillment of the public notice requirements of 3538
this section and section 1513.071 of the Revised Code through 3539
demonstrations by opponents of renewal or otherwise, that one or 3540
more of the following circumstances exists: 3541

(i) The terms and conditions of the existing permit are 3542
not being satisfactorily met. 3543

(ii) The present coal mining and reclamation operation is 3544
not in compliance with the environmental protection standards of 3545
this chapter. 3546

(iii) The renewal requested substantially jeopardizes the 3547
operator's continuing responsibilities on existing permit areas. 3548

(iv) The applicant has not provided evidence that the 3549
performance security in effect for the operation will continue 3550
in effect for any renewal requested in the application. 3551

(v) Any additional, revised, or updated information 3552
required by the chief has not been provided. Prior to the 3553
approval of any renewal of a permit, the chief shall provide 3554
notice to the appropriate public authorities as prescribed by 3555
rule of the chief. 3556

(b) If an application for renewal of a valid permit 3557

includes a proposal to extend the mining operation beyond the 3558
boundaries authorized in the existing permit, the portion of the 3559
application for renewal of a valid permit that addresses any new 3560
land areas shall be subject to the full standards applicable to 3561
new applications under this chapter. 3562

(c) A permit renewal shall be for a term not to exceed the 3563
period of the original permit established by this chapter. 3564
Application for permit renewal shall be made at least one 3565
hundred twenty days prior to the expiration of the valid permit. 3566

(5) A permit issued pursuant to this chapter does not 3567
eliminate the requirements for obtaining a permit to install or 3568
modify a disposal system or any part thereof or to discharge 3569
sewage, industrial waste, or other wastes into the waters of the 3570
state in accordance with Chapter 6111. of the Revised Code. 3571

(B) (1) The permit application shall be submitted in a 3572
manner satisfactory to the chief and shall contain, among other 3573
things, all of the following: 3574

(a) The names and addresses of all of the following: 3575

(i) The permit applicant; 3576

(ii) Every legal owner of record of the property, surface 3577
and mineral, to be mined; 3578

(iii) The holders of record of any leasehold interest in 3579
the property; 3580

(iv) Any purchaser of record of the property under a real 3581
estate contract; 3582

(v) The operator if different from the applicant; 3583

(vi) If any of these are business entities other than a 3584

single proprietor, the names and addresses of the principals, 3585
officers, and statutory agent for service of process. 3586

(b) The names and addresses of the owners of record of all 3587
surface and subsurface areas adjacent to any part of the permit 3588
area; 3589

(c) A statement of any current or previous coal mining 3590
permits in the United States held by the applicant, the permit 3591
identification, and any pending applications; 3592

(d) If the applicant is a partnership, corporation, 3593
association, or other business entity, the following where 3594
applicable: the names and addresses of every officer, partner, 3595
director, or person performing a function similar to a director, 3596
of the applicant, the name and address of any person owning, of 3597
record, ten per cent or more of any class of voting stock of the 3598
applicant, a list of all names under which the applicant, 3599
partner, or principal shareholder previously operated a coal 3600
mining operation within the United States within the five-year 3601
period preceding the date of submission of the application, and 3602
a list of the person or persons primarily responsible for 3603
ensuring that the applicant complies with the requirements of 3604
this chapter and rules adopted pursuant thereto while mining and 3605
reclaiming under the permit; 3606

(e) A statement of whether the applicant, any subsidiary, 3607
affiliate, or persons controlled by or under common control with 3608
the applicant, any partner if the applicant is a partnership, 3609
any officer, principal shareholder, or director if the applicant 3610
is a corporation, or any other person who has a right to control 3611
or in fact controls the management of the applicant or the 3612
selection of officers, directors, or managers of the applicant: 3613

(i) Has ever held a federal or state coal mining permit 3614
that in the five-year period prior to the date of submission of 3615
the application has been suspended or revoked or has had a coal 3616
mining bond, performance security, or similar security deposited 3617
in lieu of bond forfeited and, if so, a brief explanation of the 3618
facts involved; 3619

(ii) Has been an officer, partner, director, principal 3620
shareholder, or person having the right to control or has in 3621
fact controlled the management of or the selection of officers, 3622
directors, or managers of a business entity that has had a coal 3623
mining or surface mining permit that in the five-year period 3624
prior to the date of submission of the application has been 3625
suspended or revoked or has had a coal mining or surface mining 3626
bond, performance security, or similar security deposited in 3627
lieu of bond forfeited and, if so, a brief explanation of the 3628
facts involved. 3629

(f) A copy of the applicant's advertisement to be 3630
published in a newspaper of general circulation in the locality 3631
of the proposed site at least once a week for four successive 3632
weeks, which shall include the ownership of the proposed mine, a 3633
description of the exact location and boundaries of the proposed 3634
site sufficient to make the proposed operation readily 3635
identifiable by local residents, and the location where the 3636
application is available for public inspection; 3637

(g) A description of the type and method of coal mining 3638
operation that exists or is proposed, the engineering techniques 3639
proposed or used, and the equipment used or proposed to be used; 3640

(h) The anticipated or actual starting and termination 3641
dates of each phase of the mining operation and number of acres 3642
of land to be affected; 3643

(i) An accurate map or plan, to an appropriate scale, 3644
clearly showing the land to be affected, the land upon which the 3645
applicant has the legal right to enter and commence coal mining 3646
operations, and the land for which the applicant will acquire 3647
the legal right to enter and commence coal mining operations 3648
during the term of the permit, copies of those documents upon 3649
which is based the applicant's legal right to enter and commence 3650
coal mining operations or a notarized statement describing the 3651
applicant's legal right to enter and commence coal mining 3652
operations, and a statement whether that right is the subject of 3653
pending litigation. This chapter does not authorize the chief to 3654
adjudicate property title disputes. 3655

(j) The name of the watershed and location of the surface 3656
stream or tributary into which drainage from the operation will 3657
be discharged; 3658

(k) A determination of the probable hydrologic 3659
consequences of the mining and reclamation operations, both on 3660
and off the mine site, with respect to the hydrologic regime, 3661
providing information on the quantity and quality of water in 3662
surface and ground water systems including the dissolved and 3663
suspended solids under seasonal flow conditions and the 3664
collection of sufficient data for the mine site and surrounding 3665
areas so that an assessment can be made by the chief of the 3666
probable cumulative impacts of all anticipated mining in the 3667
area upon the hydrology of the area and particularly upon water 3668
availability, but this determination shall not be required until 3669
hydrologic information of the general area prior to mining is 3670
made available from an appropriate federal or state agency; 3671
however, the permit shall not be approved until the information 3672
is available and is incorporated into the application; 3673

(l) When requested by the chief, the climatological 3674
factors that are peculiar to the locality of the land to be 3675
affected, including the average seasonal precipitation, the 3676
average direction and velocity of prevailing winds, and the 3677
seasonal temperature ranges; 3678

(m) Accurate maps prepared by or under the direction of 3679
and certified by a qualified registered professional engineer, 3680
registered surveyor, or licensed landscape architect to an 3681
appropriate scale clearly showing all types of information set 3682
forth on topographical maps of the United States geological 3683
survey of a scale of not more than four hundred feet to the 3684
inch, including all artificial features and significant known 3685
archeological sites. The map, among other things specified by 3686
the chief, shall show all boundaries of the land to be affected, 3687
the boundary lines and names of present owners of record of all 3688
surface areas abutting the permit area, and the location of all 3689
buildings within one thousand feet of the permit area. 3690

(n) (i) Cross-section maps or plans of the land to be 3691
affected including the actual area to be mined, prepared by or 3692
under the direction of and certified by a qualified registered 3693
professional engineer or certified professional geologist with 3694
assistance from experts in related fields such as hydrology, 3695
hydrogeology, geology, and landscape architecture, showing 3696
pertinent elevations and locations of test borings or core 3697
samplings and depicting the following information: the nature 3698
and depth of the various strata of overburden; the nature and 3699
thickness of any coal or rider seam above the coal seam to be 3700
mined; the nature of the stratum immediately beneath the coal 3701
seam to be mined; all mineral crop lines and the strike and dip 3702
of the coal to be mined within the area to be affected; existing 3703
or previous coal mining limits; the location and extent of known 3704

workings of any underground mines, including mine openings to 3705
the surface; the location of spoil, waste, or refuse areas and 3706
topsoil preservation areas; the location of all impoundments for 3707
waste or erosion control; any settling or water treatment 3708
facility; constructed or natural drainways and the location of 3709
any discharges to any surface body of water on the land to be 3710
affected or adjacent thereto; profiles at appropriate cross 3711
sections of the anticipated final surface configuration that 3712
will be achieved pursuant to the operator's proposed reclamation 3713
plan; the location of subsurface water, if encountered; the 3714
location and quality of aquifers; and the estimated elevation of 3715
the water table. Registered surveyors shall be allowed to 3716
perform all plans, maps, and certifications under this chapter 3717
as they are authorized under Chapter 4733. of the Revised Code. 3718

(ii) A statement of the quality and locations of 3719
subsurface water. The chief shall provide by rule the number of 3720
locations to be sampled, frequency of collection, and parameters 3721
to be analyzed to obtain the statement required. 3722

(o) A statement of the results of test borings or core 3723
samplings from the permit area, including logs of the drill 3724
holes, the thickness of the coal seam found, an analysis of the 3725
chemical properties of the coal, the sulfur content of any coal 3726
seam, chemical analysis of potentially acid or toxic forming 3727
sections of the overburden, and chemical analysis of the stratum 3728
lying immediately underneath the coal to be mined, except that 3729
this division may be waived by the chief with respect to the 3730
specific application by a written determination that its 3731
requirements are unnecessary. If the test borings or core 3732
samplings from the permit area indicate the existence of 3733
potentially acid forming or toxic forming quantities of sulfur 3734
in the coal or overburden to be disturbed by mining, the 3735

application also shall include a statement of the acid 3736
generating potential and the acid neutralizing potential of the 3737
rock strata to be disturbed as calculated in accordance with the 3738
calculation method established under section 1513.075 of the 3739
Revised Code or with another calculation method. 3740

(p) For those lands in the permit application that a 3741
reconnaissance inspection suggests may be prime farmlands, a 3742
soil survey shall be made or obtained according to standards 3743
established by the secretary of the United States department of 3744
agriculture in order to confirm the exact location of the prime 3745
farmlands, if any; 3746

(q) A certificate issued by an insurance company 3747
authorized to do business in this state certifying that the 3748
applicant has a public liability insurance policy in force for 3749
the coal mining and reclamation operations for which the permit 3750
is sought or evidence that the applicant has satisfied other 3751
state self-insurance requirements. The policy shall provide for 3752
personal injury and property damage protection in an amount 3753
adequate to compensate any persons damaged as a result of coal 3754
mining and reclamation operations, including the use of 3755
explosives, and entitled to compensation under the applicable 3756
provisions of state law. The policy shall be maintained in 3757
effect during the term of the permit or any renewal, including 3758
the length of all reclamation operations. The insurance company 3759
shall give prompt notice to the permittee and the chief if the 3760
public liability insurance policy lapses for any reason 3761
including the nonpayment of insurance premiums. Upon the lapse 3762
of the policy, the chief may suspend the permit and all other 3763
outstanding permits until proper insurance coverage is obtained. 3764

(r) The business telephone number of the applicant; 3765

(s) If the applicant seeks an authorization under division 3766
(E) (7) of this section to conduct coal mining and reclamation 3767
operations on areas to be covered by the permit that were 3768
affected by coal mining operations before August 3, 1977, that 3769
have resulted in continuing water pollution from or on the 3770
previously mined areas, such additional information pertaining 3771
to those previously mined areas as may be required by the chief, 3772
including, without limitation, maps, plans, cross sections, data 3773
necessary to determine existing water quality from or on those 3774
areas with respect to pH, iron, and manganese, and a pollution 3775
abatement plan that may improve water quality from or on those 3776
areas with respect to pH, iron, and manganese. 3777

(2) Information pertaining to coal seams, test borings, 3778
core samplings, or soil samples as required by this section 3779
shall be made available by the chief to any person with an 3780
interest that is or may be adversely affected, except that 3781
information that pertains only to the analysis of the chemical 3782
and physical properties of the coal, excluding information 3783
regarding mineral or elemental content that is potentially toxic 3784
in the environment, shall be kept confidential and not made a 3785
matter of public record. 3786

(3) (a) If the chief finds that the probable total annual 3787
production at all locations of any operator will not exceed 3788
three hundred thousand tons, the following activities, upon the 3789
written request of the operator in connection with a permit 3790
application, shall be performed by a qualified public or private 3791
laboratory or another public or private qualified entity 3792
designated by the chief, and the cost of the activities shall be 3793
assumed by the chief, provided that sufficient moneys for such 3794
assistance are available: 3795

(i) The determination of probable hydrologic consequences required under division (B) (1) (k) of this section;	3796 3797
(ii) The development of cross-section maps and plans required under division (B) (1) (n) (i) of this section;	3798 3799
(iii) The geologic drilling and statement of results of test borings and core samplings required under division (B) (1) (o) of this section;	3800 3801 3802
(iv) The collection of archaeological information required under division (B) (1) (m) of this section and any other archaeological and historical information required by the chief, and the preparation of plans necessitated thereby;	3803 3804 3805 3806
(v) Pre-blast surveys required under division (E) <u>(B) (5)</u> of section 1513.161 of the Revised Code;	3807 3808
(vi) The collection of site-specific resource information and production of protection and enhancement plans for fish and wildlife habitats and other environmental values required by the chief under this chapter.	3809 3810 3811 3812
(b) A coal operator that has received assistance under division (B) (3) (a) of this section shall reimburse the chief for the cost of the services rendered if the chief finds that the operator's actual and attributed annual production of coal for all locations exceeds three hundred thousand tons during the twelve months immediately following the date on which the operator was issued a coal mining and reclamation permit.	3813 3814 3815 3816 3817 3818 3819
(4) Each applicant for a permit shall submit to the chief as part of the permit application a reclamation plan that meets the requirements of this chapter.	3820 3821 3822
(5) Each applicant for a coal mining and reclamation	3823

permit shall file a copy of the application for a permit, 3824
excluding that information pertaining to the coal seam itself, 3825
for public inspection with the county recorder or an appropriate 3826
public office approved by the chief in the county where the 3827
mining is proposed to occur. 3828

(6) Each applicant for a coal mining and reclamation 3829
permit shall submit to the chief as part of the permit 3830
application a blasting plan that describes the procedures and 3831
standards by which the operator will comply with section 3832
1513.161 of the Revised Code. 3833

(C) Each reclamation plan submitted as part of a permit 3834
application shall include, in the detail necessary to 3835
demonstrate that reclamation required by this chapter can be 3836
accomplished and in the detail necessary for the chief to 3837
determine the estimated cost of reclamation if the reclamation 3838
has to be performed by the division of mineral resources 3839
management in the event of forfeiture of the performance 3840
security by the applicant, a statement of: 3841

(1) The identification of the lands subject to coal mining 3842
operations over the estimated life of those operations and the 3843
size, sequence, and timing of the subareas for which it is 3844
anticipated that individual permits for mining will be sought; 3845

(2) The condition of the land to be covered by the permit 3846
prior to any mining, including all of the following: 3847

(a) The uses existing at the time of the application and, 3848
if the land has a history of previous mining, the uses that 3849
preceded any mining; 3850

(b) The capability of the land prior to any mining to 3851
support a variety of uses, giving consideration to soil and 3852

foundation characteristics, topography, and vegetative cover 3853
and, if applicable, a soil survey prepared pursuant to division 3854
(B) (1) (p) of this section; 3855

(c) The productivity of the land prior to mining, 3856
including appropriate classification as prime farmlands as well 3857
as the average yield of food, fiber, forage, or wood products 3858
obtained from the land under high levels of management. 3859

(3) The use that is proposed to be made of the land 3860
following reclamation, including information regarding the 3861
utility and capacity of the reclaimed land to support a variety 3862
of alternative uses, the relationship of the proposed use to 3863
existing land use policies and plans, and the comments of any 3864
owner of the land and state and local governments or agencies 3865
thereof that would have to initiate, implement, approve, or 3866
authorize the proposed use of the land following reclamation; 3867

(4) A detailed description of how the proposed postmining 3868
land use is to be achieved and the necessary support activities 3869
that may be needed to achieve the proposed land use; 3870

(5) The engineering techniques proposed to be used in 3871
mining and reclamation and a description of the major equipment; 3872
a plan for the control of surface water drainage and of water 3873
accumulation; a plan, where appropriate, for backfilling, soil 3874
stabilization, and compacting, grading, and appropriate 3875
revegetation; a plan for soil reconstruction, replacement, and 3876
stabilization, pursuant to the performance standards in section 3877
1513.16 of the Revised Code, for those food, forage, and forest 3878
lands identified in that section; and a statement as to how the 3879
permittee plans to comply with each of the requirements set out 3880
in section 1513.16 of the Revised Code; 3881

(6) A description of the means by which the utilization	3882
and conservation of the solid fuel resource being recovered will	3883
be maximized so that re-affecting the land in the future can be	3884
minimized;	3885
(7) A detailed estimated timetable for the accomplishment	3886
of each major step in the reclamation plan;	3887
(8) A description of the degree to which the coal mining	3888
and reclamation operations are consistent with surface owner	3889
plans and applicable state and local land use plans and	3890
programs;	3891
(9) The steps to be taken to comply with applicable air	3892
and water quality laws and regulations and any applicable health	3893
and safety standards;	3894
(10) A description of the degree to which the reclamation	3895
plan is consistent with local physical, environmental, and	3896
climatological conditions;	3897
(11) A description of all lands, interests in lands, or	3898
options on such interests held by the applicant or pending bids	3899
on interests in lands by the applicant, which lands are	3900
contiguous to the area to be covered by the permit;	3901
(12) The results of test borings that the applicant has	3902
made at the area to be covered by the permit, or other	3903
equivalent information and data in a form satisfactory to the	3904
chief, including the location of subsurface water, and an	3905
analysis of the chemical properties, including acid forming	3906
properties of the mineral and overburden; except that	3907
information that pertains only to the analysis of the chemical	3908
and physical properties of the coal, excluding information	3909
regarding mineral or elemental contents that are potentially	3910

toxic in the environment, shall be kept confidential and not 3911
made a matter of public record; 3912

(13) A detailed description of the measures to be taken 3913
during the mining and reclamation process to ensure the 3914
protection of all of the following: 3915

(a) The quality of surface and ground water systems, both 3916
on- and off-site, from adverse effects of the mining and 3917
reclamation process; 3918

(b) The rights of present users to such water; 3919

(c) The quantity of surface and ground water systems, both 3920
on- and off-site, from adverse effects of the mining and 3921
reclamation process or, where such protection of quantity cannot 3922
be assured, provision of alternative sources of water. 3923

(14) Any other requirements the chief prescribes by rule. 3924

(D) (1) Any information required by division (C) of this 3925
section that is not on public file pursuant to this chapter 3926
shall be held in confidence by the chief. 3927

(2) With regard to requests for an exemption from the 3928
requirements of this chapter for coal extraction incidental to 3929
the extraction of other minerals, as described in division (H) 3930
(1) (a) of section 1513.01 of the Revised Code, confidential 3931
information includes and is limited to information concerning 3932
trade secrets or privileged commercial or financial information 3933
relating to the competitive rights of the persons intending to 3934
conduct the extraction of minerals. 3935

(E) (1) Upon the basis of a complete mining application and 3936
reclamation plan or a revision or renewal thereof, as required 3937
by this chapter, and information obtained as a result of public 3938

notification and public hearing, if any, as provided by section 3939
1513.071 of the Revised Code, the chief shall grant, require 3940
modification of, or deny the application for a permit and notify 3941
the applicant in writing in accordance with division (I) (3) of 3942
this section. An application is deemed to be complete as 3943
submitted to the chief unless the chief, within fourteen days of 3944
the submission, identifies deficiencies in the application in 3945
writing and subsequently submits a copy of a written list of 3946
deficiencies to the applicant. An application shall not be 3947
considered incomplete or denied by reason of right of entry 3948
documentation, provided that the applicant documents the 3949
applicant's legal right to enter and mine at least sixty-seven 3950
per cent of the total area for which coal mining operations are 3951
proposed. 3952

A decision of the chief denying a permit shall state in 3953
writing the specific reasons for the denial. 3954

The applicant for a permit or revision of a permit has the 3955
burden of establishing that the application is in compliance 3956
with all the requirements of this chapter. Within ten days after 3957
the granting of a permit, the chief shall notify the boards of 3958
township trustees and county commissioners, the mayor, and the 3959
legislative authority in the township, county, and municipal 3960
corporation in which the area of land to be affected is located 3961
that a permit has been issued and shall describe the location of 3962
the land. However, failure of the chief to notify the local 3963
officials shall not affect the status of the permit. 3964

(2) No permit application or application for revision of 3965
an existing permit shall be approved unless the application 3966
affirmatively demonstrates and the chief finds in writing on the 3967
basis of the information set forth in the application or from 3968

information otherwise available, which shall be documented in 3969
the approval and made available to the applicant, all of the 3970
following: 3971

(a) The application is accurate and complete and all the 3972
requirements of this chapter have been complied with. 3973

(b) The applicant has demonstrated that the reclamation 3974
required by this chapter can be accomplished under the 3975
reclamation plan contained in the application. 3976

(c) (i) Assessment of the probable cumulative impact of all 3977
anticipated mining in the general and adjacent area on the 3978
hydrologic balance specified in division (B) (1) (k) of this 3979
section has been made by the chief, and the proposed operation 3980
has been designed to prevent material damage to hydrologic 3981
balance outside the permit area. 3982

(ii) There shall be an ongoing process conducted by the 3983
chief in cooperation with other state and federal agencies to 3984
review all assessments of probable cumulative impact of coal 3985
mining in light of post-mining data and any other hydrologic 3986
information as it becomes available to determine if the 3987
assessments were realistic. The chief shall take appropriate 3988
action as indicated in the review process. 3989

(d) The area proposed to be mined is not included within 3990
an area designated unsuitable for coal mining pursuant to 3991
section 1513.073 of the Revised Code or is not within an area 3992
under study for such designation in an administrative proceeding 3993
commenced pursuant to division (A) (3) (c) or (B) of section 3994
1513.073 of the Revised Code unless in an area as to which an 3995
administrative proceeding has commenced pursuant to division (A) 3996
(3) (c) or (B) of section 1513.073 of the Revised Code, the 3997

operator making the permit application demonstrates that, prior 3998
to January 1, 1977, the operator made substantial legal and 3999
financial commitments in relation to the operation for which a 4000
permit is sought. 4001

(e) In cases where the private mineral estate has been 4002
severed from the private surface estate and surface disturbance 4003
will result from the applicant's proposed use of a strip mining 4004
method, the applicant has submitted to the chief one of the 4005
following: 4006

(i) The written consent of the surface owner to the 4007
surface disturbance that will result from the extraction of coal 4008
by the applicant's proposed strip mining method; 4009

(ii) A conveyance that expressly grants or reserves the 4010
right to extract the coal by strip mining methods that cause 4011
surface disturbance; 4012

(iii) If the conveyance does not expressly grant the right 4013
to extract coal by strip mining methods that cause surface 4014
disturbance, the surface-subsurface legal relationship 4015
concerning surface disturbance shall be determined under the law 4016
of this state. This chapter does not authorize the chief to 4017
adjudicate property rights disputes. 4018

(3) (a) The applicant shall file with the permit 4019
application a schedule listing all notices of violations of any 4020
law, rule, or regulation of the United States or of any 4021
department or agency thereof or of any state pertaining to air 4022
or water environmental protection incurred by the applicant in 4023
connection with any coal mining operation during the three-year 4024
period prior to the date of application. The schedule also shall 4025
indicate the final resolution of such a notice of violation. 4026

Upon receipt of an application, the chief shall provide a 4027
schedule listing all notices of violations of this chapter 4028
pertaining to air or water environmental protection incurred by 4029
the applicant during the three-year period prior to receipt of 4030
the application and the final resolution of all such notices of 4031
violation. The chief shall provide this schedule to the 4032
applicant for filing by the applicant with the application filed 4033
for public review, as required by division (B) (5) of this 4034
section. When the schedule or other information available to the 4035
chief indicates that any coal mining operation owned or 4036
controlled by the applicant is currently in violation of such 4037
laws, the permit shall not be issued until the applicant submits 4038
proof that the violation has been corrected or is in the process 4039
of being corrected to the satisfaction of the regulatory 4040
authority, department, or agency that has jurisdiction over the 4041
violation and that any civil penalties owed to the state for a 4042
violation and not the subject of an appeal have been paid. No 4043
permit shall be issued to an applicant after a finding by the 4044
chief that the applicant or the operator specified in the 4045
application controls or has controlled mining operations with a 4046
demonstrated pattern of willful violations of this chapter of a 4047
nature and duration to result in irreparable damage to the 4048
environment as to indicate an intent not to comply with or a 4049
disregard of this chapter. 4050

(b) For the purposes of division (E) (3) (a) of this 4051
section, any violation resulting from an unanticipated event or 4052
condition at a surface coal mining operation on lands eligible 4053
for remining under a permit held by the person submitting an 4054
application for a coal mining permit under this section shall 4055
not prevent issuance of that permit. As used in this division, 4056
"unanticipated event or condition" means an event or condition 4057

encountered in a remining operation that was not contemplated by 4058
the applicable surface coal mining and reclamation permit. 4059

(4) (a) In addition to finding the application in 4060
compliance with division (E) (2) of this section, if the area 4061
proposed to be mined contains prime farmland as determined 4062
pursuant to division (B) (1) (p) of this section, the chief, after 4063
consultation with the secretary of the United States department 4064
of agriculture and pursuant to regulations issued by the 4065
secretary of the interior with the concurrence of the secretary 4066
of agriculture, may grant a permit to mine on prime farmland if 4067
the chief finds in writing that the operator has the 4068
technological capability to restore the mined area, within a 4069
reasonable time, to equivalent or higher levels of yield as 4070
nonmined prime farmland in the surrounding area under equivalent 4071
levels of management and can meet the soil reconstruction 4072
standards in section 1513.16 of the Revised Code. 4073

(b) Division (E) (4) (a) of this section does not apply to a 4074
permit issued prior to August 3, 1977, or revisions or renewals 4075
thereof. 4076

(5) The chief shall issue an order denying a permit after 4077
finding that the applicant has misrepresented or omitted any 4078
material fact in the application for the permit. 4079

(6) The chief may issue an order denying a permit after 4080
finding that the applicant, any partner, if the applicant is a 4081
partnership, any officer, principal shareholder, or director, if 4082
the applicant is a corporation, or any other person who has a 4083
right to control or in fact controls the management of the 4084
applicant or the selection of officers, directors, or managers 4085
of the applicant has been a sole proprietor or partner, officer, 4086
director, principal shareholder, or person having the right to 4087

control or has in fact controlled the management of or the 4088
selection of officers, directors, or managers of a business 4089
entity that ever has had a coal mining license or permit issued 4090
by this or any other state or the United States suspended or 4091
revoked, ever has forfeited a coal or surface mining bond, 4092
performance security, or similar security deposited in lieu of 4093
bond in this or any other state or with the United States, or 4094
ever has substantially or materially failed to comply with this 4095
chapter. 4096

(7) When issuing a permit under this section, the chief 4097
may authorize an applicant to conduct coal mining and 4098
reclamation operations on areas to be covered by the permit that 4099
were affected by coal mining operations before August 3, 1977, 4100
that have resulted in continuing water pollution from or on the 4101
previously mined areas for the purpose of potentially reducing 4102
the pollution loadings of pH, iron, and manganese from 4103
discharges from or on the previously mined areas. Following the 4104
chief's authorization to conduct such operations on those areas, 4105
the areas shall be designated as pollution abatement areas for 4106
the purposes of this chapter. 4107

The chief shall not grant an authorization under division 4108
(E) (7) of this section to conduct coal mining and reclamation 4109
operations on any such previously mined areas unless the 4110
applicant demonstrates to the chief's satisfaction that all of 4111
the following conditions are met: 4112

(a) The applicant's pollution abatement plan for mining 4113
and reclaiming the previously mined areas represents the best 4114
available technology economically achievable. 4115

(b) Implementation of the plan will potentially reduce 4116
pollutant loadings of pH, iron, and manganese resulting from 4117

discharges of surface waters or ground water from or on the 4118
previously mined areas within the permit area. 4119

(c) Implementation of the plan will not cause any 4120
additional degradation of surface water quality off the permit 4121
area with respect to pH, iron, and manganese. 4122

(d) Implementation of the plan will not cause any 4123
additional degradation of ground water. 4124

(e) The plan meets the requirements governing mining and 4125
reclamation of such previously mined pollution abatement areas 4126
established by the chief in rules adopted under section 1513.02 4127
of the Revised Code. 4128

(f) Neither the applicant; any partner, if the applicant 4129
is a partnership; any officer, principal shareholder, or 4130
director, if the applicant is a corporation; any other person 4131
who has a right to control or in fact controls the management of 4132
the applicant or the selection of officers, directors, or 4133
managers of the applicant; nor any contractor or subcontractor 4134
of the applicant, has any of the following: 4135

(i) Responsibility or liability under this chapter or 4136
rules adopted under it as an operator for treating the 4137
discharges of water pollutants from or on the previously mined 4138
areas for which the authorization is sought; 4139

(ii) Any responsibility or liability under this chapter or 4140
rules adopted under it for reclaiming the previously mined areas 4141
for which the authorization is sought; 4142

(iii) During the eighteen months prior to submitting the 4143
permit application requesting an authorization under division 4144
(E) (7) of this section, had a coal mining and reclamation permit 4145
suspended or revoked under division (D) (3) of section 1513.02 of 4146

the Revised Code for violating this chapter or Chapter 6111. of 4147
the Revised Code or rules adopted under them with respect to 4148
water quality, effluent limitations, or surface or ground water 4149
monitoring; 4150

(iv) Ever forfeited a coal or surface mining bond, 4151
performance security, or similar security deposited in lieu of a 4152
bond in this or any other state or with the United States. 4153

(8) In the case of the issuance of a permit that involves 4154
a conflict of results between various methods of calculating 4155
potential acidity and neutralization potential for purposes of 4156
assessing the potential for acid mine drainage to occur at a 4157
mine site, the permit shall include provisions for monitoring 4158
and record keeping to identify the creation of unanticipated 4159
acid water at the mine site. If the monitoring detects the 4160
creation of acid water at the site, the permit shall impose on 4161
the permittee additional requirements regarding mining practices 4162
and site reclamation to prevent the discharge of acid mine 4163
drainage from the mine site. As used in division (E) (8) of this 4164
section, "potential acidity" and "neutralization potential" have 4165
the same meanings as in section 1513.075 of the Revised Code. 4166

(F) (1) During the term of the permit, the permittee may 4167
submit an application for a revision of the permit, together 4168
with a revised reclamation plan, to the chief. 4169

(2) An application for a revision of a permit shall not be 4170
approved unless the chief finds that reclamation required by 4171
this chapter can be accomplished under the revised reclamation 4172
plan. The revision shall be approved or disapproved within 4173
ninety days after receipt of a complete revision application. 4174
The chief shall establish, by rule, criteria for determining the 4175
extent to which all permit application information requirements 4176

and procedures, including notice and hearings, shall apply to 4177
the revision request, except that any revisions that propose 4178
significant alterations in the reclamation plan, at a minimum, 4179
shall be subject to notice and hearing requirements. 4180

(3) Any extensions to the area covered by the permit 4181
except incidental boundary revisions shall be made by 4182
application for a permit. 4183

(4) Documents or a notarized statement that form the basis 4184
of the applicant's legal right to enter and commence coal mining 4185
operations on land that is located within an area covered by the 4186
permit and that was legally acquired subsequent to the issuance 4187
of the permit for the area shall be submitted with an 4188
application for a revision of the permit. 4189

(G) No transfer, assignment, or sale of the rights granted 4190
under a permit issued pursuant to this chapter shall be made 4191
without the written approval of the chief. 4192

(H) The chief, within a time limit prescribed in the 4193
chief's rules, shall review outstanding permits and may require 4194
reasonable revision or modification of a permit. A revision or 4195
modification shall be based upon a written finding and subject 4196
to notice and hearing requirements established by rule of the 4197
chief. 4198

(I) (1) If an informal conference has been held pursuant to 4199
section 1513.071 of the Revised Code, the chief shall issue and 4200
furnish the applicant for a permit, persons who participated in 4201
the informal conference, and persons who filed written 4202
objections pursuant to division (B) of section 1513.071 of the 4203
Revised Code, with the written finding of the chief granting or 4204
denying the permit in whole or in part and stating the reasons 4205

therefor within sixty days of the conference, provided that the chief shall comply with the time frames established in division (I) (3) of this section.

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

(3) The chief shall grant or deny a permit not later than two hundred forty days after the submission of a complete application for the permit. Any time during which the applicant is making revisions to an application or providing additional information requested by the chief regarding an application shall not be included in the two hundred forty days. If the chief determines that a permit cannot be granted or denied within the two-hundred-forty-day time frame, the chief, not later than two hundred ten days after the submission of a complete application for the permit, shall provide the applicant with written notice of the expected delay.

(4) If the application is approved, the permit shall be issued. However, the permit shall prohibit the commencement of coal mining operations on any land that is located within an area covered by the permit if the permittee has not provided to the chief documents that form the basis of the permittee's legal right to enter and conduct coal mining operations on that land. If the application is disapproved, specific reasons therefor shall be set forth in the notification. Within thirty days after the applicant is notified of the final decision of the chief on the permit application, the applicant or any person with an

interest that is or may be adversely affected may appeal the 4236
decision to the reclamation commission pursuant to section 4237
1513.13 of the Revised Code. 4238

(5) Any applicant or any person with an interest that is 4239
or may be adversely affected who has participated in the 4240
administrative proceedings as an objector and is aggrieved by 4241
the decision of the reclamation commission, or if the commission 4242
fails to act within the time limits specified in this chapter, 4243
may appeal in accordance with section 1513.14 of the Revised 4244
Code. 4245

Sec. 1513.161. (A) An operator shall use explosives only 4246
in accordance with Chapter 1567. of the Revised Code and rules 4247
adopted pursuant thereto by the chief of the division of mineral 4248
resources management, and in accordance with this section and 4249
rules adopted pursuant thereto by the chief, and in accordance 4250
with all applicable federal laws and regulations. If, in any 4251
situation involving a coal mining operation, except when 4252
underground coal mining is part or all of the coal mining 4253
operation, a rule adopted pursuant to Chapter 1567. of the 4254
Revised Code is in conflict with a rule adopted pursuant to this 4255
section, the rule adopted pursuant to this section prevails. 4256
When underground coal mining is part or all of the coal mining 4257
operation, the rule adopted pursuant to Chapter 1567. of the 4258
Revised Code prevails. 4259

Before an explosive is set off, sufficient warning shall 4260
be given to allow any person in or approaching the area ample 4261
time to retreat a safe distance. 4262

No blasting shall be done between the hours of sunset and 4263
sunrise. 4264

(B) The chief shall adopt rules to: 4265

~~(A)~~ (1) Provide adequate advance written notice to local 4266
governments and residents who might be affected by the use of 4267
explosives by publication of the planned blasting schedule in a 4268
newspaper of general circulation in the locality of the coal 4269
mining operation, by mailing a copy of the proposed blasting 4270
schedule to every resident living within one-half mile of the 4271
proposed blasting site, and by providing daily notice to 4272
residents or occupants in such areas prior to any blasting; 4273

~~(B)~~ (2) Maintain for a period of at least three years and 4274
make available for public inspection upon request a log 4275
detailing the location of the blasts, the pattern and depth of 4276
the drill holes, the amount of explosives used per hole, and the 4277
order and length of delay in the blasts; 4278

~~(C)~~ (3) Limit the type of explosives and detonating 4279
equipment, the size, and the timing and frequency of blasts 4280
based upon the physical conditions of the site so as to prevent: 4281

~~(1)~~ (a) Injury to persons; 4282

~~(2)~~ (b) Damage to public and private property outside the 4283
permit area; 4284

~~(3)~~ (c) Adverse impacts on any underground mine; 4285

~~(4)~~ (d) Change in the course, channel, or availability of 4286
ground or surface water outside the permit area. 4287

~~(D)~~ (4) Require that all blasting operations be conducted 4288
by trained and competent persons as certified by the chief; 4289

~~(E)~~ (5) Provide that upon the request of a resident or 4290
owner of an artificial dwelling or structure or water supply 4291
within one-half mile of any portion of the permit area, the 4292

applicant or permittee shall conduct a preblasting survey of the 4293
structures or water supply and submit the survey to the chief 4294
and a copy to the resident or owner making the request. The area 4295
of the survey shall be decided by the chief and shall include 4296
such provisions as the chief prescribes. 4297

~~(F) Require~~ (6) Except as provided in division (C) of this 4298
section, require the training, examination, and certification of 4299
persons engaging in or directly responsible for blasting or use 4300
of explosives in coal mining operations. 4301

(C) The chief shall issue a certificate for blasting or 4302
use of explosives in coal mining operations in accordance with 4303
Chapter 4796. of the Revised Code to an applicant if either of 4304
the following applies: 4305

(1) The applicant holds a license or certificate in 4306
another state. 4307

(2) The applicant has satisfactory work experience, a 4308
government certification, or a private certification as 4309
described in that chapter as a blaster or user of explosives in 4310
coal mining operations in a state that does not issue that 4311
license or certificate. 4312

(D) The chief, by rule or order, may prohibit blasting in 4313
specific areas where the safety of the public would be 4314
endangered. 4315

(E) No person shall use explosives in violation of this 4316
section, a rule adopted thereunder, or an order of the chief. 4317

Sec. 1514.12. (A) Explosives shall be used in a manner 4318
that prevents injury to persons and damage to public or private 4319
property that is located outside the area for which a permit was 4320
issued under section 1514.02 or 1514.021 of the Revised Code. 4321

(B) The ground vibration resulting from the use of 4322
explosives when measured at any dwelling, public or commercial 4323
building, school, church, or community or institutional building 4324
that is located outside the area for which a permit was issued 4325
under section 1514.02 or 1514.021 of the Revised Code and that 4326
is not owned by the operator shall not exceed the frequency- 4327
dependent particle velocity limits listed in the "report of 4328
investigations 8507, appendix B -- alternative blasting level 4329
criteria, (1980)," published by the former United States bureau 4330
of mines, or other limits established by rule. 4331

(C) The airblast resulting from the use of explosives when 4332
measured with a two hertz high-pass system at any location 4333
listed in division (B) of this section shall not exceed a level 4334
of one hundred thirty-three decibels. 4335

(D) On and after July 1, 2003, all blasting in surface 4336
mining shall be conducted by persons who are trained and 4337
competent in blasting as certified by the chief of the division 4338
of mineral resources management or a certifying authority 4339
approved by the chief. 4340

(E) ~~The~~ Except as provided in division (G) of this 4341
section, the chief shall adopt, and may amend and rescind, rules 4342
in accordance with Chapter 119. of the Revised Code establishing 4343
requirements and standards governing all of the following: 4344

(1) Seismographic monitoring and alternate methods to 4345
prove compliance with the ground vibration limits established 4346
under division (B) of this section and the airblast limits 4347
established under division (C) of this section; 4348

(2) Protection of any building or structure not listed in 4349
division (B) of this section; 4350

(3) Training, examination, and certification of persons 4351
conducting blasting in surface mining and suspension or 4352
revocation of certifications; 4353

(4) Standard blast warning and all-clear signals; 4354

(5) Blasting records and flyrock reporting requirements; 4355

(6) Safety measures for blasting in surface mining. 4356

(F) The chief may adopt rules under this section that 4357
establish limits on the amount of ground vibration resulting 4358
from the use of explosives that is permissible when measured at 4359
the locations described in division (B) of this section. 4360

(G) The chief shall issue a certificate to conduct 4361
blasting in surface mining in accordance with Chapter 4796. of 4362
the Revised Code to any person if either of the following 4363
applies: 4364

(1) The person holds a license or certificate in another 4365
state. 4366

(2) The person has satisfactory work experience, a 4367
government certification, or a private certification as 4368
described in that chapter as a surface mining blaster in a state 4369
that does not issue that license or certificate. 4370

Sec. 1514.47. (A) (1) The operator of a surface mining 4371
operation shall employ a certified mine foreperson to be in 4372
charge of the conditions and practices at the mine and to be 4373
responsible for conducting examinations of the surface mining 4374
operation under 30 C.F.R. part 56, as amended. 4375

(2) Examinations of surface mining operations for the 4376
purposes of 30 C.F.R. part 56, as amended, shall be conducted by 4377
one of the following: 4378

~~(i)~~(a) A certified mine foreperson; 4379

~~(ii)~~(b) A person who is qualified to conduct such 4380
examinations as provided in division (D) of this section; 4381

~~(iii)~~(c) A person designated by the certified mine 4382
foreperson as a competent person. 4383

(3) For purposes of this section, a competent person is a 4384
person who has been trained in accordance with 30 C.F.R. part 46 4385
and been determined by a certified mine foreperson to have 4386
demonstrated the ability, training, knowledge, or experience 4387
necessary to perform the duty to which the person is assigned. A 4388
person is not a competent person if the chief of the division of 4389
mineral resources management demonstrates, with good cause, that 4390
the person does not have the ability, training, knowledge, or 4391
experience necessary to perform that duty. 4392

(4) The operator of a surface mining operation shall 4393
maintain records demonstrating that a competent person 4394
designated by a certified mine foreperson has the ability, 4395
training, knowledge, or experience to perform the duty to which 4396
the person is assigned as well as records of the competent 4397
person's training in accordance with 30 C.F.R. part 46. The 4398
operator shall make the records available to the chief upon 4399
request. 4400

~~(B)~~The Except as provided in division (E) of this 4401
section, the chief shall conduct examinations for the position 4402
of certified mine foreperson in accordance with rules. In order 4403
to be eligible for examination as a certified mine foreperson, 4404
an applicant shall file with the chief an affidavit establishing 4405
the applicant's qualifications to take the examination. The 4406
chief shall grade examinations and issue certificates. 4407

(C) (1) A certificate issued under this section shall not 4408
expire unless the certificate holder has not been employed in a 4409
surface mining operation for five consecutive years. If the 4410
certificate holder has not been employed in a surface mining 4411
operation for five consecutive years, the certificate holder may 4412
retake the mine foreperson examination or may petition the chief 4413
to accept past employment history in lieu of fulfilling the 4414
employment requirement established in this division. The chief 4415
shall grant or deny the petition by issuance of an order. If the 4416
chief grants the petition, the chief shall reissue the 4417
certificate. 4418

(2) If a certificate issued under this section is 4419
suspended, the certificate shall not be renewed until the 4420
suspension period expires and the person whose certificate is 4421
suspended successfully completes all actions required by the 4422
chief. ~~If an applicant's license, certificate, or similar~~ 4423
~~authority that is issued by another state to perform specified~~ 4424
~~mining duties is suspended or revoked by that state, the~~ 4425
~~applicant shall be ineligible for examination for or renewal of~~ 4426
~~a certificate in this state during that period of suspension or~~ 4427
~~revocation.~~ A certificate that has been revoked shall not be 4428
renewed. 4429

(3) If a person who has been certified by the chief under 4430
this section purposely violates this chapter, the chief may 4431
suspend or revoke the certificate after an investigation and 4432
hearing conducted in accordance with Chapter 119. of the Revised 4433
Code are completed. 4434

(4) If a person holds a certificate issued under this 4435
section that has not expired prior to ~~the effective date of this~~ 4436
~~amendment~~ September 29, 2015, the chief, upon request, shall 4437

reissue to that person a certificate that does not expire as 4438
provided in division (C) (1) of this section. 4439

(5) If a person holds a certificate issued under this 4440
section that expired on or after April 7, 2012, and has not been 4441
issued a new certificate prior to ~~the effective date of this~~ 4442
~~amendment~~ September 29, 2015, the chief, upon request, shall 4443
issue to that person a certificate that does not expire as 4444
provided in division (C) (1) of this section, provided that the 4445
person is in compliance with all other applicable requirements 4446
established in this chapter and rules adopted under it. 4447

(D) In lieu of employing a certified mine foreperson, the 4448
operator of a surface mining operation may submit to the chief a 4449
detailed training plan under which persons who qualify under the 4450
plan may conduct and document examinations at the surface mining 4451
operation for purposes of 30 C.F.R. part 56, as amended. The 4452
chief shall review the plan and determine if the plan complies 4453
with the requirements established in rules. The chief shall 4454
approve or deny the plan and notify in writing the operator who 4455
submitted the plan of the chief's decision. 4456

(E) The chief shall issue a mine foreperson certificate in 4457
accordance with Chapter 4796. of the Revised Code to any person 4458
if either of the following applies: 4459

(1) The person holds a license or certificate in another 4460
state. 4461

(2) The person has satisfactory work experience, a 4462
government certification, or a private certification as 4463
described in that chapter as a mine foreperson in a state that 4464
does not issue that license or certificate. 4465

Sec. 1531.40. (A) As used in this section: 4466

(1) "Nuisance wild animal" means a wild animal that 4467
interferes with the use or enjoyment of property, is causing a 4468
threat to public safety, or may cause damage or harm to a 4469
structure, property, or person. 4470

(2) "Commercial nuisance wild animal control operator" 4471
means an individual or business that provides nuisance wild 4472
animal removal or control services for hire to the owner, the 4473
operator, or the owner's or operator's authorized agent of 4474
property or a structure. 4475

(B) (1) No person shall provide nuisance wild animal 4476
removal or control services for hire without obtaining a license 4477
under this section from the chief of the division of wildlife. 4478

(2) An applicant shall pay a license fee of forty dollars 4479
for the license. The license shall be renewed annually prior to 4480
the first day of March and shall expire on the last day of 4481
February. All money collected under this division shall be 4482
deposited in the state treasury to the credit of the wildlife 4483
fund created in section 1531.17 of the Revised Code. 4484

(3) An individual who is providing nuisance wild animal 4485
removal or control services for hire under a license issued 4486
under this section is exempt from obtaining a hunting license 4487
under section 1533.10 of the Revised Code, a fur taker permit 4488
under section 1533.111 of the Revised Code, or a fishing license 4489
under section 1533.32 of the Revised Code for the purposes of 4490
performing those services. 4491

(4) An individual who is employed by the state, a county, 4492
or a municipal corporation and who performs nuisance wild animal 4493
removal or control services on land that is owned by the state, 4494
county, or municipal corporation, as applicable, as part of the 4495

individual's employment is exempt from obtaining a license under 4496
this section. 4497

(C) (1) Unless otherwise specified by division rule, a 4498
commercial nuisance wild animal control operator and any 4499
individual who is employed by an operator that is engaged in 4500
activities that are part of or related to the removal or control 4501
of nuisance wild animals, including setting or maintaining 4502
traps, shall obtain a certification of completion of a course of 4503
instruction that complies with rules adopted under division (F) 4504
of this section. A certification shall be renewed every three 4505
years. 4506

(2) ~~An~~ Except as provided in division (H) of this section, 4507
an individual who provides nuisance wild animal removal or 4508
control services under a license issued under this section shall 4509
comply with division (C) (1) of this section. 4510

(D) An operator that holds a license issued under this 4511
section is responsible for the acts of each of the operator's 4512
employees in the removal or control of a nuisance wild animal. 4513

(E) If an individual who is licensed under this section 4514
uses a pesticide in the removal or control of a nuisance wild 4515
animal, the individual shall obtain the appropriate license 4516
under Chapter 921. of the Revised Code. 4517

(F) ~~The~~ Except as provided in division (H) of this 4518
section, the chief shall adopt rules under section 1531.10 of 4519
the Revised Code establishing all of the following: 4520

(1) Appropriate methods for trapping, capturing, removing, 4521
relocating, and controlling nuisance wild animals by operators 4522
licensed under this section; 4523

(2) Procedures for issuing, denying, suspending, and 4524

revoking a license under this section; 4525

(3) Requirements governing the certification course 4526
required by division (C) (1) of this section. The rules shall 4527
specify the minimum contents of such a course, including public 4528
safety and health, animal life history, the use of nuisance wild 4529
animal removal and control devices, and the laws and rules 4530
governing those activities. The rules also shall specify who may 4531
conduct such a course. The rules shall require that, in order 4532
for an operator to receive a certification of completion, the 4533
operator shall pass an examination. 4534

(4) Any other requirements and procedures necessary to 4535
administer and enforce this section. 4536

Rules shall be adopted under division (F) of this section 4537
only with the approval of the director of natural resources. 4538

(G) In accordance with Chapter 119. of the Revised Code 4539
and with rules adopted under this section, the chief may suspend 4540
or revoke a license issued under this section if the chief finds 4541
that the holder of the license is violating or has violated this 4542
chapter, Chapter 1533. of the Revised Code, or rules adopted 4543
under those chapters. 4544

(H) The chief shall issue a license to provide nuisance 4545
wild animal removal or control services in accordance with 4546
Chapter 4796. of the Revised Code to an applicant if either of 4547
the following applies: 4548

(1) The applicant holds a license in another state. 4549

(2) The applicant has satisfactory work experience, a 4550
government certification, or a private certification as 4551
described in that chapter as an individual who provides nuisance 4552
wild animal removal or control services in a state that does not 4553

issue that license. 4554

Sec. 1533.051. (A) The chief of the division of wildlife 4555
may authorize commercial and noncommercial propagation of 4556
raptors by rules adopted pursuant to section 1531.08 of the 4557
Revised Code. The rules shall be consistent with federal 4558
regulations governing raptor propagation. 4559

(B) No person shall propagate raptors without a permit to 4560
do so issued by the chief. The duration of the permit shall be 4561
consistent with applicable federal requirements. 4562

The fees for permits shall be set by the chief in amounts 4563
sufficient to cover the expenses of the division in exercising 4564
its authority under this section and may vary according to the 4565
type of permit. Moneys received from the sale of permits shall 4566
be paid into the state treasury to the credit of the fund 4567
established in section 1533.15 of the Revised Code. 4568

(C) The chief shall issue a commercial raptor propagation 4569
permit in accordance with Chapter 4796. of the Revised Code to 4570
an applicant if either of the following applies: 4571

(1) The applicant holds a license or permit in another 4572
state. 4573

(2) The applicant has satisfactory work experience, a 4574
government certification, or a private certification as 4575
described in that chapter as a person who propogates raptors in 4576
a state that does not issue that license or permit. 4577

(D) A permittee may use a raptor possessed for propagation 4578
in the sport of falconry only if the permittee is in compliance 4579
with section 1533.05 of the Revised Code and the raptor is 4580
reported under permits issued under both that section and this 4581
section. 4582

~~(D)~~ (E) This section does not apply to propagation of 4583
raptors by the state, any agency of the state, the United 4584
States, any agency or instrumentality thereof, or any zoological 4585
park. 4586

Sec. 1533.51. (A) No person shall be or serve as a fishing 4587
guide in the Lake Erie fishing district without a license from 4588
the chief of the division of wildlife. The application for a 4589
license, and the license, shall be in such form as the chief 4590
prescribes. 4591

(B) The chief, with the approval of the wildlife council, 4592
may establish the qualifications for such a license and the 4593
terms, conditions, and restrictions thereof. Such qualifications 4594
when applicable shall include that the applicant possesses a 4595
power boat operator's license from a department, agency, 4596
commission, or instrumentality of the United States. 4597

(C) The chief shall issue a fishing guide license in 4598
accordance with Chapter 4796. of the Revised Code to an 4599
applicant if either of the following applies: 4600

(1) The applicant holds a license in another state. 4601

(2) The applicant has satisfactory work experience, a 4602
government certification, or a private certification as 4603
described in that chapter as a fishing guide in a state that 4604
does not issue that license. 4605

(D) Fishing guide licenses shall expire each year on the 4606
fifteenth day of April. Such a license shall be carried ~~by~~ on 4607
the person or the person in command of the boat or person in 4608
charge, ~~upon his person,~~ when such service is being performed, 4609
and shall be exhibited upon demand to any wildlife officer or 4610
other law enforcement officer who has authority to enforce the 4611

wildlife, hunting, and fishing laws. 4612

(E) The license fee for a fishing guide license is fifty 4613
dollars per person. 4614

(F) The license fee for other services or devices, as 4615
approved by the chief, not mentioned in this section shall be an 4616
amount set by the chief with the approval of the wildlife 4617
council, not to exceed twenty-five dollars. 4618

(G) All license fees collected from fishing guides shall 4619
be deposited in the state treasury pursuant to section 1533.33 4620
of the Revised Code. 4621

(H) No person shall fail to comply with any provision of 4622
this section or division rule adopted pursuant to it. 4623

Sec. 1561.14. ~~A~~ (A) Except as provided in division (B) of 4624
this section, a person who applies for a certificate as a mine 4625
electrician shall be able to read and write the English 4626
language, and prior to the date of the application for 4627
examination either shall have had at least one year's experience 4628
in performing electrical work underground in a coal mine, in the 4629
surface work area of an underground coal mine, in a surface coal 4630
mine, or in a noncoal mine, or shall have had such experience as 4631
the chief of the division of mineral resources management 4632
determines to be equivalent. Each applicant for examination 4633
shall pay a fee of ten dollars to the chief on the first day of 4634
the examination. Any money collected under this section shall be 4635
paid into the state treasury to the credit of the mining 4636
regulation and safety fund created in section 1513.30 of the 4637
Revised Code. 4638

(B) The chief shall issue a mine electrician certificate 4639
in accordance with Chapter 4796. of the Revised Code to an 4640

applicant if either of the following applies: 4641

(1) The applicant holds a license or certificate in 4642
another state. 4643

(2) The applicant has satisfactory work experience, a 4644
government certification, or a private certification as 4645
described in that chapter as a mine electrician in a state that 4646
does not issue that license or certificate. 4647

Sec. 1561.15. ~~An~~ (A) Except as provided in division (B) of 4648
this section, an applicant for a certificate as mine foreperson, 4649
foreperson, mine electrician, shot firer, surface mine blaster, 4650
or fire boss shall apply to the chief of the division of mineral 4651
resources management for examination and shall be examined by 4652
the chief. This shall be a practical examination, a substantial 4653
part of which shall be oral, to determine the competency of the 4654
applicant, based on experience and practical knowledge of the 4655
dangers incident to coal mining, and not upon technical 4656
education, but consideration shall be given such technical 4657
education as the applicant possesses. This examination shall be 4658
held as soon after application is made as practicable in the 4659
district from which the applicant makes application. 4660

(B) The chief may require an applicant for a certificate 4661
as mine foreperson, foreperson, mine electrician, shot firer, 4662
surface mine blaster, or fire boss to pass an examination in 4663
accordance with Chapter 4796. of the Revised Code. 4664

Sec. 1561.16. (A) As used in this section and sections 4665
1561.17 to 1561.21 of the Revised Code, "actual practical 4666
experience" means previous employment that involved a person's 4667
regular presence in the type of mining operation in which the 4668
experience is required to exist; participation in functions 4669

relating to the hazards involved in and the utilization of 4670
equipment, tools, and work crews and individuals for that type 4671
of mining; and regular exposure to the methods, procedures, and 4672
safety laws applicable to that type of mining. Credit of up to 4673
one year for a portion of the required experience time may be 4674
given upon documentation to the chief of the division of mineral 4675
resources management of an educational degree in a field related 4676
to mining. Credit of up to two years of the required experience 4677
time may be given upon presentation to the chief of proof of 4678
graduation from an accredited school of mines or mining after a 4679
four-year course of study with employment in the mining industry 4680
during interim breaks during the school years. 4681

(B) ~~A~~ Except as provided in division (G) of this section, 4682
a person who applies for a certificate as a mine foreperson of 4683
gaseous mines shall be able to read and write the English 4684
language; shall have had at least five years' actual practical 4685
experience in the underground workings of a gaseous mine or the 4686
equivalent thereof in the judgment of the chief; and shall have 4687
had practical experience obtained by actual contact with gas in 4688
mines and have knowledge of the dangers and nature of noxious 4689
and explosive gases and ventilation of gaseous mines. An 4690
applicant for a certificate as a foreperson of gaseous mines 4691
shall meet the same requirements, except that the applicant 4692
shall have had at least three years' actual practical experience 4693
in the underground workings of a gaseous mine or the equivalent 4694
thereof in the judgment of the chief. Each applicant for 4695
examination shall pay a fee established in rules adopted under 4696
this section to the chief on the first day of such examination. 4697

(C) A person who has been issued a certificate as a mine 4698
foreperson or a foreperson of a gaseous mine and who has not 4699
worked in an underground coal mine for a period of more than two 4700

calendar years shall apply for and obtain recertification from 4701
the chief in accordance with rules adopted under this section 4702
before performing the duties of a mine foreperson or a 4703
foreperson of a gaseous mine. An applicant for recertification 4704
shall pay a fee established in rules adopted under this section 4705
at the time of application for recertification. 4706

(D) A person who has been issued a certificate as a mine 4707
foreperson or a foreperson of a gaseous mine and who has not 4708
worked in an underground coal mine for a period of one or more 4709
calendar years shall successfully complete a retraining course 4710
in accordance with rules adopted under this section before 4711
performing the duties of a mine foreperson or a foreperson of a 4712
gaseous mine. 4713

(E) The chief, in consultation with a statewide 4714
association representing the coal mining industry and a 4715
statewide association representing employees of coal mines, 4716
shall adopt rules in accordance with Chapter 119. of the Revised 4717
Code that do all of the following: 4718

(1) Prescribe requirements, criteria, and procedures for 4719
the recertification of a mine foreperson or a foreperson of a 4720
gaseous mine who has not worked in an underground coal mine for 4721
a period of more than two calendar years; 4722

(2) Prescribe requirements, criteria, and procedures for 4723
the retraining of a mine foreperson or a foreperson of a gaseous 4724
mine who has not worked in an underground coal mine for a period 4725
of one or more calendar years; 4726

(3) Establish fees for the examination and recertification 4727
of mine forepersons or forepersons of gaseous mines under this 4728
section; 4729

(4) Prescribe any other requirements, criteria, and 4730
procedures that the chief determines are necessary to administer 4731
this section. 4732

(F) Any money collected under this section shall be paid 4733
into the state treasury to the credit of the mining regulation 4734
and safety fund created in section 1513.30 of the Revised Code. 4735

(G) The chief shall issue a certificate as a foreperson of 4736
gaseous mines in accordance with Chapter 4796. of the Revised 4737
Code to an applicant if either of the following applies: 4738

(1) The applicant holds a license or certificate in 4739
another state. 4740

(2) The applicant has satisfactory work experience, a 4741
government certification, or a private certification as 4742
described in that chapter as a foreperson of gaseous mines in a 4743
state that does not issue that license or certificate. 4744

Sec. 1561.17. (A) ~~A~~ Except as provided in division (F) of 4745
this section, a person who applies for a certificate as mine 4746
foreperson or foreperson of nongaseous mines shall be able to 4747
read and write the English language; shall have had at least 4748
three years' actual practical experience in mines, or the 4749
equivalent thereof in the judgment of the chief of the division 4750
of mineral resources management; and shall have knowledge of the 4751
dangers and nature of noxious gases. Each applicant for 4752
examination shall pay a fee established in rules adopted under 4753
this section to the chief on the first day of the examination. 4754

(B) A person who has been issued a certificate as a mine 4755
foreperson or a foreperson of a nongaseous coal mine and who has 4756
not worked in an underground coal mine for a period of more than 4757
two calendar years shall apply for and obtain recertification 4758

from the chief in accordance with rules adopted under this 4759
section before performing the duties of a mine foreperson or a 4760
foreperson of a nongaseous coal mine. An applicant for 4761
recertification shall pay a fee established in rules adopted 4762
under this section at the time of application for 4763
recertification. 4764

(C) A person who has been issued a certificate as a mine 4765
foreperson or a foreperson of a nongaseous coal mine and who has 4766
not worked in an underground coal mine for a period of one or 4767
more calendar years shall successfully complete a retraining 4768
course in accordance with rules adopted under this section 4769
before performing the duties of a mine foreperson or a 4770
foreperson of a nongaseous coal mine. 4771

(D) The chief, in consultation with a statewide 4772
association representing the coal mining industry and a 4773
statewide association representing employees of coal mines, 4774
shall adopt rules in accordance with Chapter 119. of the Revised 4775
Code that do all of the following: 4776

(1) Prescribe requirements, criteria, and procedures for 4777
the recertification of a mine foreperson or a foreperson of a 4778
nongaseous coal mine who has not worked in an underground coal 4779
mine for a period of more than two calendar years; 4780

(2) Prescribe requirements, criteria, and procedures for 4781
the retraining of a mine foreperson or a foreperson of a 4782
nongaseous coal mine who has not worked in an underground coal 4783
mine for a period of one or more calendar years; 4784

(3) Establish fees for the examination and recertification 4785
of mine forepersons or forepersons of nongaseous coal mines 4786
under this section; 4787

(4) Prescribe any other requirements, criteria, and 4788
procedures that the chief determines are necessary to administer 4789
this section. 4790

(E) Any money collected under this section shall be paid 4791
into the state treasury to the credit of the mining regulation 4792
and safety fund created in section 1513.30 of the Revised Code. 4793

(F) The chief shall issue a certificate as a foreperson of 4794
nongaseous mines in accordance with Chapter 4796. of the Revised 4795
Code to an applicant if either of the following applies: 4796

(1) The applicant holds a license or certificate in 4797
another state. 4798

(2) The applicant has satisfactory work experience, a 4799
government certification, or a private certification as 4800
described in that chapter as a foreperson of nongaseous mines in 4801
a state that does not issue that license or certificate. 4802

Sec. 1561.18. A—(A) Except as provided in division (B) of 4803
this section, a person who applies for a certificate as a 4804
foreperson of surface maintenance facilities at underground or 4805
surface mines shall be able to read and write the English 4806
language and shall have had at least three years' actual 4807
practical experience in or around the surface maintenance 4808
facilities of underground or surface mines or the equivalent 4809
thereof in the judgment of the chief of the division of mineral 4810
resources management. Each applicant for examination shall pay a 4811
fee of ten dollars to the chief on the first day of the 4812
examination. 4813

(B) The chief shall issue a certificate as a foreperson of 4814
surface maintenance facilities at underground or surface mines 4815
in accordance with Chapter 4796. of the Revised Code to an 4816

applicant if either of the following applies: 4817

(1) The applicant holds a license or certificate in 4818
another state. 4819

(2) The applicant has satisfactory work experience, a 4820
government certification, or a private certification as 4821
described in that chapter as a foreperson of surface maintenance 4822
facilities at underground or surface mines in a state that does 4823
not issue that license or certificate. 4824

(C) Any money collected under this section shall be paid 4825
into the state treasury to the credit of the mining regulation 4826
and safety fund created in section 1513.30 of the Revised Code. 4827

Sec. 1561.19. A—(A) Except as provided in division (B) of 4828
this section, a person who applies for a certificate as a mine 4829
foreperson of surface mines shall be able to read and write the 4830
English language and shall have had at least five years' actual 4831
practical experience in surface mines. An applicant for a 4832
certificate as a foreperson of surface mines shall meet the same 4833
requirements, except that the applicant shall have had at least 4834
three years' actual practical experience in surface mines or the 4835
equivalent thereof in the judgment of the chief of the division 4836
of mineral resources management. Each applicant for examination 4837
shall pay a fee of ten dollars to the chief on the first day of 4838
the examination. 4839

(B) The chief shall issue a certificate as a foreperson of 4840
surface mines in accordance with Chapter 4796. of the Revised 4841
Code to an applicant if either of the following applies: 4842

(1) The applicant holds a license or certificate in 4843
another state. 4844

(2) The applicant has satisfactory work experience, a 4845

government certification, or a private certification as 4846
described in that chapter as a foreperson of surface mines in a 4847
state that does not issue that license or certificate. 4848

(C) Any money collected under this section shall be paid 4849
into the state treasury to the credit of the mining regulation 4850
and safety fund created in section 1513.30 of the Revised Code. 4851

Sec. 1561.20. A—(A) Except as provided in division (B) of 4852
this section, a person who applies for a certificate as a 4853
surface mine blaster shall be able to read and write the English 4854
language; shall have had at least one year's actual practical 4855
experience in surface mines or the equivalent thereof in the 4856
judgment of the chief of the division of mineral resources 4857
management; shall have knowledge of the dangers and nature of 4858
the use of explosives, related equipment, and blasting 4859
techniques; and shall have knowledge of safety laws and rules, 4860
including those related to the storage, use, and transportation 4861
of explosives. Each applicant for examination shall pay a fee of 4862
ten dollars to the chief on the first day of the examination. 4863

(B) The chief shall issue a surface mine blaster 4864
certificate in accordance with Chapter 4796. of the Revised Code 4865
to an applicant if either of the following applies: 4866

(1) The applicant holds a license or certificate in 4867
another state. 4868

(2) The applicant has satisfactory work experience, a 4869
government certification, or a private certification as 4870
described in that chapter as a surface mine blaster in a state 4871
that does not issue that license or certificate. 4872

(C) Any money collected under this section shall be paid 4873
into the state treasury to the credit of the mining regulation 4874

and safety fund created in section 1513.30 of the Revised Code. 4875

Sec. 1561.21. A—(A) Except as provided in division (B) of 4876
this section, a person who applies for a certificate as a shot 4877
firer shall be able to read and write the English language; 4878
shall have had at least one year's actual practical experience 4879
in the underground workings of mines or the equivalent thereof 4880
in the judgment of the chief of the division of mineral 4881
resources management; shall have knowledge of the dangers and 4882
nature of noxious and explosive gases; shall have knowledge of 4883
the dangers and nature of the use of explosives, related 4884
equipment, and blasting techniques; and shall have knowledge of 4885
safety laws and rules, including those related to the 4886
underground storage, use, and transportation of explosives. Each 4887
applicant for examination shall pay a fee of ten dollars to the 4888
chief on the first day of the examination. 4889

(B) The chief shall issue a shot firer certificate in 4890
accordance with Chapter 4796. of the Revised Code to an 4891
applicant if either of the following applies: 4892

(1) The applicant holds a license or certificate in 4893
another state. 4894

(2) The applicant has satisfactory work experience, a 4895
government certification, or a private certification as 4896
described in that chapter as a shot firer in a state that does 4897
not issue that license or certificate. 4898

(C) Any money collected under this section shall be paid 4899
into the state treasury to the credit of the mining regulation 4900
and safety fund created in section 1513.30 of the Revised Code. 4901

(D) Any person who possesses a mine foreperson or 4902
foreperson certificate issued by the chief shall be considered 4903

certified as a shot firer. 4904

Sec. 1561.22. ~~A~~ (A) Except as provided in division (B) of 4905
this section, a person who applies for a certificate as fire 4906
boss shall be able to read and write the English language; shall 4907
have had at least three years' actual practical experience in 4908
the underground workings of a gaseous mine or the equivalent 4909
thereof in the judgment of the chief of the division of mineral 4910
resources management; and shall have knowledge of the dangers 4911
and nature of noxious and explosive gases gained by actual 4912
contact with gas in mines and ventilation of gaseous mines. Each 4913
applicant for examination shall pay a fee of ten dollars to the 4914
chief on the first day of the examination. 4915

(B) The chief shall issue a fire boss certificate in 4916
accordance with Chapter 4796. of the Revised Code to an 4917
applicant if either of the following applies: 4918

(1) The applicant holds a license or certificate in 4919
another state. 4920

(2) The applicant has satisfactory work experience, a 4921
government certification, or a private certification as 4922
described in that chapter as a fire boss in a state that does 4923
not issue that license or certificate. 4924

(C) Any money collected under this section shall be paid 4925
into the state treasury to the credit of the mining regulation 4926
and safety fund created in section 1513.30 of the Revised Code. 4927

Sec. 1565.06. (A) In emergencies arising at a mine because 4928
of accident, death, illness, or any other cause, an operator may 4929
appoint noncertificate persons as forepersons and fire bosses to 4930
act until certified forepersons and fire bosses satisfactory to 4931
the operator can be secured. Such appointee may not serve in 4932

such capacity for a period longer than six months or until such 4933
time thereafter as an examination is held for such certified 4934
persons under section 1561.13 of the Revised Code. The employer 4935
of such noncertificate person shall, upon appointment of such 4936
noncertificate person in this capacity, forward the name of such 4937
noncertificate person to the chief of the division of mineral 4938
resources management. 4939

(B) An operator may appoint as a temporary foreperson or 4940
fire boss a noncertificate person who is within six months of 4941
possessing the necessary actual practical experience to qualify 4942
to take the examination for certification for the position to 4943
which the person is temporarily appointed. Upon appointment of a 4944
noncertificate person, the operator shall forward the name, 4945
social security number, and brief summary of the person's actual 4946
practical experience to the chief, and the chief shall issue the 4947
person a temporary certificate for the position to which the 4948
person has been temporarily appointed. A temporary certificate 4949
issued under this division is valid for six months or until such 4950
time thereafter as an examination is held under section 1561.13 4951
of the Revised Code for the position to which the person has 4952
been temporarily appointed. 4953

(C) A nonresident person who possesses a valid certificate 4954
issued by another state for a position for which the chief 4955
issues a certificate shall be eligible for a temporary 4956
certificate from the chief upon presentation to the chief of a 4957
copy of the certificate from that other state. Chapter 4796. of 4958
the Revised Code does not apply to a certificate issued under 4959
this section. A temporary certificate issued under this division 4960
shall be valid for six months. 4961

No operator of a mine shall violate or fail to comply with 4962

this section. 4963

Sec. 1565.15. (A) As used in this section: 4964

(1) "EMT-basic," "EMT-I," "paramedic," and "emergency 4965
medical service organization" have the same meanings as in 4966
section 4765.01 of the Revised Code. 4967

(2) "First aid provider" includes a mine medical 4968
responder, an EMT-basic, an EMT-I, a paramedic, or an employee 4969
at a surface coal mine who has satisfied the training 4970
requirements established in division (D)(1) of this section. 4971

(3) "Mine medical responder" means a person who has 4972
satisfied the requirements established in rules adopted under 4973
division (E) (1) of this section or has been issued a certificate 4974
under division (E) (2) of this section. 4975

(B) The operator of an underground coal mine where twenty 4976
or more persons are employed on a shift, including all persons 4977
working at different locations at the mine within a ten-mile 4978
radius, shall provide at least one mine medical responder, EMT- 4979
basic, or EMT-I on duty at the underground coal mine whenever 4980
employees at the mine are actively engaged in the extraction, 4981
production, or preparation of coal. The operator shall provide 4982
mine medical responders, EMTs-basic, or EMTs-I on duty at the 4983
underground coal mine at times and in numbers sufficient to 4984
ensure that no miner works in a mine location that cannot be 4985
reached within a reasonable time by a mine medical responder, an 4986
EMT-basic, or an EMT-I. Mine medical responders, EMTs-basic, and 4987
EMTs-I shall be employed on their regular coal mining duties at 4988
locations convenient for quick response to emergencies in order 4989
to provide emergency medical services inside the underground 4990
coal mine and transportation of injured or sick employees to the 4991

entrance of the mine. The operator shall provide for the 4992
services of at least one emergency medical service organization 4993
to be available on call to reach the entrance of the underground 4994
coal mine within thirty minutes at any time that employees are 4995
engaged in the extraction, production, or preparation of coal in 4996
order to provide emergency medical services and transportation 4997
to a hospital. 4998

The operator shall make available to mine medical 4999
responders, EMTs-basic, and EMTs-I all of the equipment for 5000
first aid and emergency medical services that is necessary for 5001
those personnel to function and to comply with the regulations 5002
pertaining to first aid and emergency medical services that are 5003
adopted under the "Federal Mine Safety and Health Act of 1977," 5004
91 Stat. 1290, 30 U.S.C.A. 801, and amendments to it. The 5005
operator of the underground coal mine shall install telephone 5006
service or equivalent facilities that enable two-way voice 5007
communication between the mine medical responders, EMTs-basic, 5008
or EMTs-I in the mine and the emergency medical service 5009
organization outside the mine that provides emergency medical 5010
services on a regular basis. 5011

(C) The operator of a surface coal mine shall provide at 5012
least one first aid provider on duty at the mine whenever 5013
employees at the mine are actively engaged in the extraction, 5014
production, or preparation of coal. The operator shall provide 5015
first aid providers on duty at the surface coal mine at times 5016
and in numbers sufficient to ensure that no miner works in a 5017
mine location that cannot be reached within a reasonable time by 5018
a first aid provider. First aid providers shall be employed on 5019
their regular coal mining duties at locations convenient for 5020
quick response to emergencies in order to provide emergency 5021
medical services and transportation of injured or sick employees 5022

to the entrance of the surface coal mine. The operator shall 5023
provide for the services of at least one emergency medical 5024
service organization to be available on call to reach the 5025
entrance of the surface coal mine within thirty minutes at any 5026
time that employees are engaged in the extraction, production, 5027
or preparation of coal in order to provide emergency medical 5028
services and transportation to a hospital. 5029

The operator shall provide at the mine site all of the 5030
equipment for first aid and emergency medical services that is 5031
necessary for those personnel to function and to comply with the 5032
regulations pertaining to first aid and emergency medical 5033
services that are adopted under the "Federal Mine Safety and 5034
Health Act of 1977," 91 Stat. 1290, 30 U.S.C.A. 801, and 5035
amendments to it. 5036

(D) (1) An employee at a surface coal mine shall be 5037
considered to be a first aid provider for the purposes of this 5038
section if the employee has received from an instructor approved 5039
by the chief of the division of mineral resources management ten 5040
hours of initial first aid training as a selected supervisory 5041
employee under 30 C.F.R. 77.1703 and receives five hours of 5042
refresher first aid training as a selected supervisory employee 5043
under 30 C.F.R. 77.1705 in each subsequent calendar year. 5044

(2) Each miner employed at a surface coal mine who is not 5045
a first aid provider shall receive from an instructor approved 5046
by the chief three hours of initial first aid training and two 5047
hours of refresher first aid training in each subsequent 5048
calendar year. 5049

(3) The training received in accordance with division (D) 5050
of this section shall consist of a course of instruction 5051
established in the manual issued by the mine safety and health 5052

administration in the United States department of labor entitled 5053
"first aid, a bureau of mines instruction manual" or its 5054
successor or any other curriculum approved by the chief. The 5055
training shall be included in the hours of instruction provided 5056
to miners in accordance with training requirements established 5057
under 30 C.F.R. part 48, subpart (B), as amended, and 30 C.F.R. 5058
part 77, as amended. 5059

~~(E) The (1) Except as provided in division (E) (2) of this~~ 5060
~~section, the~~ chief, in consultation with persons certified under 5061
Chapter 4765. of the Revised Code to teach in an emergency 5062
medical services training program, shall adopt rules in 5063
accordance with Chapter 119. of the Revised Code that do all of 5064
the following: 5065

~~(1) (a)~~ Prescribe training requirements for a mine medical 5066
responder that specifically focus on treating injuries and 5067
illnesses associated with underground coal mining; 5068

~~(2) (b)~~ Prescribe an examination for a mine medical 5069
responder; 5070

~~(3) (c)~~ Prescribe continuing training requirements for a 5071
mine medical responder; 5072

~~(4) (d)~~ Establish the fee for examination for a mine 5073
medical responder; 5074

~~(5) (e)~~ Prescribe any other requirements, criteria, and 5075
procedures that the chief determines are necessary regarding the 5076
training, examination, and continuing training of mine medical 5077
responders. 5078

~~If a person qualifies as a mine medical responder or~~ 5079
~~similar classification in another state, the person may provide~~ 5080
~~emergency medical services as a mine medical responder in this~~ 5081

~~state without completing the training or passing the examination~~ 5082
~~that is required in rules adopted under this division, provided~~ 5083
~~that the chief determines that the person's qualifications from~~ 5084
~~the other state satisfy all of the applicable requirements that~~ 5085
~~are established in rules adopted under this division.~~ 5086

(2) The chief shall issue a mine medical responder 5087
certificate in accordance with Chapter 4796. of the Revised Code 5088
to an applicant if either of the following applies: 5089

(a) The applicant holds a certificate in another state. 5090

(b) The applicant has satisfactory work experience, a 5091
government certification, or a private certification as 5092
described in that chapter as a mine medical responder in a state 5093
that does not issue that certificate. 5094

(F) Each operator of a surface coal mine shall establish, 5095
keep current, and make available for inspection an emergency 5096
medical plan that includes the telephone numbers of the division 5097
of mineral resources management and of an emergency medical 5098
services organization the services of which are required to be 5099
retained under division (C) of this section. The chief shall 5100
adopt rules in accordance with Chapter 119. of the Revised Code 5101
that establish any additional information required to be 5102
included in an emergency medical plan. 5103

(G) Each operator of an underground coal mine or surface 5104
coal mine shall provide or contract to obtain emergency medical 5105
services training or first aid training, as applicable, at the 5106
operator's expense, that is sufficient to train and maintain the 5107
certification of the number of employees necessary to comply 5108
with division (B) of this section and that is sufficient to 5109
train employees as required under division (D) of this section 5110

and to comply with division (C) of this section. 5111

(H) The division may provide emergency medical services 5112
training for coal mine employees by operating an emergency 5113
medical services training program accredited under section 5114
4765.17 of the Revised Code or by contracting with the operator 5115
of an emergency medical services training program accredited 5116
under that section to provide that training. The division may 5117
charge coal mine operators a uniform part of the unit cost per 5118
trainee. 5119

(I) No coal mine operator shall violate or fail to comply 5120
with this section. 5121

Sec. 1707.15. (A) Application for a dealer's license shall 5122
be made in accordance with this section and by filing with the 5123
division of securities the information, materials, and forms 5124
specified in rules adopted by the division, along with all of 5125
the following information: 5126

(1) The name and address of the applicant; 5127

(2) The location and addresses of the principal office and 5128
all other offices of the applicant; 5129

(3) A general description of the business of the applicant 5130
done prior to the application, including a list of states in 5131
which the applicant is a licensed dealer. 5132

(B) (1) The division may investigate any applicant for a 5133
license, and may require such additional information as it deems 5134
necessary to determine the applicant's business repute and 5135
qualifications to act as a dealer in securities. 5136

(2) If the application for any license involves 5137
investigation outside of this state, the applicant may be 5138

required by the division to advance sufficient funds to pay any 5139
of the actual expenses of such examination. An itemized 5140
statement of any such expenses which the applicant is required 5141
to pay shall be furnished the applicant by the division. 5142

(C) The division shall by rule require one natural person 5143
who is a principal, officer, director, general partner, manager, 5144
or employee of a dealer to pass an examination designated by the 5145
division. Each dealer that is not a natural person shall notify 5146
the division of the name and relationship to the dealer of the 5147
natural person who has passed the examination on behalf of the 5148
dealer and who will serve as the designated principal on behalf 5149
of the dealer. 5150

(D) Dealers shall employ as salespersons only those 5151
salespersons who are licensed under this chapter. If at any time 5152
a salesperson resigns or is discharged or a new salesperson is 5153
added, the dealer shall promptly notify the division. 5154

~~(E) If (1) Except as provided in division (E) (2) of this~~ 5155
section, if the division finds that the applicant is of good 5156
business repute, appears qualified to act as a dealer in 5157
securities, and has fully complied with this chapter and rules 5158
adopted under this chapter by the division, the division, upon 5159
payment of the fees prescribed by division (B) of section 5160
1707.17 of the Revised Code, shall issue to the applicant a 5161
license authorizing the applicant to act as a dealer. 5162

(2) The division shall issue a license to act as a dealer 5163
in accordance with Chapter 4796. of the Revised Code to an 5164
applicant if either of the following applies: 5165

(a) The applicant holds a license in another state; 5166

(b) The applicant has satisfactory work experience, a 5167

government certification, or a private certification as 5168
described in that chapter as a dealer in a state that does not 5169
issue that license. 5170

Sec. 1707.151. (A) Application for an investment adviser's 5171
license shall be made in accordance with this section and by 5172
filing with the division of securities the information, 5173
materials, and forms specified in rules adopted by the division. 5174

(B) (1) The division may investigate any applicant for a 5175
license and may require any additional information as it 5176
considers necessary to determine the applicant's business repute 5177
and qualifications to act as an investment adviser. 5178

(2) If the application for any license involves 5179
investigation outside of this state, the applicant may be 5180
required by the division to advance sufficient funds to pay any 5181
of the actual expenses of the examination. The division shall 5182
furnish the applicant with an itemized statement of such 5183
expenses that the applicant is required to pay. 5184

(C) The division shall by rule require a natural person 5185
who is an applicant for an investment adviser's license to pass 5186
an examination designated by the division or achieve a specified 5187
professional designation. 5188

(D) An investment adviser licensed under section 1707.141 5189
of the Revised Code shall employ only investment adviser 5190
representatives licensed, or exempted from licensure, under 5191
section 1707.161 of the Revised Code. 5192

(E) ~~If~~ (1) Except as provided in division (E) (2) of this 5193
section, if the division finds that the applicant is of good 5194
business repute, appears to be qualified to act as an investment 5195
adviser, and has complied with this chapter and rules adopted 5196

under this chapter by the division, the division, upon payment 5197
of the fees prescribed by division (B) of section 1707.17 of the 5198
Revised Code, shall issue to the applicant a license authorizing 5199
the applicant to act as an investment adviser. 5200

(2) The division shall issue a license to act as an 5201
investment adviser in accordance with Chapter 4796. of the 5202
Revised Code to an applicant if either of the following applies: 5203

(a) The applicant holds a license in another state. 5204

(b) The applicant has satisfactory work experience, a 5205
government certification, or a private certification as 5206
described in that chapter as an investment adviser in a state 5207
that does not issue that license. 5208

Sec. 1707.16. (A) Every salesperson of securities must be 5209
licensed by the division of securities and shall be employed, 5210
authorized, or appointed only by the licensed dealer specified 5211
in the salesperson's license. If the relationship between the 5212
salesperson and the dealer is severed, the salesperson's license 5213
shall be void. 5214

(B) Application for a salesperson's license shall be made 5215
in accordance with this section and by filing with the division 5216
the information, materials, and forms specified in rules adopted 5217
by the division, along with all of the following information: 5218

(1) The name and complete residence and business addresses 5219
of the applicant; 5220

(2) The name of the dealer who is employing the applicant 5221
or who intends to employ the applicant; 5222

(3) The applicant's age and education, and the applicant's 5223
experience in the sale of securities; whether the applicant has 5224

ever been licensed by the division, and if so, when; whether the 5225
applicant has ever been refused a license by the division; and 5226
whether the applicant has ever been licensed or refused a 5227
license or any similar permit by any division or commissioner of 5228
securities, whatsoever name known or designated, anywhere. 5229

(C) The division shall by rule require an applicant to 5230
pass an examination designated by the division. 5231

~~(D) If (1) Except as provided in division (D) (2) of this~~ 5232
~~section, if~~ the division finds that the applicant is of good 5233
business repute, appears to be qualified to act as a salesperson 5234
of securities, and has fully complied with this chapter, and 5235
that the dealer named in the application is a licensed dealer, 5236
the division shall, upon payment of the fees prescribed by 5237
section 1707.17 of the Revised Code, issue a license to the 5238
applicant authorizing the applicant to act as salesperson for 5239
the dealer named in the application. 5240

(2) The division shall issue a license to act as a 5241
salesperson of securities in accordance with Chapter 4796. of 5242
the Revised Code to an applicant if either of the following 5243
applies: 5244

(a) The applicant holds a license in another state. 5245

(b) The applicant has satisfactory work experience, a 5246
government certification, or a private certification as 5247
described in that chapter as a salesperson of securities in a 5248
state that does not issue that license. 5249

Sec. 1707.161. (A) No person shall act as an investment 5250
adviser representative, unless one of the following applies: 5251

(1) The person is licensed as an investment adviser 5252
representative by the division of securities. 5253

(2) The person is a natural person who is licensed as an investment adviser by the division, and does not act as an investment adviser representative for another investment adviser; however, a natural person who is licensed as an investment adviser by the division may act as an investment adviser representative for another investment adviser if the natural person also is licensed by the division, or is properly excepted from licensure, as an investment adviser representative of the other investment adviser.

(3) The person is employed by or associated with an investment adviser registered under section 203 of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3, and does not have a place of business in this state.

(4) The person is employed by or associated with an investment adviser that is excepted from licensure pursuant to division (A) (3), (4), (5), or (6) of section 1707.141 of the Revised Code or excepted from notice filing pursuant to division (B) (3) of section 1707.141 of the Revised Code.

(B) (1) No investment adviser representative required to be licensed under this section shall act as an investment adviser representative for more than two investment advisers. An investment adviser representative that acts as an investment adviser representative for two investment advisers shall do so only after the occurrence of both of the following:

(a) Being properly licensed, or properly excepted from licensure under this section, as an investment adviser representative for both investment advisers;

(b) Complying with the requirements set forth in rules adopted by the division regarding consent of both investment

advisers and notice. 5283

(2) Nothing in this section shall be construed to prohibit 5284
a natural person from being licensed by the division as both an 5285
investment adviser and an investment adviser representative. 5286

(3) Nothing in this section shall be construed to prohibit 5287
a natural person from being licensed by the division as both a 5288
salesperson and an investment adviser representative. 5289

(4) Nothing in this section shall be construed to prohibit 5290
a natural person from being licensed by the division as both a 5291
dealer and an investment adviser representative. 5292

(C) An investment adviser representative's license issued 5293
under this section shall not be effective during any period when 5294
the investment adviser representative is not employed by or 5295
associated with an investment adviser that is licensed by the 5296
division or that is in compliance with the notice filing 5297
requirements of division (B) of section 1707.141 of the Revised 5298
Code. Notice of the commencement and termination of the 5299
employment or association of an investment adviser 5300
representative licensed under this section shall be given to the 5301
division within thirty days after the commencement or 5302
termination by either of the following: 5303

(1) The investment adviser, in the case of an investment 5304
adviser representative licensed under this section and employed 5305
by or associated with, or formerly employed by or associated 5306
with, an investment adviser licensed under section 1707.141 of 5307
the Revised Code; 5308

(2) The investment adviser representative, in the case of 5309
an investment adviser representative licensed under this section 5310
and employed by or associated with, or formerly employed by or 5311

associated with, an investment adviser that is subject to the 5312
notice filings requirements of division (B) of section 1707.141 5313
of the Revised Code. 5314

(D) (1) Application for an investment adviser 5315
representative license shall be made in accordance with this 5316
section and by filing with the division the information, 5317
materials, and forms specified in rules adopted by the division. 5318

(2) The division shall by rule require an applicant to 5319
pass an examination designated by the division or achieve a 5320
specified professional designation. 5321

(3) Prior to issuing the investment adviser representative 5322
license, the division may require the applicant to reimburse the 5323
division for the actual expenses incurred in investigating the 5324
applicant. An itemized statement of any such expenses that the 5325
applicant is required to pay shall be furnished to the applicant 5326
by the division. 5327

(E) ~~If~~ (1) Except as provided in division (E) (2) of this 5328
section, if the division finds that the applicant is of good 5329
business repute, appears to be qualified to act as an investment 5330
adviser representative, and has complied with sections 1707.01 5331
to 1707.50 of the Revised Code and the rules adopted under those 5332
sections by the division, the division, upon payment of the fees 5333
prescribed by division (B) of section 1707.17 of the Revised 5334
Code, shall issue to the applicant a license authorizing the 5335
applicant to act as an investment adviser representative for the 5336
investment adviser, or investment advisers that are under common 5337
ownership or control, named in the application. 5338

(2) The division shall issue a license to act as an 5339
investment adviser representative in accordance with Chapter 5340

4796. of the Revised Code to an applicant if either of the 5341
following applies: 5342

(a) The applicant holds a license in another state. 5343

(b) The applicant has satisfactory work experience, a 5344
government certification, or a private certification as 5345
described in that chapter as an investment adviser 5346
representative in a state that does not issue that license. 5347

Sec. 1707.163. (A) Application for a state retirement 5348
system investment officer's license shall be made in accordance 5349
with this section by filing with the division of securities the 5350
information, materials, and forms specified in rules adopted by 5351
the division. 5352

(B) (1) The division may investigate any applicant for a 5353
license and may require any additional information as it 5354
considers necessary to determine the applicant's business repute 5355
and qualifications to act as an investment officer. 5356

(2) If the application for a state retirement system 5357
investment officer's license involves investigation outside of 5358
this state, the applicant may be required by the division to 5359
advance sufficient funds to pay any of the actual expenses of 5360
the investigation. The division shall furnish the applicant with 5361
an itemized statement of the expenses the applicant is required 5362
to pay. 5363

(C) The division shall by rule require an applicant for a 5364
state retirement system investment officer's license to pass an 5365
examination designated by the division or achieve a specified 5366
professional designation unless the applicant meets both of the 5367
following requirements: 5368

(1) Acts as a state retirement system investment officer 5369

~~on the effective date of this section, September 15, 2004;~~ 5370

(2) Has experience or equivalent education acceptable to 5371
the division. 5372

~~(D) If (1) Except as provided in division (D) (2) of this~~ 5373
~~section, if~~ the division finds that the applicant is of good 5374
business repute, appears to be qualified to act as a state 5375
retirement system investment officer, and has complied with this 5376
chapter and rules adopted under this chapter by the division, 5377
the division, on payment of the fees prescribed by division (B) 5378
of section 1707.17 of the Revised Code, shall issue to the 5379
applicant a license authorizing the applicant to act as a state 5380
retirement system investment officer. 5381

(2) The division shall issue a license authorizing an 5382
applicant to act as a state retirement system investment officer 5383
in accordance with Chapter 4796. of the Revised Code to an 5384
applicant if either of the following applies: 5385

(a) The applicant holds a license in another state. 5386

(b) The applicant has satisfactory work experience, a 5387
government certification, or a private certification as 5388
described in that chapter as a state retirement system 5389
investment officer in a state that does not issue that license. 5390

Sec. 1707.165. (A) Application for a bureau of workers' 5391
compensation chief investment officer's license shall be made in 5392
accordance with this section by filing with the division of 5393
securities the information, materials, and forms specified in 5394
rules adopted by the division. 5395

(B) The division may investigate any applicant for a 5396
license and may require any additional information as it 5397
considers necessary to determine the applicant's business repute 5398

and qualifications to act as a chief investment officer. If the 5399
application for a bureau of workers' compensation chief 5400
investment officer's license involves investigation outside of 5401
this state, the applicant may be required by the division to 5402
advance sufficient funds to pay any of the actual expenses of 5403
the investigation. The division shall furnish the applicant with 5404
an itemized statement of the expenses the applicant is required 5405
to pay. 5406

(C) The division shall by rule require an applicant for a 5407
bureau of workers' compensation chief investment officer's 5408
license to pass an examination designated by the division or 5409
achieve a specified professional designation unless the 5410
applicant meets both of the following requirements: 5411

(1) Acts as a bureau of workers' compensation chief 5412
investment officer ~~on the effective date of this section~~ 5413
September 29, 2005; 5414

(2) Has experience or education acceptable to the 5415
division. 5416

(D) ~~If (1)~~ Except as provided in division (D) (2) of this 5417
section, if the division finds that the applicant is of good 5418
business repute, appears to be qualified to act as a bureau of 5419
workers' compensation chief investment officer, and has complied 5420
with this chapter and rules adopted by the division under this 5421
chapter, the division, upon receipt of the fees prescribed by 5422
division (B) of section 1707.17 of the Revised Code, shall issue 5423
to the applicant a license authorizing the applicant to act as a 5424
bureau of workers' compensation chief investment officer. 5425

(2) The division shall issue a license to act as a bureau 5426
of workers' compensation chief investment officer in accordance 5427

with Chapter 4796. of the Revised Code to an applicant if either 5428
of the following applies: 5429

(a) The applicant holds a license in another state. 5430

(b) The applicant has satisfactory work experience, a 5431
government certification, or a private certification as 5432
described in that chapter as a bureau of workers' compensation 5433
chief investment officer in a state that does not issue that 5434
license. 5435

Sec. 1717.06. (A) A county humane society organized under 5436
section 1717.05 of the Revised Code may appoint humane society 5437
agents for the purpose of prosecuting any person guilty of an 5438
act of cruelty to animals. Such agents may arrest any person 5439
found violating this chapter or any other law for protecting 5440
animals or preventing acts of cruelty thereto. Upon making an 5441
arrest, the humane society agent shall convey the person 5442
arrested before a court or magistrate having jurisdiction of the 5443
offense, and there make complaint against the person on oath or 5444
affirmation of the offense. 5445

(B) A humane society agent that was appointed prior to ~~the~~ 5446
~~effective date of this amendment~~ March 31, 2021, by a branch of 5447
the Ohio humane society is considered to be a humane society 5448
agent appointed under this section for purposes of this chapter 5449
and any other laws regarding humane society agents. 5450

(C) (1) The appointment of an agent under this section is 5451
subject to the requirements of section 1717.061 of the Revised 5452
Code, and is not final until the appointment has been approved 5453
under division (C) (2) of this section. 5454

(2) The appointment of an agent under this section does 5455
not take effect unless it has been approved by the mayor of the 5456

municipal corporation for which it is made. If the society 5457
operates outside a municipal corporation, the appointment does 5458
not take effect until it has been approved by the probate judge 5459
of the county for which it is made. The mayor or probate judge 5460
shall keep a record of the appointments and shall maintain as a 5461
public record a copy of the proof of successful completion of 5462
training for each humane society agent acting within the 5463
approving authority's jurisdiction. 5464

(D) The approving authority shall notify the appropriate 5465
county sheriff and the board of county commissioners when the 5466
appointment of a humane society agent has been approved and, not 5467
later than two business days after the appointment has been 5468
approved, shall file a copy of the proof of successful 5469
completion of training with the sheriff. The county sheriff 5470
shall maintain as a public record a copy of the proof for each 5471
humane society agent that is operating in the county. 5472

(E) A humane society shall notify the county sheriff and 5473
the approving authority when all approved humane society agents 5474
have ceased to perform the duties of the appointment and there 5475
are no humane society agents operating in the county. 5476

(F) A humane society agent only has the specific authority 5477
granted to the agent under the Revised Code. 5478

(G) The Ohio peace officer training commission shall issue 5479
a certificate of completion of the training program required for 5480
appointment as a humane society agent under this section in 5481
accordance with Chapter 4796. of the Revised Code to an 5482
individual if either of the following applies: 5483

(1) The individual holds a certificate of completion of 5484
such a program in another state. 5485

(2) The individual has satisfactory work experience, a 5486
government certification, or a private certification as 5487
described in that chapter as a humane society agent in a state 5488
that does not require a certificate of completion of such a 5489
program. 5490

Sec. 3101.10. A minister upon producing to the secretary 5491
of state, credentials of the minister's being a regularly 5492
ordained or licensed minister of any religious society or 5493
congregation, shall be entitled to receive from the secretary of 5494
state a license authorizing the minister to solemnize marriages 5495
in this state so long as the minister continues as a regular 5496
minister in that society or congregation. A minister shall 5497
produce for inspection the minister's license to solemnize 5498
marriages upon demand of any party to a marriage at which the 5499
minister officiates or proposes to officiate or upon demand of 5500
any probate judge. The secretary of state shall issue a license 5501
to solemnize marriages in this state in accordance with Chapter 5502
4796. of the Revised Code to a minister if either of the 5503
following applies: 5504

(A) The minister holds a license in another state. 5505

(B) The minister has satisfactory work experience, a 5506
government certification, or a private certification as 5507
described in that chapter as a minister who solemnizes marriages 5508
in a state that does not issue a license to solemnize marriages. 5509

Sec. 3301.071. (A) (1) ~~In~~ Except as provided in division 5510
(E) of this section, in the case of nontax-supported schools, 5511
standards for teacher certification prescribed under section 5512
3301.07 of the Revised Code shall provide for certification, 5513
without further educational requirements, of any administrator, 5514
supervisor, or teacher who has attended and received a 5515

bachelor's degree from a college or university accredited by a national or regional association in the United States except that, at the discretion of the state board of education, this requirement may be met by having an equivalent degree from a foreign college or university of comparable standing.

(2) ~~In-Except as provided in division (E) of this section,~~ in the case of nonchartered, nontax-supported schools, the standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification, without further educational requirements, of any administrator, supervisor, or teacher who has attended and received a diploma from a "bible college" or "bible institute" described in division (E) of section 1713.02 of the Revised Code.

(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, 5574
supervisor, or teacher in a state that does not issue one or 5575
more of those certificates. 5576

Sec. 3301.074. (A) ~~The~~ Except as provided in division (E) 5577
of this section, the state board of education shall, by rule 5578
adopted in accordance with Chapter 119. of the Revised Code, 5579
establish standards for licensing school district treasurers and 5580
business managers, for the renewal of such licenses, and for the 5581
issuance of duplicate copies of licenses. Licenses of the 5582
following types shall be issued or renewed by the board to 5583
applicants who meet the standards for the license or the renewal 5584
of the license for which application is made: 5585

(1) Treasurer, valid for serving as treasurer of a school 5586
district in accordance with section 3313.22 of the Revised Code; 5587

(2) Business manager, valid for serving as business 5588
manager of a school district in accordance with section 3319.03 5589
of the Revised Code. 5590

(B) Each application for a license or renewal or duplicate 5591
copy of a license shall be accompanied by the payment of a fee 5592
in the amount established under division (A) of section 3319.51 5593
of the Revised Code. Any fees received under this section shall 5594
be paid into the state treasury to the credit of the state board 5595
of education licensure fund established under division (B) of 5596
section 3319.51 of the Revised Code. 5597

(C) Any person employed under section 3313.22 of the 5598
Revised Code as a treasurer on July 1, 1983, shall be considered 5599
to meet the standards for licensure as a treasurer and for 5600
renewal of such license. Any person employed under section 5601
3319.03 of the Revised Code as a business manager on July 1, 5602

1983, shall be considered to meet the standards for licensure as 5603
a business manager and for renewal of such license. 5604

(D) Any person applying for or holding any license 5605
pursuant to this section is subject to sections 3123.41 to 5606
3123.50 of the Revised Code and any applicable rules adopted 5607
under section 3123.63 of the Revised Code and sections 3319.31 5608
and 3319.311 of the Revised Code. 5609

(E) The state board shall issue a license to act as a 5610
school district treasurer or business manager in accordance with 5611
Chapter 4796. of the Revised Code to an applicant if either of 5612
the following applies: 5613

(1) The applicant holds a license in another state. 5614

(2) The applicant has satisfactory work experience, a 5615
government certification, or a private certification as 5616
described in that chapter as a school district treasurer or 5617
business manager in a state that does not issue one of those 5618
licenses or both. 5619

Sec. 3319.088. As used in this section, "educational 5620
assistant" means any nonteaching employee in a school district 5621
who directly assists a teacher as defined in section 3319.09 of 5622
the Revised Code, by performing duties for which a license 5623
issued pursuant to sections 3319.22 to 3319.30 of the Revised 5624
Code is not required. 5625

(A) ~~The~~ Except as provided in division (G) of this 5626
section, the state board of education shall issue educational 5627
aide permits and educational paraprofessional licenses for 5628
educational assistants and shall adopt rules for the issuance 5629
and renewal of such permits and licenses which shall be 5630
consistent with the provisions of this section. Educational aide 5631

permits and educational paraprofessional licenses may be of 5632
several types and the rules shall prescribe the minimum 5633
qualifications of education and health for the service to be 5634
authorized under each type. The prescribed minimum 5635
qualifications may require special training or educational 5636
courses designed to qualify a person to perform effectively the 5637
duties authorized under an educational aide permit or 5638
educational paraprofessional license. 5639

(B) (1) ~~Any~~ Except as provided in division (G) of this 5640
section, any application for a permit or license, or a renewal 5641
or duplicate of a permit or license, under this section shall be 5642
accompanied by the payment of a fee in the amount established 5643
under division (A) of section 3319.51 of the Revised Code. Any 5644
fees received under this division shall be paid into the state 5645
treasury to the credit of the state board of education licensure 5646
fund established under division (B) of section 3319.51 of the 5647
Revised Code. 5648

(2) Any person applying for or holding a permit or license 5649
pursuant to this section is subject to sections 3123.41 to 5650
3123.50 of the Revised Code and any applicable rules adopted 5651
under section 3123.63 of the Revised Code and sections 3319.31 5652
and 3319.311 of the Revised Code. 5653

(C) Educational assistants shall at all times while in the 5654
performance of their duties be under the supervision and 5655
direction of a teacher as defined in section 3319.09 of the 5656
Revised Code. Educational assistants may assist a teacher to 5657
whom assigned in the supervision of pupils, in assisting with 5658
instructional tasks, and in the performance of duties which, in 5659
the judgment of the teacher to whom the assistant is assigned, 5660
may be performed by a person not licensed pursuant to sections 5661

3319.22 to 3319.30 of the Revised Code and for which a teaching 5662
license, issued pursuant to sections 3319.22 to 3319.30 of the 5663
Revised Code is not required. The duties of an educational 5664
assistant shall not include the assignment of grades to pupils. 5665
The duties of an educational assistant need not be performed in 5666
the physical presence of the teacher to whom assigned, but the 5667
activity of an educational assistant shall at all times be under 5668
the direction of the teacher to whom assigned. The assignment of 5669
an educational assistant need not be limited to assisting a 5670
single teacher. In the event an educational assistant is 5671
assigned to assist more than one teacher the assignments shall 5672
be clearly delineated and so arranged that the educational 5673
assistant shall never be subject to simultaneous supervision or 5674
direction by more than one teacher. 5675

Educational assistants assigned to supervise children 5676
shall, when the teacher to whom assigned is not physically 5677
present, maintain the degree of control and discipline that 5678
would be maintained by the teacher. 5679

Educational assistants may not be used in place of 5680
classroom teachers or other employees and any payment of 5681
compensation by boards of education to educational assistants 5682
for such services is prohibited. The ratio between the number of 5683
licensed teachers and the pupils in a school district may not be 5684
decreased by utilization of educational assistants and no 5685
grouping, or other organization of pupils, for utilization of 5686
educational assistants shall be established which is 5687
inconsistent with sound educational practices and procedures. A 5688
school district may employ up to one full time equivalent 5689
educational assistant for each six full time equivalent licensed 5690
employees of the district. Educational assistants shall not be 5691
counted as licensed employees for purposes of state support in 5692

the school foundation program and no grouping or regrouping of 5693
pupils with educational assistants may be counted as a class or 5694
unit for school foundation program purposes. Neither special 5695
courses required by the regulations of the state board of 5696
education, prescribing minimum qualifications of education for 5697
an educational assistant, nor years of service as an educational 5698
assistant shall be counted in any way toward qualifying for a 5699
teacher license, for a teacher contract of any type, or for 5700
determining placement on a salary schedule in a school district 5701
as a teacher. 5702

(D) Educational assistants employed by a board of 5703
education shall have all rights, benefits, and legal protection 5704
available to other nonteaching employees in the school district, 5705
except that provisions of Chapter 124. of the Revised Code shall 5706
not apply to any person employed as an educational assistant, 5707
and shall be members of the school employees retirement system. 5708
Educational assistants shall be compensated according to a 5709
salary plan adopted annually by the board. 5710

Except as provided in this section nonteaching employees 5711
shall not serve as educational assistants without first 5712
obtaining an appropriate educational aide permit or educational 5713
paraprofessional license from the state board of education. A 5714
nonteaching employee who is the holder of a valid educational 5715
aide permit or educational paraprofessional license shall 5716
neither render nor be required to render services inconsistent 5717
with the type of services authorized by the permit or license 5718
held. No person shall receive compensation from a board of 5719
education for services rendered as an educational assistant in 5720
violation of this provision. 5721

Nonteaching employees whose functions are solely 5722

secretarial-clerical and who do not perform any other duties as 5723
educational assistants, even though they assist a teacher and 5724
work under the direction of a teacher shall not be required to 5725
hold a permit or license issued pursuant to this section. 5726
Students preparing to become licensed teachers or educational 5727
assistants shall not be required to hold an educational aide 5728
permit or paraprofessional license for such periods of time as 5729
such students are assigned, as part of their training program, 5730
to work with a teacher in a school district. Such students shall 5731
not be compensated for such services. 5732

Following the determination of the assignment and general 5733
job description of an educational assistant and subject to 5734
supervision by the teacher's immediate administrative officer, a 5735
teacher to whom an educational assistant is assigned shall make 5736
all final determinations of the duties to be assigned to such 5737
assistant. Teachers shall not be required to hold a license 5738
designated for being a supervisor or administrator in order to 5739
perform the necessary supervision of educational assistants. 5740

(E) No person who is, or who has been employed as an 5741
educational assistant shall divulge, except to the teacher to 5742
whom assigned, or the administrator of the school in the absence 5743
of the teacher to whom assigned, or when required to testify in 5744
a court or proceedings, any personal information concerning any 5745
pupil in the school district which was obtained or obtainable by 5746
the educational assistant while so employed. Violation of this 5747
provision is grounds for disciplinary action or dismissal, or 5748
both. 5749

(F) Notwithstanding anything to the contrary in this 5750
section, the superintendent of a school district may allow an 5751
employee who does not hold a permit or license issued under this 5752

section to work as a substitute for an educational assistant who 5753
is absent on account of illness or on a leave of absence, or to 5754
fill a temporary position created by an emergency, provided that 5755
the superintendent believes the employee's application materials 5756
indicate that the employee is qualified to obtain a permit or 5757
license under this section. 5758

An employee shall begin work as a substitute under this 5759
division not earlier than on the date on which the employee 5760
files an application with the state board for a permit or 5761
license under this section. An employee shall cease working as a 5762
substitute under this division on the earliest of the following: 5763

(1) The date on which the employee files a valid permit or 5764
license issued under this section with the superintendent; 5765

(2) The date on which the employee is denied a permit or 5766
license under this section; 5767

(3) Sixty days following the date on which the employee 5768
began work as a substitute under this division. 5769

The superintendent shall ensure that an employee assigned 5770
to work as a substitute under division (F) of this section has 5771
undergone a criminal records check in accordance with section 5772
3319.391 of the Revised Code. 5773

(G) The state board shall issue an educational aide permit 5774
or educational paraprofessional license in accordance with 5775
Chapter 4796. of the Revised Code to an applicant if either of 5776
the following applies: 5777

(1) The applicant holds a permit or license in another 5778
state. 5779

(2) The applicant has satisfactory work experience, a 5780

government certification, or a private certification as 5781
described in that chapter as an educational aide or educational 5782
paraprofessional in a state that does not issue that permit or 5783
license or both. 5784

Sec. 3319.22. (A) (1) The state board of education shall 5785
issue the following educator licenses: 5786

(a) A resident educator license, which shall be valid for 5787
four years and shall be renewable for reasons specified by rules 5788
adopted by the state board pursuant to division (A) (3) of this 5789
section. The state board, on a case-by-case basis, may extend 5790
the license's duration as necessary to enable the license holder 5791
to complete the Ohio teacher residency program established under 5792
section 3319.223 of the Revised Code; 5793

(b) A professional educator license, which shall be valid 5794
for five years and shall be renewable; 5795

(c) A senior professional educator license, which shall be 5796
valid for five years and shall be renewable; 5797

(d) A lead professional educator license, which shall be 5798
valid for five years and shall be renewable. 5799

Licenses issued under division (A) (1) of this section on 5800
and after ~~the effective date of this amendment~~ November 2, 2018, 5801
shall specify whether the educator is licensed to teach grades 5802
pre-kindergarten through five, grades four through nine, or 5803
grades seven through twelve. The changes to the grade band 5804
specifications under this amendment shall not apply to a person 5805
who holds a license under division (A) (1) of this section prior 5806
to ~~the effective date of this amendment~~ November 2, 2018. 5807
Further, the changes to the grade band specifications under this 5808
amendment shall not apply to any license issued to teach in the 5809

area of computer information science, bilingual education, 5810
dance, drama or theater, world language, health, library or 5811
media, music, physical education, teaching English to speakers 5812
of other languages, career-technical education, or visual arts 5813
or to any license issued to an intervention specialist, 5814
including a gifted intervention specialist, or to any other 5815
license that does not align to the grade band specifications. 5816

(2) The state board may issue any additional educator 5817
licenses of categories, types, and levels the board elects to 5818
provide. 5819

(3) ~~The~~ Except as provided in division (I) of this 5820
section, the state board shall adopt rules establishing the 5821
standards and requirements for obtaining each educator license 5822
issued under this section. The rules shall also include the 5823
reasons for which a resident educator license may be renewed 5824
under division (A) (1) (a) of this section. 5825

(B) ~~The~~ Except as provided in division (I) of this 5826
section, the rules adopted under this section shall require at 5827
least the following standards and qualifications for the 5828
educator licenses described in division (A) (1) of this section: 5829

(1) An applicant for a resident educator license shall 5830
hold at least a bachelor's degree from an accredited teacher 5831
preparation program or be a participant in the teach for America 5832
program and meet the qualifications required under section 5833
3319.227 of the Revised Code. 5834

(2) An applicant for a professional educator license 5835
shall: 5836

(a) Hold at least a bachelor's degree from an institution 5837
of higher education accredited by a regional accrediting 5838

organization;	5839
(b) Have successfully completed the Ohio teacher residency	5840
program established under section 3319.223 of the Revised Code,	5841
if the applicant's current or most recently issued license is a	5842
resident educator license issued under this section or an	5843
alternative resident educator license issued under section	5844
3319.26 of the Revised Code.	5845
(3) An applicant for a senior professional educator	5846
license shall:	5847
(a) Hold at least a master's degree from an institution of	5848
higher education accredited by a regional accrediting	5849
organization;	5850
(b) Have previously held a professional educator license	5851
issued under this section or section 3319.222 or under former	5852
section 3319.22 of the Revised Code;	5853
(c) Meet the criteria for the accomplished or	5854
distinguished level of performance, as described in the	5855
standards for teachers adopted by the state board under section	5856
3319.61 of the Revised Code.	5857
(4) An applicant for a lead professional educator license	5858
shall:	5859
(a) Hold at least a master's degree from an institution of	5860
higher education accredited by a regional accrediting	5861
organization;	5862
(b) Have previously held a professional educator license	5863
or a senior professional educator license issued under this	5864
section or a professional educator license issued under section	5865
3319.222 or former section 3319.22 of the Revised Code;	5866

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

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

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

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

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

(1) Notwithstanding division (E) of section 119.03 and division (A) (1) of section 119.04 of the Revised Code, in the case of the adoption of any rule or the amendment or rescission of any rule that necessitates institutions' offering preparation programs for educators and other school personnel that are approved by the chancellor of higher education under section 3333.048 of the Revised Code to revise the curriculum of those

programs, the effective date shall not be as prescribed in 5896
division (E) of section 119.03 and division (A) (1) of section 5897
119.04 of the Revised Code. Instead, the effective date of such 5898
rules, or the amendment or rescission of such rules, shall be 5899
the date prescribed by section 3333.048 of the Revised Code. 5900

(2) Notwithstanding the authority to adopt, amend, or 5901
rescind emergency rules in division (G) of section 119.03 of the 5902
Revised Code, this authority shall not apply to the state board 5903
of education with regard to rules for educator licenses. 5904

(F) (1) The rules adopted under this section establishing 5905
standards requiring additional coursework for the renewal of any 5906
educator license shall require a school district and a chartered 5907
nonpublic school to establish local professional development 5908
committees. In a nonpublic school, the chief administrative 5909
officer shall establish the committees in any manner acceptable 5910
to such officer. The committees established under this division 5911
shall determine whether coursework that a district or chartered 5912
nonpublic school teacher proposes to complete meets the 5913
requirement of the rules. The department of education shall 5914
provide technical assistance and support to committees as the 5915
committees incorporate the professional development standards 5916
adopted by the state board of education pursuant to section 5917
3319.61 of the Revised Code into their review of coursework that 5918
is appropriate for license renewal. The rules shall establish a 5919
procedure by which a teacher may appeal the decision of a local 5920
professional development committee. 5921

(2) In any school district in which there is no exclusive 5922
representative established under Chapter 4117. of the Revised 5923
Code, the professional development committees shall be 5924
established as described in division (F) (2) of this section. 5925

Not later than the effective date of the rules adopted 5926
under this section, the board of education of each school 5927
district shall establish the structure for one or more local 5928
professional development committees to be operated by such 5929
school district. The committee structure so established by a 5930
district board shall remain in effect unless within thirty days 5931
prior to an anniversary of the date upon which the current 5932
committee structure was established, the board provides notice 5933
to all affected district employees that the committee structure 5934
is to be modified. Professional development committees may have 5935
a district-level or building-level scope of operations, and may 5936
be established with regard to particular grade or age levels for 5937
which an educator license is designated. 5938

Each professional development committee shall consist of 5939
at least three classroom teachers employed by the district, one 5940
principal employed by the district, and one other employee of 5941
the district appointed by the district superintendent. For 5942
committees with a building-level scope, the teacher and 5943
principal members shall be assigned to that building, and the 5944
teacher members shall be elected by majority vote of the 5945
classroom teachers assigned to that building. For committees 5946
with a district-level scope, the teacher members shall be 5947
elected by majority vote of the classroom teachers of the 5948
district, and the principal member shall be elected by a 5949
majority vote of the principals of the district, unless there 5950
are two or fewer principals employed by the district, in which 5951
case the one or two principals employed shall serve on the 5952
committee. If a committee has a particular grade or age level 5953
scope, the teacher members shall be licensed to teach such grade 5954
or age levels, and shall be elected by majority vote of the 5955
classroom teachers holding such a license and the principal 5956

shall be elected by all principals serving in buildings where 5957
any such teachers serve. The district superintendent shall 5958
appoint a replacement to fill any vacancy that occurs on a 5959
professional development committee, except in the case of 5960
vacancies among the elected classroom teacher members, which 5961
shall be filled by vote of the remaining members of the 5962
committee so selected. 5963

Terms of office on professional development committees 5964
shall be prescribed by the district board establishing the 5965
committees. The conduct of elections for members of professional 5966
development committees shall be prescribed by the district board 5967
establishing the committees. A professional development 5968
committee may include additional members, except that the 5969
majority of members on each such committee shall be classroom 5970
teachers employed by the district. Any member appointed to fill 5971
a vacancy occurring prior to the expiration date of the term for 5972
which a predecessor was appointed shall hold office as a member 5973
for the remainder of that term. 5974

The initial meeting of any professional development 5975
committee, upon election and appointment of all committee 5976
members, shall be called by a member designated by the district 5977
superintendent. At this initial meeting, the committee shall 5978
select a chairperson and such other officers the committee deems 5979
necessary, and shall adopt rules for the conduct of its 5980
meetings. Thereafter, the committee shall meet at the call of 5981
the chairperson or upon the filing of a petition with the 5982
district superintendent signed by a majority of the committee 5983
members calling for the committee to meet. 5984

(3) In the case of a school district in which an exclusive 5985
representative has been established pursuant to Chapter 4117. of 5986

the Revised Code, professional development committees shall be 5987
established in accordance with any collective bargaining 5988
agreement in effect in the district that includes provisions for 5989
such committees. 5990

If the collective bargaining agreement does not specify a 5991
different method for the selection of teacher members of the 5992
committees, the exclusive representative of the district's 5993
teachers shall select the teacher members. 5994

If the collective bargaining agreement does not specify a 5995
different structure for the committees, the board of education 5996
of the school district shall establish the structure, including 5997
the number of committees and the number of teacher and 5998
administrative members on each committee; the specific 5999
administrative members to be part of each committee; whether the 6000
scope of the committees will be district levels, building 6001
levels, or by type of grade or age levels for which educator 6002
licenses are designated; the lengths of terms for members; the 6003
manner of filling vacancies on the committees; and the frequency 6004
and time and place of meetings. However, in all cases, except as 6005
provided in division (F) (4) of this section, there shall be a 6006
majority of teacher members of any professional development 6007
committee, there shall be at least five total members of any 6008
professional development committee, and the exclusive 6009
representative shall designate replacement members in the case 6010
of vacancies among teacher members, unless the collective 6011
bargaining agreement specifies a different method of selecting 6012
such replacements. 6013

(4) Whenever an administrator's coursework plan is being 6014
discussed or voted upon, the local professional development 6015
committee shall, at the request of one of its administrative 6016

members, cause a majority of the committee to consist of 6017
administrative members by reducing the number of teacher members 6018
voting on the plan. 6019

(G) (1) The department of education, educational service 6020
centers, county boards of developmental disabilities, college 6021
and university departments of education, head start programs, 6022
and the Ohio education computer network may establish local 6023
professional development committees to determine whether the 6024
coursework proposed by their employees who are licensed or 6025
certificated under this section or section 3319.222 of the 6026
Revised Code, or under the former version of either section as 6027
it existed prior to October 16, 2009, meet the requirements of 6028
the rules adopted under this section. They may establish local 6029
professional development committees on their own or in 6030
collaboration with a school district or other agency having 6031
authority to establish them. 6032

Local professional development committees established by 6033
county boards of developmental disabilities shall be structured 6034
in a manner comparable to the structures prescribed for school 6035
districts in divisions (F) (2) and (3) of this section, as shall 6036
the committees established by any other entity specified in 6037
division (G) (1) of this section that provides educational 6038
services by employing or contracting for services of classroom 6039
teachers licensed or certificated under this section or section 6040
3319.222 of the Revised Code, or under the former version of 6041
either section as it existed prior to October 16, 2009. All 6042
other entities specified in division (G) (1) of this section 6043
shall structure their committees in accordance with guidelines 6044
which shall be issued by the state board. 6045

(2) Educational service centers may establish local 6046

professional development committees to serve educators who are 6047
not employed in schools in this state, including pupil services 6048
personnel who are licensed under this section. Local 6049
professional development committees shall be structured in a 6050
manner comparable to the structures prescribed for school 6051
districts in divisions (F) (2) and (3) of this section. 6052

These committees may agree to review the coursework, 6053
continuing education units, or other equivalent activities 6054
related to classroom teaching or the area of licensure that is 6055
proposed by an individual who satisfies both of the following 6056
conditions: 6057

(a) The individual is licensed or certificated under this 6058
section or under the former version of this section as it 6059
existed prior to October 16, 2009. 6060

(b) The individual is not currently employed as an 6061
educator or is not currently employed by an entity that operates 6062
a local professional development committee under this section. 6063

Any committee that agrees to work with such an individual 6064
shall work to determine whether the proposed coursework, 6065
continuing education units, or other equivalent activities meet 6066
the requirements of the rules adopted by the state board under 6067
this section. 6068

(3) Any public agency that is not specified in ~~divisions~~ 6069
division (G) (1) or (2) of this section but provides educational 6070
services and employs or contracts for services of classroom 6071
teachers licensed or certificated under this section or section 6072
3319.222 of the Revised Code, or under the former version of 6073
either section as it existed prior to October 16, 2009, may 6074
establish a local professional development committee, subject to 6075

the approval of the department of education. The committee shall 6076
be structured in accordance with guidelines issued by the state 6077
board. 6078

(H) Not later than July 1, 2016, the state board, in 6079
accordance with Chapter 119. of the Revised Code, shall adopt 6080
rules pursuant to division (A) (3) of this section that do both 6081
of the following: 6082

(1) Exempt consistently high-performing teachers from the 6083
requirement to complete any additional coursework for the 6084
renewal of an educator license issued under this section or 6085
section 3319.26 of the Revised Code. The rules also shall 6086
specify that such teachers are exempt from any requirements 6087
prescribed by professional development committees established 6088
under divisions (F) and (G) of this section. 6089

(2) For purposes of division (H) (1) of this section, the 6090
state board shall define the term "consistently high-performing 6091
teacher." 6092

(I) The state board shall issue a resident educator 6093
license, professional educator license, senior professional 6094
educator license, lead professional educator license, or any 6095
other educator license in accordance with Chapter 4796. of the 6096
Revised Code to an applicant if either of the following applies: 6097

(1) The applicant holds a license in another state. 6098

(2) The applicant has satisfactory work experience, a 6099
government certification, or a private certification as 6100
described in that chapter as a resident educator, professional 6101
educator, senior professional educator, lead professional 6102
educator, or any other type of educator in a state that does not 6103
issue one or more of those licenses. 6104

Sec. 3319.226. (A) Beginning July 1, 2019, the state board 6105
of education shall issue educator licenses for substitute 6106
teaching only under this section. 6107

(B) ~~The~~ Except as provided in division (E) of this 6108
section, the state board shall adopt rules establishing 6109
standards and requirements for obtaining a license under this 6110
section and for renewal of the license. Except as provided in 6111
division (F) of section 3319.229 of the Revised Code, the rules 6112
shall require an applicant to hold a post-secondary degree, but 6113
not in any specified subject area. The rules also shall allow 6114
the holder of a license issued under this section to work: 6115

(1) For an unlimited number of school days if the license 6116
holder has a post-secondary degree in either education or a 6117
subject area directly related to the subject of the class the 6118
license holder will teach; 6119

(2) For one full semester, subject to the approval of the 6120
employing school district board of education, if the license 6121
holder has a post-secondary degree in a subject area that is not 6122
directly related to the subject of the class that the license 6123
holder will teach. 6124

The district superintendent may request that the board 6125
approve one or more additional subsequent semester-long periods 6126
of teaching for the license holder. 6127

(C) The rules adopted under division (B) of this section 6128
shall permit a substitute career-technical teaching license 6129
holder to teach outside the license holder's certified career 6130
field for up to one semester, subject to approval of the 6131
employing school district superintendent. 6132

(D) Any license issued or renewed under former section 6133

3319.226 of the Revised Code that was still in force on November 2, 2018, shall remain in force for the remainder of the term for which it was issued or renewed. Upon the expiration of that term, the holder of that license shall be subject to licensure under the rules adopted under this section.

(E) The state board shall issue an educator license for substitute teaching 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 substitute teacher in a state that does not issue that license.

Sec. 3319.229. (A) (1) Notwithstanding the repeal of former section 3319.229 of the Revised Code by S.B. 216 of the 132nd general assembly, the state board of education shall accept applications for new, and for renewal of, professional career-technical teaching licenses through June 30, 2019, and issue them on the basis of the applications received by that date in accordance with the rules described in that former section. Except as otherwise provided in divisions (A) (2) and (3) of this section, beginning July 1, 2019, the state board shall issue career-technical workforce development educator licenses only under this section.

(2) An individual who, on July 1, 2019, holds a professional career-technical teaching license issued under the rules described in former section 3319.229 of the Revised Code, may continue to renew that license in accordance with those rules for the remainder of the individual's teaching career.

However, nothing in this division shall be construed to prohibit 6163
the individual from applying to the state board for a career- 6164
technical workforce development educator license under this 6165
section. 6166

(3) An individual who, on July 1, 2019, holds an 6167
alternative resident educator license for teaching career- 6168
technical education issued under section 3319.26 of the Revised 6169
Code may, upon the expiration of the license, apply for a 6170
professional career-technical teaching license issued under the 6171
rules described in former section 3319.229 of the Revised Code. 6172
Such an individual may continue to renew the professional 6173
license in accordance with those rules for the remainder of the 6174
individual's teaching career. However, nothing in this division 6175
shall be construed to prohibit the individual from applying to 6176
the state board for a career-technical workforce development 6177
educator license under this section. 6178

(B) ~~The~~ Except as provided in division (G) of this 6179
section, the state board, in collaboration with the chancellor 6180
of higher education, shall adopt rules establishing standards 6181
and requirements for obtaining a two-year initial career- 6182
technical workforce development educator license and a five-year 6183
advanced career-technical workforce development educator 6184
license. Each license shall be valid for teaching career- 6185
technical education or workforce development programs in grades 6186
four through twelve. The rules shall require applicants for 6187
either license to have a high school diploma or a certificate of 6188
high school equivalence as awarded under section 3301.80 of the 6189
Revised Code or as recognized as the equivalent of such 6190
certificate under division (C) of that section. 6191

(C) (1) ~~The~~ Except as provided in division (G) of this 6192

section, the state board shall issue an initial career-technical 6193
workforce development educator license to an applicant upon 6194
request from the superintendent of a school district that has 6195
agreed to employ the applicant. In making the request, the 6196
superintendent shall provide documentation, in accordance with 6197
procedures prescribed by the department of education, showing 6198
that the applicant has at least five years of work experience, 6199
or the equivalent, in the subject area in which the applicant 6200
will teach. The license shall be valid for teaching only in the 6201
requesting district. The superintendent also shall provide 6202
documentation, in accordance with procedures prescribed by the 6203
department, that the applicant is enrolled in a career-technical 6204
workforce development educator preparation program offered by an 6205
institution of higher education that has an existing teacher 6206
preparatory program in place that meets all of the following 6207
criteria: 6208

(a) Is approved by the chancellor of higher education to 6209
provide instruction in teaching methods and principles; 6210

(b) Provides classroom support to the license holder; 6211

(c) Includes at least three semester hours of coursework 6212
in the teaching of reading in the subject area; 6213

(d) Is aligned with career-technical education and 6214
workforce development competencies developed by the department; 6215

(e) Uses a summative performance-based assessment 6216
developed by the program and aligned to the competencies 6217
described in division (C) (1) (d) of this section to evaluate the 6218
license holder's knowledge and skills; 6219

(f) Consists of not less than twenty-four semester hours 6220
of coursework, or the equivalent. 6221

(2) As a condition of continuing to hold the initial 6222
career-technical workforce development license, the holder of 6223
the license shall be participating in a career-technical 6224
workforce development educator preparation program described in 6225
division (C) (1) of this section. 6226

(3) The state board shall renew an initial career- 6227
technical workforce development educator license if the 6228
supervisor of the program described in division (C) (1) of this 6229
section and the superintendent of the employing school district 6230
indicate that the applicant is making sufficient progress in 6231
both the program and the teaching position. 6232

(D) ~~The Except as provided in division (G) of this~~ 6233
section, the state board shall issue an advanced career- 6234
technical workforce development educator license to an applicant 6235
who has successfully completed the program described in division 6236
(C) (1) of this section, as indicated by the supervisor of the 6237
program, and who demonstrates mastery of the applicable career- 6238
technical education and workforce development competencies 6239
described in division (C) (1) (d) of this section in the teaching 6240
position, as indicated by the superintendent of the employing 6241
school district. 6242

(E) The holder of an advanced career-technical workforce 6243
development educator license shall work with a local 6244
professional development committee established under section 6245
3319.22 of the Revised Code in meeting requirements for renewal 6246
of the license. 6247

(F) Notwithstanding the provisions of section 3319.226 of 6248
the Revised Code, the state board shall not require any 6249
applicant for an educator license for substitute teaching who 6250
holds a license issued under this section to hold a post- 6251

secondary degree in order to be issued a license under section 6252
3319.226 of the Revised Code to work as a substitute teacher for 6253
career-technical education classes. 6254

(G) The state board shall issue a license to practice as 6255
an initial career-technical workforce development educator or 6256
advanced career-technical workforce development educator in 6257
accordance with Chapter 4796. of the Revised Code to an 6258
applicant if either of the following applies: 6259

(1) The applicant holds a license in another state. 6260

(2) The applicant has satisfactory work experience, a 6261
government certification, or a private certification as 6262
described in that chapter as a career-technical workforce 6263
development educator in a state that does not issue one or both 6264
of those licenses. 6265

Sec. 3319.26. (A) The Except as provided in division (H) 6266
of this section, the state board of education shall adopt rules 6267
establishing the standards and requirements for obtaining an 6268
alternative resident educator license for teaching in grades 6269
kindergarten to twelve, or the equivalent, in a designated 6270
subject area or in the area of intervention specialist, as 6271
defined by rule of the state board. The rules shall also include 6272
the reasons for which an alternative resident educator license 6273
may be renewed under division (D) of this section. 6274

(B) The superintendent of public instruction and the 6275
chancellor of higher education jointly shall develop an 6276
intensive pedagogical training institute to provide instruction 6277
in the principles and practices of teaching for individuals 6278
seeking an alternative resident educator license. The 6279
instruction shall cover such topics as student development and 6280

learning, pupil assessment procedures, curriculum development, 6281
classroom management, and teaching methodology. 6282

(C) ~~The~~ Except as provided in division (H) of this 6283
section, the rules adopted under this section shall require 6284
applicants for the alternative resident educator license to 6285
satisfy the following conditions prior to issuance of the 6286
license, but they shall not require applicants to have completed 6287
a major or coursework in the subject area for which application 6288
is being made: 6289

(1) Hold a minimum of a baccalaureate degree; 6290

(2) Successfully complete the pedagogical training 6291
institute described in division (B) of this section or the 6292
preservice training provided to participants of a teacher 6293
preparation program that has been approved by the chancellor. 6294
The chancellor may approve any such program that requires 6295
participants to hold a bachelor's degree; have either a 6296
cumulative undergraduate grade point average of at least 2.5 out 6297
of 4.0, or its equivalent or a cumulative graduate school grade 6298
point average of at least 3.0 out of 4.0; and successfully 6299
complete the program's preservice training. 6300

(3) Pass an examination in the subject area for which 6301
application is being made. 6302

(D) An alternative resident educator license shall be 6303
valid for four years and shall be renewable for reasons 6304
specified by rules adopted by the state board pursuant to 6305
division (A) of this section. The state board, on a case-by-case 6306
basis, may extend the license's duration as necessary to enable 6307
the license holder to complete the Ohio teacher residency 6308
program established under section 3319.223 of the Revised Code. 6309

(E) The rules shall require the holder of an alternative 6310
resident educator license, as a condition of continuing to hold 6311
the license, to do all of the following: 6312

(1) Participate in the Ohio teacher residency program; 6313

(2) Show satisfactory progress in taking and successfully 6314
completing one of the following: 6315

(a) At least twelve additional semester hours, or the 6316
equivalent, of college coursework in the principles and 6317
practices of teaching in such topics as student development and 6318
learning, pupil assessment procedures, curriculum development, 6319
classroom management, and teaching methodology; 6320

(b) Professional development provided by a teacher 6321
preparation program that has been approved by the chancellor 6322
under division (C) (2) of this section. 6323

(3) Take an assessment of professional knowledge in the 6324
second year of teaching under the license. 6325

(F) The rules shall provide for the granting of a 6326
professional educator license to a holder of an alternative 6327
resident educator license upon successfully completing all of 6328
the following: 6329

(1) Four years of teaching under the alternative license; 6330

(2) The additional college coursework or professional 6331
development described in division (E) (2) of this section; 6332

(3) The assessment of professional knowledge described in 6333
division (E) (3) of this section. The standards for successfully 6334
completing this assessment and the manner of conducting the 6335
assessment shall be the same as for any other individual who is 6336
required to take the assessment pursuant to rules adopted by the 6337

state board under section 3319.22 of the Revised Code. 6338

(4) The Ohio teacher residency program; 6339

(5) All other requirements for a professional educator 6340
license adopted by the state board under section 3319.22 of the 6341
Revised Code. 6342

(G) A person who is assigned to teach in this state as a 6343
participant in the teach for America program or who has 6344
completed two years of teaching in another state as a 6345
participant in that program shall be eligible for a license only 6346
under section 3319.227 of the Revised Code and shall not be 6347
eligible for a license under this section. 6348

(H) The board shall issue an alternative resident educator 6349
license in accordance with Chapter 4796. of the Revised Code to 6350
an applicant if either of the following applies: 6351

(1) The applicant holds a license in another state. 6352

(2) The applicant has satisfactory work experience, a 6353
government certification, or a private certification as 6354
described in that chapter as an educator for grades kindergarten 6355
through twelve in a state that does not issue that license. 6356

Sec. 3319.261. (A) Notwithstanding any other provision of 6357
the Revised Code or any rule adopted by the state board of 6358
education to the contrary and except as provided in division (C) 6359
of this section, the state board shall issue an alternative 6360
resident educator license under division (C) of section 3319.26 6361
of the Revised Code to each applicant who meets the following 6362
conditions: 6363

(1) Holds a bachelor's degree from an accredited 6364
institution of higher education; 6365

(2) Has successfully completed a teacher education program 6366
offered by one of the following entities: 6367

(a) The American Montessori society; 6368

(b) The association Montessori internationale; 6369

(c) An institution accredited by the Montessori 6370
accreditation council for teacher education. 6371

(3) Is employed in a school that operates a program that 6372
uses the Montessori method endorsed by the American Montessori 6373
society, the Montessori accreditation council for teacher 6374
education, or the association Montessori internationale as its 6375
primary method of instruction. 6376

(B) The holder of an alternative resident educator license 6377
issued under this section shall be subject to divisions (A), 6378
(B), (D), and (E) of section 3319.26 of the Revised Code and 6379
shall be granted a professional educator license upon successful 6380
completion of the requirements described in division (F) of 6381
section 3319.26 of the Revised Code. 6382

(C) The state board shall issue an alternative resident 6383
educator license under this section in accordance with Chapter 6384
4796. of the Revised Code to an applicant if either of the 6385
following applies: 6386

(1) The applicant holds a license in another state. 6387

(2) The applicant has satisfactory work experience, a 6388
government certification, or a private certification as 6389
described in that chapter as an educator providing instruction 6390
in a Montessori-method school in a state that does not issue 6391
that license. 6392

Sec. 3319.262. (A) Notwithstanding any other provision of 6393

the Revised Code or any rule adopted by the state board of 6394
education to the contrary and except as provided in division (C) 6395
of this section, the state board shall adopt rules establishing 6396
standards and requirements for obtaining a nonrenewable four- 6397
year initial early college high school educator license for 6398
teaching grades seven through twelve at an early college high 6399
school described in section 3313.6013 of the Revised Code to any 6400
applicant who meets the following conditions: 6401

(1) Has a graduate or terminal degree from an accredited 6402
institution of higher education in a field related to the 6403
subject area to be taught, as determined by the department of 6404
education; 6405

(2) Has obtained a passing score on an examination in the 6406
subject area to be taught, as prescribed by the state board; 6407

(3) Has experience teaching students at any grade level, 6408
including post-secondary students; 6409

(4) Has proof that an early college high school intends to 6410
employ the applicant pending a valid license under this section. 6411

An individual licensed under this section shall be subject 6412
to sections 3319.291 and 3319.39 of the Revised Code. An initial 6413
educator license issued under division (A) of this section shall 6414
be valid for teaching only at the employing school described in 6415
division (A) (4) of this section. 6416

(B) After four years of teaching under an initial early 6417
college high school educator license issued under this section, 6418
an individual may apply for a renewable five-year professional 6419
educator license in the same subject area named in the initial 6420
license. The state board shall issue the applicant a 6421
professional educator license if the applicant attains a passing 6422

score on an assessment of professional knowledge prescribed by 6423
the state board. Nothing in division (B) of this section shall 6424
be construed to prohibit an individual from applying for a 6425
professional-~~education~~ educator license under section 3319.22 of 6426
the Revised Code. 6427

(C) The state board shall issue an initial early college 6428
high school educator license in accordance with Chapter 4796. of 6429
the Revised Code to an applicant if either of the following 6430
applies: 6431

(1) The applicant holds a license in another state. 6432

(2) The applicant has satisfactory work experience, a 6433
government certification, or a private certification as 6434
described in that chapter as an early college high school 6435
educator in a state that does not issue that license. 6436

Sec. 3319.27. (A) The-Except as provided in division (C) 6437
of this section, the state board of education shall adopt rules 6438
that establish an alternative principal license. The rules 6439
establishing an alternative principal license shall include a 6440
requirement that an applicant have obtained classroom teaching 6441
experience. Beginning on the effective date of the rules, the 6442
state board shall cease to issue temporary educator licenses 6443
pursuant to section 3319.225 of the Revised Code for employment 6444
as a principal. Any person who on the effective date of the 6445
rules holds a valid temporary educator license issued under that 6446
section and is employed as a principal shall be allowed to 6447
continue employment as a principal until the expiration of the 6448
license. Employment of any such person as a principal by a 6449
school district after the expiration of the temporary educator 6450
license shall be contingent upon the state board issuing the 6451
person an alternative principal license in accordance with the 6452

rules adopted under this division. 6453

(B) ~~The~~ Except as provided in division (C) of this 6454
section, the state board shall adopt rules that establish an 6455
alternative administrator license, which shall be valid for 6456
employment as a superintendent or in any other administrative 6457
position except principal. Beginning on the effective date of 6458
the rules, the state board shall cease to issue temporary 6459
educator licenses pursuant to section 3319.225 of the Revised 6460
Code for employment as a superintendent or in any other 6461
administrative position except principal. Any person who on the 6462
effective date of the rules holds a valid temporary educator 6463
license issued under that section and is employed as a 6464
superintendent or in any other administrative position except 6465
principal shall be allowed to continue employment in that 6466
position until the expiration of the license. Employment of any 6467
such person as a superintendent or in any other administrative 6468
position except principal by a school district after the 6469
expiration of the temporary educator license shall be contingent 6470
upon the state board issuing the person an alternative 6471
administrator license in accordance with the rules adopted under 6472
this division. 6473

(C) The state board shall issue an alternative principal 6474
or alternative administrator license in accordance with Chapter 6475
4796. of the Revised Code to an applicant if either of the 6476
following applies: 6477

(1) The applicant holds a license in another state. 6478

(2) The applicant has satisfactory work experience, a 6479
government certification, or a private certification as 6480
described in that chapter as a school principal or school 6481
administrator in a state that does not issue one or both of 6482

those licenses. 6483

Sec. 3319.28. (A) As used in this section, "STEM school" 6484
means a science, technology, engineering, and mathematics school 6485
established under Chapter 3326. of the Revised Code. 6486

(B) Notwithstanding any other provision of the Revised 6487
Code or any rule adopted by the state board of education to the 6488
contrary and except as provided in division (F) of this section, 6489
the state board shall issue a two-year provisional educator 6490
license for teaching science, technology, engineering, or 6491
mathematics in grades six through twelve in a STEM school to any 6492
applicant who meets the following conditions: 6493

(1) Holds a bachelor's degree from an accredited 6494
institution of higher education in a field related to the 6495
subject area to be taught; 6496

(2) Has passed an examination prescribed by the state 6497
board in the subject area to be taught. 6498

(C) The holder of a provisional educator license issued 6499
under this section shall complete a structured apprenticeship 6500
program provided by an educational service center or a teacher 6501
preparation program approved under section 3333.048 of the 6502
Revised Code, in partnership with the STEM school that employs 6503
the license holder. The apprenticeship program shall include the 6504
following: 6505

(1) Mentoring by a teacher or administrator who regularly 6506
observes the license holder's classroom instruction, provides 6507
feedback on the license holder's teaching strategies and 6508
classroom management, and engages the license holder in 6509
discussions about methods for fostering and measuring student 6510
learning; 6511

(2) Regularly scheduled seminars or meetings that address the following topics:	6512 6513
(a) The statewide academic standards adopted by the state board under section 3301.079 of the Revised Code and the importance of aligning curriculum with those standards;	6514 6515 6516
(b) The achievement assessments prescribed by section 3301.0710 of the Revised Code;	6517 6518
(c) The school district and building accountability system established under Chapter 3302. of the Revised Code;	6519 6520
(d) Instructional methods and strategies;	6521
(e) Student development;	6522
(f) Assessing student progress and providing remediation and intervention, as necessary, to meet students' special needs;	6523 6524
(g) Classroom management and record keeping.	6525
(D) After two years of teaching under a provisional educator license issued under this section, a person may apply for a five-year professional educator license in the same subject area named in the provisional license. The state board shall issue the applicant a professional educator license if the applicant meets the following conditions:	6526 6527 6528 6529 6530 6531
(1) The applicant completed the apprenticeship program described in division (C) of this section.	6532 6533
(2) The applicant receives a positive recommendation indicating that the applicant is an effective teacher from both of the following:	6534 6535 6536
(a) The chief administrative officer of the STEM school that most recently employed the applicant as a classroom	6537 6538

teacher; 6539

(b) The educational service center or teacher preparation 6540
program administrator in charge of the apprenticeship program 6541
completed by the applicant. 6542

(3) The applicant meets all other requirements for a 6543
professional educator license adopted by the state board under 6544
section 3319.22 of the Revised Code. 6545

(E) The department of education shall evaluate the 6546
experiences of STEM schools with classroom teachers holding 6547
provisional educator licenses issued under this section. The 6548
evaluation shall cover the first two school years for which 6549
licenses are issued and shall consider at least the schools' 6550
satisfaction with the teachers and the operation of the 6551
apprenticeship programs. 6552

(F) The state board shall issue a provisional educator 6553
license for teaching in a STEM school in accordance with Chapter 6554
4796. of the Revised Code to an applicant if either of the 6555
following applies: 6556

(1) The applicant holds a license in another state. 6557

(2) The applicant has satisfactory work experience, a 6558
government certification, or a private certification as 6559
described in that chapter as a STEM educator in a state that 6560
does not issue that license. 6561

Sec. 3319.301. (A) As used in this section: 6562

(1) "Dropout recovery community school" means a community 6563
school established under Chapter 3314. of the Revised Code in 6564
which a majority of the students are enrolled in a dropout 6565
prevention and recovery program that is operated by the school. 6566

(2) "Industry-recognized credential program" means a 6567
career-technical course in which a student may earn an industry- 6568
recognized credential approved under section 3313.6113 of the 6569
Revised Code. 6570

(3) "STEM school" means a science, technology, 6571
engineering, and mathematics school established under Chapter 6572
3326. of the Revised Code. 6573

(B) The state board of education shall issue permits to 6574
individuals who are not licensed as required by sections 3319.22 6575
to 3319.30 of the Revised Code, but who are otherwise qualified, 6576
to teach classes for not more than a total of twelve hours a 6577
week, except that an individual teaching in a STEM school or an 6578
individual teaching an industry-recognized credential program 6579
offered at a dropout recovery community school may teach classes 6580
for not more than a total of forty hours a week. The state 6581
board, by rule, shall set forth the qualifications, other than 6582
licensure under sections 3319.22 to 3319.30 of the Revised Code, 6583
to be met by individuals in order to be issued a permit as 6584
provided in this section. Such qualifications shall include the 6585
possession of a baccalaureate, master's, or doctoral degree in, 6586
or significant experience related to, the subject the individual 6587
is to teach. For an individual assigned to teach a career- 6588
technical class, significant experience related to a subject 6589
shall include career-technical experience. Applications for 6590
permits pursuant to this section shall be made in accordance 6591
with section 3319.29 of the Revised Code. A permit issued under 6592
this section shall be renewable. 6593

The state board, by rule, shall authorize the board of 6594
education of each school district and each STEM school to engage 6595
individuals holding permits issued under this section to teach 6596

classes for not more than the total number of hours a week 6597
specified in the permit. The rules shall include provisions with 6598
regard to each of the following: 6599

(1) That a board of education or STEM school shall engage 6600
a nonlicensed individual to teach pursuant to this section on a 6601
volunteer basis, or by entering into a contract with the 6602
individual or the individual's employer on such terms and 6603
conditions as are agreed to between the board or school and the 6604
individual or the individual's employer; 6605

(2) That an employee of the board of education or STEM 6606
school who is licensed under sections 3319.22 to 3319.30 of the 6607
Revised Code shall directly supervise a nonlicensed individual 6608
who is engaged to teach pursuant to this section until the 6609
superintendent of the school district or the chief 6610
administrative officer of the STEM school is satisfied that the 6611
nonlicensed individual has sufficient understanding of, and 6612
experience in, effective teaching methods to teach without 6613
supervision. 6614

(C) A nonlicensed individual engaged to teach pursuant to 6615
this section is a teacher for the purposes of Title XXXIII of 6616
the Revised Code except for the purposes of Chapters 3307. and 6617
3317. and sections 3319.07 to 3319.31 of the Revised Code. Such 6618
an individual is not an employee of the board of education or 6619
STEM school for the purpose of Titles I or XLI or Chapter 3309. 6620
of the Revised Code. 6621

(D) Students enrolled in a class taught by a nonlicensed 6622
individual pursuant to this section and rules adopted thereunder 6623
shall receive the same credit as if the class had been taught by 6624
an employee licensed pursuant to sections 3319.22 to 3319.30 of 6625
the Revised Code. 6626

(E) No board of education of any school district shall 6627
engage any one or more nonlicensed individuals if such 6628
employment displaces from employment an existing licensed 6629
employee of the district. 6630

(F) Chapter 4796. of the Revised Code does not apply to 6631
permits issued under this section. 6632

Sec. 3319.303. (A) ~~The~~ Except as provided in division (D) 6633
of this section, the state board of education shall adopt rules 6634
establishing standards and requirements for obtaining a pupil- 6635
activity program permit for any individual who does not hold a 6636
valid educator license, certificate, or permit issued by the 6637
state board under section 3319.22, 3319.26, or 3319.27 of the 6638
Revised Code. The permit issued under this section shall be 6639
valid for coaching, supervising, or directing a pupil-activity 6640
program under section 3313.53 of the Revised Code. Subject to 6641
the provisions of section 3319.31 of the Revised Code, a permit 6642
issued under this division shall be valid for three years and 6643
shall be renewable. 6644

(B) The state board shall adopt rules applicable to 6645
individuals who hold valid educator licenses, certificates, or 6646
permits issued by the state board under section 3319.22, 6647
3319.26, or 3319.27 of the Revised Code setting forth standards 6648
to assure any such individual's competence to direct, supervise, 6649
or coach a pupil-activity program described in section 3313.53 6650
of the Revised Code. The rules adopted under this division shall 6651
not be more stringent than the standards set forth in rules 6652
applicable to individuals who do not hold such licenses, 6653
certificates, or permits adopted under division (A) of this 6654
section. Subject to the provisions of section 3319.31 of the 6655
Revised Code, a permit issued to an individual under this 6656

division shall be valid for the same number of years as the 6657
individual's educator license, certificate, or permit issued 6658
under section 3319.22, 3319.26, or 3319.27 of the Revised Code 6659
and shall be renewable. 6660

~~(C) As a condition to issuing or renewing a pupil-activity-~~ 6661
~~program permit to coach interscholastic athletics:~~ 6662

(1) ~~The~~ Except as provided in division (D) of this 6663
section, as a condition to issuing a pupil-activity program 6664
permit to coach interscholastic athletics, the state board shall 6665
require each individual applying for a first permit on or after 6666
April 26, 2013, to successfully complete a training program that 6667
is specifically focused on brain trauma and brain injury 6668
management. 6669

(2) The state board shall require, as a condition to 6670
renewing a pupil-activity program permit to coach 6671
interscholastic athletics, each individual applying for a permit 6672
renewal on or after that date to present evidence that the 6673
individual has successfully completed, within the previous three 6674
years, a training program in recognizing the symptoms of 6675
concussions and head injuries to which the department of health 6676
has provided a link on its internet web site under section 6677
3707.52 of the Revised Code or a training program authorized and 6678
required by an organization that regulates interscholastic 6679
athletic competition and conducts interscholastic athletic 6680
events. 6681

(D) The state board shall issue a permit for coaching, 6682
supervising, or directing a pupil-activity program in accordance 6683
with Chapter 4796. of the Revised Code to an applicant if either 6684
of the following applies: 6685

(1) The applicant holds a license or permit in another 6686
state. 6687

(2) The applicant has satisfactory work experience, a 6688
government certification, or a private certification as 6689
described in that chapter as a coach, supervisor, or pupil- 6690
activity program director in a state that does not issue that 6691
permit. 6692

Sec. 3319.361. (A) The Except as provided in division (F) 6693
of this section, the state board of education shall establish 6694
rules for the issuance of a supplemental teaching license. This 6695
license shall be issued at the request of the superintendent of 6696
a city, local, exempted village, or joint vocational school 6697
district, educational service center, or the governing authority 6698
of a STEM school, chartered nonpublic school, or community 6699
school to an individual who meets all of the following criteria: 6700

(1) Holds a current professional or permanent Ohio 6701
teaching certificate or resident educator license, professional 6702
educator license, senior professional educator license, or lead 6703
professional educator license, as issued under section 3319.22 6704
or 3319.26 of the Revised Code; 6705

(2) Is of good moral character; 6706

(3) Is employed in a supplemental licensure area or 6707
teaching field, as defined by the state board; 6708

(4) Completes an examination prescribed by the state board 6709
in the licensure area; 6710

(5) Completes, while employed under the supplemental 6711
teaching license and subsequent renewals thereof, additional 6712
coursework, if applicable, and testing requirements for full 6713
licensure in the supplemental area as a condition of holding and 6714

teaching under a supplemental teaching license. 6715

(B) The employing school district, service center, or 6716
school shall assign a mentor to the individual holding a 6717
supplemental teaching license. The assigned mentor shall be an 6718
experienced teacher who currently holds a license in the same, 6719
or a related, content area as the supplemental license. 6720

(C) Before the department of education will issue an 6721
individual a supplemental teaching license in another area, the 6722
supplemental licensee must complete the supplemental licensure 6723
program, or its equivalent, and be issued a standard teaching 6724
license in the area of the currently held supplemental license. 6725

(D) An individual may advance from a supplemental teaching 6726
license to a standard teaching license upon: 6727

(1) Verification from the employing superintendent or 6728
governing authority that the individual holding the supplemental 6729
teaching license has taught successfully in the licensure area 6730
for a minimum of two years; and 6731

(2) Completing requirements as applicable to the licensure 6732
area or teaching field as established by the state board. 6733

(E) A licensee who has filed an application under this 6734
section may work in the supplemental licensure area for up to 6735
sixty school days while completing the requirements in division 6736
(A) (4) of this section. If the requirements are not completed 6737
within sixty days, the application shall be declined. 6738

(F) The state board shall issue a supplemental teaching 6739
license in accordance with Chapter 4796. of the Revised Code to 6740
an applicant if either of the following applies: 6741

(1) The applicant holds a license in another state. 6742

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an educator providing supplemental instruction in a state that does not issue that license.

Sec. 3327.10. (A) ~~No~~ Except as provided in division (L) of this section, no person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from either the educational service center governing board that has entered into an agreement with the school district under section 3313.843 or 3313.845 of the Revised Code or the superintendent of the school district, certifying that such person is at least eighteen years of age and is qualified physically and otherwise for such position. The service center governing board or the superintendent, as the case may be, shall provide for an annual physical examination that conforms with rules adopted by the state board of education of each driver to ascertain 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 6772
federal motor carrier safety administration in accordance with 6773
49 C.F.R. part 390. 6774

Any certificate may be revoked by the authority granting 6775
the same on proof that the holder has been guilty of failing to 6776
comply with division (D)(1) of this section, or upon a 6777
conviction or a guilty plea for a violation, or any other 6778
action, that results in a loss or suspension of driving rights. 6779
Failure to comply with such division may be cause for 6780
disciplinary action or termination of employment under division 6781
(C) of section 3319.081, or section 124.34 of the Revised Code. 6782

(B) ~~No~~ Except as provided in division (L) of this section, 6783
no person shall be employed as driver of a school bus or motor 6784
van not subject to the rules of the department of education 6785
pursuant to division (A) of this section who has not received a 6786
certificate from the school administrator or contractor 6787
certifying that such person is at least eighteen years of age 6788
and is qualified physically and otherwise for such position. 6789
Each driver shall have an annual physical examination which 6790
conforms to the state highway patrol rules, ascertaining the 6791
driver's physical fitness for such employment. The examination 6792
shall be performed by one of the following: 6793

(1) A person licensed under Chapter 4731. or 4734. of the 6794
Revised Code or by another state to practice medicine and 6795
surgery, osteopathic medicine and surgery, or chiropractic; 6796

(2) A physician assistant; 6797

(3) A certified nurse practitioner; 6798

(4) A clinical nurse specialist; 6799

(5) A certified nurse-midwife; 6800

(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.

(D) No person employed as driver of a school bus or motor van under this section who is convicted of a traffic violation or who has had the person's commercial driver's license suspended shall drive a school bus or motor van until the person has filed a written notice of the conviction or suspension, as follows:

(1) If the person is employed under division (A) of this section, the person shall file the notice with the superintendent, or a person designated by the superintendent, of the school district for which the person drives a school bus or motor van as an employee or drives a privately owned and operated school bus or motor van under contract.

(2) If employed under division (B) of this section, the person shall file the notice with the employing school administrator or contractor, or a person designated by the

administrator or contractor. 6830

(E) In addition to resulting in possible revocation of a 6831
certificate as authorized by divisions (A) and (B) of this 6832
section, violation of division (D) of this section is a minor 6833
misdemeanor. 6834

(F) (1) Not later than thirty days after June 30, 2007, 6835
each owner of a school bus or motor van shall obtain the 6836
complete driving record for each person who is currently 6837
employed or otherwise authorized to drive the school bus or 6838
motor van. An owner of a school bus or motor van shall not 6839
permit a person to operate the school bus or motor van for the 6840
first time before the owner has obtained the person's complete 6841
driving record. Thereafter, the owner of a school bus or motor 6842
van shall obtain the person's driving record not less frequently 6843
than semiannually if the person remains employed or otherwise 6844
authorized to drive the school bus or motor van. An owner of a 6845
school bus or motor van shall not permit a person to resume 6846
operating a school bus or motor van, after an interruption of 6847
one year or longer, before the owner has obtained the person's 6848
complete driving record. 6849

(2) The owner of a school bus or motor van shall not 6850
permit a person to operate the school bus or motor van for ten 6851
years after the date on which the person pleads guilty to or is 6852
convicted of a violation of section 4511.19 of the Revised Code 6853
or a substantially equivalent municipal ordinance. 6854

(3) An owner of a school bus or motor van shall not permit 6855
any person to operate such a vehicle unless the person meets all 6856
other requirements contained in rules adopted by the state board 6857
of education prescribing qualifications of drivers of school 6858
buses and other student transportation. 6859

(G) No superintendent of a school district, educational service center, community school, or public or private employer shall permit the operation of a vehicle used for pupil transportation within this state by an individual unless both of the following apply:

(1) Information pertaining to that driver has been submitted to the department of education, pursuant to procedures adopted by that department. Information to be reported shall include the name of the employer or school district, name of the driver, driver license number, date of birth, date of hire, status of physical evaluation, and status of training.

(2) The most recent criminal records check required by division (J) of this section has been completed and received by the superintendent or public or private employer.

(H) A person, school district, educational service center, community school, nonpublic school, or other public or nonpublic entity that owns a school bus or motor van, or that contracts with another entity to operate a school bus or motor van, may impose more stringent restrictions on drivers than those prescribed in this section, in any other section of the Revised Code, and in rules adopted by the state board.

(I) For qualified drivers who, on July 1, 2007, are employed by the owner of a school bus or motor van to drive the school bus or motor van, any instance in which the driver was convicted of or pleaded guilty to a violation of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance prior to two years prior to July 1, 2007, shall not be considered a disqualifying event with respect to division (F) of this section.

(J) (1) This division applies to persons hired by a school 6889
district, educational service center, community school, 6890
chartered nonpublic school, or science, technology, engineering, 6891
and mathematics school established under Chapter 3326. of the 6892
Revised Code to operate a vehicle used for pupil transportation. 6893

For each person to whom this division applies who is hired 6894
on or after November 14, 2007, the employer shall request a 6895
criminal records check in accordance with section 3319.39 of the 6896
Revised Code and every six years thereafter. For each person to 6897
whom this division applies who is hired prior to that date, the 6898
employer shall request a criminal records check by a date 6899
prescribed by the department of education and every six years 6900
thereafter. 6901

(2) This division applies to persons hired by a public or 6902
private employer not described in division (J) (1) of this 6903
section to operate a vehicle used for pupil transportation. 6904

For each person to whom this division applies who is hired 6905
on or after November 14, 2007, the employer shall request a 6906
criminal records check prior to the person's hiring and every 6907
six years thereafter. For each person to whom this division 6908
applies who is hired prior to that date, the employer shall 6909
request a criminal records check by a date prescribed by the 6910
department and every six years thereafter. 6911

(3) Each request for a criminal records check under 6912
division (J) of this section shall be made to the superintendent 6913
of the bureau of criminal identification and investigation in 6914
the manner prescribed in section 3319.39 of the Revised Code, 6915
except that if both of the following conditions apply to the 6916
person subject to the records check, the employer shall request 6917
the superintendent only to obtain any criminal records that the 6918

federal bureau of investigation has on the person: 6919

(a) The employer previously requested the superintendent 6920
to determine whether the bureau of criminal identification and 6921
investigation has any information, gathered pursuant to division 6922
(A) of section 109.57 of the Revised Code, on the person in 6923
conjunction with a criminal records check requested under 6924
section 3319.39 of the Revised Code or under division (J) of 6925
this section. 6926

(b) The person presents proof that the person has been a 6927
resident of this state for the five-year period immediately 6928
prior to the date upon which the person becomes subject to a 6929
criminal records check under this section. 6930

Upon receipt of a request, the superintendent shall 6931
conduct the criminal records check in accordance with section 6932
109.572 of the Revised Code as if the request had been made 6933
under section 3319.39 of the Revised Code. However, as specified 6934
in division (B)(2) of section 109.572 of the Revised Code, if 6935
the employer requests the superintendent only to obtain any 6936
criminal records that the federal bureau of investigation has on 6937
the person for whom the request is made, the superintendent 6938
shall not conduct the review prescribed by division (B)(1) of 6939
that section. 6940

(K)(1) Until the effective date of the amendments to rule 6941
3301-83-23 of the Ohio Administrative Code required by the 6942
second paragraph of division (E) of section 3319.39 of the 6943
Revised Code, any person who is the subject of a criminal 6944
records check under division (J) of this section and has been 6945
convicted of or pleaded guilty to any offense described in 6946
division (B)(1) of section 3319.39 of the Revised Code shall not 6947
be hired or shall be released from employment, as applicable, 6948

unless the person meets the rehabilitation standards prescribed 6949
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 6950
Administrative Code. 6951

(2) Beginning on the effective date of the amendments to 6952
rule 3301-83-23 of the Ohio Administrative Code required by the 6953
second paragraph of division (E) of section 3319.39 of the 6954
Revised Code, any person who is the subject of a criminal 6955
records check under division (J) of this section and has been 6956
convicted of or pleaded guilty to any offense that, under the 6957
rule, disqualifies a person for employment to operate a vehicle 6958
used for pupil transportation shall not be hired or shall be 6959
released from employment, as applicable, unless the person meets 6960
the rehabilitation standards prescribed by the rule. 6961

(L) The superintendent of a school district or an 6962
educational service center governing board shall issue a 6963
certificate as a driver of a school bus or motor van or a 6964
certificate to operate a vehicle used for pupil transportation 6965
in accordance with Chapter 4796. of the Revised Code to an 6966
applicant if either of the following applies: 6967

(1) The applicant holds a certificate in another state. 6968

(2) The applicant has satisfactory work experience, a 6969
government certification, or a private certification as 6970
described in that chapter as a school bus or motor van driver or 6971
a pupil transportation vehicle operator in a state that does not 6972
issue one or both of those certificates. 6973

Sec. 3703.21. (A) Within ninety days after September 16, 6974
2004, the superintendent of industrial compliance shall appoint 6975
a backflow advisory board consisting of not more than ten 6976
members, who shall serve at the pleasure of the superintendent. 6977

The superintendent shall appoint a representative from the 6978
plumbing section of the division of industrial compliance, three 6979
representatives recommended by the plumbing administrator of the 6980
division of industrial compliance, a representative of the 6981
drinking water program of the Ohio environmental protection 6982
agency, three representatives recommended by the director of 6983
environmental protection, and not more than two members who are 6984
not employed by the plumbing or water industry. 6985

The board shall advise the superintendent on matters 6986
pertaining to the training and certification of backflow 6987
technicians. 6988

(B) The superintendent shall adopt rules in accordance 6989
with Chapter 119. of the Revised Code to provide for the 6990
certification of backflow technicians. The rules shall establish 6991
all of the following requirements, specifications, and 6992
procedures: 6993

(1) Requirements and procedures for the initial 6994
certification of backflow technicians, including eligibility 6995
criteria and application requirements and fees; 6996

(2) Specifications concerning and procedures for taking 6997
examinations required for certification as a backflow 6998
technician, including eligibility criteria to take the 6999
examination and application requirements and fees for taking the 7000
examination; 7001

(3) Specifications concerning and procedures for renewing 7002
a certification as a backflow technician, including eligibility 7003
criteria, application requirements, and fees for renewal; 7004

(4) Specifications concerning and procedures for both of 7005
the following: 7006

(a) Approval of training agencies authorized to teach 7007
required courses to candidates for certification as backflow 7008
technicians or continuing education courses to certified 7009
backflow technicians; 7010

(b) Renewal of the approval described in division (B) (4) 7011
(a) of this section. 7012

(5) Education requirements that candidates for initial 7013
certification as backflow technicians must satisfy and 7014
continuing education requirements that certified backflow 7015
technicians must satisfy; 7016

(6) Grounds and procedures for denying, suspending, or 7017
revoking certification, or denying the renewal of certification, 7018
as a backflow technician; 7019

(7) Procedures for issuing administrative orders for the 7020
remedy of any violation of this section or any rule adopted 7021
pursuant to division (B) of this section, including, but not 7022
limited to, procedures for assessing a civil penalty authorized 7023
under division ~~(D)~~ (E) of this section; 7024

(8) Any provision the superintendent determines is 7025
necessary to administer or enforce this section. 7026

(C) The superintendent shall certify a backflow technician 7027
in accordance with Chapter 4796. of the Revised Code if either 7028
of the following applies: 7029

(1) The individual holds a license or certification in 7030
another state. 7031

(2) The individual has satisfactory work experience, a 7032
government certification, or a private certification as 7033
described in that chapter as a backflow technician in a state 7034

that does not issue that certification. 7035

(D) No individual shall engage in the installation, 7036
testing, or repair of any isolation backflow prevention device 7037
unless that individual possesses a valid certification as a 7038
backflow technician. This division does not apply with respect 7039
to the installation, testing, or repair of any containment 7040
backflow prevention device. 7041

~~(D)~~ (E) Whoever violates division ~~(C)~~ (D) of this section 7042
or any rule adopted pursuant to division (B) of this section 7043
shall pay a civil penalty of not more than five thousand dollars 7044
for each day that the violation continues. The superintendent 7045
may, by order, assess a civil penalty under this division, or 7046
may request the attorney general to bring a civil action to 7047
impose the civil penalty in the court of common pleas of the 7048
county in which the violation occurred or where the violator 7049
resides. 7050

~~(E)~~ (F) Any action taken under a rule adopted pursuant to 7051
division (B) (6) of this section is subject to the appeal process 7052
of Chapter 119. of the Revised Code. An administrative order 7053
issued pursuant to rules adopted under division (B) (7) of this 7054
section and an appeal to that type of administrative order shall 7055
be executed in accordance with Chapter 119. of the Revised Code. 7056

~~(F)~~ (G) As used in this section: 7057

(1) "Isolation backflow prevention device" means a device 7058
for the prevention of the backflow of liquids, solids, or gases 7059
that is regulated by the building code adopted pursuant to 7060
section 3781.10 of the Revised Code and rules adopted pursuant 7061
to this section. 7062

(2) "Containment backflow prevention device" means a 7063

device for the prevention of the backflow of liquids, solids, or 7064
gases that is installed by the supplier of, or as a requirement 7065
of, any public water system as defined in division (A) of 7066
section 6109.01 of the Revised Code. 7067

Sec. 3704.14. (A) (1) If the director of environmental 7068
protection determines that implementation of a motor vehicle 7069
inspection and maintenance program is necessary for the state to 7070
effectively comply with the federal Clean Air Act after June 30, 7071
2019, the director may provide for the implementation of the 7072
program in those counties in this state in which such a program 7073
is federally mandated. Upon making such a determination, the 7074
director of environmental protection may request the director of 7075
administrative services to extend the terms of the contract that 7076
was entered into under the authority of Am. Sub. H.B. 64 of the 7077
131st general assembly. Upon receiving the request, the director 7078
of administrative services shall extend the contract, beginning 7079
on July 1, 2019, in accordance with this section. The contract 7080
shall be extended for a period of up to twenty-four months with 7081
the contractor who conducted the motor vehicle inspection and 7082
maintenance program under that contract. 7083

(2) Prior to the expiration of the contract extension that 7084
is authorized by division (A) (1) of this section, the director 7085
of environmental protection shall request the director of 7086
administrative services to enter into a contract with a vendor 7087
to operate a decentralized motor vehicle inspection and 7088
maintenance program in each county in this state in which such a 7089
program is federally mandated through June 30, 2023, with an 7090
option for the state to renew the contract for a period of up to 7091
twenty-four months through June 30, 2025. The contract shall 7092
ensure that the decentralized motor vehicle inspection and 7093
maintenance program achieves at least the same emission 7094

reductions as achieved by the program operated under the 7095
authority of the contract that was extended under division (A) 7096
(1) of this section. The director of administrative services 7097
shall select a vendor through a competitive selection process in 7098
compliance with Chapter 125. of the Revised Code. 7099

(3) Notwithstanding any law to the contrary, the director 7100
of administrative services shall ensure that a competitive 7101
selection process regarding a contract to operate a 7102
decentralized motor vehicle inspection and maintenance program 7103
in this state incorporates the following, which shall be 7104
included in the contract: 7105

(a) For purposes of expanding the number of testing 7106
locations for consumer convenience, a requirement that the 7107
vendor utilize established local businesses, auto repair 7108
facilities, or leased properties to operate state-approved 7109
inspection and maintenance testing facilities; 7110

(b) A requirement that the vendor selected to operate the 7111
program provide notification of the program's requirements to 7112
each owner of a motor vehicle that is required to be inspected 7113
under the program. The contract shall require the notification 7114
to be provided not later than sixty days prior to the date by 7115
which the owner of the motor vehicle is required to have the 7116
motor vehicle inspected. The director of environmental 7117
protection and the vendor shall jointly agree on the content of 7118
the notice. However, the notice shall include at a minimum the 7119
locations of all inspection facilities within a specified 7120
distance of the address that is listed on the owner's motor 7121
vehicle registration; 7122

(c) A requirement that the vendor comply with testing 7123
methodology and supply the required equipment approved by the 7124

director of environmental protection as specified in the 7125
competitive selection process in compliance with Chapter 125. of 7126
the Revised Code. 7127

(4) A decentralized motor vehicle inspection and 7128
maintenance program operated under this section shall comply 7129
with division (B) of this section. The director of environmental 7130
protection shall administer the decentralized motor vehicle 7131
inspection and maintenance program operated under this section. 7132

(B) The decentralized motor vehicle inspection and 7133
maintenance program authorized by this section, at a minimum, 7134
shall do all of the following: 7135

(1) Comply with the federal Clean Air Act; 7136

(2) Provide for the issuance of inspection certificates; 7137

(3) Provide for a new car exemption for motor vehicles 7138
four years old or newer and provide that a new motor vehicle is 7139
exempt for four years regardless of whether legal title to the 7140
motor vehicle is transferred during that period; 7141

(4) Provide for an exemption for battery electric motor 7142
vehicles. 7143

~~(C)~~ (1) The director of environmental protection shall 7144
adopt rules in accordance with Chapter 119. of the Revised Code 7145
that the director determines are necessary to implement this 7146
section. The director may continue to implement and enforce 7147
rules pertaining to the motor vehicle inspection and maintenance 7148
program previously implemented under former section 3704.14 of 7149
the Revised Code as that section existed prior to its repeal and 7150
reenactment by Am. Sub. H.B. 66 of the 126th general assembly, 7151
provided that the rules do not conflict with this section. 7152

(2) The director of environmental protection shall issue 7153
an inspection certificate provided for under division (B) (2) of 7154
this section in accordance with Chapter 4796. of the Revised 7155
Code to an applicant if either of the following applies: 7156

(a) The individual holds a certificate or license in 7157
another state. 7158

(b) The individual has satisfactory work experience, a 7159
government certification, or a private certification as 7160
described in that chapter as a vehicle inspector in a state that 7161
does not issue that certificate. 7162

(D) There is hereby created in the state treasury the auto 7163
emissions test fund, which shall consist of money received by 7164
the director from any cash transfers, state and local grants, 7165
and other contributions that are received for the purpose of 7166
funding the program established under this section. The director 7167
of environmental protection shall use money in the fund solely 7168
for the implementation, supervision, administration, operation, 7169
and enforcement of the motor vehicle inspection and maintenance 7170
program established under this section. Money in the fund shall 7171
not be used for either of the following: 7172

(1) To pay for the inspection costs incurred by a motor 7173
vehicle dealer so that the dealer may provide inspection 7174
certificates to an individual purchasing a motor vehicle from 7175
the dealer when that individual resides in a county that is 7176
subject to the motor vehicle inspection and maintenance program; 7177

(2) To provide payment for more than one free passing 7178
emissions inspection or a total of three emissions inspections 7179
for a motor vehicle in any three-hundred-sixty-five-day period. 7180
The owner or lessee of a motor vehicle is responsible for 7181

inspection fees that are related to emissions inspections beyond 7182
one free passing emissions inspection or three total emissions 7183
inspections in any three-hundred-sixty-five-day period. 7184
Inspection fees that are charged by a contractor conducting 7185
emissions inspections under a motor vehicle inspection and 7186
maintenance program shall be approved by the director of 7187
environmental protection. 7188

(E) The motor vehicle inspection and maintenance program 7189
established under this section expires upon the termination of 7190
all contracts entered into under this section and shall not be 7191
implemented beyond the final date on which termination occurs. 7192

(F) As used in this section "battery electric motor 7193
vehicle" has the same meaning as in section 4501.01 of the 7194
Revised Code. 7195

Sec. 3713.05. (A) Applications to register to import, 7196
manufacture, renovate, wholesale, make, or reupholster stuffed 7197
toys or bedding in this state shall be made in writing on forms 7198
provided by the superintendent of industrial compliance. The 7199
application shall be accompanied by a registration fee of fifty 7200
dollars per person unless the applicant engages only in 7201
renovation, in which case the registration fee shall be thirty- 7202
five dollars. 7203

~~(B)~~ Upon receipt of the application and the appropriate 7204
fee, the superintendent shall register the applicant and assign 7205
a registration number to the registrant. 7206

(B) The superintendent shall register an applicant in 7207
accordance with Chapter 4796. of the Revised Code if either of 7208
the following applies: 7209

(1) The applicant is licensed or registered to import, 7210

manufacture, renovate, wholesale, make, or reupholster stuffed 7211
toys or bedding in another state. 7212

(2) The applicant has satisfactory work experience, a 7213
government certification, or a private certification as 7214
described in that chapter with or for importing, manufacturing, 7215
renovating, wholesaling, making, or reupholstering stuffed toys 7216
or bedding in a state that does not issue that registration. 7217

(C) Notwithstanding section 3713.02 of the Revised Code 7218
and division (A) of this section, the following are exempt from 7219
registration: 7220

(1) An organization described in section 501(c)(3) of the 7221
"Internal Revenue Code of 1986," and exempt from income tax 7222
under section 501(a) of that code and that is operated 7223
exclusively to provide recreation or social services; 7224

(2) A person who is not regularly engaged in the business 7225
of manufacturing, making, wholesaling, or importing stuffed toys 7226
but who manufactures or makes stuffed toys as a leisure pursuit 7227
and who sells one hundred or fewer stuffed toys within one 7228
calendar year; 7229

(3) A person who is not regularly engaged in the business 7230
of manufacturing, making, wholesaling, or importing quilts, 7231
comforters, pillows, or cushions, but who manufactures or makes 7232
these items as a leisure pursuit and who sells five or fewer 7233
quilts, ten or fewer comforters, or twenty or fewer pillows or 7234
cushions within one calendar year. 7235

(D) Notwithstanding division (C)(2) or (3) of this 7236
section, a person exempt under that division must attach a label 7237
to each stuffed toy that contains all of the following 7238
information: 7239

- (1) The person's name and address; 7240
- (2) A statement that the person is not registered by the 7241
state of Ohio; 7242
- (3) A statement that the contents of the product have not 7243
been inspected. 7244

Sec. 3717.09. (A) In accordance with rules adopted under 7245
section 3717.51 of the Revised Code, the director of health 7246
shall approve courses of study for certification in food 7247
protection as it pertains to retail food establishments and as 7248
it pertains to food service operations. ~~The~~ Except as provided 7249
in division (B) of this section, the director shall certify 7250
individuals in food protection who successfully complete a 7251
course of study approved under this section and meet all other 7252
certification requirements specified in rules adopted under 7253
section 3717.51 of the Revised Code. 7254

(B) The director shall issue a certification in food 7255
protection in accordance with Chapter 4796. of the Revised Code 7256
to an applicant if either of the following applies: 7257

(1) The applicant holds a license or certification in 7258
another state. 7259

(2) The applicant has satisfactory work experience, a 7260
government certification, or a private certification as 7261
described in that chapter working in food protection in a state 7262
that does not issue that certification. 7263

Sec. 3723.03. Pursuant to division (B) of section 3723.02 7264
of the Revised Code, an individual, business entity, or 7265
government entity that holds a valid license issued by another 7266
state authorizing practice as a radon tester, mitigation 7267
specialist, or mitigation contractor under the laws of that 7268

state may practice in this state without a license issued under 7269
this chapter for not more than ninety days in any calendar year 7270
as a radon tester, mitigation specialist, or mitigation 7271
contractor, if the director of health finds that the 7272
requirements for licensure in that state are comparable to the 7273
requirements for licensure under this chapter and the rules 7274
adopted under it and the individual, business entity, or 7275
government entity provides notice to the director of health, in 7276
accordance with rules adopted under section 3723.09 of the 7277
Revised Code, prior to commencing practice in this state. 7278
Chapter 4796. of the Revised Code does not apply to a 7279
nonresident individual authorized to practice under this 7280
section. 7281

Sec. 3723.06. (A) The director of health shall license 7282
radon testers, mitigation specialists, and mitigation 7283
contractors. Each applicant for a license shall submit a 7284
completed application to the director on a form the director 7285
shall prescribe and furnish. 7286

(B) ~~In~~ Except as provided in division (F) of this section 7287
and in accordance with rules adopted under section 3723.09 of 7288
the Revised Code, the director shall issue the appropriate 7289
license to each applicant that pays the license fee prescribed 7290
by the director, meets the licensing criteria established by the 7291
director, and complies with any other licensing and training 7292
requirements established by the director. An individual, 7293
business entity, or government entity may hold more than one 7294
license issued under this section, but a separate application is 7295
required for each license. 7296

(C) Notwithstanding division (B) of this section and 7297
except as provided in division (F) of this section, the director 7298

shall issue a radon mitigation contractor license on request to 7299
the holder of a radon mitigation specialist license if the 7300
license holder is the owner or chief stockholder of a business 7301
entity for which the license holder is the only individual who 7302
will work as a radon mitigation specialist. The licensing 7303
criteria and any other licensing and training requirements the 7304
individual was required to meet to qualify for the radon 7305
mitigation specialist license are hereby deemed to satisfy any 7306
and all criteria and requirements for a radon mitigation 7307
contractor license. A license issued under this division shall 7308
expire at the same time as the individual's radon mitigation 7309
specialist license. No license fee shall be imposed for a 7310
license issued under this division. 7311

(D) A license issued under this section expires biennially 7312
and may be renewed by the director in accordance with criteria 7313
and procedures established in rules adopted under section 7314
3723.09 of the Revised Code and on payment of the license 7315
renewal fee prescribed in those rules. 7316

(E) In accordance with Chapter 119. of the Revised Code, 7317
the director may do either of the following: 7318

(1) Refuse to issue a license to an individual, business 7319
entity, or government entity that does not meet the requirements 7320
of this chapter or the rules adopted under it or has been in 7321
violation of those requirements; 7322

(2) Suspend, revoke, or refuse to renew the license of an 7323
individual, business entity, or government entity that is or has 7324
been in violation of the requirements of this chapter or the 7325
rules adopted under it. 7326

(F) The director shall issue a radon tester, mitigation 7327

specialist, or mitigation contractor license in accordance with 7328
Chapter 4796. of the Revised Code to an applicant if either of 7329
the following applies: 7330

(1) The applicant holds a license in another state. 7331

(2) The applicant has satisfactory work experience, a 7332
government certification, or a private certification as 7333
described in that chapter as a radon tester, mitigation 7334
specialist, or mitigation contractor in a state that does not 7335
issue one or more of those licenses. 7336

Sec. 3737.83. The state fire marshal shall, as part of the 7337
state fire code, adopt rules to: 7338

(A) Establish minimum standards of performance for fire 7339
protection equipment and fire fighting equipment; 7340

(B) Establish minimum standards of training, fix minimum 7341
qualifications, and require certificates for all persons who 7342
engage in the business for profit of installing, testing, 7343
repairing, or maintaining fire protection equipment; 7344

(C) Provide for the issuance of certificates required 7345
under division (B) of this section and establish the fees to be 7346
charged for such certificates. A certificate shall be granted, 7347
renewed, or revoked according to rules the state fire marshal 7348
shall adopt, except that the state fire marshal shall grant a 7349
certificate in accordance with Chapter 4796. of the Revised Code 7350
to an applicant if either of the following applies: 7351

(1) The applicant holds a license or certificate in 7352
another state. 7353

(2) The applicant has satisfactory work experience, a 7354
government certification, or a private certification as 7355

described in that chapter as a person engaged in the business of 7356
installing, testing, repairing, or maintaining fire protection 7357
equipment in a state that does not issue that certificate. 7358

(D) Establish minimum standards of flammability for 7359
consumer goods in any case where the federal government or any 7360
department or agency thereof has established, or may from time 7361
to time establish standards of flammability for consumer goods. 7362
The standards established by the state fire marshal shall be 7363
identical to the minimum federal standards. 7364

In any case where the federal government or any department 7365
or agency thereof, establishes standards of flammability for 7366
consumer goods subsequent to the adoption of a flammability 7367
standard by the state fire marshal, standards previously adopted 7368
by the state fire marshal shall not continue in effect to the 7369
extent such standards are not identical to the minimum federal 7370
standards. 7371

With respect to the adoption of minimum standards of 7372
flammability, this division shall supersede any authority 7373
granted a political subdivision by any other section of the 7374
Revised Code. 7375

(E) Establish minimum standards pursuant to section 7376
5104.05 of the Revised Code for fire prevention and fire safety 7377
in child day-care centers and in type A family day-care homes, 7378
as defined in section 5104.01 of the Revised Code. 7379

(F) Establish minimum standards for fire prevention and 7380
safety in a residential facility licensed under section 5119.34 7381
of the Revised Code that provides accommodations, supervision, 7382
and personal care services for three to sixteen unrelated 7383
adults. The state fire marshal shall adopt the rules under this 7384

division in consultation with the director of mental health and 7385
addiction services and interested parties designated by the 7386
director of mental health and addiction services. 7387

Sec. 3737.881. (A) The state fire marshal shall certify 7388
underground storage tank systems installers who meet the 7389
standards for certification established in rules adopted under 7390
division (D)(1) of this section, pass the certification 7391
examination required by this division, and pay the certificate 7392
fee established in rules adopted under division (D)(5) of this 7393
section. Any individual who wishes to obtain certification as an 7394
installer shall apply to the state fire marshal on a form 7395
prescribed by the state fire marshal. The application shall be 7396
accompanied by the application and examination fees established 7397
in rules adopted under division (D)(5) of this section. 7398

The state fire marshal shall prescribe an examination 7399
designed to test the knowledge of applicants for certification 7400
as underground storage tank system installers in the 7401
installation, repair, abandonment, and removal of those systems. 7402
The examination shall also test the applicants' knowledge and 7403
understanding of the requirements and standards established in 7404
rules adopted under sections 3737.88 and 3737.882 of the Revised 7405
Code pertaining to the installation, repair, abandonment, and 7406
removal of those systems. 7407

Installer certifications issued under this division shall 7408
be renewed annually, upon submission of a certification renewal 7409
form prescribed by the state fire marshal, provision of proof of 7410
successful completion of continuing education requirements, and 7411
payment of the certification renewal fee established in rules 7412
adopted under division (D)(5) of this section. In addition, the 7413
fire marshal may from time to time prescribe an examination for 7414

certification renewal and may require applicants to pass the 7415
examination and pay the fee established for it in rules adopted 7416
under division (D) (5) of this section. 7417

The state fire marshal may, in accordance with Chapter 7418
119. of the Revised Code, deny, suspend, revoke, or refuse to 7419
renew an installer's certification or renewal thereof after 7420
finding that any of the following applies: 7421

(1) The applicant for certification or certificate holder 7422
fails to meet the standards for certification or renewal thereof 7423
under this section and rules adopted under it; 7424

(2) The certification was obtained through fraud or 7425
misrepresentation; 7426

(3) The certificate holder recklessly caused or permitted 7427
a person under the certificate holder's supervision to install, 7428
perform major repairs on site to, abandon, or remove an 7429
underground storage tank system in violation of the performance 7430
standards set forth in rules adopted under section 3737.88 or 7431
3737.882 of the Revised Code. 7432

As used in division (A) (3) of this section, "recklessly" 7433
has the same meaning as in section 2901.22 of the Revised Code. 7434

(B) The state fire marshal shall certify persons who 7435
sponsor training programs for underground storage tank system 7436
installers who meet the criteria for certification established 7437
in rules adopted by the state fire marshal under division (D) (4) 7438
of this section and pay the certificate fee established in rules 7439
adopted under division (D) (5) of this section. Any person who 7440
wishes to obtain certification to sponsor such a training 7441
program shall apply to the state fire marshal on a form 7442
prescribed by the state fire marshal. Training program 7443

certificates issued under this division shall expire annually. 7444
Upon submission of a certification renewal application form 7445
prescribed by the state fire marshal and payment of the 7446
application and certification renewal fees established in rules 7447
adopted under division (D) (5) of this section, the state fire 7448
marshal shall issue a training program renewal certificate to 7449
the applicant. 7450

The state fire marshal may, in accordance with Chapter 7451
119. of the Revised Code, deny an application for, suspend, or 7452
revoke a training program certificate or renewal or renewal of a 7453
training program certificate after finding that the training 7454
program does not or will not meet the standards for 7455
certification established in rules adopted under division (D) (4) 7456
of this section. 7457

(C) The state fire marshal may conduct or cause to be 7458
conducted training programs for underground storage tank systems 7459
installers as the fire marshal considers to be necessary or 7460
appropriate. The state fire marshal is not subject to division 7461
(B) of this section with respect to training programs conducted 7462
by employees of the office of the state fire marshal. 7463

(D) The state fire marshal shall adopt, and may amend and 7464
rescind, rules doing all of the following: 7465

(1) Defining the activities that constitute supervision 7466
over the installation, performance of major repairs on site to, 7467
abandonment of, and removal of underground storage tank systems; 7468

(2) Establishing standards and procedures for 7469
certification of underground storage tank systems installers; 7470

(3) Establishing standards and procedures for continuing 7471
education for certification renewal, subject to the provisions 7472

of section 5903.12 of the Revised Code relating to active duty	7473
military service;	7474
(4) Establishing standards and procedures for	7475
certification of training programs for installers;	7476
(5) Establishing fees for applications for certifications	7477
under this section, the examinations prescribed under division	7478
(A) of this section, the issuance and renewal of certificates	7479
under divisions (A) and (B) of this section, and attendance at	7480
training programs conducted by the fire marshal under division	7481
(C) of this section. Fees received under this section shall be	7482
credited to the underground storage tank administration fund	7483
created in section 3737.02 of the Revised Code and shall be used	7484
to defray the costs of implementing, administering, and	7485
enforcing this section and the rules adopted thereunder,	7486
conducting training sessions, and facilitating prevention of	7487
releases.	7488
(6) That are necessary or appropriate for the	7489
implementation, administration, and enforcement of this section.	7490
(E) Nothing in this section or the rules adopted under it	7491
prohibits an owner or operator of an underground storage tank	7492
system from installing, making major repairs on site to,	7493
abandoning, or removing an underground storage tank system under	7494
the supervision of an installer certified under division (A) of	7495
this section who is a full-time or part-time employee of the	7496
owner or operator.	7497
(F) On and after January 7, 1990, no person shall do any	7498
of the following:	7499
(1) Install, make major repairs on site to, abandon, or	7500
remove an underground storage tank system unless the activity is	7501

performed under the supervision of a qualified individual who 7502
holds a valid installer certificate issued under division (A) of 7503
this section; 7504

(2) Act in the capacity of providing supervision for the 7505
installation of, performance of major repairs on site to, 7506
abandonment of, or removal of an underground storage tank system 7507
unless the person holds a valid installer certificate issued 7508
under division (A) of this section; 7509

(3) Except as provided in division (C) of this section, 7510
sponsor a training program for underground storage tank systems 7511
installers unless the person holds a valid training program 7512
certificate issued under division (B) of this section. 7513

(G) Notwithstanding any provision of this section to the 7514
contrary, the state fire marshal shall issue an installer's 7515
certification or a training program certificate in accordance 7516
with Chapter 4796. of the Revised Code to an applicant if either 7517
of the following applies: 7518

(1) The applicant holds an installer's license or 7519
certification or a training program license or certificate in 7520
another state. 7521

(2) The applicant has satisfactory work experience, a 7522
government certification, or a private certification as 7523
described in that chapter as an installer of underground storage 7524
tank systems in a state that does not issue one or both of those 7525
certifications. 7526

Sec. 3742.05. (A) (1) The director of health shall issue 7527
lead inspector, lead abatement contractor, lead risk assessor, 7528
lead abatement project designer, lead abatement worker, and 7529
clearance technician licenses. ~~The~~ Except as provided in 7530

division (C) of this section, the director shall issue a license 7531
to an applicant who meets all of the following requirements: 7532

(a) Submits an application to the director on a form 7533
prescribed by the director; 7534

(b) Meets the licensing and training requirements 7535
established in rules adopted under section 3742.03 of the 7536
Revised Code; 7537

(c) Successfully completes the licensing examination for 7538
the applicant's area of expertise administered under section 7539
3742.08 of the Revised Code and any training required by the 7540
director under that section; 7541

(d) Pays the license fee established in rules adopted 7542
under section 3742.03 of the Revised Code; 7543

(e) Provides the applicant's social security number and 7544
any information the director may require to demonstrate the 7545
applicant's compliance with this chapter and the rules adopted 7546
under it. 7547

(2) An individual may hold more than one license issued 7548
under this section, but a separate application is required for 7549
each license. 7550

(B) A license issued under this section expires two years 7551
after the date of issuance. The director shall renew a license 7552
in accordance with the standard renewal procedure set forth in 7553
Chapter 4745. of the Revised Code, if the licensee does all of 7554
the following: 7555

(1) Continues to meet the requirements of division (A) of 7556
this section; 7557

(2) Demonstrates compliance with procedures to prevent 7558

public exposure to lead hazards and for worker protection during 7559
lead abatement projects established in rules adopted under 7560
section 3742.03 of the Revised Code; 7561

(3) Meets the record-keeping and reporting requirements 7562
for lead abatement projects or clearance examinations 7563
established in rules adopted under section 3742.03 of the 7564
Revised Code; 7565

(4) Pays the license renewal fee established in rules 7566
adopted under section 3742.03 of the Revised Code. 7567

~~(C) An individual licensed, certified, or otherwise 7568
approved under the law of another state to perform functions 7569
substantially similar to those of The director shall issue a 7570
lead inspector, lead abatement contractor, lead risk assessor, 7571
lead abatement project designer, lead abatement worker, or 7572
clearance technician may apply to the director of health for 7573
licensure in accordance with the procedures set forth in 7574
division (A) of this section. The director shall license an 7575
individual under this division on a determination that the 7576
standards for licensure, certification, or approval in that 7577
state are at least substantially equivalent to those established 7578
by this chapter and the rules adopted under it. The director may 7579
require an examination for licensure under this division 7580
license in accordance with Chapter 4796. of the Revised Code to 7581
an applicant if either of the following applies: 7582~~

(1) The applicant holds a license in another state. 7583

(2) The applicant has satisfactory work experience, a 7584
government certification, or a private certification as 7585
described in that chapter as a lead inspector, lead abatement 7586
contractor, lead risk assessor, lead abatement project designer, 7587

lead abatement worker, or clearance technician in a state that 7588
does not issue one or more of those licenses. 7589

Sec. 3743.03. (A) If a person submits an application for 7590
licensure as a manufacturer of fireworks, together with the 7591
license fee, fingerprints, and proof of the insurance coverage, 7592
as required by section 3743.02 of the Revised Code, the state 7593
fire marshal shall review the application and accompanying 7594
matter, request the criminal records check described in division 7595
(E) of this section, inspect the premises of the fireworks plant 7596
described in the application, and determine whether the 7597
applicant will be issued the license. In determining whether to 7598
issue the license, the state fire marshal shall consider the 7599
results of the criminal records check and the inspection, and 7600
the information set forth in the application, and shall decide 7601
whether the applicant and the fireworks plant described in the 7602
application conform to sections 3743.02 to 3743.08 of the 7603
Revised Code and the rules adopted by the state fire marshal 7604
pursuant to section 3743.05 of the Revised Code, and are in full 7605
compliance with Chapters 3781. and 3791. of the Revised Code, 7606
and any applicable building or zoning regulations. 7607

(B) ~~Subject~~ Except as provided in division (F) of this 7608
section and subject to section 3743.70 of the Revised Code, the 7609
state fire marshal shall issue a license in accordance with 7610
Chapter 119. of the Revised Code to an applicant for licensure 7611
as a manufacturer of fireworks only if the applicant and the 7612
fireworks plant described in the application conform to sections 7613
3743.02 to 3743.08 of the Revised Code and the rules adopted by 7614
the state fire marshal pursuant to section 3743.05 of the 7615
Revised Code, only if the fireworks plant described in the 7616
application complies with the Ohio building code adopted under 7617
Chapter 3781. of the Revised Code, if that fireworks plant was 7618

constructed after May 30, 1986, and only if the state fire 7619
marshal is satisfied that the application and accompanying 7620
matter are complete and in conformity with section 3743.02 of 7621
the Revised Code. The requirements of this chapter and of the 7622
rules adopted under this chapter as applicable to the structure 7623
of a building do not apply to a building in a fireworks plant if 7624
the building was inspected and approved by the department of 7625
industrial relations or by any building department certified 7626
pursuant to division (E) of section 3781.10 of the Revised Code 7627
prior to May 30, 1986. 7628

(C) Each license issued pursuant to this section shall 7629
contain a distinct number assigned to the licensed manufacturer 7630
and, if the licensed manufacturer will engage in the processing 7631
of fireworks as any part of its manufacturing of fireworks at 7632
the fireworks plants, a notation indicating that fact. The state 7633
fire marshal shall maintain a list of all licensed manufacturers 7634
of fireworks. In the list next to each manufacturer's name, the 7635
state fire marshal shall insert the period of licensure, the 7636
license number of the manufacturer, and, if applicable, a 7637
notation that the manufacturer will engage in the processing of 7638
fireworks as part of its manufacturing of fireworks. 7639

(D) The holder of a license issued pursuant to this 7640
section may request the state fire marshal to cancel that 7641
license and issue in its place a license to sell fireworks at 7642
wholesale under section 3743.16 of the Revised Code. Upon 7643
receipt of such a request, the state fire marshal shall cancel 7644
the license issued under this section and issue a license under 7645
section 3743.16 of the Revised Code if the applicant meets the 7646
requirements of that section. 7647

(E) Upon receipt of an application and the required 7648

accompanying matter under section 3743.02 of the Revised Code, 7649
the state fire marshal shall forward to the superintendent of 7650
the bureau of criminal identification and investigation a 7651
request that the bureau conduct an investigation of the 7652
applicant and, if applicable, additional individuals who hold, 7653
own, or control a five per cent or greater beneficial or equity 7654
interest in the applicant, to determine whether the applicant or 7655
the additional associated individuals have been convicted of or 7656
pled guilty to a disqualifying offense as determined under 7657
section 9.79 of the Revised Code, under the laws of this state, 7658
another state, or the United States. 7659

If the applicant for initial licensure has resided in this 7660
state for less than five continuous years immediately prior to 7661
the date the applicant submits an initial application, the 7662
superintendent also shall request that the federal bureau of 7663
investigation conduct an investigation of the applicant and, if 7664
applicable, additional individuals who hold, own, or control a 7665
five per cent or greater beneficial or equity interest in the 7666
applicant, to determine whether the applicant or the additional 7667
associated individuals have been convicted of or pled guilty to 7668
a disqualifying offense as determined under section 9.79 of the 7669
Revised Code, under the laws of this state, another state, or 7670
the United States. 7671

The superintendent shall forward the results of an 7672
investigation conducted pursuant to this division to the state 7673
fire marshal and may charge a reasonable fee for providing the 7674
results. The state fire marshal shall assess any fee charged by 7675
the superintendent for the results to the applicant. 7676

(F) The state fire marshal shall issue a license to act as 7677
a manufacturer of fireworks in accordance with Chapter 4796. of 7678

the Revised Code to an applicant if either of the following 7679
applies: 7680

(1) The applicant is licensed in another state. 7681

(2) The applicant has satisfactory work experience, a 7682
government certification, or a private certification as 7683
described in that chapter as a manufacturer of fireworks in a 7684
state that does not issue that license. 7685

Sec. 3743.16. (A) If a person submits an application for 7686
licensure as a wholesaler of fireworks, together with the 7687
license fee, fingerprints, and proof of the insurance coverage, 7688
as required by section 3743.15 of the Revised Code, the state 7689
fire marshal shall review the application and accompanying 7690
matter, request the criminal records check described in division 7691
(D) of this section, inspect the premises on which the fireworks 7692
would be sold, and determine whether the applicant will be 7693
issued the license. In determining whether to issue the license, 7694
the state fire marshal shall consider the results of the 7695
criminal records check and the inspection, and the information 7696
set forth in the application, and shall decide whether the 7697
applicant and the premises on which the fireworks will be sold 7698
conform to sections 3743.15 to 3743.21 of the Revised Code and 7699
the rules adopted by the state fire marshal pursuant to section 7700
3743.18 of the Revised Code, and are in full compliance with 7701
Chapters 3781. and 3791. of the Revised Code, and any applicable 7702
building or zoning regulations. 7703

(B) ~~Subject~~ Except as provided in division (E) of this 7704
section and subject to section 3743.70 of the Revised Code, the 7705
state fire marshal shall issue a license in accordance with 7706
Chapter 119. of the Revised Code to the applicant for licensure 7707
as a wholesaler of fireworks only if the applicant and the 7708

premises on which the fireworks will be sold conform to sections 7709
3743.15 to 3743.21 of the Revised Code and the rules adopted by 7710
the state fire marshal pursuant to section 3743.18 of the 7711
Revised Code, only if the premises on which the fireworks will 7712
be sold complies with the Ohio building code adopted under 7713
Chapter 3781. of the Revised Code, if that premises was 7714
constructed after May 30, 1986, and only if the state fire 7715
marshal is satisfied that the application and accompanying 7716
matter are complete and in conformity with section 3743.15 of 7717
the Revised Code. The requirements of this chapter and of the 7718
rules adopted under this chapter as applicable to the structure 7719
of a building do not apply to a building used by a wholesaler if 7720
the building was inspected and approved by the department of 7721
industrial relations or by any building department certified 7722
pursuant to division (E) of section 3781.10 of the Revised Code 7723
prior to May 30, 1986. 7724

(C) Each license issued pursuant to this section shall 7725
contain a distinct number assigned to the particular wholesaler. 7726
The state fire marshal shall maintain a list of all licensed 7727
wholesalers of fireworks. In this list next to each wholesaler's 7728
name, the state fire marshal shall insert the period of 7729
licensure and the license number of the particular wholesaler. 7730

(D) Upon receipt of an application and the required 7731
accompanying matter under section 3743.15 of the Revised Code, 7732
the state fire marshal shall forward to the superintendent of 7733
the bureau of criminal identification and investigation a 7734
request that the bureau conduct an investigation of the 7735
applicant and, if applicable, additional individuals who hold, 7736
own, or control a five per cent or greater beneficial or equity 7737
interest in the applicant, to determine whether the applicant or 7738
the additional associated individuals have been convicted of or 7739

pled guilty to a disqualifying offense in accordance with 7740
section 9.79 of the Revised Code, under the laws of this state, 7741
another state, or the United States. 7742

If the applicant for initial licensure has resided in this 7743
state for less than five continuous years immediately prior to 7744
the date the applicant submits an initial application, the 7745
superintendent also shall request that the federal bureau of 7746
investigation conduct an investigation of the applicant and, if 7747
applicable, additional individuals who hold, own, or control a 7748
five per cent or greater beneficial or equity interest in the 7749
applicant, to determine whether the applicant or the additional 7750
associated individuals have been convicted of or pled guilty to 7751
a disqualifying offense in accordance with section 9.79 of the 7752
Revised Code, under the laws of this state, another state, or 7753
the United States. 7754

The superintendent shall forward the results of an 7755
investigation conducted pursuant to this division to the state 7756
fire marshal and may charge a reasonable fee for providing the 7757
results. The state fire marshal shall assess any fee charged by 7758
the superintendent for the results to the applicant. 7759

(E) The state fire marshal shall issue a license to act as 7760
a wholesaler of fireworks in accordance with Chapter 4796. of 7761
the Revised Code to an applicant if either of the following 7762
applies: 7763

(1) The applicant is licensed in another state. 7764

(2) The applicant has satisfactory work experience, a 7765
government certification, or a private certification as 7766
described in that chapter as a wholesaler of fireworks in a 7767
state that does not issue that license. 7768

Sec. 3743.40. (A) Any person who resides in another state 7769
and who intends to ship fireworks into this state shall submit 7770
to the state fire marshal an application for a shipping permit. 7771
As used in this section, "fireworks" includes only 1.3G and 1.4G 7772
fireworks. The application shall be submitted prior to shipping 7773
fireworks into this state, shall be on a form prescribed by the 7774
state fire marshal, shall contain the information required by 7775
division (B) of this section and all information requested by 7776
the state fire marshal, and shall be accompanied by the fee and 7777
the documentation described in division (C) of this section. 7778

The state fire marshal shall prescribe a form for 7779
applications for shipping permits and make a copy of the form 7780
available, upon request, to persons who seek such a permit. 7781

(B) In an application for a shipping permit, the applicant 7782
shall specify the types of fireworks to be shipped into this 7783
state. 7784

(C) An application for a shipping permit shall be 7785
accompanied by a fee of two thousand seven hundred fifty 7786
dollars. 7787

An application for a shipping permit shall be accompanied 7788
by a certified copy or other copy acceptable to the state fire 7789
marshal of the applicant's license or permit issued in the 7790
applicant's state of residence and authorizing the applicant to 7791
engage in the manufacture, wholesale sale, or transportation of 7792
fireworks in that state, if that state issues such a license or 7793
permit, and by a statement by the applicant that the applicant 7794
understands and will abide by rules adopted by the state fire 7795
marshal pursuant to section 3743.58 of the Revised Code for 7796
transporting fireworks. 7797

(D) Except as otherwise provided in this division, and 7798
subject to section 3743.70 of the Revised Code, the state fire 7799
marshal shall issue a shipping permit to an applicant only if 7800
the state fire marshal determines that the applicant is a 7801
resident of another state and is the holder of a license or 7802
permit issued by that state authorizing it to engage in the 7803
manufacture, wholesale sale, or transportation of fireworks in 7804
that state, and the state fire marshal is satisfied that the 7805
application and documentation are complete and in conformity 7806
with this section and that the applicant will transport 7807
fireworks into this state in accordance with rules adopted by 7808
the state fire marshal pursuant to section 3743.58 of the 7809
Revised Code. The state fire marshal shall issue a shipping 7810
permit to an applicant if the applicant meets all of the 7811
requirements of this section for the issuance of a shipping 7812
permit except that the applicant does not hold a license or 7813
permit issued by the state of residence authorizing the 7814
applicant to engage in the manufacture, wholesale sale, or 7815
transportation of fireworks in that state because that state 7816
does not issue such a license or permit. 7817

(E) Each permit issued pursuant to this section shall 7818
contain a distinct number assigned to the particular permit 7819
holder, and contain the information described in division (B) of 7820
this section. 7821

The state fire marshal shall maintain a list of all 7822
persons issued shipping permits. In this list next to each 7823
person's name, the state fire marshal shall insert the date upon 7824
which the permit was issued and the information described in 7825
division (B) of this section. 7826

(F) A shipping permit is valid for one year from the date 7827

of issuance by the state fire marshal and only if the permit 7828
holder ships the fireworks directly into this state to the 7829
holder of a license issued under section 3743.03 or 3743.16 of 7830
the Revised Code or a license holder under section 3743.51 of 7831
the Revised Code who possesses a valid exhibition permit issued 7832
in accordance with section 3743.54 of the Revised Code and the 7833
fireworks shipped are to be used at the specifically permitted 7834
exhibition. The permit authorizes the permit holder to ship 7835
fireworks, as described in rules adopted by the state fire 7836
marshal under Chapter 119. of the Revised Code, directly to the 7837
holder of a license issued under section 3743.03 or 3743.16 of 7838
the Revised Code, and to possess the fireworks in this state 7839
while the permit holder is in the course of shipping them 7840
directly into this state. 7841

The holder of a shipping permit shall have the permit in 7842
the holder's possession in this state at all times while in the 7843
course of shipping the fireworks directly into this state. A 7844
shipping permit is not transferable or assignable. 7845

(G) The state fire marshal shall not require a person 7846
holding a shipping permit issued under this section to obtain a 7847
shipping permit pursuant to Chapter 4796. of the Revised Code. 7848

Sec. 3743.51. (A) If a person submits an application for 7849
licensure as an exhibitor of fireworks, together with the fee, 7850
as required by section 3743.50 of the Revised Code, the state 7851
fire marshal shall review the application and determine whether 7852
the applicant satisfies sections 3743.50 to 3743.55 of the 7853
Revised Code and the rules adopted by the state fire marshal 7854
pursuant to division (A) of section 3743.53 of the Revised Code. 7855

(B) ~~Subject~~ Except as provided in division (D) of this 7856
section and subject to section 3743.70 of the Revised Code, the 7857

state fire marshal shall issue a license in accordance with 7858
Chapter 119. of the Revised Code to the applicant for licensure 7859
as an exhibitor of fireworks only if the applicant satisfies 7860
sections 3743.50 to 3743.55 of the Revised Code and the rules 7861
adopted by the state fire marshal pursuant to division (A) of 7862
section 3743.53 of the Revised Code, and only if the state fire 7863
marshal is satisfied that the application is complete and in 7864
conformity with section 3743.50 of the Revised Code. 7865

(C) Each license issued pursuant to this section shall 7866
contain a distinct number assigned to the particular exhibitor. 7867
The state fire marshal shall maintain a list of all licensed 7868
exhibitors of fireworks. In this list next to each exhibitor's 7869
name, the state fire marshal shall insert the period of 7870
licensure and the license number of the particular exhibitor. 7871

(D) The state fire marshal shall issue a license to act as 7872
an exhibitor of fireworks in accordance with Chapter 4796. of 7873
the Revised Code to an applicant if either of the following 7874
applies: 7875

(1) The applicant is licensed in another state. 7876

(2) The applicant has satisfactory work experience, a 7877
government certification, or a private certification as 7878
described in that chapter as an exhibitor of fireworks in a 7879
state that does not issue that license. 7880

Sec. 3746.041. The director of environmental protection 7881
shall issue an environmental professional certification provided 7882
for under division (B)(5) of section 3746.04 of the Revised Code 7883
in accordance with Chapter 4796. of the Revised Code if an 7884
applicant either holds a certification or license in another 7885
state, or the applicant has satisfactory work experience, a 7886

government certification, or a private certification as 7887
described in that chapter as an environmental professional in a 7888
state that does not issue that certification. 7889

Sec. 3748.07. (A) ~~Every~~ Except as provided in division (G) 7890
of this section, every facility that proposes to handle 7891
radioactive material or radiation-generating equipment for which 7892
licensure or registration, respectively, by its handler is 7893
required shall apply in writing to the director of health on 7894
forms prescribed and provided by the director for licensure or 7895
registration. Terms and conditions of licenses and certificates 7896
of registration may be amended in accordance with rules adopted 7897
under section 3748.04 of the Revised Code or orders issued by 7898
the director pursuant to section 3748.05 of the Revised Code. 7899

(B) (1) ~~An~~ Except as provided in division (G) of this 7900
section, an applicant proposing to handle radioactive material 7901
shall pay for a license or renewal of a license the appropriate 7902
fee specified in rules adopted under section 3748.04 of the 7903
Revised Code and listed on an invoice provided by the director. 7904
The applicant shall pay the fee on receipt of the invoice. 7905

(2) (a) Except as provided in division (B) (2) (b) of this 7906
section, until fees are established in rules adopted under 7907
division (A) (8) (b) of section 3748.04 of the Revised Code, an 7908
applicant proposing to handle radiation-generating equipment 7909
shall pay for a certificate of registration or renewal of a 7910
certificate a biennial registration fee of two hundred sixty-two 7911
dollars. 7912

Except as provided in division (B) (2) (b) of this section, 7913
on and after the effective date of the rules in which fees are 7914
established under division (A) (8) (b) of section 3748.04 of the 7915
Revised Code, an applicant proposing to handle radiation- 7916

generating equipment shall pay for a certificate of registration 7917
or renewal of a certificate the appropriate fee established in 7918
those rules. 7919

The applicant shall pay the fees described in division (B) 7920
(2) (a) of this section at the time of applying for a certificate 7921
of registration or renewal of a certificate. 7922

(b) An applicant that is, or is operated by, a medical 7923
practitioner or medical-practitioner group and proposes to 7924
handle radiation-generating equipment shall pay for a 7925
certificate of registration or renewal of a certificate a 7926
biennial registration fee of two hundred sixty-two dollars. The 7927
applicant shall pay the fee at the time of applying for a 7928
certificate of registration or renewal of the certificate. 7929

(C) All fees collected under this section shall be 7930
deposited in the state treasury to the credit of the general 7931
operations fund created in section 3701.83 of the Revised Code. 7932
The fees shall be used solely to administer and enforce this 7933
chapter and rules adopted under it. 7934

(D) Any fee required under this section that remains 7935
unpaid on the ninety-first day after the original invoice date 7936
shall be assessed an additional amount equal to ten per cent of 7937
the original fee. 7938

(E) The director shall grant a license or registration to 7939
any applicant who has paid the required fee and is in compliance 7940
with this chapter and rules adopted under it. 7941

(F) Except as provided in division (B) (2) of this section, 7942
licenses and certificates of registration shall be effective for 7943
the applicable period established in rules adopted under section 7944
3748.04 of the Revised Code. Licenses and certificates of 7945

registration shall be renewed in accordance with the renewal 7946
procedure established in rules adopted under section 3748.04 of 7947
the Revised Code. 7948

(G) The director shall issue a license to handle 7949
radioactive material or a certificate of registration to handle 7950
radiation-generating equipment in accordance with Chapter 4796. 7951
of the Revised Code to an applicant if either of the following 7952
applies: 7953

(1) The applicant holds a license or certificate in 7954
another state. 7955

(2) The applicant has satisfactory work experience, a 7956
government certification, or a private certification as 7957
described in that chapter in handling radioactive material or 7958
radiation-generating equipment in a state that does not issue 7959
that license or certification or both. 7960

Sec. 3748.12. ~~The~~ (A) Except as provided in division (C) 7961
of this section, the director of health shall certify radiation 7962
experts pursuant to rules adopted under division (C) of section 7963
3748.04 of the Revised Code. The director shall issue a 7964
certificate to each person certified under this section. An 7965
individual certified by the director is qualified to develop, 7966
provide periodic review of, and conduct audits of the quality 7967
assurance program for sources of radiation for which such a 7968
program is required under division (A) of section 3748.13 of the 7969
Revised Code. 7970

(B) The director shall establish an application fee for 7971
applying for certification and a biennial certification renewal 7972
fee in rules adopted under division (C) of section 3748.04 of 7973
the Revised Code. A certificate issued under this section shall 7974

expire two years after the date of its issuance. To maintain 7975
certification, a radiation expert shall apply to the director 7976
for renewal of certification in accordance with the standard 7977
renewal procedures established in Chapter 4745. of the Revised 7978
Code. The certification renewal fee is not required for initial 7979
certification, but shall be paid for every renewal of 7980
certification. Fees collected under this section shall be 7981
deposited into the state treasury to the credit of the general 7982
operations fund created in section 3701.83 of the Revised Code. 7983
The fees shall be used solely to administer and enforce this 7984
chapter and rules adopted under it. Any fee required under this 7985
section that remains unpaid on the ninety-first day after the 7986
original invoice date shall be assessed an additional amount 7987
equal to ten per cent of the original fee. 7988

(C) The director shall issue a certificate in accordance 7989
with Chapter 4796. of the Revised Code to an applicant if either 7990
of the following applies: 7991

(1) The applicant holds a license or certificate in 7992
another state. 7993

(2) The applicant has satisfactory work experience, a 7994
government certification, or a private certification as 7995
described in that chapter as a radiation expert in a state that 7996
does not issue that certificate. 7997

Sec. 3769.03. The state racing commission shall prescribe 7998
the rules and conditions under which horse racing may be 7999
conducted and may issue, deny, suspend, diminish, or revoke 8000
permits to conduct horse racing as authorized by sections 8001
3769.01 to 3769.14 of the Revised Code. The commission may 8002
impose, in addition to any other penalty imposed by the 8003
commission, fines in an amount not to exceed ten thousand 8004

dollars on any permit holder or any other person who violates 8005
the rules or orders of the commission. The commission may 8006
prescribe the forms of wagering that are permissible, the number 8007
of races, the procedures on wagering, and the wagering 8008
information to be provided to the public. 8009

The commission may require totalizator equipment to 8010
display the amount of wagering in each wagering pool. The 8011
commission shall initiate safeguards as necessary to account for 8012
the amount of money wagered at each track in each wagering pool. 8013
It may require permit holders to install equipment that will 8014
provide a complete check and analysis of the functioning of any 8015
computers and require safeguards on their performance. The 8016
commission shall require all permit holders, except those 8017
holding state fair, county fair, or other fair permits, to 8018
provide a photographic recording, approved by the commission, of 8019
the entire running of all races conducted by the permit holder. 8020

The state racing commission may issue, deny, suspend, or 8021
revoke licenses to those persons engaged in racing and to those 8022
employees of permit holders as is in the public interest for the 8023
purpose of maintaining a proper control over horse-racing 8024
meetings. The commission, as is in the public interest for the 8025
purpose of maintaining proper control over horse-racing 8026
meetings, also may rule any person off a permit holder's 8027
premises. License fees shall include registration fees and shall 8028
be set by the commission. Each license issued by the commission, 8029
unless revoked for cause, shall be for the period of one year 8030
from the first day of January of the year in which it is issued, 8031
except as otherwise provided in section 3769.07 of the Revised 8032
Code. Applicants for licenses issued by the commission shall 8033
submit their fingerprints to the commission, and the commission 8034
may forward the fingerprints to the federal bureau of 8035

investigation or to any other agency, or to both, for 8036
examination. The commission shall issue a license to a person 8037
engaged in racing or an employee of a permit holder in 8038
accordance with Chapter 4796. of the Revised Code if that person 8039
or employee holds a license in another state, or that person or 8040
employee has satisfactory work experience, a government 8041
certification, or a private certification as described in that 8042
chapter in horse racing in a state that does not issue that 8043
license. 8044

There is hereby created in the state treasury the state 8045
racing commission operating fund. All license fees established 8046
and collected by the commission pursuant to this section, and 8047
the amounts specified in divisions (B) and (C) of section 8048
3769.08 and division (A) (5) of section 3769.087 of the Revised 8049
Code, shall be paid into the state treasury to the credit of the 8050
fund. Moneys in the fund shall be expended by the commission to 8051
defray its operating costs, salaries and expenses, and the cost 8052
of administering and enforcing this chapter. 8053

The commission may deny a permit to any permit holder that 8054
has defaulted in payments to the public, employees, or the 8055
horsemen and may deny a permit to any successor purchaser of a 8056
track for as long as any of those defaults have not been 8057
satisfied by either the seller or purchaser. 8058

The commission shall deny a permit to any permit holder 8059
that has defaulted in payments to the state or has defaulted in 8060
payments required under section 3769.089 or 3769.0810 of the 8061
Revised Code and shall deny a permit to any successor purchaser 8062
of a track for as long as those defaults have not been satisfied 8063
by either the seller or purchaser. 8064

Any violation of this chapter, of any rule of racing 8065

adopted by the commission, or of any law or rule with respect to 8066
racing in any jurisdiction shall be sufficient reason for a 8067
refusal to issue a license, or a suspension or revocation of any 8068
license issued, pursuant to this section. 8069

With respect to the issuance, denial, suspension, or 8070
revocation of a license to a participant in horse racing, the 8071
action of the commission shall be subject to Chapter 119. of the 8072
Revised Code. 8073

The commission may sue and be sued in its own name. Any 8074
action against the commission shall be brought in the court of 8075
common pleas of Franklin county. Any appeal from a determination 8076
or decision of the commission rendered in the exercise of its 8077
powers and duties under this chapter shall be brought in the 8078
court of common pleas of Franklin county. 8079

The commission, biennially, shall make a full report to 8080
the governor of its proceedings for the two-year period ending 8081
with the thirty-first day of December preceding the convening of 8082
the general assembly and shall include its recommendations in 8083
the report. The commission, semiannually, on the thirtieth day 8084
of June and on the thirty-first day of December of each year, 8085
shall make a report and accounting to the governor. 8086

Sec. 3772.13. (A) No person may be employed as a key 8087
employee of a casino operator, management company, or holding 8088
company unless the person is the holder of a valid key employee 8089
license issued by the commission. 8090

(B) No person may be employed as a key employee of a 8091
gaming-related vendor unless that person is either the holder of 8092
a valid key employee license issued by the commission, or the 8093
person, at least five business days prior to the first day of 8094

employment as a key employee, has filed a notification of 8095
employment with the commission and subsequently files a 8096
completed application for a key employee license within the 8097
first thirty days of employment as a key employee. 8098

(C) Each applicant shall, before the issuance of any key 8099
employee license, produce information, documentation, and 8100
assurances as are required by this chapter and rules adopted 8101
thereunder. In addition, each applicant shall, in writing, 8102
authorize the examination of all bank accounts and records as 8103
may be deemed necessary by the commission. 8104

(D) To be eligible for a key employee license, the 8105
applicant shall be at least twenty-one years of age and shall 8106
meet the criteria set forth by rule by the commission. 8107

(E) Each application for a key employee license shall be 8108
on a form prescribed by the commission and shall contain all 8109
information required by the commission. The applicant shall set 8110
forth in the application if the applicant has been issued prior 8111
gambling-related licenses; if the applicant has been licensed in 8112
any other state under any other name, and, if so, the name under 8113
which the license was issued and the applicant's age at the time 8114
the license was issued; any criminal conviction the applicant 8115
has had; and if a permit or license issued to the applicant in 8116
any other state has been suspended, restricted, or revoked, and, 8117
if so, the cause and the duration of each action. The applicant 8118
also shall complete a cover sheet for the application on which 8119
the applicant shall disclose the applicant's name, the business 8120
address of the casino operator, management company, holding 8121
company, or gaming-related vendor employing the applicant, the 8122
business address and telephone number of such employer, and the 8123
county, state, and country in which the applicant's residence is 8124

located. 8125

(F) Each applicant shall submit with each application, on 8126
a form provided by the commission, two sets of fingerprints and 8127
a photograph. The commission shall charge each applicant an 8128
application fee set by the commission to cover all actual costs 8129
generated by each licensee and all background checks under this 8130
section and section 3772.07 of the Revised Code. 8131

(G) (1) The casino operator, management company, or holding 8132
company by whom a person is employed as a key employee shall 8133
terminate the person's employment in any capacity requiring a 8134
license under this chapter and shall not in any manner permit 8135
the person to exercise a significant influence over the 8136
operation of a casino facility if: 8137

(a) The person does not apply for and receive a key 8138
employee license within three months of being issued a 8139
provisional license, as established under commission rule. 8140

(b) The person's application for a key employee license is 8141
denied by the commission. 8142

(c) The person's key employee license is revoked by the 8143
commission. 8144

The commission shall notify the casino operator, 8145
management company, or holding company who employs such a person 8146
by certified mail of any such finding, denial, or revocation. 8147

(2) A casino operator, management company, or holding 8148
company shall not pay to a person whose employment is terminated 8149
under division (G) (1) of this section, any remuneration for any 8150
services performed in any capacity in which the person is 8151
required to be licensed, except for amounts due for services 8152
rendered before notice was received under that division. A 8153

contract or other agreement for personal services or for the 8154
conduct of any casino gaming at a casino facility between a 8155
casino operator, management company, or holding company and a 8156
person whose employment is terminated under division (G) (1) of 8157
this section may be terminated by the casino operator, 8158
management company, or holding company without further liability 8159
on the part of the casino operator, management company, or 8160
holding company. Any such contract or other agreement is deemed 8161
to include a term authorizing its termination without further 8162
liability on the part of the casino operator, management 8163
company, or holding company upon receiving notice under division 8164
(G) (1) of this section. That a contract or other agreement does 8165
not expressly include such a term is not a defense in any action 8166
brought to terminate the contract or other agreement, and is not 8167
grounds for relief in any action brought questioning termination 8168
of the contract or other agreement. 8169

(3) A casino operator, management company, or holding 8170
company, without having obtained the prior approval of the 8171
commission, shall not enter into any contract or other agreement 8172
with a person who has been found unsuitable, who has been denied 8173
a license, or whose license has been revoked under division (G) 8174
(1) of this section, or with any business enterprise under the 8175
control of such a person, after the date on which the casino 8176
operator, management company, or holding company receives notice 8177
under that division. 8178

(H) Notwithstanding the requirements for a license under 8179
this section, the commission shall issue a key employee license 8180
in accordance with Chapter 4796. of the Revised Code to an 8181
applicant if either of the following applies: 8182

(1) The applicant holds a license in another state. 8183

(2) The applicant has satisfactory work experience, a 8184
government certification, or a private certification as 8185
described in that chapter as a key employee of a casino 8186
operator, management company, or holding company in a state that 8187
does not issue that license. 8188

Sec. 3772.131. (A) All casino gaming employees are 8189
required to have a casino gaming employee license. "Casino 8190
gaming employee" means the following and their supervisors: 8191

(1) Individuals involved in operating a casino gaming pit, 8192
including dealers, shills, clerks, hosts, and junket 8193
representatives; 8194

(2) Individuals involved in handling money, including 8195
cashiers, change persons, count teams, and coin wrappers; 8196

(3) Individuals involved in operating casino games; 8197

(4) Individuals involved in operating and maintaining slot 8198
machines, including mechanics, floor persons, and change and 8199
payoff persons; 8200

(5) Individuals involved in security, including guards and 8201
game observers; 8202

(6) Individuals with duties similar to those described in 8203
divisions (A) (1) to (5) of this section or other persons as the 8204
commission determines. "Casino gaming employee" does not include 8205
an individual whose duties are related solely to nongaming 8206
activities such as entertainment, hotel operation, maintenance, 8207
or preparing or serving food and beverages. 8208

(B) The commission may issue a casino gaming employee 8209
license to an applicant after it has determined that the 8210
applicant is eligible for a license under rules adopted by the 8211

commission and paid any applicable fee. All applications shall 8212
be made under oath. 8213

(C) To be eligible for a casino gaming employee license, 8214
an applicant shall be at least twenty-one years of age. 8215

(D) Each application for a casino gaming employee license 8216
shall be on a form prescribed by the commission and shall 8217
contain all information required by the commission. The 8218
applicant shall set forth in the application if the applicant 8219
has been issued prior gambling-related licenses; if the 8220
applicant has been licensed in any other state under any other 8221
name, and, if so, the name under which the license was issued 8222
and the applicant's age at the time the license was issued; any 8223
criminal conviction the applicant has had; and if a permit or 8224
license issued to the applicant in any other state has been 8225
suspended, restricted, or revoked, and, if so, the cause and the 8226
duration of each action. 8227

(E) Each applicant shall submit with each application, on 8228
a form provided by the commission, two sets of the applicant's 8229
fingerprints and a photograph. The commission shall charge each 8230
applicant an application fee to cover all actual costs generated 8231
by each licensee and all background checks. 8232

(F) Notwithstanding the requirements for a license under 8233
this section, the commission shall issue a casino gaming 8234
employee license in accordance with Chapter 4796. of the Revised 8235
Code to an applicant if either of the following applies: 8236

(1) The applicant holds a license in another state. 8237

(2) The applicant has satisfactory work experience, a 8238
government certification, or a private certification as 8239
described in that chapter as a casino gaming employee in a state 8240

that does not issue that license. 8241

Sec. 3773.36. (A) Upon the proper filing of an application 8242
to conduct any public or private competition that involves 8243
boxing, mixed martial arts, kick boxing, tough man contests, 8244
tough guy contests, or any other form of boxing or martial arts, 8245
accompanied by the surety bond and the application fee, or upon 8246
the proper filing of an application to conduct any public or 8247
private competition that involves wrestling accompanied by the 8248
application fee, the Ohio athletic commission shall issue a 8249
promoter's license to the applicant if it finds that the 8250
applicant is not in default on any payment, obligation, or debt 8251
payable to the state under sections 3773.31 to 3773.57 of the 8252
Revised Code, is financially responsible, and is knowledgeable 8253
in the proper conduct of such matches or exhibitions. 8254

(B) Notwithstanding the requirements for a license under 8255
division (A) of this section, the commission shall issue a 8256
promoter's license in accordance with Chapter 4796. of the 8257
Revised Code to an applicant if either of the following applies: 8258

(1) The applicant holds a license in another state. 8259

(2) The applicant has satisfactory work experience, a 8260
government certification, or a private certification as 8261
described in that chapter as a promoter in a state that does not 8262
issue that license. 8263

(C) Each license issued pursuant to this section shall 8264
bear the name of the licensee, the post office address of the 8265
licensee, the date of expiration, an identification number 8266
designated by the commission, and the seal of the commission. 8267

(D) A promoter's license shall expire twelve months after 8268
its date of issuance and shall become invalid on that date 8269

unless renewed. A promoter's license may be renewed upon 8270
application to the commission and upon payment of the renewal 8271
fee prescribed in section 3773.43 of the Revised Code. The 8272
commission shall renew the license unless it denies the 8273
application for renewal for one or more reasons stated in 8274
section 3123.47 or 3773.53 of the Revised Code. 8275

Sec. 3773.421. ~~A member of the~~ The Ohio athletic 8276
~~commission may grant~~ shall issue a referee's, judge's, 8277
matchmaker's, timekeeper's, manager's, trainer's, contestant's, 8278
or second's license at any time prior to the beginning of a 8279
public boxing match or exhibition in accordance with Chapter 8280
4796. of the Revised Code to an applicant ~~from~~ if either of the 8281
following applies: 8282

(A) The applicant holds a license in another state ~~who~~ 8283
~~wishes to participate as specified in section 3773.41 of the~~ 8284
~~Revised Code and who furnishes satisfactory proof to the member~~ 8285
~~that the applicant holds a license that is not under suspension,~~ 8286
~~revocation, or other disciplinary action, if the license was~~ 8287
~~issued by an agency that is similar to the commission, is a~~ 8288
~~member of the association of boxing commissions, and has~~ 8289
~~licensing requirements that are at least as stringent as those~~ 8290
~~established by the commission.~~ 8291

(B) The applicant has satisfactory work experience, a 8292
government certification, or a private certification as 8293
described in that chapter as a referee, judge, matchmaker, 8294
timekeeper, manager, trainer, contestant, or second in a state 8295
that does not issue that license. 8296

Sec. 3781.10. (A) (1) The board of building standards shall 8297
formulate and adopt rules governing the erection, construction, 8298
repair, alteration, and maintenance of all buildings or classes 8299

of buildings specified in section 3781.06 of the Revised Code, 8300
including land area incidental to those buildings, the 8301
construction of industrialized units, the installation of 8302
equipment, and the standards or requirements for materials used 8303
in connection with those buildings. The board shall incorporate 8304
those rules into separate residential and nonresidential 8305
building codes. The standards shall relate to the conservation 8306
of energy and the safety and sanitation of those buildings. 8307

(2) The rules governing nonresidential buildings are the 8308
lawful minimum requirements specified for those buildings and 8309
industrialized units, except that no rule other than as provided 8310
in division (C) of section 3781.108 of the Revised Code that 8311
specifies a higher requirement than is imposed by any section of 8312
the Revised Code is enforceable. The rules governing residential 8313
buildings are uniform requirements for residential buildings in 8314
any area with a building department certified to enforce the 8315
state residential building code. In no case shall any local code 8316
or regulation differ from the state residential building code 8317
unless that code or regulation addresses subject matter not 8318
addressed by the state residential building code or is adopted 8319
pursuant to section 3781.01 of the Revised Code. 8320

(3) The rules adopted pursuant to this section are 8321
complete, lawful alternatives to any requirements specified for 8322
buildings or industrialized units in any section of the Revised 8323
Code. Except as otherwise provided in division (I) of this 8324
section, the board shall, on its own motion or on application 8325
made under sections 3781.12 and 3781.13 of the Revised Code, 8326
formulate, propose, adopt, modify, amend, or repeal the rules to 8327
the extent necessary or desirable to effectuate the purposes of 8328
sections 3781.06 to 3781.18 of the Revised Code. 8329

(B) The board shall report to the general assembly 8330
proposals for amendments to existing statutes relating to the 8331
purposes declared in section 3781.06 of the Revised Code that 8332
public health and safety and the development of the arts require 8333
and shall recommend any additional legislation to assist in 8334
carrying out fully, in statutory form, the purposes declared in 8335
that section. The board shall prepare and submit to the general 8336
assembly a summary report of the number, nature, and disposition 8337
of the petitions filed under sections 3781.13 and 3781.14 of the 8338
Revised Code. 8339

(C) On its own motion or on application made under 8340
sections 3781.12 and 3781.13 of the Revised Code, and after 8341
thorough testing and evaluation, the board shall determine by 8342
rule that any particular fixture, device, material, process of 8343
manufacture, manufactured unit or component, method of 8344
manufacture, system, or method of construction complies with 8345
performance standards adopted pursuant to section 3781.11 of the 8346
Revised Code. The board shall make its determination with regard 8347
to adaptability for safe and sanitary erection, use, or 8348
construction, to that described in any section of the Revised 8349
Code, wherever the use of a fixture, device, material, method of 8350
manufacture, system, or method of construction described in that 8351
section of the Revised Code is permitted by law. The board shall 8352
amend or annul any rule or issue an authorization for the use of 8353
a new material or manufactured unit on any like application. No 8354
department, officer, board, or commission of the state other 8355
than the board of building standards or the board of building 8356
appeals shall permit the use of any fixture, device, material, 8357
method of manufacture, newly designed product, system, or method 8358
of construction at variance with what is described in any rule 8359
the board of building standards adopts or issues or that is 8360

authorized by any section of the Revised Code. Nothing in this 8361
section shall be construed as requiring approval, by rule, of 8362
plans for an industrialized unit that conforms with the rules 8363
the board of building standards adopts pursuant to section 8364
3781.11 of the Revised Code. 8365

(D) The board shall recommend rules, codes, and standards 8366
to help carry out the purposes of section 3781.06 of the Revised 8367
Code and to help secure uniformity of state administrative 8368
rulings and local legislation and administrative action to the 8369
bureau of workers' compensation, the director of commerce, any 8370
other department, officer, board, or commission of the state, 8371
and to legislative authorities and building departments of 8372
counties, townships, and municipal corporations, and shall 8373
recommend that they audit those recommended rules, codes, and 8374
standards by any appropriate action that they are allowed 8375
pursuant to law or the constitution. 8376

(E) (1) The board shall certify municipal, township, and 8377
county building departments, the personnel of those building 8378
departments, persons described in division (E) (7) of this 8379
section, and employees of individuals, firms, the state, or 8380
corporations described in division (E) (7) of this section to 8381
exercise enforcement authority, to accept and approve plans and 8382
specifications, and to make inspections, pursuant to sections 8383
3781.03, 3791.04, and 4104.43 of the Revised Code. 8384

(2) The board shall certify departments, personnel, and 8385
persons to enforce the state residential building code, to 8386
enforce the nonresidential building code, or to enforce both the 8387
residential and the nonresidential building codes. Any 8388
department, personnel, or person may enforce only the type of 8389
building code for which certified. 8390

(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements for certification for residential and nonresidential building code enforcement, which shall be consistent with this division. The requirements for residential and nonresidential certification may differ. Except as otherwise provided in this division, the requirements shall include, but are not limited to, the satisfactory completion of an initial examination and, to remain certified, the completion of a specified number of hours of continuing building code education within each three-year period following the date of certification which shall be not less than thirty hours. The rules shall provide that continuing education credits and certification issued by the council of American building officials, national model code organizations, and agencies or entities the board recognizes are acceptable for purposes of this division. The rules shall specify requirements that are consistent with the provisions of section 5903.12 of the Revised Code relating to active duty military service and are compatible, to the extent possible, with requirements the council of American building officials and national model code organizations establish.

(4) The board shall establish and collect a certification and renewal fee for building department personnel, and persons and employees of persons, firms, or corporations as described in this section, who are certified pursuant to this division.

(5) Any individual certified pursuant to this division shall complete the number of hours of continuing building code

education that the board requires or, for failure to do so, 8422
forfeit certification. 8423

(6) This division does not require or authorize the board 8424
to certify personnel of municipal, township, and county building 8425
departments, and persons and employees of persons, firms, or 8426
corporations as described in this section, whose 8427
responsibilities do not include the exercise of enforcement 8428
authority, the approval of plans and specifications, or making 8429
inspections under the state residential and nonresidential 8430
building codes. 8431

(7) Enforcement authority for approval of plans and 8432
specifications and enforcement authority for inspections may be 8433
exercised, and plans and specifications may be approved and 8434
inspections may be made on behalf of a municipal corporation, 8435
township, or county, by any of the following who the board of 8436
building standards certifies: 8437

(a) Officers or employees of the municipal corporation, 8438
township, or county; 8439

(b) Persons, or employees of persons, firms, or 8440
corporations, pursuant to a contract to furnish architectural, 8441
engineering, or other services to the municipal corporation, 8442
township, or county; 8443

(c) Officers or employees of, and persons under contract 8444
with, a municipal corporation, township, county, health 8445
district, or other political subdivision, pursuant to a contract 8446
to furnish architectural, engineering, or other services; 8447

(d) Officers or employees of the division of industrial 8448
compliance in the department of commerce pursuant to a contract 8449
authorized by division (B) of section 121.083 of the Revised 8450

Code. 8451

(8) Municipal, township, and county building departments 8452
have jurisdiction within the meaning of sections 3781.03, 8453
3791.04, and 4104.43 of the Revised Code, only with respect to 8454
the types of buildings and subject matters for which they are 8455
certified under this section. 8456

(9) A certified municipal, township, or county building 8457
department may exercise enforcement authority, accept and 8458
approve plans and specifications, and make inspections pursuant 8459
to sections 3781.03, 3791.04, and 4104.43 of the Revised Code 8460
for a park district created pursuant to Chapter 1545. of the 8461
Revised Code upon the approval, by resolution, of the board of 8462
park commissioners of the park district requesting the 8463
department to exercise that authority and conduct those 8464
activities, as applicable. 8465

(10) Certification shall be granted upon application by 8466
the municipal corporation, the board of township trustees, or 8467
the board of county commissioners and approval of that 8468
application by the board of building standards. The application 8469
shall set forth: 8470

(a) Whether the certification is requested for residential 8471
or nonresidential buildings, or both; 8472

(b) The number and qualifications of the staff composing 8473
the building department; 8474

(c) The names, addresses, and qualifications of persons, 8475
firms, or corporations contracting to furnish work or services 8476
pursuant to division (E) (7) (b) of this section; 8477

(d) The names of any other municipal corporation, 8478
township, county, health district, or political subdivision 8479

under contract to furnish work or services pursuant to division 8480
(E) (7) of this section; 8481

(e) The proposed budget for the operation of the building 8482
department. 8483

(11) The board of building standards shall adopt rules 8484
governing all of the following: 8485

(a) The certification of building department personnel and 8486
persons and employees of persons, firms, or corporations 8487
exercising authority pursuant to division (E) (7) of this 8488
section. The rules shall disqualify any employee of the 8489
department or person who contracts for services with the 8490
department from performing services for the department when that 8491
employee or person would have to pass upon, inspect, or 8492
otherwise exercise authority over any labor, material, or 8493
equipment the employee or person furnishes for the construction, 8494
alteration, or maintenance of a building or the preparation of 8495
working drawings or specifications for work within the 8496
jurisdictional area of the department. The department shall 8497
provide other similarly qualified personnel to enforce the 8498
residential and nonresidential building codes as they pertain to 8499
that work. 8500

(b) The minimum services to be provided by a certified 8501
building department. 8502

(12) The board of building standards may revoke or suspend 8503
certification to enforce the residential and nonresidential 8504
building codes, on petition to the board by any person affected 8505
by that enforcement or approval of plans, or by the board on its 8506
own motion. Hearings shall be held and appeals permitted on any 8507
proceedings for certification or revocation or suspension of 8508

certification in the same manner as provided in section 3781.101 8509
of the Revised Code for other proceedings of the board of 8510
building standards. 8511

(13) Upon certification, and until that authority is 8512
revoked, any county or township building department shall 8513
enforce the residential and nonresidential building codes for 8514
which it is certified without regard to limitation upon the 8515
authority of boards of county commissioners under Chapter 307. 8516
of the Revised Code or boards of township trustees under Chapter 8517
505. of the Revised Code. 8518

(14) The board shall certify a person to exercise 8519
enforcement authority, to accept and approve plans and 8520
specifications, or to make inspections in this state in 8521
accordance with Chapter 4796. of the Revised Code if either of 8522
the following applies: 8523

(a) The person holds a license or certificate in another 8524
state. 8525

(b) The person has satisfactory work experience, a 8526
government certification, or a private certification as 8527
described in that chapter in the same profession, occupation, or 8528
occupational activity as the profession, occupation, or 8529
occupational activity for which the certificate is required in 8530
this state in a state that does not issue that license or 8531
certificate. 8532

(F) In addition to hearings sections 3781.06 to 3781.18 8533
and 3791.04 of the Revised Code require, the board of building 8534
standards shall make investigations and tests, and require from 8535
other state departments, officers, boards, and commissions 8536
information the board considers necessary or desirable to assist 8537

it in the discharge of any duty or the exercise of any power 8538
mentioned in this section or in sections 3781.06 to 3781.18, 8539
3791.04, and 4104.43 of the Revised Code. 8540

(G) The board shall adopt rules and establish reasonable 8541
fees for the review of all applications submitted where the 8542
applicant applies for authority to use a new material, assembly, 8543
or product of a manufacturing process. The fee shall bear some 8544
reasonable relationship to the cost of the review or testing of 8545
the materials, assembly, or products and for the notification of 8546
approval or disapproval as provided in section 3781.12 of the 8547
Revised Code. 8548

(H) The residential construction advisory committee shall 8549
provide the board with a proposal for a state residential 8550
building code that the committee recommends pursuant to division 8551
(D) (1) of section 4740.14 of the Revised Code. Upon receiving a 8552
recommendation from the committee that is acceptable to the 8553
board, the board shall adopt rules establishing that code as the 8554
state residential building code. 8555

(I) (1) The committee may provide the board with proposed 8556
rules to update or amend the state residential building code 8557
that the committee recommends pursuant to division (E) of 8558
section 4740.14 of the Revised Code. 8559

(2) If the board receives a proposed rule to update or 8560
amend the state residential building code as provided in 8561
division (I) (1) of this section, the board either may accept or 8562
reject the proposed rule for incorporation into the residential 8563
building code. If the board does not act to either accept or 8564
reject the proposed rule within ninety days after receiving the 8565
proposed rule from the committee as described in division (I) (1) 8566
of this section, the proposed rule shall become part of the 8567

residential building code. 8568

(J) The board shall cooperate with the director of job and 8569
family services when the director promulgates rules pursuant to 8570
section 5104.05 of the Revised Code regarding safety and 8571
sanitation in type A family day-care homes. 8572

(K) The board shall adopt rules to implement the 8573
requirements of section 3781.108 of the Revised Code. 8574

Sec. 3781.102. (A) Any county or municipal building 8575
department certified pursuant to division (E) of section 3781.10 8576
of the Revised Code as of September 14, 1970, and that, as of 8577
that date, was inspecting single-family, two-family, and three- 8578
family residences, and any township building department 8579
certified pursuant to division (E) of section 3781.10 of the 8580
Revised Code, is hereby declared to be certified to inspect 8581
single-family, two-family, and three-family residences 8582
containing industrialized units, and shall inspect the buildings 8583
or classes of buildings subject to division (E) of section 8584
3781.10 of the Revised Code. 8585

(B) Each board of county commissioners may adopt, by 8586
resolution, rules establishing standards and providing for the 8587
licensing of electrical and heating, ventilating, and air 8588
conditioning contractors who are not required to hold a valid 8589
and unexpired license pursuant to Chapter 4740. of the Revised 8590
Code. 8591

Rules adopted by a board of county commissioners pursuant 8592
to this division may be enforced within the unincorporated areas 8593
of the county and within any municipal corporation where the 8594
legislative authority of the municipal corporation has 8595
contracted with the board for the enforcement of the county 8596

rules within the municipal corporation pursuant to section 8597
307.15 of the Revised Code. The rules shall not conflict with 8598
rules adopted by the board of building standards pursuant to 8599
section 3781.10 of the Revised Code or by the department of 8600
commerce pursuant to Chapter 3703. of the Revised Code. This 8601
division does not impair or restrict the power of municipal 8602
corporations under Section 3 of Article XVIII, Ohio 8603
Constitution, to adopt rules concerning the erection, 8604
construction, repair, alteration, and maintenance of buildings 8605
and structures or of establishing standards and providing for 8606
the licensing of specialty contractors pursuant to section 8607
715.27 of the Revised Code. 8608

A board of county commissioners, pursuant to this 8609
division, may require all electrical contractors and heating, 8610
ventilating, and air conditioning contractors, other than those 8611
who hold a valid and unexpired license issued pursuant to 8612
Chapter 4740. of the Revised Code, to successfully complete an 8613
examination, test, or demonstration of technical skills, and may 8614
impose a fee and additional requirements for a license to engage 8615
in their respective occupations within the jurisdiction of the 8616
board's rules under this division. 8617

(C) No board of county commissioners shall require any 8618
specialty contractor who holds a valid and unexpired license 8619
issued pursuant to Chapter 4740. of the Revised Code to 8620
successfully complete an examination, test, or demonstration of 8621
technical skills in order to engage in the type of contracting 8622
for which the license is held, within the unincorporated areas 8623
of the county and within any municipal corporation whose 8624
legislative authority has contracted with the board for the 8625
enforcement of county regulations within the municipal 8626
corporation, pursuant to section 307.15 of the Revised Code. 8627

(D) A board may impose a fee for registration of a 8628
specialty contractor who holds a valid and unexpired license 8629
issued pursuant to Chapter 4740. of the Revised Code before that 8630
specialty contractor may engage in the type of contracting for 8631
which the license is held within the unincorporated areas of the 8632
county and within any municipal corporation whose legislative 8633
authority has contracted with the board for the enforcement of 8634
county regulations within the municipal corporation, pursuant to 8635
section 307.15 of the Revised Code, provided that the fee is the 8636
same for all specialty contractors who wish to engage in that 8637
type of contracting. If a board imposes such a fee, the board 8638
immediately shall permit a specialty contractor who presents 8639
proof of holding a valid and unexpired license and pays the 8640
required fee to engage in the type of contracting for which the 8641
license is held within the unincorporated areas of the county 8642
and within any municipal corporation whose legislative authority 8643
has contracted with the board for the enforcement of county 8644
regulations within the municipal corporation, pursuant to 8645
section 307.15 of the Revised Code. 8646

(E) The political subdivision associated with each 8647
municipal, township, and county building department the board of 8648
building standards certifies pursuant to division (E) of section 8649
3781.10 of the Revised Code may prescribe fees to be paid by 8650
persons, political subdivisions, or any department, agency, 8651
board, commission, or institution of the state, for the 8652
acceptance and approval of plans and specifications, and for the 8653
making of inspections, pursuant to sections 3781.03 and 3791.04 8654
of the Revised Code. 8655

(F) Each political subdivision that prescribes fees 8656
pursuant to division (E) of this section shall collect, on 8657
behalf of the board of building standards, fees equal to the 8658

following: 8659

(1) Three per cent of the fees the political subdivision 8660
collects in connection with nonresidential buildings; 8661

(2) One per cent of the fees the political subdivision 8662
collects in connection with residential buildings. 8663

(G) (1) The board shall adopt rules, in accordance with 8664
Chapter 119. of the Revised Code, specifying the manner in which 8665
the fee assessed pursuant to division (F) of this section shall 8666
be collected and remitted monthly to the board. The board shall 8667
pay the fees into the state treasury to the credit of the 8668
industrial compliance operating fund created in section 121.084 8669
of the Revised Code. 8670

(2) All money credited to the industrial compliance 8671
operating fund under this division shall be used exclusively for 8672
the following: 8673

(a) Operating costs of the board; 8674

(b) Providing services, including educational programs, 8675
for the building departments that are certified by the board 8676
pursuant to division (E) of section 3781.10 of the Revised Code; 8677

(c) Paying the expenses of the residential construction 8678
advisory committee, including the expenses of committee members 8679
as provided in section 4740.14 of the Revised Code. 8680

(H) A board of county commissioners that adopts rules 8681
providing for the licensing of electrical and heating, 8682
ventilating, and air conditioning contractors, pursuant to 8683
division (B) of this section, may accept, for purposes of 8684
satisfying the requirements of rules adopted under that 8685
division, a valid and unexpired license issued pursuant to 8686

Chapter 4740. of the Revised Code that is held by an electrical 8687
or heating, ventilating, and air conditioning contractor, for 8688
the construction, replacement, maintenance, or repair of one- 8689
family, two-family, or three-family dwelling houses or accessory 8690
structures incidental to those dwelling houses. 8691

(I) A board of county commissioners shall not register a 8692
specialty contractor who is required to hold a license under 8693
Chapter 4740. of the Revised Code but does not hold a valid 8694
license issued under that chapter. 8695

(J) If a board of county commissioners regulates a 8696
profession, occupation, or occupational activity under this 8697
section, the board shall comply with Chapter 4796. of the 8698
Revised Code. 8699

(K) As used in this section, "specialty contractor" means 8700
a heating, ventilating, and air conditioning contractor, 8701
refrigeration contractor, electrical contractor, plumbing 8702
contractor, or hydronics contractor, as those contractors are 8703
described in Chapter 4740. of the Revised Code. 8704

Sec. 3781.105. (A) The board of building standards shall 8705
certify individuals who design fire protection systems for 8706
buildings and who meet the requirements specified in this 8707
section. The board may establish separate certification 8708
categories for specific types of fire protection systems. 8709

(B) Any individual who wishes to obtain certification 8710
shall make application to the board on a form prescribed by the 8711
board. The application shall be accompanied by an application 8712
fee and an initial certification fee. The initial certification 8713
fee shall be refunded if the applicant fails to obtain 8714
certification. Certification may be renewed annually upon 8715

payment of a renewal fee. 8716

Fees required to be paid under this division shall be 8717
established by rule adopted by the board. The application fee 8718
shall bear a reasonable relationship to processing the 8719
individual's application, the certification fee shall bear a 8720
reasonable relationship to certifying the individual, and the 8721
certification renewal fee shall bear a reasonable relationship 8722
to renewing the individual's certification. 8723

(C) Each applicant shall submit evidence satisfactory to 8724
the board that the applicant has directly engaged in designing 8725
and preparing drawings for the category of the type of fire 8726
protection system for which the applicant seeks certification. 8727

(D) The board shall certify any qualified applicant who 8728
passes an examination prescribed either by the board or by the 8729
national institute for certification in engineering 8730
technologies. The examination shall demonstrate the applicant's 8731
knowledge and understanding of the category of the type of fire 8732
protection system for which the applicant seeks certification. 8733

(E) The board, after a hearing in accordance with Chapter 8734
119. of the Revised Code, may suspend or revoke any category of 8735
certification of any individual who proves at any time to be 8736
incompetent to submit and certify plans and specifications for 8737
that category to the appropriate building department under 8738
section 3791.04 of the Revised Code, and may suspend or revoke 8739
all categories of certification of any individual who engages in 8740
any illegal or fraudulent acts in connection with the design of 8741
fire protection systems. 8742

~~(H)~~ (F) The board may adopt rules in accordance with 8743
Chapter 119. of the Revised Code for the administration and 8744

enforcement of this section. 8745

(G) Notwithstanding any other provision of this section to 8746
the contrary, the board shall certify an applicant in accordance 8747
with Chapter 4796. of the Revised Code if either of the 8748
following applies: 8749

(1) The applicant is licensed or certified in another 8750
state. 8751

(2) The applicant has satisfactory work experience, a 8752
government certification, or a private certification as 8753
described in that chapter as a designer of fire protection 8754
systems in a state that does not issue that license or 8755
certificate. 8756

Sec. 3916.03. (A) An Except as provided in division (H) of 8757
this section, an applicant for a license as a viatical 8758
settlement provider or viatical settlement broker shall submit 8759
an application for the license in a manner prescribed by the 8760
superintendent of insurance. The application shall be 8761
accompanied by a fee established by the superintendent by rule 8762
adopted in accordance with Chapter 119. of the Revised Code. 8763

(B) A license issued under this chapter to a person other 8764
than an individual authorizes all partners, officers, members, 8765
or designated employees of the person to act as viatical 8766
settlement providers or viatical settlement brokers, as 8767
applicable, and all those partners, officers, members, or 8768
designated employees shall be named in the application and any 8769
supplements to the application. 8770

(C) Upon Except as provided in division (H) of this 8771
section, upon the filing of an application under this section 8772
and the payment of the license fee, the superintendent shall 8773

make an investigation of the applicant and issue to the 8774
applicant a license that states in substance that the person is 8775
authorized to act as a viatical settlement provider or viatical 8776
settlement broker, as applicable, if all of the following apply: 8777

(1) Regarding an application for a license as a viatical 8778
settlement provider, the applicant provides all of the 8779
following: 8780

(a) A detailed plan of operation; 8781

(b) Proof of financial responsibility pursuant to division 8782
(D) of this section; 8783

(c) A general description of the method the applicant will 8784
use to determine life expectancies, including a description of 8785
the applicant's intended receipt of life expectancies, the 8786
applicant's intended use of life expectancies, the applicant's 8787
intended use of life expectancy providers, and a written plan of 8788
policies and procedures used to determine life expectancies. 8789

(2) The superintendent finds all of the following: 8790

(a) The applicant is competent and trustworthy and intends 8791
to act in good faith in the capacity of a viatical settlement 8792
provider or viatical settlement broker, as applicable. 8793

(b) The applicant has a good business reputation and has 8794
had experience, training, or education so as to be qualified to 8795
act in the capacity of a viatical settlement provider or 8796
viatical settlement broker, as applicable. 8797

(3) If the applicant is a person other than an individual, 8798
the applicant provides a certificate of good standing from the 8799
state of its organization. 8800

(4) The applicant provides an antifraud plan that meets 8801

the requirements of division (G) of section 3916.18 of the Revised Code.

(D) (1) An applicant for licensure as a viatical settlement provider may provide proof of financial responsibility through one of the following means:

(a) Submitting audited financial statements that show a minimum equity of not less than two hundred fifty thousand dollars in cash or cash equivalents;

(b) Submitting both audited annual financial statements that show positive equity and either of the following:

(i) A surety bond in the amount of two hundred fifty thousand dollars in favor of this state issued by an insurer authorized to issue surety bonds in this state;

(ii) An unconditional and irrevocable letter of credit, deposit of cash, or securities, in any combination, in the aggregate amount of two hundred fifty thousand dollars.

~~(2) If an applicant is licensed as a viatical settlement provider in another state, the superintendent may accept as valid any similar proof of financial responsibility the applicant filed in that state.~~

~~(3) The superintendent may request proof of financial responsibility at any time the superintendent considers necessary.~~

(E) An applicant shall provide all information requested by the superintendent. The superintendent may, at any time, require an applicant to fully disclose the identity of all shareholders, partners, officers, members, and employees, and may, in the exercise of the superintendent's discretion, refuse

to issue a license to an applicant that is not an individual if 8830
the superintendent is not satisfied that each officer, employee, 8831
shareholder, partner, or member who may materially influence the 8832
applicant's conduct meets the standards set forth in this 8833
chapter. 8834

(F) Except as otherwise provided in this division, a 8835
license as a viatical settlement provider or viatical settlement 8836
broker expires on the last day of March next after its issuance 8837
or continuance. A license as a viatical settlement provider or 8838
viatical settlement broker may, in the discretion of the 8839
superintendent and the payment of an annual renewal fee 8840
established by the superintendent by rule adopted in accordance 8841
with Chapter 119. of the Revised Code, be continued past the 8842
last day of March next after its issue and after the last day of 8843
March in each succeeding year. Failure to pay the renewal fee by 8844
the required date results in the expiration of the license. 8845

(G) Any individual licensed as a viatical settlement 8846
broker shall complete not less than fifteen hours of continuing 8847
education biennially. The superintendent shall approve 8848
continuing education courses that shall be related to viatical 8849
settlements and viatical settlement transactions. The 8850
superintendent shall adopt rules for the enforcement of this 8851
division. 8852

(H) The superintendent shall ~~not~~ issue a license to a 8853
nonresident an applicant who is licensed in another state or has 8854
satisfactory work experience, a government certification, or a 8855
private certification as described in Chapter 4796. of the 8856
Revised Code as a viatical settlement provider or viatical 8857
settlement broker in a state that does not issue that license in 8858
accordance with that chapter, ~~unless~~ if either of the following 8859

applies: 8860

(1) The applicant files and maintains a written 8861
designation of an agent for service of process with the 8862
superintendent. 8863

(2) The applicant has filed with the superintendent the 8864
applicant's written irrevocable consent that any action against 8865
the applicant may be commenced against the applicant by service 8866
of process on the superintendent. 8867

(I) A viatical settlement provider or viatical settlement 8868
broker shall provide to the superintendent new or revised 8869
information regarding any change in its officers, any 8870
shareholder owning ten per cent or more of its voting 8871
securities, or its partners, directors, members, or designated 8872
employees within thirty days of the change. 8873

(J) Any fee collected under this section shall be paid 8874
into the state treasury to the credit of the department of 8875
insurance operating fund created by section 3901.021 of the 8876
Revised Code. 8877

Sec. 3951.03. (A) Before any certificate of authority 8878
shall be issued by the superintendent of insurance there shall 8879
be filed in ~~his~~ the superintendent's office a written 8880
application therefor. Such application shall be in the form or 8881
forms and supplements thereto prescribed by the superintendent 8882
and shall set forth: 8883

~~(A)~~ (1) The name and address of the applicant, and if the 8884
applicant be a firm, association, or partnership, the name and 8885
address of each member thereof, and if the applicant be a 8886
corporation, the name and address of each of its officers and 8887
directors; 8888

~~(B)~~ (2) Whether any license or certificate of authority as 8889
agent, broker, or public insurance adjuster has been issued 8890
previously by the superintendent of this state or by the 8891
insurance department of any state to the individual applicant, 8892
and, if the applicant be an individual, whether any such 8893
certificate has been issued previously to any firm, association, 8894
or partnership of which ~~he~~ the individual was or is an officer 8895
or director, and, if the applicant be a firm, association, or 8896
partnership, whether any such certificate has been issued 8897
previously to any member thereof, and, if the applicant be a 8898
corporation, whether any such certificate has been issued 8899
previously to any officer or director of such corporation; 8900

~~(C)~~ (3) The business or employment in which the applicant 8901
has been engaged for the five years next preceding the date of 8902
the application, and the name and address of such business and 8903
the name or names and addresses of his employer or employers; 8904

~~(D)~~ (4) Such information as the superintendent may require 8905
of applicants in order to determine their trustworthiness and 8906
competency to transact the business of public insurance 8907
adjusters, in such manner as to safeguard the interest of the 8908
public; 8909

~~(E)~~ The (B) Except as provided in division (C) of this 8910
section, the superintendent shall issue a public insurance 8911
adjuster agent certificate to a person, who is a bona fide 8912
employee of a public insurance adjuster without examination, 8913
provided said application is made by a person, partnership, 8914
association, or corporation engaged in the public insurance 8915
adjusting business. The fee to be paid by the applicant for such 8916
a license at the time the application is made, and annually 8917
thereafter for the renewal thereof according to the standard 8918

renewal procedure of sections 4745.01 to 4745.03, inclusive, of 8919
the Revised Code, shall be fifty dollars, and such applicant 8920
shall be bonded in the amount of one thousand dollars as 8921
provided for in division (D) of section 3951.06 of the Revised 8922
Code. 8923

(C) The superintendent shall issue a public insurance 8924
adjuster agent certificate in accordance with Chapter 4796. of 8925
the Revised Code to an applicant if either of the following 8926
applies: 8927

(1) The applicant holds a license or certificate in 8928
another state. 8929

(2) The applicant has satisfactory work experience, a 8930
government certification, or a private certification as 8931
described in that chapter as a public insurance adjuster agent 8932
in a state that does not issue that license or certificate. 8933

(D) An application for any certificate of authority shall 8934
be signed and verified under oath by the applicant and, if made 8935
by a firm, association, partnership, or corporation, by each 8936
member or officer and director thereof to be authorized thereby 8937
to act as a public insurance adjuster. 8938

Sec. 3951.05. The superintendent of insurance shall, in 8939
order to determine the trustworthiness and competency of any 8940
applicant for a certificate of authority to act as a public 8941
insurance adjuster, require such applicant or in the case of a 8942
firm, association, partnership, or corporation, such of its 8943
employees, members, officers, or directors, who are to be 8944
individually authorized to act under its certificate of 8945
authority, to submit to a written examination, ~~except applicants~~ 8946
~~who are granted a waiver of examination in accordance with~~ 8947

~~section 3951.09 of the Revised Code.~~ Examinations shall be held 8948
in such place in this state and at such time as the 8949
superintendent may designate. 8950

Sec. 3951.09. ~~The superintendent may waive the requirement~~ 8951
~~that an applicant submit to an examination to obtain of~~ 8952
insurance shall issue a certificate of authority under this 8953
~~chapter, provided that the applicant is licensed as a public~~ 8954
~~insurance adjuster in another state that required the applicant~~ 8955
~~to submit to an examination as a condition of licensure. Prior~~ 8956
~~to waiving the examination requirement with respect to a public~~ 8957
~~insurance adjuster licensed in another state, the superintendent~~ 8958
~~shall issue a notice at least sixty days prior to the effective~~ 8959
~~date of the waiver identifying the applicant's other state of~~ 8960
~~licensure. The notice shall be issued in a manner deemed~~ 8961
~~appropriate by the superintendent. Once the superintendent has~~ 8962
~~issued a notice under this section identifying an applicant's~~ 8963
~~other state of licensure, the superintendent need not issue~~ 8964
~~subsequent notices as to applicants licensed in the same state~~ 8965
~~in order to waive the examination requirement for those~~ 8966
applicants in accordance with Chapter 4796. of the Revised Code 8967
to an applicant if either of the following applies: 8968

(A) The applicant holds a license or certificate in 8969
another state. 8970

(B) The applicant has satisfactory work experience, a 8971
government certification, or a private certification as 8972
described in Chapter 4796. of the Revised Code as a public 8973
insurance adjuster in a state that does not issue that license 8974
or certificate. 8975

Sec. 4104.07. (A) ~~An~~ Except as provided in division (E) of 8976
this section, an application for examination as an inspector of 8977

boilers and pressure vessels shall be in writing, accompanied by 8978
a fee of one hundred fifty dollars, upon a blank to be furnished 8979
by the superintendent of industrial compliance. Any moneys 8980
collected under this section shall be paid into the state 8981
treasury to the credit of the industrial compliance operating 8982
fund created in section 121.084 of the Revised Code. 8983

(B) The superintendent shall determine if an applicant 8984
meets all the requirements for examination in accordance with 8985
rules adopted by the board of building standards under section 8986
4104.02 of the Revised Code. An application shall be rejected 8987
which contains any willful falsification, or untruthful 8988
statements. 8989

(C) An applicant shall be examined by the superintendent, 8990
by a written examination, prescribed by the board, dealing with 8991
the construction, installation, operation, maintenance, and 8992
repair of boilers and pressure vessels and their appurtenances, 8993
and the applicant shall be accepted or rejected on the merits of 8994
the applicant's application and examination. 8995

(D) Upon a favorable report by the superintendent of the 8996
result of an examination, the superintendent shall immediately 8997
issue to the successful applicant a certificate of competency to 8998
that effect. 8999

(E) The superintendent shall issue a certificate of 9000
competency in accordance with Chapter 4796. of the Revised Code 9001
to an applicant if either of the following applies: 9002

(1) The applicant holds a license or certificate in 9003
another state. 9004

(2) The applicant has satisfactory work experience, a 9005
government certification, or a private certification as 9006

described in that chapter as an inspector of boilers and 9007
pressure vessels in a state that does not issue that license or 9008
certificate. 9009

Sec. 4104.101. (A) No person shall install or make major 9010
repairs or modifications to any boiler without first registering 9011
to do so with the division of industrial compliance. 9012

(B) No person shall make any installation or major repair 9013
or modification of any boiler without first obtaining a permit 9014
to do so from the division. The permit application form shall 9015
provide the name and address of the owner, location of the 9016
boiler, and type of repair or modification that will be made. 9017
The application permit fee shall be one hundred dollars. 9018

(C) The superintendent of industrial compliance shall 9019
require annual registration of all contractors who install, make 9020
major repairs to, or modify any boiler. The board of building 9021
standards shall establish a reasonable fee to cover the cost of 9022
processing registrations. 9023

(D) Notwithstanding any provision of this section to the 9024
contrary, the superintendent shall register a contractor to 9025
install, make major repairs to, or modify boilers in accordance 9026
with Chapter 4796. of the Revised Code if either of the 9027
following applies: 9028

(1) The contractor is licensed or registered in another 9029
state to install, make major repairs to, or modify boilers. 9030

(2) The contractor has satisfactory work experience, a 9031
government certification, or a private certification as 9032
described in that chapter to install, make major repairs to, or 9033
modify boilers in a state that does not issue that license or 9034
registration. 9035

Sec. 4104.19. (A) ~~Any~~ Except as provided in division (H) 9036
of this section, any person seeking a license to operate as a 9037
steam engineer, high pressure boiler operator, or low pressure 9038
boiler operator shall file a written application with the 9039
superintendent of industrial compliance on a form prescribed by 9040
the superintendent with the appropriate application fee as set 9041
forth in section 4104.18 of the Revised Code. The application 9042
shall contain information satisfactory to the superintendent to 9043
demonstrate that the applicant meets the requirements of 9044
division (B) of this section. The application shall be filed 9045
with the superintendent not more than sixty days and not less 9046
than thirty days before the license examination is offered. 9047

(B) To qualify to take the examination required to obtain 9048
a steam engineer, high pressure boiler operator, or low pressure 9049
boiler operator license, a person shall meet both of the 9050
following requirements: 9051

(1) Be at least eighteen years of age; 9052

(2) Have one year of experience in the operation of steam 9053
engines, high pressure boilers, or low pressure boilers as 9054
applicable to the type of license being sought, or a combination 9055
of experience and education for the type of license sought as 9056
determined to be acceptable by the superintendent. 9057

(C) No applicant shall qualify to take an examination or 9058
to renew a license if the applicant has violated this chapter or 9059
if the applicant has obtained or renewed a license issued under 9060
this chapter by fraud, misrepresentation, or deception. 9061

(D) The superintendent shall issue a license to each 9062
applicant who receives a passing score on the examination, as 9063
determined by the superintendent, for the license for which the 9064

applicant applied. 9065

(E) The superintendent may select and contract with one or 9066
more persons to do all of the following relative to the 9067
examinations for a license to operate as a steam engineer, high 9068
pressure boiler operator, or low pressure boiler operator: 9069

(1) Prepare, administer, score, and maintain the 9070
confidentiality of the examination; 9071

(2) Maintain responsibility for all expenses required to 9072
fulfill division (E) (1) of this section; 9073

(3) Charge each applicant a fee for administering the 9074
examination, in an amount authorized by the superintendent; 9075

(4) Design the examination for each type of license to 9076
determine an applicant's competence to operate the equipment for 9077
which the applicant is seeking licensure. 9078

(F) Each license issued under this chapter expires one 9079
year after the date of issue. Each person holding a valid, 9080
unexpired license may renew the license, without reexamination, 9081
by applying to the superintendent not more than ninety days 9082
before the expiration of the license, and submitting with the 9083
application the renewal fee established in section 4104.18 of 9084
the Revised Code. Upon receipt of the renewal information and 9085
fee, the superintendent shall issue the licensee a certificate 9086
of renewal. 9087

(G) The superintendent, in accordance with Chapter 119. of 9088
the Revised Code, may suspend or revoke any license, or may 9089
refuse to issue a license under this chapter upon finding that a 9090
licensee or an applicant for a license has violated or is 9091
violating the requirements of this chapter. The superintendent 9092
shall not refuse to issue a license to an applicant because of a 9093

disqualifying offense unless the refusal is in accordance with 9094
section 9.79 of the Revised Code. 9095

(H) The superintendent shall issue a license in accordance 9096
with Chapter 4796. of the Revised Code to an applicant if either 9097
of the following applies: 9098

(1) The applicant holds a license in another state. 9099

(2) The applicant has satisfactory work experience, a 9100
government certification, or a private certification as 9101
described in that chapter as a steam engineer, high pressure 9102
boiler operator, or low pressure boiler operator in a state that 9103
does not issue that license. 9104

Sec. 4105.02. No person may act, either as a general 9105
inspector or as a special inspector, of elevators, unless the 9106
person holds a certificate of competency from the division of 9107
industrial compliance. 9108

Application for examination as an inspector of elevators 9109
shall be in writing, accompanied by a fee to be established as 9110
provided in section 4105.17 of the Revised Code, and upon a 9111
blank to be furnished by the division, stating the school 9112
education of the applicant, a list of the applicant's employers, 9113
the applicant's period of employment, and the position held with 9114
each. An applicant shall also submit a letter from one or more 9115
of the applicant's previous employers certifying as to the 9116
applicant's character and experience. 9117

Applications shall be rejected which contain any willful 9118
falsification or untruthful statements. An applicant, if the 9119
division considers the applicant's history and experience 9120
sufficient, shall be examined by the superintendent of 9121
industrial compliance by a written examination dealing with the 9122

construction, installation, operation, maintenance, and repair 9123
of elevators and their appurtenances, and the applicant shall be 9124
accepted or rejected on the merits of the applicant's 9125
application and examination. 9126

~~The~~ Except as provided in this section, the superintendent 9127
shall issue a certificate of competency in the inspection of 9128
elevators to any applicant found competent upon examination. A 9129
rejected applicant shall be entitled, after the expiration of 9130
ninety days and upon payment of an examination fee to be 9131
established as provided in section 4105.17 of the Revised Code, 9132
to another examination. Should an applicant fail to pass the 9133
prescribed examination on second trial, the applicant will not 9134
be permitted to be an applicant for another examination for a 9135
period of one year after the second examination. 9136

The superintendent shall issue a certificate of competency 9137
in the inspection of elevators in accordance with Chapter 4796. 9138
of the Revised Code to an applicant if either of the following 9139
applies: 9140

(A) The applicant holds a license or certificate in 9141
another state. 9142

(B) The applicant has satisfactory work experience, a 9143
government certification, or a private certification as 9144
described in that chapter as an inspector of elevators in a 9145
state that does not issue that license or certificate. 9146

Sec. 4169.03. (A) Before a passenger tramway operator may 9147
operate any passenger tramway in the state, the operator shall 9148
apply to the division of industrial compliance in the department 9149
of commerce, on forms prepared by it, for registration by the 9150
division. The application shall contain an inventory of the 9151

passenger tramways that the applicant intends to operate and 9152
other information as the division may reasonably require and 9153
shall be accompanied by the following annual fees: 9154

(1) Each aerial passenger tramway, five hundred dollars; 9155

(2) Each skimobile, two hundred dollars; 9156

(3) Each chair lift, two hundred dollars; 9157

(4) Each J bar, T bar, or platter pull, one hundred 9158
dollars; 9159

(5) Each rope tow, fifty dollars; 9160

(6) Each wire rope tow, seventy-five dollars; 9161

(7) Each conveyor, one hundred dollars. 9162

When an operator operates an aerial passenger tramway, a 9163
skimobile, or a chair lift during both a winter and summer 9164
season, the annual fee shall be one and one-half the above 9165
amount for the respective passenger tramway. 9166

(B) Upon payment of the appropriate annual fees in 9167
accordance with division (A) of this section and successful 9168
completion of the inspection described in section 4169.04 of the 9169
Revised Code, the division shall issue a registration 9170
certificate to the operator. Each certificate shall remain in 9171
force until the thirtieth day of September next ensuing. The 9172
division shall renew an operator's certificate in accordance 9173
with the standard renewal procedure in Chapter 4745. of the 9174
Revised Code upon payment of the appropriate annual fees. 9175

(C) Money received from the registration fees and from the 9176
fines collected pursuant to section 4169.99 of the Revised Code 9177
shall be paid into the state treasury to the credit of the 9178

industrial compliance operating fund created in section 121.084 9179
of the Revised Code. 9180

(D) No person shall operate a passenger tramway in this 9181
state unless the person has been registered by the division. 9182

(E) The division shall issue a registration certificate in 9183
accordance with Chapter 4796. of the Revised Code to an operator 9184
if either of the following applies: 9185

(1) The operator is licensed or registered in another 9186
state. 9187

(2) The operator has satisfactory work experience, a 9188
government certification, or a private certification as 9189
described in that chapter as a passenger tramway operator in a 9190
state that does not issue that license or registration. 9191

Sec. 4301.10. (A) The division of liquor control shall do 9192
all of the following: 9193

(1) Control the traffic in beer and intoxicating liquor in 9194
this state, including the manufacture, importation, and sale of 9195
beer and intoxicating liquor; 9196

(2) Grant or refuse permits for the manufacture, 9197
distribution, transportation, and sale of beer and intoxicating 9198
liquor and the sale of alcohol, as authorized or required by 9199
this chapter and Chapter 4303. of the Revised Code. A 9200
certificate, signed by the superintendent of liquor control and 9201
to which is affixed the official seal of the division, stating 9202
that it appears from the records of the division that no permit 9203
has been issued to the person specified in the certificate, or 9204
that a permit, if issued, has been revoked, canceled, or 9205
suspended, shall be received as prima-facie evidence of the 9206
facts recited in the certificate in any court or before any 9207

officer of this state. 9208

(3) Put into operation, manage, and control a system of 9209
state liquor stores for the sale of spirituous liquor at retail 9210
and to holders of permits authorizing the sale of spirituous 9211
liquor; however, the division shall not establish any drive-in 9212
state liquor stores; and by means of those types of stores, and 9213
any manufacturing plants, distributing and bottling plants, 9214
warehouses, and other facilities that it considers expedient, 9215
establish and maintain a state monopoly of the distribution of 9216
spirituous liquor and its sale in packages or containers; and 9217
for that purpose, manufacture, buy, import, possess, and sell 9218
spirituous liquors as provided in this chapter and Chapter 4303. 9219
of the Revised Code, and in the rules promulgated by the 9220
superintendent of liquor control pursuant to those chapters; 9221
lease or in any manner acquire the use of any land or building 9222
required for any of those purposes; purchase any equipment that 9223
is required; and borrow money to carry on its business, and 9224
issue, sign, endorse, and accept notes, checks, and bills of 9225
exchange; but all obligations of the division created under 9226
authority of this division shall be a charge only upon the 9227
moneys received by the division from the sale of spirituous 9228
liquor and its other business transactions in connection with 9229
the sale of spirituous liquor, and shall not be general 9230
obligations of the state; 9231

(4) Enforce the administrative provisions of this chapter 9232
and Chapter 4303. of the Revised Code, and the rules and orders 9233
of the liquor control commission and the superintendent relating 9234
to the manufacture, importation, transportation, distribution, 9235
and sale of beer or intoxicating liquor. The attorney general, 9236
any prosecuting attorney, and any prosecuting officer of a 9237
municipal corporation or a municipal court shall, at the request 9238

of the division of liquor control or the department of public 9239
safety, prosecute any person charged with the violation of any 9240
provision in those chapters or of any section of the Revised 9241
Code relating to the manufacture, importation, transportation, 9242
distribution, and sale of beer or intoxicating liquor. 9243

(5) Determine the locations of all state liquor stores and 9244
manufacturing, distributing, and bottling plants required in 9245
connection with those stores, subject to this chapter and 9246
Chapter 4303. of the Revised Code; 9247

(6) Conduct inspections of liquor permit premises to 9248
determine compliance with the administrative provisions of this 9249
chapter and Chapter 4303. of the Revised Code and the rules 9250
adopted under those provisions by the liquor control commission. 9251

Except as otherwise provided in division (A) (6) of this 9252
section, those inspections may be conducted only during those 9253
hours in which the permit holder is open for business and only 9254
by authorized agents or employees of the division or by any 9255
peace officer, as defined in section 2935.01 of the Revised 9256
Code. Inspections may be conducted at other hours only to 9257
determine compliance with laws or commission rules that regulate 9258
the hours of sale of beer or intoxicating liquor and only if the 9259
investigator has reasonable cause to believe that those laws or 9260
rules are being violated. Any inspection conducted pursuant to 9261
division (A) (6) of this section is subject to all of the 9262
following requirements: 9263

(a) The only property that may be confiscated is 9264
contraband, as defined in section 2901.01 of the Revised Code, 9265
or property that is otherwise necessary for evidentiary 9266
purposes. 9267

(b) A complete inventory of all property confiscated from 9268
the premises shall be given to the permit holder or the permit 9269
holder's agent or employee by the confiscating agent or officer 9270
at the conclusion of the inspection. At that time, the inventory 9271
shall be signed by the confiscating agent or officer, and the 9272
agent or officer shall give the permit holder or the permit 9273
holder's agent or employee the opportunity to sign the 9274
inventory. 9275

(c) Inspections conducted pursuant to division (A)(6) of 9276
this section shall be conducted in a reasonable manner. A 9277
finding by any court of competent jurisdiction that an 9278
inspection was not conducted in a reasonable manner in 9279
accordance with this section or any rules adopted by the 9280
commission may be considered grounds for suppression of 9281
evidence. A finding by the commission that an inspection was not 9282
conducted in a reasonable manner in accordance with this section 9283
or any rules adopted by it may be considered grounds for 9284
dismissal of the commission case. 9285

If any court of competent jurisdiction finds that property 9286
confiscated as the result of an administrative inspection is not 9287
necessary for evidentiary purposes and is not contraband, as 9288
defined in section 2901.01 of the Revised Code, the court shall 9289
order the immediate return of the confiscated property, provided 9290
that property is not otherwise subject to forfeiture, to the 9291
permit holder. However, the return of this property is not 9292
grounds for dismissal of the case. The commission likewise may 9293
order the return of confiscated property if no criminal 9294
prosecution is pending or anticipated. 9295

(7) Delegate to any of its agents or employees any power 9296
of investigation that the division possesses with respect to the 9297

enforcement of any of the administrative laws relating to beer 9298
or intoxicating liquor, provided that this division does not 9299
authorize the division to designate any agent or employee to 9300
serve as an enforcement agent. The employment and designation of 9301
enforcement agents shall be within the exclusive authority of 9302
the director of public safety pursuant to sections 5502.13 to 9303
5502.19 of the Revised Code. 9304

(8) Collect the following fees: 9305

(a) A biennial fifty-dollar registration fee for each 9306
agent, solicitor, trade marketing professional, or salesperson, 9307
registered pursuant to section 4303.25 of the Revised Code, of a 9308
beer or intoxicating liquor manufacturer, supplier, broker, 9309
trade marketing company, or wholesale distributor doing business 9310
in this state; 9311

(b) A fifty-dollar product registration fee for each new 9312
beer or intoxicating liquor product sold in this state. The 9313
product registration fee also applies to products sold in this 9314
state by B-2a, S-1, and S-2 permit holders. The product 9315
registration fee shall be accompanied by a copy of the federal 9316
label and product approval for the new product. 9317

(c) An annual three-hundred-dollar supplier registration 9318
fee from each manufacturer or supplier that produces and ships 9319
into this state, or ships into this state, intoxicating liquor 9320
or beer, in addition to an initial application fee of one 9321
hundred dollars. A manufacturer that produces and ships beer or 9322
wine into this state and that holds only an S-1 or S-2 permit, 9323
as applicable, is exempt from the supplier registration fee. A 9324
manufacturer that produces and ships beer or wine into this 9325
state and that holds a B-2a permit shall pay an annual seventy- 9326
six-dollar supplier registration fee. A manufacturer that 9327

produces and ships wine into this state and that does not hold 9328
either an S-1 or a B-2a permit, but that produces less than two 9329
hundred fifty thousand gallons of wine per year shall pay an 9330
annual seventy-six-dollar supplier registration fee. A B-2a, S- 9331
1, or S-2 permit holder that does not sell its wine to wholesale 9332
distributors of wine in this state and an S-1 permit holder that 9333
does not sell its beer to wholesale distributors of beer in this 9334
state shall not be required to submit to the division territory 9335
designation forms. 9336

Each supplier, agent, solicitor, trade marketing 9337
professional, or salesperson registration issued under this 9338
division shall authorize the person named to carry on the 9339
activity specified in the registration. Each ~~The~~ division shall 9340
register a supplier, agent, solicitor, trade marketing 9341
professional, or salesperson in accordance with Chapter 4796. of 9342
the Revised Code if either of the following applies: 9343

(i) The supplier, agent, solicitor, trade marketing 9344
professional, or salesperson is licensed or registered in 9345
another state. 9346

(ii) The supplier, agent, solicitor, trade marketing 9347
professional, or salesperson has satisfactory work experience, a 9348
government certification, or a private certification as 9349
described in that chapter as a supplier, agent, solicitor, trade 9350
marketing professional, or salesperson in a state that does not 9351
issue that license or registration. 9352

Each agent, solicitor, trade marketing professional, or 9353
salesperson registration is valid for two years or for the 9354
unexpired portion of a two-year registration period. Each 9355
supplier registration is valid for one year or for the unexpired 9356
portion of a one-year registration period. Registrations shall 9357

end on their respective uniform expiration date, which shall be 9358
designated by the division, and are subject to suspension, 9359
revocation, cancellation, or fine as authorized by this chapter 9360
and Chapter 4303. of the Revised Code. 9361

As used in this division, "trade marketing company" and 9362
"trade marketing professional" have the same meanings as in 9363
section 4301.171 of the Revised Code. 9364

(9) Establish a system of electronic data interchange 9365
within the division and regulate the electronic transfer of 9366
information and funds among persons and governmental entities 9367
engaged in the manufacture, distribution, and retail sale of 9368
alcoholic beverages; 9369

(10) Notify all holders of retail permits of the forms of 9370
permissible identification for purposes of division (A) of 9371
section 4301.639 of the Revised Code; 9372

(11) Exercise all other powers expressly or by necessary 9373
implication conferred upon the division by this chapter and 9374
Chapter 4303. of the Revised Code, and all powers necessary for 9375
the exercise or discharge of any power, duty, or function 9376
expressly conferred or imposed upon the division by those 9377
chapters. 9378

(B) The division may do all of the following: 9379

(1) Sue, but may be sued only in connection with the 9380
execution of leases of real estate and the purchases and 9381
contracts necessary for the operation of the state liquor stores 9382
that are made under this chapter and Chapter 4303. of the 9383
Revised Code; 9384

(2) Enter into leases and contracts of all descriptions 9385
and acquire and transfer title to personal property with regard 9386

to the sale, distribution, and storage of spirituous liquor 9387
within the state; 9388

(3) Terminate at will any lease entered into pursuant to 9389
division (B) (2) of this section upon first giving ninety days' 9390
notice in writing to the lessor of its intention to do so; 9391

(4) Fix the wholesale and retail prices at which the 9392
various classes, varieties, and brands of spirituous liquor 9393
shall be sold by the division. Those retail prices shall be the 9394
same at all state liquor stores, except to the extent that a 9395
price differential is required to collect a county sales tax 9396
levied pursuant to section 5739.021 of the Revised Code and for 9397
which tax the tax commissioner has authorized prepayment 9398
pursuant to section 5739.05 of the Revised Code. In fixing 9399
selling prices, the division shall compute an anticipated gross 9400
profit at least sufficient to provide in each calendar year all 9401
costs and expenses of the division and also an adequate working 9402
capital reserve for the division. The gross profit shall not 9403
exceed forty per cent of the retail selling price based on costs 9404
of the division, and in addition the sum required by section 9405
4301.12 of the Revised Code to be paid into the state treasury. 9406
An amount equal to one and one-half per cent of that gross 9407
profit shall be paid into the statewide treatment and prevention 9408
fund created by section 4301.30 of the Revised Code and be 9409
appropriated by the general assembly from the fund to the 9410
department of mental health and addiction services as provided 9411
in section 4301.30 of the Revised Code. 9412

On spirituous liquor manufactured in this state from the 9413
juice of grapes or fruits grown in this state, the division 9414
shall compute an anticipated gross profit of not to exceed ten 9415
per cent. 9416

The wholesale prices fixed under this division shall be at 9417
a discount of not less than six per cent of the retail selling 9418
prices as determined by the division in accordance with this 9419
section. 9420

(C) The division may approve the expansion or diminution 9421
of a premises to which a liquor permit has been issued and may 9422
adopt standards governing such an expansion or diminution. 9423

Sec. 4508.03. (A) No person shall establish a driver 9424
training school or continue the operation of an existing school 9425
unless the person applies for and obtains from the director of 9426
public safety a license in the manner and form prescribed by the 9427
director. 9428

The director shall adopt rules that establish the 9429
requirements for a school license, including requirements 9430
concerning location, equipment, courses of instruction, 9431
instructors, previous records of the school and instructors, 9432
financial statements, schedule of fees and charges, insurance in 9433
the sum and with those provisions as the director considers 9434
necessary to protect adequately the interests of the public, and 9435
any other matters as the director may prescribe for the 9436
protection of the public. The rules also shall require financial 9437
responsibility information as part of the driver education 9438
curriculum. 9439

(B) Any school that offers a driver training program for 9440
disabled persons shall provide specially trained instructors for 9441
the driver training of such persons. No school shall operate a 9442
driver training program for disabled persons after June 30, 9443
1978, unless it has been licensed for such operation by the 9444
director. No person shall act as a specially trained instructor 9445
in a driver training program for disabled persons operated by a 9446

school after June 30, 1978, unless that person has been licensed 9447
by the director. 9448

(C) The director shall certify instructors to teach driver 9449
training to disabled persons in accordance with training program 9450
requirements established by the department of public safety. 9451

The director shall issue a certificate to teach driver 9452
training to disabled persons in accordance with Chapter 4796. of 9453
the Revised Code to a person if either of the following applies: 9454

(1) The person holds a license or certificate in another 9455
state. 9456

(2) The person has satisfactory work experience, a 9457
government certification, or a private certification as 9458
described in that chapter teaching driver training to disabled 9459
persons in a state that does not issue that license or 9460
certificate. 9461

(D) No person shall operate a driver training school 9462
unless the person has a valid license issued by the director 9463
under this section. 9464

(E) Whoever violates division (D) of this section is 9465
guilty of operating a driver training school without a valid 9466
license, a misdemeanor of the second degree. On a second or 9467
subsequent offense within two years after the first offense, the 9468
person is guilty of a misdemeanor of the first degree. 9469

Sec. 4508.04. (A) No person shall act as a driver training 9470
instructor, and no person shall act as a driver training 9471
instructor for disabled persons, unless such person applies for 9472
and obtains from the director of public safety a license in the 9473
manner and form prescribed by the director. The director shall 9474
provide by rule for instructors' license requirements including 9475

physical condition, knowledge of the courses of instruction, 9476
motor vehicle laws and safety principles, previous personal and 9477
employment records, and such other matters as the director may 9478
prescribe for the protection of the public. Driver training 9479
instructors for disabled persons shall meet such additional 9480
requirements and receive such additional classroom and practical 9481
instruction as the director shall prescribe by rule. 9482

(B) The director may issue a license under this section to 9483
a person convicted of a disqualifying offense as determined in 9484
accordance with section 9.79 of the Revised Code. 9485

(C) No person shall knowingly make a false statement on a 9486
license application submitted under this section. 9487

(D) Upon successful completion of all requirements for an 9488
initial instructor license, the director shall issue an 9489
applicant a probationary license, which expires one hundred 9490
eighty days from the date of issuance. In order to receive a 9491
driver training instructor license, a person issued a 9492
probationary license shall pass an assessment prescribed in 9493
rules adopted by the director pursuant to section 4508.02 of the 9494
Revised Code. The person shall pass the assessment prior to 9495
expiration of the probationary license. If the person fails to 9496
pass the assessment, or fails to meet any standards required for 9497
a driver training instructor license, the director may extend 9498
the expiration date of the person's probationary license. Upon 9499
successful completion of the assessment and approval of the 9500
director, the director shall issue to the person a driver 9501
training instructor license. 9502

(E) ~~(1)~~ Notwithstanding the requirements for a license 9503
issued under this section, the board shall issue a license in 9504
accordance with Chapter 4796. of the Revised Code to a person if 9505

either of the following applies: 9506

(1) The person holds a license in another state. 9507

(2) The person has satisfactory work experience, a 9508
government certification, or a private certification as 9509
described in that chapter as a driver training instructor in a 9510
state that does not issue that license. 9511

(F)(1) Whoever violates division (A) of this section is 9512
guilty of acting as a driver training instructor without a valid 9513
license, a misdemeanor of the first degree. 9514

(2) Whoever violates division (C) of this section may be 9515
charged with falsification under section 2921.13 of the Revised 9516
Code. 9517

Sec. 4508.08. There is hereby created in the department of 9518
public safety the motorcycle safety and education program. The 9519
director of public safety shall administer the program in 9520
accordance with the following guidelines: 9521

(A) (1) The program shall include courses of instruction 9522
conducted at vocational schools, community colleges, or other 9523
suitable locations, by instructors who have obtained 9524
certification in the manner and form prescribed by the director. 9525
The courses shall meet standards established in rules adopted by 9526
the department in accordance with Chapter 119. of the Revised 9527
Code. The courses may include instruction for novice motorcycle 9528
operators, instruction in motorist awareness and alcohol and 9529
drug awareness, and any other kind of instruction the director 9530
considers appropriate. A reasonable tuition fee, as determined 9531
by the director, may be charged. The director may authorize 9532
private organizations or corporations to offer courses without 9533
tuition fee restrictions, but such entities are not eligible for 9534

reimbursement of expenses or subsidies from the motorcycle 9535
safety and education fund created in section 4501.13 of the 9536
Revised Code. 9537

(2) The director shall do both of the following: 9538

(a) Authorize private organizations or corporations to 9539
offer any nationally recognized motorcycle operator training 9540
courses or curriculum and any course established in accordance 9541
with division (A) (1) of this section; 9542

(b) Permit an applicant for a motorcycle operator's 9543
endorsement or a restricted license that permits only the 9544
operation of a motorcycle who has completed any motorcycle 9545
operator training course or curriculum as authorized in division 9546
(A) (2) (a) of this section successfully within the preceding 9547
sixty days to be eligible for the examination waiver as 9548
described in division (B) (1) of section 4507.11 of the Revised 9549
Code. 9550

(B) In addition to courses of instruction, the program may 9551
include provisions for equipment purchases, marketing and 9552
promotion, improving motorcycle license testing procedures, and 9553
any other provisions the director considers appropriate. 9554

(C) The director shall evaluate the program every two 9555
years and shall periodically inspect the facilities, equipment, 9556
and procedures used in the courses of instruction. 9557

(D) The director shall appoint at least one training 9558
specialist who shall oversee the operation of the program, 9559
establish courses of instruction, and supervise instructors. The 9560
training specialist shall be a licensed motorcycle operator and 9561
shall obtain certification in the manner and form prescribed by 9562
the director. 9563

(E) The director may contract with other public agencies 9564
or with private organizations or corporations to assist in 9565
administering the program. 9566

(F) Notwithstanding any provision of Chapter 102. of the 9567
Revised Code, the director, in order to administer the program, 9568
may participate in a motorcycle manufacturer's motorcycle loan 9569
program. 9570

(G) The director shall contract with an insurance company 9571
or companies authorized to do business in this state to purchase 9572
a policy or policies of insurance with respect to the 9573
establishment or administration, or any other aspect of the 9574
operation of the program. 9575

(H) Notwithstanding the requirements for a motorcycle 9576
instructor certificate issued under this section, the director 9577
shall issue a certificate in accordance with Chapter 4796. of 9578
the Revised Code to a person if either of the following applies: 9579

(1) The person holds a license or certificate in another 9580
state. 9581

(2) The person has satisfactory work experience, a 9582
government certification, or a private certification as 9583
described in that chapter as a motorcycle instructor in a state 9584
that does not issue that license or certificate. 9585

Sec. 4511.763. (A) No person, partnership, association, or 9586
corporation shall transport pupils to or from school on a school 9587
bus or enter into a contract with a board of education of any 9588
school district for the transportation of pupils on a school 9589
bus, without being licensed by the department of public safety. 9590

Notwithstanding the requirements for a license issued 9591
under this division, the director shall issue a license in 9592

accordance with Chapter 4796. of the Revised Code to a person if 9593
either of the following applies: 9594

(1) The person holds a license or certificate in another 9595
state. 9596

(2) The person has satisfactory work experience, a 9597
government certification, or a private certification as 9598
described in that chapter transporting pupils on a school bus in 9599
a state that does not issue that license or certificate. 9600

(B) Except as otherwise provided in this division, whoever 9601
violates this section is guilty of a minor misdemeanor. If, 9602
within one year of the offense, the offender previously has been 9603
convicted of or pleaded guilty to one predicate motor vehicle or 9604
traffic offense, whoever violates this section is guilty of a 9605
misdemeanor of the fourth degree. If, within one year of the 9606
offense, the offender previously has been convicted of two or 9607
more predicate motor vehicle or traffic offenses, whoever 9608
violates this section is guilty of a misdemeanor of the third 9609
degree. 9610

Sec. 4701.06. (A) The accountancy board shall grant the 9611
certificate of "certified public accountant" to any person who 9612
satisfies the following requirements: 9613

(1) The person is a resident of this state or has a place 9614
of business in this state or, as an employee, is regularly 9615
employed in this state. The board may determine by rule 9616
circumstances under which the residency requirement may be 9617
waived. 9618

(2) The person has attained the age of eighteen years. 9619

(3) The person meets the following requirements of 9620
education and experience: 9621

(a) Graduation with a baccalaureate or higher degree that 9622
includes successful completion of one hundred fifty semester 9623
hours of undergraduate or graduate education. The board by rule 9624
shall specify graduate degrees that satisfy this requirement and 9625
also by rule shall require any subjects that it considers 9626
appropriate. The total educational program shall include an 9627
accounting concentration with related courses in other areas of 9628
business administration, as defined by board rule. 9629

(b) Acquisition of one year of experience satisfactory to 9630
the board in any of the following: 9631

(i) A public accounting firm; 9632

(ii) Government; 9633

(iii) Business; 9634

(iv) Academia. 9635

(4) The person has passed an examination that is 9636
administered in the manner and that covers the subjects that the 9637
board prescribes by rule. In adopting the relevant rules, the 9638
board shall ensure to the extent possible that the examination, 9639
the examination process, and the examination's passing standard 9640
are uniform with the examinations, examination processes, and 9641
examination passing standards of all other states and may 9642
provide for the use of all or parts of the uniform certified 9643
public accountant examination and advisory grading service of 9644
the American institute of certified public accountants. The 9645
board may contract with third parties to perform administrative 9646
services that relate to the examination and that the board 9647
determines are appropriate in order to assist the board in 9648
performing its duties in relation to the examination. 9649

(B) (1) The experience requirement for a candidate who does 9650

not meet the educational requirements under division (A) (3) (a) 9651
of this section because the board has waived them under division 9652
(B) (2) of this section is four years of the experience described 9653
in division (A) (3) (b) of this section. 9654

(2) The board shall waive the educational requirement set 9655
forth in division (A) (3) (a) of this section for any candidate if 9656
the board finds that the candidate has obtained from an 9657
accredited college or university approved by the board, either 9658
an associate degree or a baccalaureate degree, other than a 9659
baccalaureate degree described in division (A) (3) (a) of this 9660
section, with a concentration in accounting that includes 9661
related courses in other areas of business administration, and 9662
if the board is satisfied from the results of special 9663
examinations that the board gives the candidate to test the 9664
candidate's educational qualification that the candidate is as 9665
well equipped, educationally, as if the candidate met the 9666
applicable educational requirement specified in division (A) (3) 9667
(a) of this section. 9668

The board shall provide by rule for the general scope of 9669
any special examinations for a waiver of the educational 9670
requirements under division (A) (3) (a) of this section and may 9671
obtain any advice and assistance that it considers appropriate 9672
to assist it in preparing and grading those special 9673
examinations. The board may use any existing examinations or may 9674
prepare any number of new examinations to assist in determining 9675
the equivalent training of a candidate. The board by rule shall 9676
prescribe any special examinations for a waiver of the 9677
educational requirements under division (A) (3) (a) of this 9678
section and the passing score required for each examination. 9679

(C) A candidate who has graduated with a baccalaureate 9680

degree or its equivalent or a higher degree that includes 9681
successful completion of at least one hundred twenty semester 9682
hours of undergraduate or graduate education is eligible to take 9683
the examination referred to in division (A) (4) of this section 9684
without waiting until the candidate meets the education or 9685
experience requirements, provided the candidate also meets the 9686
requirement of division (A) (1) of this section. The board by 9687
rule shall specify degrees that make a candidate eligible under 9688
this division and by rule shall require any subjects that it 9689
considers appropriate. 9690

(D) A candidate for the certificate of certified public 9691
accountant who has successfully completed the examination under 9692
division (A) (4) of this section has no status as a certified 9693
public accountant, unless and until the candidate has the 9694
requisite education and experience and has received a 9695
certificate as a certified public accountant. The board shall 9696
determine and charge a fee for issuing the certificate that is 9697
adequate to cover the expense. 9698

(E) The board by rule may prescribe the terms and 9699
conditions under which a candidate who passes part but not all 9700
of the examination may retake the examination. It also may 9701
provide by rule for a reasonable waiting period for a 9702
candidate's reexamination. 9703

The applicable educational and experience requirements 9704
under divisions (A) (3), (B), and (C) of this section shall be 9705
those in effect on the date on which the candidate first sits 9706
for the examination. 9707

(F) The board shall charge a candidate a reasonable fee, 9708
to be determined by the board, that is adequate to cover all 9709
rentals, compensation for proctors, and other administrative 9710

expenses of the board related to examination or reexamination, 9711
including the expenses of procuring and grading the examination 9712
provided for in division (A) (4) of this section and for any 9713
special examinations for a waiver of the educational 9714
requirements under division (A) (3) (a) of this section. Fees for 9715
reexamination under division (E) of this section shall be 9716
charged by the board in amounts determined by it. The applicable 9717
fees shall be paid by the candidate at the time the candidate 9718
applies for examination or reexamination. 9719

(G) Any person who has received from the board a 9720
certificate as a certified public accountant and who holds an 9721
Ohio permit shall be styled and known as a "certified public 9722
accountant" and also may use the abbreviation "CPA." The board 9723
shall maintain a list of certified public accountants. Any 9724
certified public accountant also may be known as a "public 9725
accountant." 9726

(H) Persons who, on the effective date of an amendment of 9727
this section, held certified public accountant certificates 9728
previously issued under the laws of this state shall not be 9729
required to obtain additional certificates under this section 9730
but shall otherwise be subject to all provisions of this 9731
section, and those previously issued certificates, for all 9732
purposes, shall be considered certificates issued under this 9733
section and subject to its provisions. 9734

(I) The board may waive the examination under division (A) 9735
(4) of this section and, upon payment of a fee determined by it, 9736
may issue a certificate as a "certified public accountant" to 9737
any person who possesses the qualifications specified in 9738
divisions (A) (1) and (2) of this section and what the board 9739
determines to be substantially the equivalent of the applicable 9740

qualifications under division (A) (3) of this section and who ~~is~~ 9741
~~the holder of a certificate as a certified public accountant,~~ 9742
~~then in full force and effect, issued under the laws of any~~ 9743
~~state, or~~ is the holder of a certificate, license, or degree in 9744
a foreign country that constitutes a recognized qualification 9745
for the practice of public accounting in that country, that is 9746
comparable to that of a certified public accountant of this 9747
state, and that is then in full force and effect. 9748

(J) The board shall issue a certificate as a "certified 9749
public accountant" in accordance with Chapter 4796. of the 9750
Revised Code to a person if either of the following applies: 9751

(1) The person holds a certificate as a certified public 9752
accountant in another state. 9753

(2) The person has satisfactory work experience, a 9754
government certification, or a private certification as 9755
described in that chapter as a certified public accountant in a 9756
state that does not issue that certificate. 9757

Sec. 4701.07. The accountancy board shall register as a 9758
public accountant any person who meets all the following 9759
requirements: 9760

(A) The person is a resident of this state or has a place 9761
of business in this state. 9762

(B) The person has attained the age of eighteen years. 9763

(C) The person holds a baccalaureate or higher degree 9764
conferred by a college or university recognized by the board, 9765
with a concentration in accounting, or with what the board 9766
determines to be substantially the equivalent of the foregoing; 9767
or with a nonaccounting concentration supplemented by what the 9768
board determines to be substantially the equivalent of an 9769

accounting concentration, including related courses in other 9770
areas of business administration. 9771

The board may waive the educational requirement for any 9772
candidate if it finds that the candidate has attained the 9773
equivalent education by attendance at a business school or two- 9774
year college, by self-study, or otherwise, and if it is 9775
satisfied from the result of a special written examination that 9776
the board gives the candidate to test the candidate's 9777
educational qualifications that the candidate is as well 9778
equipped, educationally, as if the candidate met the applicable 9779
educational requirement specified in this division. The board 9780
may provide by rule for the general scope of these examinations 9781
and may obtain any advice and assistance that it considers 9782
appropriate to assist it in preparing and grading the special 9783
examinations. The board may use any existing examinations or may 9784
prepare any number of new examinations to assist it in 9785
determining the equivalent training of a candidate. The board by 9786
rule may prescribe the special examinations and the passing 9787
score required for each examination. 9788

(D) The person has completed two years of public 9789
accounting experience, satisfactory to the board, in any state 9790
in practice as a public accountant or in any state in employment 9791
as a staff accountant by anyone practicing public accounting, or 9792
other experience in private or governmental accounting that, in 9793
the opinion of the board, will be the equivalent of that public 9794
accounting practice, or any combination of those types of 9795
experience, except that the experience requirement is only one 9796
year of the experience described in this division for any 9797
candidate holding a master's degree in accounting or business 9798
administration from a college or university recognized by the 9799
board, if the candidate has satisfactorily completed the number 9800

of credit hours in accounting, business administration, 9801
economics, and any related subjects that the board determines to 9802
be appropriate and if either of the following applies: 9803

(1) The person has passed the uniform national society of 9804
public accountants examination or a comparable examination 9805
approved by the public accountant members of the accountancy 9806
board. 9807

(2) The person has passed the accounting practice and 9808
auditing sections of the uniform CPA examination. 9809

The examination described in division (D) (1) of this 9810
section shall be held by the board and shall take place as often 9811
as the board determines but shall not be held less frequently 9812
than once each year. The board shall charge a candidate an 9813
application fee, to be determined by the board, that is adequate 9814
to cover all rentals, compensation for proctors, and other 9815
expenses of the board related to examination or reexamination 9816
except the expenses of procuring and grading the examination. In 9817
addition, the board shall charge the candidate an examination 9818
fee to be determined by the board, that is adequate to cover the 9819
expense of procuring and grading the examination. Fees for 9820
reexamination under division (D) of this section also shall be 9821
charged by the board in amounts determined by it to be adequate 9822
to cover the expenses of procuring and grading the examinations. 9823
The applicable fees shall be paid by the candidate at the time 9824
the candidate applies for examination or reexamination. 9825

(E) The person applied, on or before April 16, 1993, for 9826
registration as a public accountant. 9827

The board shall determine and charge a fee for 9828
registration under this section that is adequate to cover the 9829

expense. 9830

The board in each case shall determine whether the 9831
applicant is eligible for registration. Any individual who is so 9832
registered and who holds an Ohio permit shall be styled and 9833
known as a "public accountant" and may use the abbreviation 9834
"PA." 9835

A person who, on the effective date of an amendment of 9836
this section, holds a valid registration as a public accountant 9837
issued under the laws of this state shall not be required to 9838
obtain additional registration under this section but shall 9839
otherwise be subject to all provisions of this section. That 9840
registration, for all purposes, shall be considered a 9841
registration issued under this section and subject to its 9842
provisions. 9843

Chapter 4796. of the Revised Code does not apply to public 9844
accountant registrations issued under this section. 9845

Sec. 4701.10. (A) The accountancy board, upon application, 9846
shall issue Ohio permits to practice public accounting to 9847
holders of the CPA certificate or the PA registration. Subject 9848
to division (H)(1) of this section, there shall be a triennial 9849
Ohio permit fee in an amount to be determined by the board not 9850
to exceed one hundred fifty dollars. All Ohio permits shall 9851
expire on the last day of December of the year assigned by the 9852
board and, subject to division (H)(1) of this section, shall be 9853
renewed triennially for a period of three years by certificate 9854
holders and registrants in good standing upon payment of a 9855
triennial renewal fee not to exceed one hundred fifty dollars. 9856

(B) The accountancy board may issue Ohio registrations to 9857
holders of the CPA certificate and the PA registration who are 9858

not engaged in the practice of public accounting. Such persons 9859
shall not convey to the general public that they are actively 9860
engaged in the practice of public accounting in this state. 9861
Subject to division (H) (1) of this section, there shall be a 9862
triennial Ohio registration fee in an amount to be determined by 9863
the board but not exceeding fifty-five dollars. All Ohio 9864
registrations shall expire on the last day of December of the 9865
year assigned by the board and, subject to division (H) (1) of 9866
this section, shall be renewed triennially for a period of three 9867
years upon payment by certificate holders and registrants in 9868
good standing of a renewal fee not to exceed fifty-five dollars. 9869

(C) Any person who receives a CPA certificate and who 9870
applies for an initial Ohio permit or Ohio registration more 9871
than sixty days after issuance of the CPA certificate may, at 9872
the board's discretion, be subject to a late filing fee not 9873
exceeding one hundred dollars. 9874

(D) Any person to whom the board has issued an Ohio permit 9875
who is engaged in the practice of public accounting and who 9876
fails to renew the permit by the expiration date shall be 9877
subject to a late filing fee not exceeding one hundred dollars 9878
for each full month or part of a month after the expiration date 9879
in which such person did not possess a permit, up to a maximum 9880
of one thousand two hundred dollars. The board may waive or 9881
reduce the late filing fee for just cause upon receipt of a 9882
written request from such person. 9883

(E) Any person to whom the board has issued an Ohio permit 9884
or Ohio registration who is not engaged in the practice of 9885
public accounting and who fails to renew the permit or 9886
registration by the expiration date shall be subject to a late 9887
filing fee not exceeding fifty dollars for each full month or 9888

part of a month after the expiration date in which such person 9889
did not possess a permit or registration, up to a maximum of 9890
three hundred dollars. The board may waive or reduce the late 9891
filing fee for just cause upon receipt of a written request from 9892
such person. 9893

(F) Failure of a CPA certificate holder or PA registration 9894
holder to apply for either an Ohio permit or an Ohio 9895
registration within one year from the expiration date of the 9896
Ohio permit or Ohio registration last obtained or renewed, or 9897
one year from the date upon which the CPA certificate holder was 9898
granted a CPA certificate, shall result in suspension of the CPA 9899
certificate or PA registration until all fees required under 9900
divisions (D) and (E) of this section have been paid, unless the 9901
board determines the failure to have been due to excusable 9902
neglect. In that case, the fee for the issuance or renewal of 9903
the Ohio permit or Ohio registration, as the case may be, shall 9904
be the amount that the board shall determine, but not in excess 9905
of fifty dollars plus the fee for each triennial period or part 9906
of a period the certificate holder or registrant did not have 9907
either an Ohio permit or an Ohio registration. 9908

(G) The board by rule may exempt persons from the 9909
requirement of holding an Ohio permit or Ohio registration for 9910
specified reasons, including, but not limited to, retirement, 9911
health reasons, military service, foreign residency, or other 9912
just cause. 9913

(H) (1) The board by rule: 9914

(a) May provide for the issuance of Ohio permits and Ohio 9915
registrations for less than three years' duration at prorated 9916
fees; 9917

(b) Shall add a surcharge to the Ohio permit and Ohio 9918
registration fee imposed pursuant to this section of at least 9919
fifteen dollars but no more than thirty dollars for a three-year 9920
Ohio permit or Ohio registration, at least ten dollars but no 9921
more than twenty dollars for a two-year Ohio permit or Ohio 9922
registration, and at least five dollars but no more than ten 9923
dollars for a one-year Ohio permit or Ohio registration. 9924

(2) Each quarter, the board, for the purpose provided in 9925
section 4743.05 of the Revised Code, shall certify to the 9926
director of budget and management the number of Ohio permits and 9927
Ohio registrations issued or renewed under this chapter during 9928
the preceding quarter and the amount equal to that number times 9929
the amount of the surcharge added to each Ohio permit and Ohio 9930
registration fee by the board under division (H) (1) of this 9931
section. 9932

(I) Chapter 4796. of the Revised Code does not apply to 9933
Ohio permits or Ohio registrations issued under this section. 9934

Sec. 4703.08. The architects board shall adopt rules to 9935
certify and register an applicant for a certificate of 9936
qualification to practice architecture who is licensed or 9937
registered as an architect in another ~~state or jurisdiction~~ 9938
country, holds a current certificate in good standing issued by 9939
the national council of architectural registration boards, and 9940
wishes to be registered in this state. 9941

Sec. 4703.10. If the applicant passes the examination 9942
under section 4703.09 of the Revised Code or in lieu of the 9943
examination is, in the opinion of the architects board, eligible 9944
to register as an architect pursuant to rules adopted under 9945
section 4703.08 of the Revised Code, the applicant is eligible 9946
to receive from the board a certificate of qualification to 9947

practice architecture. The certificate shall be signed by the 9948
president and secretary of the board and shall bear the name of 9949
the successful applicant, the serial number of the certificate, 9950
the seal of the board, and the words, "admitted to practice 9951
architecture in the state of Ohio, the ____ day of _____, 9952
_____" 9953

If the applicant fails the examination under section 9954
4703.09 of the Revised Code, the board may refuse to issue a 9955
certificate of qualification to practice architecture. 9956

The board shall certify and register an applicant in 9957
accordance with Chapter 4796. of the Revised Code for a 9958
certificate of qualification to practice architecture if either 9959
of the following applies: 9960

(A) The applicant holds a certification, registration, or 9961
license to practice architecture in another state. 9962

(B) The applicant has satisfactory work experience, a 9963
government certification, or a private certification as 9964
described in that chapter as an architect in a state that does 9965
not issue that certificate, registration, or license. 9966

Sec. 4703.33. (A) The Ohio landscape architects board, in 9967
accordance with Chapter 119. of the Revised Code, may adopt, 9968
amend, and enforce rules governing the standards for education, 9969
experience, services, conduct, and practice to be followed in 9970
the practice of the profession of landscape architecture and 9971
rules pertaining to the satisfactory completion of continuing 9972
education requirements. If the board adopts rules pertaining to 9973
continuing education requirements, the board shall, in general, 9974
follow model continuing education recommendations established by 9975
the council of landscape architectural registration boards or a 9976

similar successor organization. 9977

(B) The board, or the board's designee, shall hold 9978
examinations not less than once annually and shall register as a 9979
landscape architect each applicant who demonstrates to the 9980
satisfaction of the board that the applicant has met all the 9981
requirements of section 4703.34 of the Revised Code. 9982

(C) The board shall issue to each individual registered 9983
pursuant to this section a certificate of qualification. 9984

Chapter 4796. of the Revised Code does not apply to a 9985
certificate of qualification issued under this division. 9986

(D) The board shall appoint at least one of its members as 9987
a delegate to each regional and annual meeting of the council of 9988
landscape architectural registration boards. 9989

Sec. 4703.35. (A) The Ohio landscape architects board 9990
shall register as a landscape architect any individual who is at 9991
least eighteen years of age and who provides evidence 9992
satisfactory to the board that the individual is a registered or 9993
licensed landscape architect in another ~~state or~~ country in 9994
which the qualifications, at the time of licensure, were 9995
substantially equal, in the opinion of the board, to the 9996
requirements for registration as a landscape architect in this 9997
state. The board may require that an applicant for registration 9998
under this ~~section~~ division hold a current council record or 9999
certificate in good standing issued by the council of landscape 10000
architectural registration boards. 10001

(B) The board shall register as a landscape architect in 10002
accordance with Chapter 4796. of the Revised Code an individual 10003
if either of the following applies: 10004

(1) The individual holds a registration or license as a 10005

<u>landscape architect in another state.</u>	10006
<u>(2) The individual has satisfactory work experience, a</u>	10007
<u>government certification, or a private certification as</u>	10008
<u>described in that chapter as a landscape architect in a state</u>	10009
<u>that does not issue that registration or license.</u>	10010
Sec. 4703.37. (A) The Ohio landscape architects board	10011
shall establish an application fee for obtaining registration	10012
under section 4703.34 of the Revised Code and a fee for	10013
obtaining registration under <u>division (A) of section 4703.35</u> of	10014
the Revised Code.	10015
(B) The fee to restore an expired certificate of	10016
qualification is the renewal fee for the current certification	10017
period, plus the renewal fee for each previous renewal period in	10018
which the certificate was not renewed, plus a penalty of twenty-	10019
five per cent of the total renewal fees for each renewal period	10020
or part thereof in which the certificate was not renewed, on the	10021
condition that the maximum fee shall not exceed an amount	10022
established by the board.	10023
(C) The board also shall establish the following fees:	10024
(1) The fee for a certificate of qualification or	10025
duplicate thereof, as issued to a landscape architect registered	10026
under sections 4703.33 to 4703.38 of the Revised Code.	10027
(2) The fee for the biennial renewal of the certificate of	10028
qualification and the fee for a duplicate renewal card.	10029
(3) The fee to be charged an examinee for administering an	10030
examination to the examinee on behalf of another jurisdiction.	10031
(4) The fee for a certificate of authorization issued	10032
under division (F) of section 4703.331 of the Revised Code, the	10033

fee for annual renewal of a certificate of authorization, and	10034
the fee for a duplicate certificate of authorization.	10035
(5) The fee to cover costs for checks or other instruments	10036
returned to the board by financial institutions due to	10037
insufficient funds.	10038
Sec. 4707.07. (A) The department of agriculture may grant	10039
auctioneer's licenses to those individuals who are determined to	10040
be qualified by the department. Each individual who applies for	10041
an auctioneer's license shall furnish to the department, on	10042
forms provided by the department, satisfactory proof that the	10043
applicant:	10044
(1) Has attained the age of at least eighteen years;	10045
(2) Has done one of the following:	10046
(a) Met <u>met</u> the apprenticeship requirements set forth in	10047
section 4707.09 of the Revised Code;	10048
(b) Met the requirements of section 4707.12 of the Revised	10049
Code.	10050
(3) Has a general knowledge of the following:	10051
(a) The requirements of the Revised Code relative to	10052
auctioneers;	10053
(b) The auction profession;	10054
(c) The principles involved in conducting an auction;	10055
(d) Any local and federal laws regarding the profession of	10056
auctioneering.	10057
(4) Has satisfied the financial responsibility	10058
requirements established under section 4707.11 of the Revised	10059
Code if applicable.	10060

(B) Auctioneers who served apprenticeships and who hold licenses issued before May 1, 1991, and who seek renewal of their licenses, are not subject to the additional apprenticeship requirements imposed by section 4707.09 of the Revised Code.

(C) A licensee may do business under more than one registered name, but not to exceed three registered names, provided that the names have been approved by the department. The department may reject the application of any person seeking licensure under this chapter if the name or names to be used by the applicant are likely to mislead the public, or if the name or names do not distinguish the applicant from the name or names of any existing person licensed under this chapter. If an applicant applies to the department to do business under three names, the department may charge a fee of ten dollars for the third name.

~~(D) The department, in its discretion, may waive the schooling and apprenticeship requirements for a resident of this state, provided that the resident shall issue an auctioneer's license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:~~

~~(1) The applicant holds a valid an auctioneer's license that was issued by a state with which the department has entered into a reciprocal licensing agreement and the resident is in good standing with that in another state.~~

~~(2) The applicant shall provide proof that is has satisfactory to the department that the applicant has had two years of work experience, a government certification, or a private certification as described in that chapter as an auctioneer immediately preceding the date of application that includes at a minimum twelve auctions in which the applicant was~~

~~a bid caller in the reciprocal in a state that does not issue
that license.~~ 10091
10092

Sec. 4707.072. The department of agriculture may grant 10093
one-auction licenses to any nonresident individual who is 10094
determined to be qualified by the department. ~~Any Chapter 4796.~~ 10095
of the Revised Code does not apply to one-auction licenses 10096
issued under this section. 10097

Any individual who applies for a one-auction license shall 10098
attest, on forms provided by the department, and furnish to the 10099
department, satisfactory proof that the license applicant meets 10100
the following requirements: 10101

(A) Has a good reputation; 10102

(B) Is of trustworthy character; 10103

(C) Has attained the age of at least eighteen years; 10104

(D) Has a general knowledge of the requirements of the 10105
Revised Code relative to auctioneers, the auction profession, 10106
and the principles involved in conducting an auction; 10107

(E) Has two years of professional auctioneering experience 10108
immediately preceding the date of application that includes the 10109
personal conduct by the applicant of at least twelve auction 10110
sales in any state, ~~or has met the requirements of section~~ 10111
~~4707.12 of the Revised Code;~~ 10112

(F) Has paid a fee of five hundred dollars; 10113

(G) Has not applied for or previously obtained a license 10114
under this section; 10115

(H) Has provided proof of financial responsibility in the 10116
form of either an irrevocable letter of credit or a cash bond or 10117

a surety bond in the amount of fifty thousand dollars. If the 10118
applicant gives a surety bond, the bond shall be executed by a 10119
surety company authorized to do business in this state. A bond 10120
shall be made to the department and shall be conditioned that 10121
the applicant shall comply with this chapter and rules adopted 10122
under it, including refraining from conduct described in section 10123
4707.15 of the Revised Code. All bonds shall be on a form 10124
approved by the director of agriculture. 10125

Sec. 4707.09. The department of agriculture may grant 10126
apprentice auctioneers' licenses to those persons that are 10127
determined to be qualified by the department. Every applicant 10128
for an apprentice auctioneer's license shall pass an examination 10129
relating to the skills, knowledge, and statutes and rules 10130
governing auctioneers. Every applicant for an apprentice 10131
auctioneer's license shall furnish to the department, on forms 10132
provided by the department, satisfactory proof that the 10133
applicant: 10134

(A) Has attained the age of at least eighteen years; 10135

(B) Has obtained a written promise of a licensed 10136
auctioneer to sponsor the applicant during the applicant's 10137
apprenticeship; 10138

(C) Has satisfied the financial responsibility 10139
requirements established under section 4707.11 of the Revised 10140
Code if applicable; 10141

(D) Has successfully completed a course of study in 10142
auctioneering at an institution that is approved by the state 10143
auctioneers commission. 10144

Before an apprentice may take the auctioneer's license 10145
examination, the apprentice shall serve an apprenticeship of at 10146

least twelve months and participate as a bid caller in at least 10147
twelve auction sales under the direct supervision of the 10148
sponsoring licensed auctioneer, which auctions shall be 10149
certified by the licensed auctioneer on the apprentice's 10150
application for an auctioneer's license. No apprentice 10151
auctioneer shall be under the sponsorship of more than one 10152
licensed auctioneer at one time. 10153

If an auctioneer intends to terminate sponsorship of an 10154
apprentice auctioneer, the sponsoring auctioneer shall notify 10155
the apprentice auctioneer of the sponsoring auctioneer's 10156
intention by certified mail, return receipt requested, at least 10157
ten days prior to the effective date of termination and, at the 10158
same time, shall deliver or mail by certified mail to the 10159
department a copy of the termination notice and the license of 10160
the apprentice auctioneer. No apprentice auctioneer shall 10161
perform any acts under authority of the apprentice's license 10162
after the effective date of the termination until the apprentice 10163
receives a new license. No more than one license shall be issued 10164
to any apprentice auctioneer for the same period of time. 10165

No licensed auctioneer shall have under the licensed 10166
auctioneer's sponsorship more than two apprentice auctioneers at 10167
one time. No auctioneer shall sponsor an apprentice auctioneer 10168
if the auctioneer has not been licensed and in good standing for 10169
a period of at least two years immediately before sponsoring the 10170
apprentice auctioneer. A sponsoring auctioneer whose license is 10171
suspended or revoked shall send to the department the apprentice 10172
auctioneer's license not later than fourteen days after the 10173
suspension or revocation. If a sponsoring auctioneer's license 10174
is suspended or revoked, the apprentice auctioneer shall obtain 10175
a written promise of sponsorship from another licensed 10176
auctioneer before performing any acts under the authority of an 10177

apprentice auctioneer's license. The apprentice auctioneer shall 10178
send a copy of the written promise of sponsorship of another 10179
auctioneer to the department. If the department receives a copy 10180
of such a written promise of sponsorship and the apprentice pays 10181
the fee established by the department, the department shall 10182
issue a new license to the apprentice. 10183

An apprentice auctioneer may terminate the apprentice's 10184
sponsorship with an auctioneer by notifying the auctioneer of 10185
the apprentice's intention by certified mail, return receipt 10186
requested, at least ten days prior to the effective date of 10187
termination. At the same time, the apprentice shall deliver or 10188
mail by certified mail to the department a copy of the 10189
termination notice. Upon receiving the termination notice, the 10190
sponsoring auctioneer shall promptly deliver or mail by 10191
certified mail to the department the license of the apprentice 10192
auctioneer. 10193

The termination of a sponsorship, regardless of who 10194
initiates the termination, shall not be cause for an apprentice 10195
auctioneer to lose credit for any certified auctions in which 10196
the apprentice participated as a bid caller or apprenticeship 10197
time the apprentice served under the direct supervision of the 10198
former sponsor. 10199

The department shall issue an apprentice auctioneer's 10200
license in accordance with Chapter 4796. of the Revised Code to 10201
an applicant if either of the following applies: 10202

(1) The applicant holds an apprentice auctioneer's license 10203
in another state, provided that the applicant meets the 10204
requirement of division (D) of this section. 10205

(2) The applicant has satisfactory work experience, a 10206

government certification, or a private certification as 10207
described in that chapter as an apprentice auctioneer in a state 10208
that does not issue that license, provided that the applicant 10209
meets the requirement of division (D) of this section. 10210

Sec. 4709.07. (A) Each person who desires to obtain an 10211
initial license to practice barbering shall apply to the state 10212
cosmetology and barber board, on forms provided by the board. 10213
The application form shall include the name of the person 10214
applying for the license and evidence that the applicant meets 10215
all of the requirements of division (B) of this section. The 10216
application shall be accompanied by two signed current 10217
photographs of the applicant, in the size determined by the 10218
board, that show only the head and shoulders of the applicant, 10219
and the examination application fee. 10220

(B) In order to take the required barber examination and 10221
to qualify for licensure as a barber, an applicant must 10222
demonstrate that the applicant meets all of the following: 10223

(1) Is at least eighteen years of age; 10224

(2) Has an eighth grade education or an equivalent 10225
education as determined by the state board of education in the 10226
state where the applicant resides; 10227

(3) Has graduated with at least one thousand eight hundred 10228
hours of training from a board-approved barber school or has 10229
graduated with at least one thousand hours of training from a 10230
board-approved barber school in this state and has a current 10231
cosmetology or hair designer license issued pursuant to Chapter 10232
4713. of the Revised Code. No hours of instruction earned by an 10233
applicant five or more years prior to the examination apply to 10234
the hours of study required by this division. 10235

(C) Any applicant who meets all of the requirements of 10236
divisions (A) and (B) of this section may take the barber 10237
examination at the time and place specified by the board. If the 10238
applicant fails to attain at least a seventy-five per cent pass 10239
rate on each part of the examination, the applicant is 10240
ineligible for licensure; however, the applicant may reapply for 10241
examination within ninety days after the date of the release of 10242
the examination scores by paying the required reexamination fee. 10243
An applicant is only required to take that part or parts of the 10244
examination on which the applicant did not receive a score of 10245
seventy-five per cent or higher. If the applicant fails to 10246
reapply for examination within ninety days or fails the second 10247
examination, in order to reapply for examination for licensure 10248
the applicant shall complete an additional course of study of 10249
not less than two hundred hours, in a board-approved barber 10250
school. The board shall provide to an applicant, upon request, a 10251
report which explains the reasons for the applicant's failure to 10252
pass the examination. 10253

(D) The board shall issue a license to practice barbering 10254
to any applicant who, to the satisfaction of the board, meets 10255
the requirements of divisions (A) and (B) of this section, who 10256
passes the required examination, and pays the initial licensure 10257
fee. Every licensed barber shall display the certificate of 10258
licensure in a conspicuous place adjacent to or near the 10259
licensed barber's work chair, along with a signed current 10260
photograph, in the size determined by the board, showing head 10261
and shoulders only. 10262

(E) The board shall issue a license to practice barbering 10263
in accordance with Chapter 4796. of the Revised Code to an 10264
applicant if either of the following applies: 10265

(1) The applicant holds a license to practice barbering in another state. 10266
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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 barber in a state that does not issue that license. 10268
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Sec. 4709.08. Any person who holds a current license or registration to practice as a barber in any other ~~state or~~ ~~district of the United States or~~ country whose requirements for licensure or registration of barbers are substantially equivalent to the requirements of this chapter and rules adopted under it and that extends similar reciprocity to persons licensed as barbers in this state may apply to the state cosmetology and barber board for a barber license. The board shall, without examination, unless the board determines to require an examination, issue a license to practice as a licensed barber in this state if the person meets the requirements of this section, is at least eighteen years of age, and pays the required fees. The board may waive any of the requirements of this section. 10272
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Sec. 4709.10. (A) Each person who desires to obtain a license to operate a barber school shall apply to the state cosmetology and barber board, on forms provided by the board. The board shall issue a barber school license to a person if the board determines that the person meets and will comply with all of the requirements of division (B) of this section and pays the required licensure and inspection fees. 10286
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(B) In order for a person to qualify for a license to operate a barber school, the barber school to be operated by the person must meet all of the following requirements: 10293
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- (1) Have a training facility sufficient to meet the 10296
required educational curriculum established by the board, 10297
including enough space to accommodate all the facilities and 10298
equipment required by rule by the board; 10299
- (2) Provide sufficient licensed teaching personnel to meet 10300
the minimum pupil-teacher ratio established by rule of the 10301
board; 10302
- (3) Have established and provide to the board proof that 10303
it has met all of the board requirements to operate a barber 10304
school, as adopted by rule of the board; 10305
- (4) File with the board a program of its curriculum, 10306
accounting for not less than one thousand eight hundred hours of 10307
instruction in the courses of theory and practical demonstration 10308
required by rule of the board; 10309
- (5) File with the board a surety bond in the amount of ten 10310
thousand dollars issued by a bonding company licensed to do 10311
business in this state. The bond shall be in the form prescribed 10312
by the board and conditioned upon the barber school's continued 10313
instruction in the theory and practice of barbering. The bond 10314
shall continue in effect until notice of its termination is 10315
provided to the board. In no event, however, shall the bond be 10316
terminated while the barber school is in operation. Any student 10317
who is injured or damaged by reason of a barber school's failure 10318
to continue instruction in the theory and practice of barbering 10319
may maintain an action on the bond against the barber school or 10320
the surety, or both, for the recovery of any money or tuition 10321
paid in advance for instruction in the theory and practice of 10322
barbering which was not received. The aggregate liability of the 10323
surety to all students shall not exceed the sum of the bond. 10324

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

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

(a) Be at least seventeen years of age;

(b) 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~~ 10353
~~(D) of this section, the~~ board shall only issue a barber teacher 10354
license to a person who meets all of the following requirements: 10355

(1) Holds a current barber license issued pursuant to this 10356
chapter and has at least eighteen months of work experience in a 10357
licensed barber shop or has been employed as an assistant barber 10358
teacher under the supervision of a licensed barber teacher for 10359
at least one year, unless, for good cause, the board waives this 10360
requirement; 10361

(2) Meets such other requirements as adopted by rule by 10362
the board; 10363

(3) Passes the required examination; and 10364

(4) Pays the required fees. 10365

~~The Except as provided in division (D) of this section,~~ 10366
~~the~~ board shall only issue an assistant barber teacher license 10367
to a person who holds a current barber license issued pursuant 10368
to this chapter and pays the required fees. 10369

(D) The board shall issue a barber teacher or assistant 10370
barber teacher license in accordance with Chapter 4796. of the 10371
Revised Code to an applicant if either of the following applies: 10372

(1) The applicant holds a barber teacher or assistant 10373
barber teacher license, as applicable, in another state. 10374

(2) The applicant has satisfactory work experience, a 10375
government certification, or a private certification as 10376
described in that chapter as a barber teacher or assistant 10377
barber teacher, as applicable, in a state that does not issue 10378
the applicable license. 10379

(E) Any person who meets the qualifications of an 10380

assistant teacher pursuant to division (C) or (D) of this 10381
section, may be employed as an assistant teacher, provided that 10382
within five days after the commencement of the employment the 10383
barber school submits to the board, on forms provided by the 10384
board, the applicant's qualifications. 10385

Sec. 4712.02. (A) (1) A credit services organization shall 10386
file a registration application with, and receive a certificate 10387
of registration from, the division of financial institutions 10388
before conducting business in this state. ~~The~~ Except as provided 10389
in division (A) (2) of this section, the registration application 10390
shall be accompanied by a one-hundred-dollar fee and shall 10391
contain all of the following information: 10392

~~(1)~~ (a) The name and address of the credit services 10393
organization; 10394

~~(2)~~ (b) The name and address of any person that directly 10395
or indirectly owns or controls ten per cent or more of the 10396
outstanding shares of stock in the organization; 10397

~~(3)~~ (c) Either of the following: 10398

~~(a)~~ (i) A full and complete disclosure of any litigation 10399
commenced against the organization or unresolved complaint that 10400
relates to the operation of the organization and that is filed 10401
with the attorney general, the secretary of state, or any other 10402
governmental authority of the United States, this state, or any 10403
other state of the United States; 10404

~~(b)~~ (ii) A notarized statement stating that no litigation 10405
has been commenced and no unresolved complaint relating to the 10406
operation of the organization has been filed with the attorney 10407
general, the secretary of state, or any other governmental 10408
authority of the United States, this state, or any other state 10409

of the United States. 10410

~~(4)~~ (d) Any other information required at any time by the 10411
division. 10412

(2) The division shall issue a certificate of registration 10413
in accordance with Chapter 4796. of the Revised Code to an 10414
applicant if either of the following applies: 10415

(a) The applicant holds a license or certificate as a 10416
credit services organization in another state. 10417

(b) The applicant has satisfactory work experience, a 10418
government certification, or a private certification as 10419
described in that chapter as a credit services organization in a 10420
state that does not issue that license or certificate. 10421

(B) (1) Except as ~~otherwise~~ provided in division (B) (2) of 10422
this section, each credit services organization shall notify the 10423
division in writing within thirty days after the date of a 10424
change in the information required by division (A) of this 10425
section. 10426

(2) Each organization shall notify the division in writing 10427
no later than thirty days prior to any change in the information 10428
required by division (A) (1) or (2) of this section and shall 10429
receive approval from the division before making any such 10430
change. 10431

(C) (1) A credit services organization shall attach both of 10432
the following to the registration application submitted pursuant 10433
to division (A) of this section: 10434

(a) A copy of the contract that the organization intends 10435
to execute with its customers; 10436

(b) Evidence of the bond required under section 4712.06 of 10437

the Revised Code. 10438

(2) Any modification made to the contract described in 10439
division (C)(1)(a) of this section shall be filed with the 10440
division prior to its use by the organization. 10441

(D) Each credit services organization registering under 10442
this section shall maintain a copy of the registration 10443
application in its files. The organization shall allow a buyer 10444
to inspect the registration application upon request. 10445

(E) Each nonresident credit services organization 10446
registering under this section shall designate and maintain a 10447
resident of this state as the organization's statutory agent for 10448
purposes of receipt of service of process. 10449

(F) If, in order to issue a certificate of registration to 10450
a credit services organization, investigation by the division 10451
outside this state is necessary, the division may require the 10452
organization to advance sufficient funds to pay the actual 10453
expenses of the investigation. 10454

(G) Each credit services organization registering under 10455
this section shall use no more than one fictitious or trade 10456
name. 10457

(H) (1) A certificate of registration issued by the 10458
division pursuant to this section shall expire annually on the 10459
thirtieth day of April, or annually on a different date 10460
established by the superintendent pursuant to section 1181.23 of 10461
the Revised Code. 10462

(2) A credit services organization may renew its 10463
certificate of registration by filing with the division a 10464
renewal application accompanied by a one-hundred-dollar renewal 10465
fee. 10466

(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.

Sec. 4713.10. (A) The state cosmetology and barber board shall charge and collect the following fees:

(1) For a temporary pre-examination work permit under section 4713.22 of the Revised Code, not more than fifteen dollars;

(2) For initial application to take an examination under section 4713.24 of the Revised Code, not more than forty dollars;

(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;

(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;

(5) For the issuance of a license by examination under section 4713.28, 4713.30, or 4713.31 of the Revised Code, not more than seventy-five dollars;

(6) For the issuance of a license under section 4713.34 of the Revised Code, not more than seventy dollars;

(7) For renewal of a license issued under section 4713.28,	10495
4713.30, 4713.31, or 4713.34 of the Revised Code, not more than	10496
seventy dollars;	10497
(8) For the issuance or renewal of a cosmetology school	10498
license, not more than two hundred fifty dollars;	10499
(9) For the issuance of a new salon license or the change	10500
of name or ownership of a salon license under section 4713.41 of	10501
the Revised Code, not more than one hundred dollars;	10502
(10) For the renewal of a salon license under section	10503
4713.41 of the Revised Code, not more than ninety dollars;	10504
(11) For the restoration of an expired license that may be	10505
restored pursuant to section 4713.63 of the Revised Code, an	10506
amount equal to the sum of the current license renewal fee and a	10507
lapsed renewal fee of not more than forty-five dollars per	10508
license renewal period that has elapsed since the license was	10509
last issued or renewed;	10510
(12) For the issuance of a duplicate of any license, not	10511
more than thirty dollars;	10512
(13) For the preparation and mailing of a licensee's	10513
records to another state for a reciprocity license, not more	10514
than fifty dollars;	10515
(14) For the processing of any fees related to a check	10516
from a licensee returned to the board for insufficient funds, an	10517
additional thirty dollars.	10518
(B) The board shall adjust the fees biennially, by rule,	10519
within the limits established by division (A) of this section,	10520
to provide sufficient revenues to meet its expenses.	10521
(C) The board may establish an installment plan for the	10522

payment of fines and fees and may reduce fees as considered 10523
appropriate by the board. 10524

(D) At the request of a person who is temporarily unable 10525
to pay a fee imposed under division (A) of this section, or on 10526
its own motion, the board may extend the date payment is due by 10527
up to ninety days. If the fee remains unpaid after the date 10528
payment is due, the amount of the fee shall be certified to the 10529
attorney general for collection in the form and manner 10530
prescribed by the attorney general. The attorney general may 10531
assess the collection cost to the amount certified in such a 10532
manner and amount as prescribed by the attorney general. 10533

Sec. 4713.28. (A) The state cosmetology and barber board 10534
shall issue a practicing license to an applicant who satisfies 10535
all of the following applicable conditions: 10536

(1) Is at least sixteen years of age; 10537

(2) Has the equivalent of an Ohio public school tenth 10538
grade education; 10539

(3) Has submitted a written application on a form 10540
furnished by the board that contains all of the following: 10541

(a) The name of the individual and any other identifying 10542
information required by the board; 10543

(b) A recent photograph of the individual that meets the 10544
specifications established by the board; 10545

(c) A photocopy of the individual's current driver's 10546
license or other proof of legal residence; 10547

(d) Proof that the individual is qualified to take the 10548
applicable examination as required by section 4713.20 of the 10549
Revised Code; 10550

(e) An oath verifying that the information in the application is true;	10551 10552
(f) The applicable application fee.	10553
(4) Passes an examination conducted under division (A) of section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice;	10554 10555 10556
(5) Pays to the board the applicable license fee;	10557
(6) In the case of an applicant for an initial cosmetologist license, has successfully completed at least one thousand five hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;	10558 10559 10560 10561 10562 10563 10564 10565
(7) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state;	10566 10567 10568 10569
(8) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two hundred hours of board-approved hair designer training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;	10570 10571 10572 10573 10574 10575 10576 10577
(9) In the case of an applicant for an initial manicurist license, has successfully completed at least two hundred hours	10578 10579

of board-approved manicurist training in a school of cosmetology 10580
licensed in this state; 10581

(10) In the case of an applicant for an initial natural 10582
hair stylist license, has successfully completed at least four 10583
hundred fifty hours of instruction in subjects relating to 10584
sanitation, scalp care, anatomy, hair styling, communication 10585
skills, and laws and rules governing the practice of 10586
cosmetology. 10587

(B) The board shall not deny a license to any applicant 10588
based on prior incarceration or conviction for any crime. If the 10589
board denies an individual a license or license renewal, the 10590
reasons for such denial shall be put in writing. 10591

(C) The board shall issue a practicing license in a branch 10592
of cosmetology in accordance with Chapter 4796. of the Revised 10593
Code to an applicant if either of the following applies: 10594

(1) The applicant holds a license in that branch of 10595
cosmetology in another state. 10596

(2) The applicant has satisfactory work experience, a 10597
government certification, or a private certification as 10598
described in that chapter in that branch of cosmetology in a 10599
state that does not issue that license. 10600

Sec. 4713.30. ~~The~~ (A) Except as provided in division (B) 10601
of this section, the state cosmetology and barber board shall 10602
issue an advanced license to an applicant who satisfies all of 10603
the following applicable conditions: 10604

~~(A)~~ (1) Is at least sixteen years of age; 10605

~~(B)~~ (2) Has the equivalent of an Ohio public school tenth 10606
grade education; 10607

(C) <u>(3)</u> Pays to the board the applicable fee;	10608
(D) <u>(4)</u> Passes the appropriate advanced license examination;	10609 10610
(E) <u>(5)</u> In the case of an applicant for an initial advanced cosmetologist license, does either of the following:	10611 10612
(1) <u>(a)</u> 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;	10613 10614 10615 10616 10617
(2) <u>(b)</u> 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.	10618 10619 10620 10621 10622
(F) <u>(6)</u> In the case of an applicant for an initial advanced esthetician license, does either of the following:	10623 10624
(1) <u>(a)</u> 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;	10625 10626 10627 10628 10629 10630 10631
(2) <u>(b)</u> 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.	10632 10633 10634 10635 10636

~~(G)~~ (7) In the case of an applicant for an initial 10637
advanced hair designer license, does either of the following: 10638

~~(1)~~ (a) Has the licensed advanced hair designer, licensed 10639
advanced cosmetologist, or owner of a licensed hair design salon 10640
or licensed beauty salon located in this or another state 10641
certify to the board that the applicant has practiced hair 10642
design for at least one thousand eight hundred hours as a hair 10643
designer in a licensed hair design salon or as a cosmetologist 10644
in a licensed beauty salon; 10645

~~(2)~~ (b) Has a school of cosmetology licensed in this state 10646
certify to the board that the applicant has successfully 10647
completed, in addition to the hours required for licensure as a 10648
hair designer or cosmetologist, at least two hundred forty hours 10649
of board-approved advanced hair designer training. 10650

~~(H)~~ (8) In the case of an applicant for an initial 10651
advanced manicurist license, does either of the following: 10652

~~(1)~~ (a) Has the licensed advanced manicurist, licensed 10653
advanced cosmetologist, or owner of a licensed nail salon, 10654
licensed beauty salon, or licensed barber shop located in this 10655
or another state certify to the board that the applicant has 10656
practiced manicuring for at least one thousand eight hundred 10657
hours as a manicurist in a licensed nail salon or licensed 10658
barber shop or as a cosmetologist in a licensed beauty salon or 10659
licensed barber shop; 10660

~~(2)~~ (b) Has a school of cosmetology licensed in this state 10661
certify to the board that the applicant has successfully 10662
completed, in addition to the hours required for licensure as a 10663
manicurist or cosmetologist, at least one hundred hours of 10664
board-approved advanced manicurist training. 10665

~~(I)~~ (9) In the case of an applicant for an initial advanced natural hair stylist license, does either of the following: 10666
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~~(1)~~ (a) Has the licensed advanced natural hair stylist, licensed advanced cosmetologist, or owner of a licensed natural hair style salon or licensed beauty salon located in this or another state certify to the board that the applicant has practiced natural hair styling for at least one thousand eight hundred hours as a natural hair stylist in a licensed natural hair style salon or as a cosmetologist in a licensed beauty salon; 10669
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~~(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 natural hair stylist or cosmetologist, at least one hundred fifty hours of board-approved advanced natural hair stylist training. 10677
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(B) The board shall issue an advanced license in a branch of cosmetology in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 10683
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(1) The applicant holds an advanced license in that branch of cosmetology in another state. 10686
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in that branch of cosmetology in a state that does not issue that license. 10688
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Sec. 4713.31. (A) The state cosmetology and barber board shall issue an instructor license to an applicant who satisfies all of the following applicable conditions: 10692
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(A) <u>(1)</u> Is at least eighteen years of age;	10695
(B) <u>(2)</u> Has the equivalent of an Ohio public school twelfth grade education;	10696 10697
(C) <u>(3)</u> Pays to the board the applicable fee;	10698
(D) <u>(4)</u> In the case of an applicant for an initial cosmetology instructor license, holds a current, valid advanced cosmetologist license issued in this state and does either of the following:	10699 10700 10701 10702
(1) <u>(a)</u> Has the licensed advanced cosmetologist or owner of the licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;	10703 10704 10705 10706 10707
(2) <u>(b)</u> Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed one thousand hours of board-approved cosmetology instructor training as an apprentice instructor.	10708 10709 10710 10711
(E) <u>(5)</u> In the case of an applicant for an initial esthetics instructor license, holds a current, valid advanced esthetician or advanced cosmetologist license issued in this state and does either of the following:	10712 10713 10714 10715
(1) <u>(a)</u> Has the licensed advanced esthetician, licensed advanced cosmetologist, or owner of the licensed esthetics 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 esthetics in a licensed esthetics salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;	10716 10717 10718 10719 10720 10721 10722

~~(2)~~ (b) Has a school of cosmetology licensed in this state 10723
certify to the board that the applicant has successfully 10724
completed at least five hundred hours of board-approved 10725
esthetics instructor training as an apprentice instructor. 10726

~~(F)~~ (6) In the case of an applicant for an initial hair 10727
design instructor license, holds a current, valid advanced hair 10728
designer or advanced cosmetologist license and does either of 10729
the following: 10730

~~(1)~~ (a) Has the licensed advanced hair designer, licensed 10731
advanced cosmetologist, or owner of the licensed hair design 10732
salon or licensed beauty salon in which the applicant has been 10733
employed certify to the board that the applicant has engaged in 10734
the practice of hair design in a licensed hair design salon or 10735
practice of cosmetology in a licensed beauty salon for at least 10736
one thousand eight hundred hours; 10737

~~(2)~~ (b) Has a school of cosmetology licensed in this state 10738
certify to the board that the applicant has successfully 10739
completed at least eight hundred hours of board-approved hair 10740
design instructor's training as an apprentice instructor. 10741

~~(G)~~ (7) In the case of an applicant for an initial 10742
manicurist instructor license, holds a current, valid advanced 10743
manicurist or advanced cosmetologist license and does either of 10744
the following: 10745

~~(1)~~ (a) Has the licensed advanced manicurist, licensed 10746
advanced cosmetologist, or owner of the licensed nail salon or 10747
licensed beauty salon in which the applicant has been employed 10748
certify to the board that the applicant has engaged in the 10749
practice of manicuring in a licensed nail salon or practice of 10750
cosmetology in a licensed beauty salon for at least one thousand 10751

eight hundred hours; 10752

~~(2)~~ (b) Has a school of cosmetology licensed in this state 10753
certify to the board that the applicant has successfully 10754
completed at least three hundred hours of board-approved 10755
manicurist instructor training as an apprentice instructor. 10756

~~(H)~~ (8) In the case of an applicant for an initial natural 10757
hair style instructor license, holds a current, valid advanced 10758
natural hair stylist or advanced cosmetologist license and does 10759
either of the following: 10760

~~(1)~~ (a) Has the licensed advanced natural hair stylist, 10761
licensed advanced cosmetologist, or owner of the licensed 10762
natural hair style salon or licensed beauty salon in which the 10763
applicant has been employed certify to the board that the 10764
applicant has engaged in the practice of natural hair styling in 10765
a licensed natural hair style salon or practice of cosmetology 10766
in a licensed beauty salon for at least one thousand eight 10767
hundred hours; 10768

~~(2)~~ (b) Has a school of cosmetology licensed in this state 10769
certify to the board that the applicant has successfully 10770
completed at least four hundred hours of board-approved natural 10771
hair style instructor training as an apprentice instructor. 10772

~~(I)~~ (9) In the case of all applicants, passes an 10773
examination conducted under division (B) of section 4713.24 of 10774
the Revised Code for the branch of cosmetology the applicant 10775
seeks to instruct. 10776

(B) The board shall issue an instructor license for a 10777
branch of cosmetology in accordance with Chapter 4796. of the 10778
Revised Code to an applicant if either of the following applies: 10779

(1) The applicant holds an instructor license in that 10780

branch of cosmetology in another state. 10781

(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. 10782
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Sec. 4713.34. The state cosmetology and barber board shall 10786
issue a license to practice a branch of cosmetology or 10787
instructor license to an applicant who is licensed or registered 10788
in another ~~state or~~ country to practice that branch of 10789
cosmetology or teach the theory and practice of that branch of 10790
cosmetology, as appropriate, if all of the following conditions 10791
are satisfied: 10792

(A) The applicant satisfies all of the following 10793
conditions: 10794

(1) Is not less than eighteen years of age; 10795

(2) In the case of an applicant for a practicing license, 10796
passes an examination conducted under section 4713.24 of the 10797
Revised Code for the license the applicant seeks, unless the 10798
applicant satisfies conditions specified in rules adopted under 10799
section 4713.08 of the Revised Code for the board to issue the 10800
applicant a license without taking the examination; 10801

(3) Pays the applicable fee. 10802

(B) At the time the applicant obtained the license or 10803
registration in the other ~~state or~~ country, the requirements in 10804
this state for obtaining the license the applicant seeks were 10805
substantially equal to the other ~~state or~~ country's 10806
requirements. 10807

(C) The jurisdiction that issued the applicant's license 10808

or registration extends similar reciprocity to individuals 10809
holding a license issued by the board. 10810

Sec. 4713.37. (A) The state cosmetology and barber board 10811
may issue a temporary special occasion work permit to ~~an a~~ 10812
nonresident individual who satisfies all of the following 10813
conditions: 10814

(1) Has been licensed or registered in another state or 10815
country to practice a branch of cosmetology or teach the theory 10816
and practice of a branch of cosmetology for at least five years; 10817

(2) Is a recognized expert in the practice or teaching of 10818
the branch of cosmetology the individual practices or teaches; 10819

(3) Is to practice that branch of cosmetology or teach the 10820
theory and practice of that branch of cosmetology in this state 10821
as part of a promotional or instructional program for not more 10822
than the amount of time a temporary special occasion work permit 10823
is effective; 10824

(4) Satisfies all other conditions for a temporary special 10825
occasion work permit established by rules adopted under section 10826
4713.08 of the Revised Code; 10827

(5) Pays the fee established by rules adopted under 10828
section 4713.08 of the Revised Code. 10829

(B) An individual issued a temporary special occasion work 10830
permit may practice the branch of cosmetology the individual 10831
practices in another state or country, or teach the theory and 10832
practice of the branch of cosmetology the individual teaches in 10833
another state or country, until the expiration date of the 10834
permit. A temporary special occasion work permit is valid for 10835
the period of time specified in rules adopted under section 10836
4713.08 of the Revised Code. 10837

(C) Chapter 4796. of the Revised Code does not apply to a 10838
temporary special occasion work permit issued under this 10839
section. 10840

Sec. 4713.69. (A) The Except as provided in division (D) 10841
of this section, the state cosmetology and barber board shall 10842
issue a boutique services registration to an applicant who 10843
satisfies all of the following applicable conditions: 10844

(1) Is at least sixteen years of age; 10845

(2) Has the equivalent of an Ohio public school tenth 10846
grade education; 10847

(3) Has submitted a written application on a form 10848
prescribed by the board containing all of the following: 10849

(a) The applicant's name and home address; 10850

(b) The applicant's home telephone number and cellular 10851
telephone number, if any; 10852

(c) The applicant's electronic mail address, if any; 10853

(d) The applicant's date of birth; 10854

(e) The address and telephone number where boutique 10855
services will be performed. The address shall not contain a post 10856
office box number. 10857

(f) Whether the applicant has an occupational license, 10858
certification, or registration to provide beauty services in 10859
another state, and if so, what type of license and in what 10860
state; 10861

(g) Whether the applicant has ever had an occupational 10862
license, certification, or registration suspended, revoked, or 10863
denied in any state; 10864

(h) An affidavit or certificate providing proof of formal training or apprenticeship under an individual providing such services. 10865
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(B) The place of business where boutique services are performed must comply with the safety and sanitation requirements for licensed salon facilities as described in section 4713.41 of the Revised Code. 10868
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(C) The board shall specify the manner by which boutique services registrants shall fulfill the continuing education requirements set forth in section 4713.09 of the Revised Code. 10872
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(D) The board shall issue a boutique services registration in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 10875
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(1) The applicant holds a license or registration in providing boutique services in another state. 10878
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in providing boutique services in a state that does not issue that license or registration. 10880
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Sec. 4715.03. (A) The state dental board shall organize by electing from its members a president, secretary, and vice-secretary. The secretary and vice-secretary shall be elected from the members of the board who are dentists. It shall hold meetings monthly at least eight months a year at such times and places as the board designates. A majority of the members of the board shall constitute a quorum. The board shall make such reasonable rules as it determines necessary pursuant to Chapter 119. of the Revised Code. 10884
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(B) A concurrence of a majority of the members of the 10893

board shall be required to do any of the following:	10894
(1) Grant, refuse, suspend, place on probationary status,	10895
revoke, refuse to renew, or refuse to reinstate a license or	10896
censure a license holder or take any other action authorized	10897
under section 4715.30 of the Revised Code;	10898
(2) Seek an injunction under section 4715.05 of the	10899
Revised Code;	10900
(3) Enter into a consent agreement with a license holder;	10901
(4) If the board develops and implements the quality	10902
intervention program under section 4715.031 of the Revised Code,	10903
refer a license holder to the program;	10904
(5) Terminate an investigation conducted under division	10905
(D) of this section;	10906
(6) Dismiss any complaint filed with the board.	10907
(C) (1) The board shall adopt rules in accordance with	10908
Chapter 119. of the Revised Code to do both of the following:	10909
(a) Establish standards for the safe practice of dentistry	10910
and dental hygiene by qualified practitioners and shall, through	10911
its policies and activities, promote such practice;	10912
(b) Establish universal blood and body fluid precautions	10913
that shall be used by each person licensed under this chapter	10914
who performs exposure prone invasive procedures.	10915
(2) The rules adopted under division (C) (1) (b) of this	10916
section shall define and establish requirements for universal	10917
blood and body fluid precautions that include the following:	10918
(a) Appropriate use of hand washing;	10919
(b) Disinfection and sterilization of equipment;	10920

(c) Handling and disposal of needles and other sharp instruments; 10921
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(d) Wearing and disposal of gloves and other protective garments and devices. 10923
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(D) The board shall administer and enforce the provisions of this chapter. The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter. Any person may report to the board under oath any information such person may have appearing to show a violation of any provision of this chapter. In the absence of bad faith, any person who reports such information or who testifies before the board in any disciplinary proceeding conducted pursuant to Chapter 119. of the Revised Code is not liable for civil damages as a result of making the report or providing testimony. If after investigation and reviewing the recommendation of the supervisory investigative panel issued pursuant to section 4715.034 of the Revised Code the board determines that there are reasonable grounds to believe that a violation of this chapter has occurred, the board shall, except as provided in this chapter, conduct disciplinary proceedings pursuant to Chapter 119. of the Revised Code, seek an injunction under section 4715.05 of the Revised Code, enter into a consent agreement with a license holder, or provide for a license holder to participate in the quality intervention program established under section 4715.031 of the Revised Code if the board develops and implements that program. 10925
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For the purpose of any disciplinary proceeding or any investigation conducted under this division, the board may administer oaths, order the taking of depositions, issue 10948
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subpoenas in accordance with section 4715.033 of the Revised Code, compel the attendance and testimony of persons at depositions, and compel the production of books, accounts, papers, documents, or other tangible things. The hearings and investigations of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code. Notwithstanding section 121.22 of the Revised Code and except as provided in section 4715.036 of the Revised Code, proceedings of the board relative to the investigation of a complaint or the determination whether there are reasonable grounds to believe that a violation of this chapter has occurred are confidential and are not subject to discovery in any civil action.

(E) (1) The board shall examine or cause to be examined eligible applicants to practice dental hygiene. The board may distinguish by rule different classes of qualified personnel according to skill levels and require all or only certain of these classes of qualified personnel to be examined and certified by the board.

(2) The board shall administer a written jurisprudence examination to each applicant for a license to practice dentistry. The examination shall cover only the statutes and administrative rules governing the practice of dentistry in this state.

(F) (1) In accordance with Chapter 119. of the Revised Code, subject to division (F) (2) of this section the board shall adopt, and may amend or rescind, rules establishing the eligibility criteria, the application and permit renewal procedures, and safety standards applicable to a dentist licensed under this chapter who applies for a permit to employ or use conscious sedation. These rules shall include all of the

following: 10981

~~(1)~~ (a) The eligibility requirements and application 10982
procedures for an eligible dentist to obtain a conscious 10983
sedation permit; 10984

~~(2)~~ (b) The minimum educational and clinical training 10985
standards required of applicants, which shall include 10986
satisfactory completion of an advanced cardiac life support 10987
course; 10988

~~(3)~~ (c) The facility equipment and inspection 10989
requirements; 10990

~~(4)~~ (d) Safety standards; 10991

~~(5)~~ (e) Requirements for reporting adverse occurrences. 10992

(2) The board shall issue a permit to employ or use 10993
conscious sedation in accordance with Chapter 4796. of the 10994
Revised Code to a dentist licensed under this chapter if either 10995
of the following applies: 10996

(a) The dentist holds a license or permit to employ or use 10997
conscious sedation in another state. 10998

(b) The dentist has satisfactory work experience, a 10999
government certification, or a private certification as 11000
described in Chapter 4796. of the Revised Code in employing or 11001
using conscious sedation in a state that does not issue that 11002
license. 11003

(G) (1) In accordance with Chapter 119. of the Revised 11004
Code, subject to division (G) (2) of this section the board shall 11005
adopt rules establishing eligibility criteria, application and 11006
permit renewal procedures, and safety standards applicable to a 11007
dentist licensed under this chapter who applies for a general 11008

anesthesia permit. 11009

(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: 11010
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(a) The dentist holds a general anesthesia license or permit in another state. 11013
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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. 11015
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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. 11020
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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. 11024
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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, 11032
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or the prosecuting attorney of a county or the director of law 11038
of a municipal corporation wherein the work authorizations are 11039
located. 11040

(C) If the person, partnership, association, or 11041
corporation receiving a written authorization from a licensed 11042
dentist engages another person, firm, or corporation, referred 11043
to in this division as "subcontractor," to perform some of the 11044
services relative to the work authorization, the person shall 11045
furnish a written sub-work authorization with respect thereto on 11046
forms prescribed by the state dental board. 11047

The subcontractor shall retain the sub-work authorization 11048
and the issuer thereof shall retain a duplicate copy, attached 11049
to the work authorization received from the licensed dentist, 11050
for inspection by the state dental board or its duly authorized 11051
agents, for a period of two years in both cases. 11052

(D) No unlicensed person, partnership, association, or 11053
corporation shall perform any service described in division (B) 11054
of this section without a written work authorization from a 11055
licensed dentist. Provided, that if a written work authorization 11056
is demanded from a licensed dentist who fails or refuses to 11057
furnish it for any reason, the unlicensed person, partnership, 11058
association, or corporation shall not, in such event, be subject 11059
to the enforcement provisions of section 4715.05 or the penal 11060
provisions of section 4715.99 of the Revised Code. 11061

(E) No dentist shall employ or use conscious sedation 11062
unless the dentist possesses a valid permit issued by the state 11063
dental board authorizing the dentist to do so. 11064

(F) No dentist shall employ or use general anesthesia 11065
unless the dentist possesses a valid permit issued by the state 11066

dental board authorizing the dentist to do so. 11067

(G) Division (A) of this section does not apply to a 11068
nonresident person who meets both of the following conditions: 11069

(1) The person holds a license in good standing to 11070
practice dentistry issued by another state. 11071

(2) The person is practicing as a volunteer without 11072
remuneration during a charitable event that lasts not more than 11073
seven days. 11074

When a nonresident person meets the conditions of this 11075
division, the person shall be deemed to hold, for the course of 11076
the charitable event, a license to practice dentistry from the 11077
state dental board and shall be subject to the provisions of 11078
this chapter authorizing the board to take disciplinary action 11079
against a license holder. Not less than seven calendar days 11080
before the first day of the charitable event, the person or the 11081
event's organizer shall notify the board of the person's intent 11082
to engage in the practice of dentistry at the event. During the 11083
course of the charitable event, the person's scope of practice 11084
is limited to the procedures that a dentist licensed under this 11085
chapter is authorized to perform unless the person's scope of 11086
practice in the other state is more restrictive than in this 11087
state. If the latter is the case, the person's scope of practice 11088
is limited to the procedures that a dentist in the other state 11089
may perform. Chapter 4796. of the Revised Code does not apply to 11090
this division. 11091

Sec. 4715.10. (A) As used in this section, "accredited 11092
dental college" means a dental college accredited by the 11093
commission on dental accreditation or a dental college that has 11094
educational standards recognized by the commission on dental 11095

accreditation and is approved by the state dental board. 11096

(B) Each person who desires to practice dentistry in this 11097
state shall file a written application for a license with the 11098
secretary of the state dental board. ~~The~~ Except as provided in 11099
division (F) of this section, each application shall be on a 11100
form prescribed by the board and verified by oath. Each 11101
applicant shall furnish satisfactory proof to the board that the 11102
applicant has met the requirements of divisions (C) and (D) of 11103
this section, and if the applicant is a graduate of an 11104
unaccredited dental college located outside the United States, 11105
division (E) of this section. 11106

(C) To be granted a license to practice dentistry, an 11107
applicant must meet all of the following requirements: 11108

(1) Be at least eighteen years of age; 11109

(2) Be a graduate of an accredited dental college or of a 11110
dental college located outside the United States who meets the 11111
standards adopted under section 4715.11 of the Revised Code; 11112

(3) Have passed parts I and II of the examination given by 11113
the national board of dental examiners; 11114

(4) Have passed a written jurisprudence examination 11115
administered by the state dental board under division (E) (2) of 11116
section 4715.03 of the Revised Code; 11117

(5) Pay the fee required by division (A) (1) of section 11118
4715.13 of the Revised Code. 11119

(D) To be granted a license to practice dentistry, an 11120
applicant must meet any one of the following requirements: 11121

(1) Have taken an examination administered by any of the 11122
following regional testing agencies and received a passing score 11123

on the examination as determined by the administering agency: 11124
the central regional dental testing service, inc., northeast 11125
regional board of dental examiners, inc., the commission on 11126
dental competency assessments, the southern regional dental 11127
testing agency, inc., the council of interstate testing 11128
agencies, inc., or the western regional examining board; 11129

(2) Have taken an examination administered by the state 11130
dental board and received a passing score as established by the 11131
board; 11132

~~(3) Possess a license in good standing from another state 11133
and have actively engaged in the legal and reputable practice of 11134
dentistry in another state or in the armed forces of the United 11135
States, the United States public health service, or the United 11136
States department of veterans' affairs for five years 11137
immediately preceding application; 11138~~

~~(4) Have completed a dental residency program accredited 11139
or approved by the commission on dental accreditation and 11140
administered by an accredited dental college or hospital. 11141~~

(E) To be granted a license to practice dentistry, a 11142
graduate of an unaccredited dental college located outside the 11143
United States must meet both of the following requirements: 11144

(1) Have taken a basic science and laboratory examination 11145
consistent with rules adopted under section 4715.11 of the 11146
Revised Code and received a passing score as established by the 11147
board; 11148

(2) Have had sufficient clinical training in an accredited 11149
institution to reasonably assure a level of competency equal to 11150
that of graduates of accredited dental colleges, as determined 11151
by the board. 11152

(F) The board shall grant a license to practice dentistry 11153
in accordance with Chapter 4796. of the Revised Code to an 11154
applicant if either of the following applies: 11155

(1) The applicant holds a license to practice dentistry in 11156
another state. 11157

(2) The applicant has satisfactory work experience, a 11158
government certification, or a private certification as 11159
described in that chapter in the practice of dentistry in a 11160
state that does not issue that license. 11161

Sec. 4715.16. (A) Upon payment of a fee of thirteen 11162
dollars, the state dental board may without examination issue a 11163
limited resident's license to any person who is a graduate of a 11164
dental college, is authorized to practice in another ~~state or~~ 11165
country or qualified to take the regular licensing examination 11166
in this state, and furnishes the board satisfactory proof of 11167
having been appointed a dental resident at an accredited dental 11168
college in this state or at an accredited program of a hospital 11169
in this state, but has not yet been licensed as a dentist by the 11170
board. Any person receiving a limited resident's license may 11171
practice dentistry only in connection with programs operated by 11172
the dental college or hospital at which the person is appointed 11173
as a resident as designated on the person's limited resident's 11174
license, and only under the direction of a licensed dentist who 11175
is a member of the dental staff of the college or hospital or a 11176
dentist holding a current limited teaching license issued under 11177
division (B) of this section, and only on bona fide patients of 11178
such programs. The holder of a limited resident's license may be 11179
disciplined by the board pursuant to section 4715.30 of the 11180
Revised Code. The board shall issue a limited resident's license 11181
in accordance with Chapter 4796. of the Revised Code to an 11182

applicant if either of the following applies: 11183

(1) The applicant holds a license to practice dentistry in another state. 11184
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in the practice of dentistry in a state that does not issue that license. 11186
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(B) Upon payment of one hundred twenty-seven dollars and upon application endorsed by an accredited dental college in this state, the board may without examination issue a limited teaching license to a dentist who is a resident of a state other than Ohio and who is a graduate of a dental college, is authorized to practice dentistry in another state or country, and has full-time appointment to the faculty of the endorsing dental college. A limited teaching license is subject to annual renewal in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code, and automatically expires upon termination of the full-time faculty appointment. A person holding a limited teaching license may practice dentistry only in connection with programs operated by the endorsing dental college. The board may discipline the holder of a limited teaching license pursuant to section 4715.30 of the Revised Code. 11190
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Chapter 4796. of the Revised Code does not apply to a limited teaching license issued under this division. 11206
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(C) (1) As used in this division: 11208

(a) "Continuing dental education practicum" or "practicum" means a course of instruction, approved by the American dental association, Ohio dental association, or academy of general 11209
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dentistry, that is designed to improve the clinical skills of a 11212
dentist by requiring the dentist to participate in clinical 11213
exercises on patients. 11214

(b) "Director" means the person responsible for the 11215
operation of a practicum. 11216

(2) Upon payment of one hundred twenty-seven dollars and 11217
application endorsed by the director of a continuing dental 11218
education practicum, the board shall, without examination, issue 11219
a temporary limited continuing education license to a resident 11220
of a state other than Ohio who is licensed to practice dentistry 11221
in such state and is in good standing, is a graduate of an 11222
accredited dental college, and is registered to participate in 11223
the endorsing practicum. The determination of whether a dentist 11224
is in good standing shall be made by the board. 11225

A dentist holding a temporary limited continuing education 11226
license may practice dentistry only on residents of the state in 11227
which the dentist is permanently licensed or on patients 11228
referred by a dentist licensed pursuant to section 4715.12 of 11229
the Revised Code to an instructing dentist licensed pursuant to 11230
that section, and only while participating in a required 11231
clinical exercise of the endorsing practicum on the premises of 11232
the facility where the practicum is being conducted. 11233

Practice under a temporary limited continuing education 11234
license shall be under the direct supervision and full 11235
professional responsibility of an instructing dentist licensed 11236
pursuant to section 4715.12 of the Revised Code, shall be 11237
limited to the performance of those procedures necessary to 11238
complete the endorsing practicum, and shall not exceed thirty 11239
days of actual patient treatment in any year. 11240

(3) A director of a continuing dental education practicum 11241
who endorses an application for a temporary limited continuing 11242
education license shall, prior to making the endorsement, notify 11243
the state dental board in writing of the identity of the 11244
sponsors and the faculty of the practicum and the dates and 11245
locations at which it will be offered. The notice shall also 11246
include a brief description of the course of instruction. The 11247
board may prohibit a continuing dental education practicum from 11248
endorsing applications for temporary limited continuing 11249
education licenses if the board determines that the practicum is 11250
engaged in activities that constitute a threat to public health 11251
and safety or do not constitute bona fide continuing dental 11252
education, or that the practicum permits activities which 11253
otherwise violate this chapter. Any continuing dental education 11254
practicum prohibited from endorsing applications may request an 11255
adjudication pursuant to Chapter 119. of the Revised Code. 11256

A temporary limited continuing education license shall be 11257
valid only when the dentist is participating in the endorsing 11258
continuing dental education practicum and shall expire at the 11259
end of one year. If the dentist fails to complete the endorsing 11260
practicum in one year, the board may, upon the dentist's 11261
application and payment of a fee of ninety-four dollars, renew 11262
the temporary limited continuing education license for a 11263
consecutive one-year period. Only two renewals may be granted. 11264
The holder of a temporary limited continuing education license 11265
may be disciplined by the board pursuant to section 4715.30 of 11266
the Revised Code. 11267

Chapter 4796. of the Revised Code does not apply to a 11268
temporary limited continuing education license issued under this 11269
division. 11270

(D) The board shall act either to approve or to deny any application for a limited license pursuant to division (A), (B), or (C) of this section not later than sixty days of the date the board receives the application.

Sec. 4715.27. ~~The~~ (A) (1) Except as provided in division (A) (2) of this section, the state dental board may issue a license to an applicant who furnishes satisfactory proof of being at least eighteen years of age and who demonstrates, to the satisfaction of the board, knowledge of the laws, regulations, and rules governing the practice of a dental hygienist; who proves, to the satisfaction of the board, intent to practice as a dental hygienist in this state; who is a graduate from an accredited school of dental hygiene and who holds a license by examination from a similar dental board, and who passes an examination as prescribed by the board relating to dental hygiene.

(2) The board shall issue a license to practice as a dental hygienist in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(a) The applicant holds a license to practice as a dental hygienist in another state.

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in the practice of a dental hygienist in a state that does not issue that license.

(B) Upon payment of seventy-three dollars and upon application endorsed by an accredited dental hygiene school in this state, the state dental board may without examination issue a teacher's certificate to a dental hygienist, authorized to

practice in another state or country. A teacher's certificate 11300
shall be subject to annual renewal in accordance with the 11301
standard renewal procedure of sections 4745.01 to 4745.03 of the 11302
Revised Code, and shall not be construed as authorizing anything 11303
other than teaching or demonstrating the skills of a dental 11304
hygienist in the educational programs of the accredited dental 11305
hygiene school which endorsed the application. 11306

Chapter 4796. of the Revised Code does not apply to a 11307
teacher's certificate issued under this division. 11308

Sec. 4715.362. A dentist who desires to participate in the 11309
oral health access supervision program shall apply to the state 11310
dental board for an oral health access supervision permit. The 11311
application shall be under oath, on a form prescribed by the 11312
board in rules adopted under section 4715.372 of the Revised 11313
Code, and accompanied by an application fee of twenty-five 11314
dollars. To be eligible to receive the permit, an applicant 11315
shall meet the requirements established by the board in rules 11316
adopted under section 4715.372 of the Revised Code. 11317

The state dental board shall issue an oral health access 11318
supervision permit to a dentist who is in good standing with the 11319
board and satisfies all of the requirements of this section. 11320

Chapter 4796. of the Revised Code does not apply to a 11321
permit issued under this section. 11322

Sec. 4715.363. (A) A dental hygienist who desires to 11323
participate in the oral health access supervision program shall 11324
apply to the state dental board for a permit to practice under 11325
the oral health access supervision of a dentist. The application 11326
shall be under oath, on a form prescribed by the board in rules 11327
adopted under section 4715.372 of the Revised Code, and 11328

accompanied by an application fee of twenty-five dollars, which 11329
may be paid by credit card. 11330

(B) The applicant shall provide evidence satisfactory to 11331
the board that the applicant has done all of the following: 11332

(1) Completed at least one year and attained a minimum of 11333
one thousand five hundred hours of experience in the practice of 11334
dental hygiene; 11335

(2) Completed at least twenty-four hours of continuing 11336
dental hygiene education during the two years prior to 11337
submission of the application; 11338

(3) Completed a course pertaining to the practice of 11339
dental hygiene under the oral health access supervision of a 11340
dentist that meets standards established in rules adopted under 11341
section 4715.372 of the Revised Code; 11342

(4) Completed, during the two years prior to submission of 11343
the application, a course pertaining to the identification and 11344
prevention of potential medical emergencies that is the same as 11345
the course described in division (C) (2) of section 4715.22 of 11346
the Revised Code. 11347

(C) The state dental board shall issue a permit to 11348
practice under the oral health access supervision of a dentist 11349
to a dental hygienist who is in good standing with the board and 11350
meets all of the requirements of divisions (A) and (B) of this 11351
section. 11352

(D) Chapter 4796. of the Revised Code does not apply to a 11353
permit issued under this section. 11354

Sec. 4715.39. (A) The state dental board may define the 11355
duties that may be performed by dental assistants and other 11356

individuals designated by the board as qualified personnel. If 11357
defined, the duties shall be defined in rules adopted in 11358
accordance with Chapter 119. of the Revised Code. The rules may 11359
include training and practice standards for dental assistants 11360
and other qualified personnel. The standards may include 11361
examination and issuance of a certificate. If the board issues a 11362
certificate, the recipient shall display the certificate in a 11363
conspicuous location in any office in which the recipient is 11364
employed to perform the duties authorized by the certificate. 11365

(B) A dental assistant may polish the clinical crowns of 11366
teeth if all of the following requirements are met: 11367

(1) The dental assistant's polishing activities are 11368
limited to the use of a rubber cup attached to a slow-speed 11369
rotary dental hand piece to remove soft deposits that build up 11370
over time on the crowns of teeth. 11371

(2) The polishing is performed only after a dentist has 11372
evaluated the patient and any calculus detected on the teeth to 11373
be polished has been removed by a dentist or dental hygienist. 11374

(3) The dentist supervising the assistant supervises not 11375
more than two dental assistants engaging in polishing activities 11376
at any given time. 11377

(4) The dental assistant is certified by the dental 11378
assisting national board, the Ohio commission on dental 11379
assistant certification, or the American medical technologists. 11380

(5) The dental assistant receives a certificate from the 11381
board authorizing the assistant to engage in the polishing 11382
activities. The board shall issue the certificate if the 11383
individual has successfully completed training in the polishing 11384
of clinical crowns through a program accredited by the American 11385

dental association commission on dental accreditation or 11386
equivalent training approved by the board. The training shall 11387
include courses in basic dental anatomy and infection control, 11388
followed by a course in coronal polishing that includes 11389
didactic, preclinical, and clinical training; any other training 11390
required by the board; and a skills assessment that includes 11391
successful completion of standardized testing. The board shall 11392
adopt rules pursuant to division (A) of this section 11393
establishing standards for approval of this training. 11394

The board shall issue a certificate to engage in polishing 11395
activities in accordance with Chapter 4796. of the Revised Code 11396
to a dental assistant if either of the following applies: 11397

(a) The applicant holds a license or certificate to engage 11398
in polishing activities in another state. 11399

(b) The applicant has satisfactory work experience, a 11400
government certification, or a private certification as 11401
described in that chapter in polishing activities in a state 11402
that does not issue that license or certificate. 11403

(C) A dental assistant may apply pit and fissure sealants 11404
if all of the following requirements are met: 11405

(1) A dentist evaluates the patient and designates the 11406
teeth and surfaces that will benefit from the application of 11407
sealant on the day the application is to be performed. 11408

(2) The dental assistant is certified by the dental 11409
assisting national board, the Ohio commission on dental 11410
assistant certification, or the American medical technologists. 11411

(3) The dental assistant has successfully completed a 11412
course in the application of sealants consisting of at least two 11413
hours of didactic instruction and six hours of clinical 11414

instruction through a program provided by an institution 11415
accredited by the American dental association commission on 11416
dental accreditation or a program provided by a sponsor of 11417
continuing education approved by the board. 11418

(4) The dentist supervising the assistant has observed the 11419
assistant successfully apply at least six sealants. 11420

(5) Except as provided in division (D) or (E) of this 11421
section, the dentist supervising the assistant checks and 11422
approves the application of all sealants placed by the assistant 11423
before the patient leaves the location where the sealant 11424
application procedure is performed. 11425

(D) (1) A dental assistant who is certified by the dental 11426
assisting national board, the Ohio commission on dental 11427
assistant certification, or the American medical technologists 11428
may provide, for not more than fifteen consecutive business 11429
days, all of the following services to a patient when the 11430
supervising dentist is not physically present at the location 11431
where the services are provided if the conditions specified in 11432
division (D) (2) of this section have been satisfied: 11433

(a) Recementation of temporary crowns or recementation of 11434
crowns with temporary cement; 11435

(b) Application of fluoride varnish; 11436

(c) Application of disclosing solutions; 11437

(d) Application of desensitizing agents, excluding silver 11438
diamine fluoride; 11439

(e) Caries susceptibility testing; 11440

(f) Instruction on oral hygiene home care, including the 11441
use of toothbrushes and dental floss. 11442

(2) The conditions that must be satisfied before a dental 11443
assistant may provide the services specified in division (D) (1) 11444
of this section are all of the following: 11445

(a) The dental assistant has at least one year and a 11446
minimum of one thousand five hundred hours of experience 11447
practicing as a dental assistant. 11448

(b) The dental assistant has successfully completed a 11449
course approved by the state dental board in the identification 11450
and prevention of potential medical emergencies. 11451

(c) The supervising dentist has evaluated the dental 11452
assistant's skills. 11453

(d) The supervising dentist has established written 11454
protocols or written standing orders for the dental assistant to 11455
follow during and in the absence of an emergency. 11456

(e) The supervising dentist completed and evaluated a 11457
medical and dental history of the patient not more than one year 11458
prior to the date that the dental assistant provides services to 11459
the patient, and the supervising dentist determines that the 11460
patient is in a medically stable condition. 11461

(f) The patient is notified, in advance of the appointment 11462
for services, that the supervising dentist will be absent from 11463
the location and that the dental assistant cannot diagnose the 11464
patient's dental health care status. 11465

(g) The dental assistant is employed by, or under contract 11466
with, the supervising dentist, a dentist licensed under this 11467
chapter who meets one of the criteria specified in division (C) 11468
(10) (b) of section 4715.22 of the Revised Code, or a government 11469
entity that employs the dental assistant to provide services in 11470
a public school or in connection with other programs the 11471

government entity administers. 11472

(3) A dental assistant who is certified by the dental 11473
assisting national board, the Ohio commission on dental 11474
assistant certification, or the American medical technologists 11475
may apply, for not more than fifteen business days, pit and 11476
fissure sealants when the supervising dentist is not physically 11477
present at the location where the sealants are to be applied if 11478
the dental assistant meets the requirements in divisions (C) (3) 11479
and (4) of this section and all of the conditions specified in 11480
division (D) (2) of this section have been satisfied. 11481

(E) A dental assistant who is certified by the dental 11482
assisting national board, the Ohio commission on dental 11483
assistant certification, or the American medical technologists 11484
may apply pit and fissure sealants prior to a dentist examining 11485
the patient and rendering a diagnosis, and when a dentist is not 11486
physically present at the location where the service is 11487
provided, if all of the following are the case: 11488

(1) The dental assistant meets the requirements in 11489
divisions (C) (3) and (4) of this section. 11490

(2) The conditions specified in divisions (D) (2) (a), (b), 11491
(c), (d), (f), and (g) of this section have been satisfied. 11492

(3) The dental assistant is providing the service as part 11493
of a program operated through any of the following: a school 11494
district board of education or the governing board of an 11495
educational service center; the board of health of a city or 11496
general health district or the authority having the duties of a 11497
board of health under section 3709.05 of the Revised Code; a 11498
national, state, district, or local dental association; or any 11499
other public or private entity recognized by the state dental 11500

board. 11501

(4) A supervising dentist for the program described in 11502
division (E)(3) of this section meets both of the following 11503
conditions: 11504

(a) Is employed by or a volunteer for, and the patients 11505
are referred by, the entity through which the program is 11506
operated; 11507

(b) Is available for consultation by telephone, 11508
videoconferencing, or other means of electronic communication. 11509

(5) The application of pit and fissure sealants is limited 11510
to erupted permanent posterior teeth without suspicion of 11511
dentinal cavitation. 11512

(6) If the patient is a minor, a parent, guardian, or 11513
other person responsible for the patient has been notified that 11514
a dentist will not be present at the location and that the 11515
dental assistant is not trained to diagnose or treat other 11516
serious dental concerns that could exist. 11517

(F) Subject to this section and the applicable rules of 11518
the board, licensed dentists may assign to dental assistants and 11519
other qualified personnel dental procedures that do not require 11520
the professional competence or skill of the licensed dentist, a 11521
dental hygienist, or an expanded function dental auxiliary as 11522
this section or the board by rule authorizes dental assistants 11523
and other qualified personnel to perform. Except as provided in 11524
division (D) or (E) of this section, the performance of dental 11525
procedures by dental assistants and other qualified personnel 11526
shall be under direct supervision and full responsibility of the 11527
licensed dentist. 11528

(G) Nothing in this section shall be construed by rule of 11529

the state dental board or otherwise to do the following: 11530

(1) Authorize dental assistants or other qualified 11531
personnel to engage in the practice of dental hygiene as defined 11532
by sections 4715.22 and 4715.23 of the Revised Code or to 11533
perform the duties of a dental hygienist, including the removal 11534
of calcarious deposits, dental cement, or accretions on the 11535
crowns and roots of teeth other than as authorized pursuant to 11536
this section; 11537

(2) Authorize dental assistants or other qualified 11538
personnel to engage in the practice of an expanded function 11539
dental auxiliary as specified in section 4715.64 of the Revised 11540
Code or to perform the duties of an expanded function dental 11541
auxiliary other than as authorized pursuant to this section. 11542

(3) Authorize the assignment of any of the following: 11543

(a) Diagnosis; 11544

(b) Treatment planning and prescription, including 11545
prescription for drugs and medicaments or authorization for 11546
restorative, prosthodontic, or orthodontic appliances; 11547

(c) Surgical procedures on hard or soft tissue of the oral 11548
cavity, or any other intraoral procedure that contributes to or 11549
results in an irremediable alteration of the oral anatomy; 11550

(d) The making of final impressions from which casts are 11551
made to construct any dental restoration. 11552

(H) No dentist shall assign any dental assistant or other 11553
individual acting in the capacity of qualified personnel to 11554
perform any dental procedure that the assistant or other 11555
individual is not authorized by this section or by board rule to 11556
perform. No dental assistant or other individual acting in the 11557

capacity of qualified personnel shall perform any dental 11558
procedure other than in accordance with this section and any 11559
applicable board rule or any dental procedure that the assistant 11560
or other individual is not authorized by this section or by 11561
board rule to perform. 11562

Sec. 4715.42. (A) (1) As used in this section: 11563

(a) "Free clinic" has the same meaning as in section 11564
3701.071 of the Revised Code. 11565

(b) "Indigent and uninsured person" and "operation" have 11566
the same meanings as in section 2305.234 of the Revised Code. 11567

(2) For the purposes of this section, a person shall be 11568
considered retired from practice if the person's license has 11569
been surrendered or allowed to expire with the intention of 11570
ceasing to practice as a dentist or dental hygienist for 11571
remuneration. 11572

(B) Within thirty days after receiving an application for 11573
a volunteer's certificate that includes all of the items listed 11574
in divisions (C) (1), (2), and (3) of this section, the state 11575
dental board shall issue, without examination, a volunteer's 11576
certificate to a person who is retired from practice so that the 11577
person may provide dental services to indigent and uninsured 11578
persons at any location, including a free clinic. 11579

(C) An application for a volunteer's certificate shall 11580
include all of the following: 11581

(1) A copy of the applicant's degree from dental college 11582
or dental hygiene school. 11583

(2) One of the following, as applicable: 11584

(a) A copy of the applicant's most recent license to 11585

practice dentistry or dental hygiene issued by a jurisdiction in 11586
the United States that licenses persons to practice dentistry or 11587
dental hygiene. 11588

(b) A copy of the applicant's most recent license 11589
equivalent to a license to practice dentistry or dental hygiene 11590
in one or more branches of the United States armed services that 11591
the United States government issued. 11592

(3) Evidence of one of the following, as applicable: 11593

(a) The applicant has maintained for at least ten years 11594
prior to retirement full licensure in good standing in any 11595
jurisdiction in the United States that licenses persons to 11596
practice dentistry or dental hygiene. 11597

(b) The applicant has practiced as a dentist or dental 11598
hygienist in good standing for at least ten years prior to 11599
retirement in one or more branches of the United States armed 11600
services. 11601

(D) The holder of a volunteer's certificate may provide 11602
dental services only to indigent and uninsured persons, but may 11603
do so at any location, including a free clinic. The holder shall 11604
not accept any form of remuneration for providing dental 11605
services while in possession of the certificate. Except in a 11606
dental emergency, the holder shall not perform any operation. 11607
The board may revoke a volunteer's certificate on receiving 11608
proof satisfactory to the board that the holder has engaged in 11609
practice in this state outside the scope of the holder's 11610
certificate or that there are grounds for action against the 11611
person under section 4715.30 of the Revised Code. 11612

(E) (1) A volunteer's certificate shall be valid for a 11613
period of three years, and may be renewed upon the application 11614

of the holder, unless the certificate was previously revoked 11615
under division (D) of this section. The board shall maintain a 11616
register of all persons who hold volunteer's certificates. The 11617
board shall not charge a fee for issuing or renewing a 11618
certificate pursuant to this section. 11619

(2) To be eligible for renewal of a volunteer's 11620
certificate, the holder of the certificate shall certify to the 11621
board completion of sixty hours of continuing dental education 11622
that meets the requirements of section 4715.141 of the Revised 11623
Code and the rules adopted under that section, or completion of 11624
eighteen hours of continuing dental hygiene education that meets 11625
the requirements of section 4715.25 of the Revised Code and the 11626
rules adopted under that section, as the case may be. The board 11627
may not renew a certificate if the holder has not complied with 11628
the appropriate continuing education requirements. Any entity 11629
for which the holder provides dental services may pay for or 11630
reimburse the holder for any costs incurred in obtaining the 11631
required continuing education credits. 11632

(3) The board shall issue to each person who qualifies 11633
under this section for a volunteer's certificate a wallet 11634
certificate and a wall certificate that state that the 11635
certificate holder is authorized to provide dental services 11636
pursuant to the laws of this state. The holder shall keep the 11637
wallet certificate on the holder's person while providing dental 11638
services and shall display the wall certificate prominently at 11639
the location where the holder primarily practices. 11640

(4) The holder of a volunteer's certificate issued 11641
pursuant to this section is subject to the immunity provisions 11642
regarding the provision of services to indigent and uninsured 11643
persons in section 2305.234 of the Revised Code. 11644

(F) The board shall adopt rules in accordance with Chapter 119. of the Revised Code to administer and enforce this section. 11645
11646

(G) The state dental board shall make available through 11647
the board's web site the application form for a volunteer's 11648
certificate under this section, a description of the application 11649
process, and a list of all items that are required by division 11650
(C) of this section to be submitted with the application. 11651

(H) Chapter 4796. of the Revised Code does not apply to a 11652
license issued under this section. 11653

Sec. 4715.421. (A) As used in this section: 11654

(1) "Accredited dental college" has the same meaning as in 11655
section 4715.10 of the Revised Code. 11656

(2) "Accredited dental hygiene school" has the same 11657
meaning as in section 4715.36 of the Revised Code. 11658

(3) "Operation" has the same meaning as in section 11659
2305.234 of the Revised Code. 11660

(B) Within thirty days after receiving an application for 11661
a temporary volunteer's certificate that includes all of the 11662
items listed in divisions (C)(1) and (2) of this section, the 11663
state dental board shall issue, without examination, a temporary 11664
volunteer's certificate to a person not licensed under this 11665
chapter so that the person may provide dental services in this 11666
state as a volunteer. 11667

(C) An application for a temporary volunteer's certificate 11668
shall include both of the following: 11669

(1) A copy of the applicant's degree from an accredited 11670
dental college or accredited dental hygiene school; 11671

- (2) One of the following, as applicable: 11672
- (a) Evidence satisfactory to the board that the applicant 11673
holds a valid, unrestricted license to practice dentistry or 11674
dental hygiene issued by a jurisdiction in the United States 11675
that licenses persons to practice dentistry or dental hygiene; 11676
- (b) Evidence satisfactory to the board that the applicant 11677
is practicing dentistry or dental hygiene in one or more 11678
branches of the United States armed services. 11679
- (D) The holder of a temporary volunteer's certificate 11680
shall not accept any form of remuneration for providing dental 11681
services pursuant to the certificate. Except in a dental 11682
emergency, the holder shall not perform any operation. The board 11683
may revoke a temporary volunteer's certificate on receiving 11684
proof satisfactory to the board that the holder has engaged in 11685
practice in this state outside the scope of the holder's 11686
certificate or that there are grounds for action against the 11687
person under section 4715.30 of the Revised Code. 11688
- (E) (1) A temporary volunteer's certificate shall be valid 11689
for a period of seven days, and may be renewed upon the 11690
application of the holder, unless the certificate was previously 11691
revoked under division (D) of this section. The board shall 11692
maintain a register of all persons who hold a temporary 11693
volunteer's certificate. The board may charge a fee not to 11694
exceed twenty-five dollars for issuing or renewing a certificate 11695
pursuant to this section. 11696
- (2) The board shall issue to each person who qualifies 11697
under this section for a temporary volunteer's certificate a 11698
wallet certificate that states that the certificate holder is 11699
authorized to provide dental services pursuant to the laws of 11700

this state. The holder shall keep the wallet certificate on the 11701
holder's person while providing dental services. 11702

(3) The holder of a temporary volunteer's certificate 11703
issued pursuant to this section is subject to the immunity 11704
provisions in section 2305.234 of the Revised Code. 11705

(F) The board shall adopt rules in accordance with Chapter 11706
119. of the Revised Code to administer and enforce this section. 11707

(G) Not later than ninety days after ~~the effective date of~~ 11708
~~this section~~ March 23, 2015, the state dental board shall make 11709
available through the board's internet web site the application 11710
form for a temporary volunteer's certificate under this section, 11711
a description of the application process, and a list of all 11712
items that are required by division (C) of this section to be 11713
submitted with the application. 11714

(H) Chapter 4796. of the Revised Code does not apply to a 11715
temporary volunteer's certificate issued under this section. 11716

Sec. 4715.53. (A) Each individual seeking a certificate to 11717
practice as a dental x-ray machine operator shall apply to the 11718
state dental board on a form the board shall prescribe and 11719
provide. ~~The~~ Except as provided in division (C) of this section, 11720
the application shall be accompanied by an application fee of 11721
thirty-two dollars. 11722

(B) The board shall review all applications received and, 11723
except as provided in division (C) of this section, issue a 11724
dental x-ray machine operator certificate to each applicant who 11725
submits evidence satisfactory to the board of one of the 11726
following: 11727

(1) The applicant holds certification from the dental 11728
assisting national board, the Ohio commission on dental 11729

assistant certification, or the American medical technologists. 11730

~~(2) The applicant holds a license, certificate, permit, 11731
registration, or other credential issued by another state that 11732
the board determines uses standards for dental x-ray machine 11733
operators that are at least equal to those established under 11734
this chapter. 11735~~

~~(3) The applicant has successfully completed an 11736
educational program consisting of at least seven hours of 11737
instruction in dental x-ray machine operation that meets either 11738
of the following requirements: 11739~~

~~(a) Has been approved by the board in accordance with 11740
section 4715.57 of the Revised Code; 11741~~

~~(b) Is conducted by an institution accredited by the 11742
American dental association commission on dental accreditation. 11743~~

~~(C) The board shall issue a certificate in accordance with 11744
Chapter 4796. of the Revised Code to an applicant if either of 11745
the following applies: 11746~~

~~(1) The applicant holds a license or certificate in 11747
another state. 11748~~

~~(2) The applicant has satisfactory work experience, a 11749
government certification, or a private certification as 11750
described in that chapter as a dental x-ray machine operator in 11751
a state that does not issue that license or certificate. 11752~~

~~(D) A certificate issued under this section expires two 11753
years after it is issued and may be renewed if the certificate 11754
holder does both of the following: 11755~~

~~(1) Certifies to the board that the certificate holder has 11756
completed at least two hours of instruction in dental x-ray 11757~~

machine operation approved by the board in accordance with 11758
section 4715.57 of the Revised Code during the two-year period 11759
preceding the date the renewal application is received by the 11760
board. 11761

(2) Submits a renewal fee of thirty-two dollars to the 11762
board. 11763

Renewals shall be made in accordance with the standard 11764
renewal procedure established under Chapter 4745. of the Revised 11765
Code. 11766

Sec. 4715.62. (A) Each individual seeking to register with 11767
the state dental board as an expanded function dental auxiliary 11768
shall file with the secretary of the board a written application 11769
for registration, under oath, on a form the board shall 11770
prescribe and provide. ~~An~~ Except as provided in division (C) of 11771
this section, an applicant shall include with the completed 11772
application all of the following: 11773

(1) An application fee of twenty-five dollars; 11774

(2) Proof satisfactory to the board that the applicant has 11775
successfully completed, at an educational institution accredited 11776
by the commission on dental accreditation of the American dental 11777
association or the higher learning commission of the north 11778
central association of colleges and schools, the education or 11779
training specified by the board in rules adopted under section 11780
4715.66 of the Revised Code as the education or training that is 11781
necessary to obtain registration under this chapter to practice 11782
as an expanded function dental auxiliary, as evidenced by a 11783
diploma or other certificate of graduation or completion that 11784
has been signed by an appropriate official of the accredited 11785
institution that provided education or training; 11786

(3) Proof satisfactory to the board that the applicant has passed an examination that meets the standards established by the board in rules adopted under section 4715.66 of the Revised Code to be accepted by the board as an examination of competency to practice as an expanded function dental auxiliary;

(4) Proof that the applicant holds current certification to perform basic life-support procedures, evidenced by documentation showing the successful completion of a basic life-support training course certified by the American red cross, the American heart association, or the American safety and health institute.

(B) If an applicant complies with division (A) of this section, the board shall register the applicant as an expanded function dental auxiliary.

(C) The board 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 as an expanded function dental auxiliary in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an expanded function dental auxiliary in a state that does not issue that license or registration.

Sec. 4717.05. (A) Any person who desires to be licensed as an embalmer shall apply to the board of embalmers and funeral directors on a form provided by the board. The applicant shall include with the application an initial license fee as set forth in section 4717.07 of the Revised Code and evidence, verified by

oath and satisfactory to the board, that the applicant meets all 11816
of the following requirements: 11817

(1) The applicant is at least eighteen years of age. 11818

(2) The applicant holds at least a bachelor's degree from 11819
a college or university authorized to confer degrees by the 11820
department of higher education or the comparable legal agency of 11821
another state in which the college or university is located and 11822
submits an official transcript from that college or university 11823
with the application. 11824

(3) The applicant has satisfactorily completed at least 11825
twelve months of instruction in a prescribed course in mortuary 11826
science as approved by the board and has presented to the board 11827
a certificate showing successful completion of the course. The 11828
course of mortuary science college training may be completed 11829
either before or after the completion of the educational 11830
standard set forth in division (A) (2) of this section. 11831

(4) The applicant has been certified by the board prior to 11832
beginning an embalmer apprenticeship. 11833

(5) The applicant has satisfactorily completed at least 11834
one year of apprenticeship under an embalmer licensed in this 11835
state and has participated in embalming at least twenty-five 11836
dead human bodies. 11837

(6) The applicant, upon meeting the educational standards 11838
provided for in divisions (A) (2) and (3) of this section and 11839
completing the apprenticeship required in division (A) (5) of 11840
this section, has completed the examination for an embalmer's 11841
license required by the board. 11842

(B) Upon receiving satisfactory evidence verified by oath 11843
that the applicant meets all the requirements of division (A) of 11844

this section, the board shall issue the applicant an embalmer's license. 11845
11846

(C) Any person who desires to be licensed as a funeral director shall apply to the board on a form prescribed by the board. The application shall include an initial license fee as set forth in section 4717.07 of the Revised Code and evidence, verified by oath and satisfactory to the board, that the applicant meets all of the following requirements: 11847
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(1) Except as otherwise provided in division (D) of this section, the applicant has satisfactorily met all the requirements for an embalmer's license as described in divisions (A) (1) to (3) of this section. 11853
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(2) The applicant has been certified by the board prior to beginning a funeral director apprenticeship. 11857
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(3) The applicant, following mortuary science college training described in division (A) (3) of this section, has satisfactorily completed a one-year apprenticeship under a licensed funeral director in this state and has participated in directing at least twenty-five funerals. 11859
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11861
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(4) The applicant has satisfactorily completed the examination for a funeral director's license as required by the board. 11864
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(D) In lieu of mortuary science college training required for a funeral director's license under division (C) (1) of this section, the applicant may substitute a satisfactorily completed two-year apprenticeship under a licensed funeral director in this state assisting that person in directing at least fifty funerals. 11867
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(E) Upon receiving satisfactory evidence that the 11873

applicant meets all the requirements of division (C) of this 11874
section, the board shall issue to the applicant a funeral 11875
director's license. 11876

(F) The board shall issue an embalmer or funeral director 11877
apprentice card in accordance with Chapter 4796. of the Revised 11878
Code to an applicant if either of the following applies: 11879

(1) The applicant holds a license or card in another 11880
state. 11881

(2) The applicant has satisfactory work experience, a 11882
government certification, or a private certification as 11883
described in that chapter as an embalmer or funeral director 11884
apprentice in a state that does not issue that license or card. 11885

(G) A funeral director or embalmer may request the funeral 11886
director's or embalmer's license be placed on inactive status by 11887
submitting to the board a form prescribed by the board and such 11888
other information as the board may request. A funeral director 11889
or embalmer may not place the funeral director's or embalmer's 11890
license on inactive status unless the funeral director or 11891
embalmer is in good standing with the board and is in compliance 11892
with applicable continuing education requirements. A funeral 11893
director or embalmer who is granted inactive status is 11894
prohibited from participating in any activity for which a 11895
funeral director's or embalmer's license is required in this 11896
state. A funeral director or embalmer who has been granted 11897
inactive status is exempt from the continuing education 11898
requirements under section 4717.09 of the Revised Code during 11899
the period of the inactive status. 11900

~~(G)~~ (H) A funeral director or embalmer who has been 11901
granted inactive status may not return to active status for at 11902

least two years following the date that the inactive status was 11903
granted. Following a period of at least two years of inactive 11904
status, the funeral director or embalmer may apply to return to 11905
active status upon completion of all of the following 11906
conditions: 11907

(1) The funeral director or embalmer files with the board 11908
a form prescribed by the board seeking active status and 11909
provides any other information as the board may request; 11910

(2) The funeral director or embalmer takes and passes the 11911
Ohio laws examination for each license being activated; 11912

(3) The funeral director or embalmer pays a reactivation 11913
fee to the board in the amount of one hundred forty dollars for 11914
each license being reactivated. 11915

Sec. 4717.051. (A) ~~Any~~ Except as provided in division (D) 11916
of this section, any person who desires to obtain a permit as a 11917
crematory operator shall apply to the board of embalmers and 11918
funeral directors on a form prescribed by the board. The 11919
applicant shall include with the application the initial permit 11920
fee set forth in section 4717.07 of the Revised Code and 11921
evidence, verified under oath and satisfactory to the board, 11922
that the applicant satisfies both of the following requirements: 11923

(1) The applicant is at least eighteen years of age. 11924

(2) The applicant has satisfactorily completed a crematory 11925
operation certification program approved by the board and has 11926
presented to the board a certificate showing completion of the 11927
program. 11928

(B) If the board of embalmers and funeral directors, upon 11929
receiving satisfactory evidence, determines that the applicant 11930
satisfies all of the requirements of division (A) of this 11931

section, the board shall issue to the applicant a permit as a crematory operator. 11932
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(C) The board of embalmers and funeral directors may 11934
revoke or suspend a crematory operator permit or subject a 11935
crematory operator permit holder to discipline in accordance 11936
with the laws, rules, and procedures applicable to licensees 11937
under this chapter. 11938

(D) The board shall issue a crematory operator permit in 11939
accordance with Chapter 4796. of the Revised Code to an 11940
applicant if either of the following applies: 11941

(1) The applicant holds a license or permit in another 11942
state. 11943

(2) The applicant has satisfactory work experience, a 11944
government certification, or a private certification as 11945
described in that chapter as a crematory operator in a state 11946
that does not issue that license or permit. 11947

Sec. 4717.10. (A) The board of embalmers and funeral 11948
~~directors may recognize licenses issued to embalmers and funeral~~ 11949
~~directors by other states, and upon presentation of such~~ 11950
~~licenses, may shall issue to the holder an embalmer's or funeral~~ 11951
~~director's license under this chapter in accordance with Chapter~~ 11952
~~4796. of the Revised Code to an applicant who holds a license in~~ 11953
~~another state or who has satisfactory work experience, a~~ 11954
~~government certification, or a private certification as~~ 11955
~~described in that chapter as an embalmer or funeral director in~~ 11956
~~a state that does not issue that license. The board shall charge~~ 11957
~~the same fee as prescribed in section 4717.07 of the Revised~~ 11958
~~Code to issue or renew such an embalmer's or funeral director's~~ 11959
~~license. Such licenses shall be renewed biennially as provided~~ 11960

in section 4717.08 of the Revised Code. ~~The board shall not~~ 11961
~~issue a license to any person under division (A) of this section~~ 11962
~~unless the applicant proves that the applicant, in the state in~~ 11963
~~which the applicant is licensed, has complied with requirements~~ 11964
~~substantially equal to those established in section 4717.05 of~~ 11965
~~the Revised Code.~~ 11966

(B) (1) The board of embalmers and funeral directors may 11967
issue courtesy card permits to nonresident funeral directors 11968
licensed in a state that borders this state. A courtesy card 11969
permit holder shall be authorized to undertake both the 11970
following acts in this state: 11971

~~(1)~~ (a) Prepare and complete those sections of a death 11972
certificate and other permits needed for disposition of deceased 11973
human remains in this state and sign and file such death 11974
certificates and permits; 11975

~~(2)~~ (b) Supervise and conduct funeral ceremonies, 11976
interments, and entombments in this state. 11977

(2) Chapter 4796. of the Revised Code does not apply to a 11978
courtesy card permit issued under this division. 11979

(C) The board of embalmers and funeral directors may 11980
determine under what conditions a courtesy card permit may be 11981
issued to funeral directors in bordering states after taking 11982
into account whether and under what conditions and fees such 11983
border states issue similar courtesy card permits to funeral 11984
directors licensed in this state. A courtesy card permit holder 11985
shall comply with all applicable laws and rules of this state 11986
while engaged in any acts of funeral directing in this state. 11987
The board may revoke or suspend a courtesy card permit or 11988
subject a courtesy card permit holder to discipline in 11989

accordance with the laws, rules, and procedures applicable to 11990
funeral directors under this chapter. Applicants for courtesy 11991
card permits shall apply on forms prescribed by the board, pay a 11992
biennial fee set by the board for initial applications and 11993
renewals, and adhere to such other requirements imposed by the 11994
board on courtesy card permit holders. 11995

(D) No courtesy card permit holder shall be authorized to 11996
undertake any of the following activities in this state: 11997

(1) Arranging funerals or disposition services with 11998
members of the public in this state; 11999

(2) Be employed by or under contract to a funeral home 12000
licensed in this state to perform funeral services in this 12001
state; 12002

(3) Advertise funeral or disposition services in this 12003
state; 12004

(4) Enter into or execute funeral or disposition contracts 12005
in this state; 12006

(5) Prepare or embalm deceased human remains in this 12007
state; 12008

(6) Arrange for or carry out the disinterment of human 12009
remains in this state. 12010

(E) As used in this section, "courtesy card permit" means 12011
a special permit that may be issued to a nonresident funeral 12012
director licensed in a state that borders this state and who 12013
does not hold a funeral director's license under this chapter. 12014

Sec. 4723.08. (A) The board of nursing may impose fees not 12015
to exceed the following limits: 12016

- (1) For application for licensure by examination or endorsement to practice nursing as a registered nurse or as a licensed practical nurse submitted under division (A) or (B) of section 4723.09 of the Revised Code, seventy-five dollars; 12017
12018
12019
12020
- (2) For application for licensure to practice nursing as an advanced practice registered nurse submitted under division (A) or (B) (2) of section 4723.41 of the Revised Code, one hundred fifty dollars; 12021
12022
12023
12024
- (3) For application for a dialysis technician intern certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code; 12025
12026
12027
- (4) For application for a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code; 12028
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12030
- (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; 12031
12032
12033
12034
12035
- (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; 12036
12037
12038
12039
- (7) For renewal of a license to practice as a registered nurse or licensed practical nurse, sixty-five dollars; 12040
12041
- (8) For renewal of a license to practice as an advanced practice registered nurse, one hundred thirty-five dollars; 12042
12043
- (9) For renewal of a dialysis technician certificate, the 12044

amount specified in rules adopted under section 4723.79 of the Revised Code;	12045 12046
(10) For processing a late application for renewal of a nursing license or dialysis technician certificate, fifty dollars;	12047 12048 12049
(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;	12050 12051 12052 12053
(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;	12054 12055 12056 12057
(13) For each year for which authorization to approve continuing education programs and courses is renewed, one hundred fifty dollars;	12058 12059 12060
(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;	12061 12062 12063
(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;	12064 12065 12066
(16) For processing a check returned to the board by a financial institution, twenty-five dollars;	12067 12068
(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,	12069 12070 12071 12072

processing a late application for renewal of a certificate, 12073
reinstatement of a lapsed certificate, application for approval 12074
of a community health worker training program for community 12075
health workers, and renewal of the approval of a training 12076
program for community health workers. 12077

(B) Each quarter, for purposes of transferring funds under 12078
section 4743.05 of the Revised Code to the nurse education 12079
assistance fund created in section 3333.28 of the Revised Code, 12080
the board of nursing shall certify to the director of budget and 12081
management the number of licenses renewed under this chapter 12082
during the preceding quarter and the amount equal to that number 12083
times five dollars. 12084

(C) The board may charge a participant in a board- 12085
sponsored continuing education activity an amount not exceeding 12086
fifteen dollars for each activity. 12087

(D) The board may contract for services pertaining to the 12088
process of providing written verification of a license or 12089
certificate when the verification is performed for purposes 12090
other than providing verification to another jurisdiction. The 12091
contract may include provisions pertaining to the collection of 12092
the fee charged for providing the written verification. As part 12093
of these provisions, the board may permit the contractor to 12094
retain a portion of the fees as compensation, before any amounts 12095
are deposited into the state treasury. 12096

Sec. 4723.09. (A) (1) An application for licensure by 12097
examination to practice as a registered nurse or as a licensed 12098
practical nurse shall be submitted to the board of nursing in 12099
the form prescribed by rules of the board. The application shall 12100
include all of the following: 12101

(a) Evidence that the applicant has met the educational requirements described in division (C) of this section;	12102 12103
(b) Any other information required by rules of the board;	12104
(c) The application fee required by section 4723.08 of the Revised Code.	12105 12106
(2) The board shall grant a license to practice nursing as a registered nurse or as a licensed practical nurse if the following conditions are met:	12107 12108 12109
(a) The applicant passes the examination accepted by the board under section 4723.10 of the Revised Code.	12110 12111
(b) In the case of an applicant who entered a prelicensure nursing education program on or after June 1, 2003, the results of a criminal records check conducted in accordance with section 4723.091 of the Revised Code demonstrate that the applicant is not ineligible for licensure in accordance with section 4723.092 of the Revised Code.	12112 12113 12114 12115 12116 12117
(c) The board determines that the applicant has not committed any act that is grounds for disciplinary action under section 3123.47 or 4723.28 of the Revised Code or determines that an applicant who has committed any act that is grounds for disciplinary action under either section has made restitution or has been rehabilitated, or both.	12118 12119 12120 12121 12122 12123
(3) The board is not required to afford an adjudication to an individual to whom it has refused to grant a license because of that individual's failure to pass the examination.	12124 12125 12126
(B) (1) An application for licensure by endorsement to practice nursing as a registered nurse or as a licensed practical nurse shall be submitted to the board in the form	12127 12128 12129

prescribed by rules of the board. The application shall include 12130
all of the following: 12131

(a) Evidence that the applicant holds a current, valid, 12132
and unrestricted license or equivalent authorization from 12133
another jurisdiction other than another state granted after 12134
passing an examination approved by the board of that 12135
jurisdiction that is equivalent to the examination requirements 12136
under this chapter for a license to practice nursing as a 12137
registered nurse or licensed practical nurse; 12138

(b) Any other information required by rules of the board; 12139

(c) The application fee required by section 4723.08 of the 12140
Revised Code. 12141

(2) The board shall grant a license by endorsement to 12142
practice nursing as a registered nurse or as a licensed 12143
practical nurse to an applicant who applied under division (B) 12144
(1) of this section if the following conditions are met: 12145

(a) The applicant provides evidence satisfactory to the 12146
board that the applicant has met the educational requirements 12147
described in division (C) of this section. 12148

(b) The examination, at the time it is successfully 12149
completed, is equivalent to the examination requirements in 12150
effect at that time for applicants who were licensed by 12151
examination in this state. 12152

(c) The board determines there is sufficient evidence that 12153
the applicant completed two contact hours of continuing 12154
education directly related to this chapter or the rules adopted 12155
under it. 12156

(d) The results of a criminal records check conducted in 12157

accordance with section 4723.091 of the Revised Code demonstrate 12158
that the applicant is not ineligible for licensure in accordance 12159
with section 4723.092 of the Revised Code. 12160

(e) The applicant has not committed any act that is 12161
grounds for disciplinary action under section 3123.47 or 4723.28 12162
of the Revised Code, or the board determines that an applicant 12163
who has committed any act that is grounds for disciplinary 12164
action under either of those sections has made restitution or 12165
has been rehabilitated, or both. 12166

(C) (1) To be eligible for licensure by examination or 12167
endorsement under division (A) or (B) of this section, an 12168
applicant seeking a license to practice nursing as a registered 12169
nurse must successfully complete either of the following: 12170

(a) A nursing education program approved by the board 12171
under division (A) of section 4723.06 of the Revised Code; 12172

(b) A nursing education program approved by a board of 12173
another jurisdiction that is a member of the national council of 12174
state boards of nursing. 12175

(2) To be eligible for licensure by examination or 12176
endorsement, an applicant seeking a license to practice nursing 12177
as a licensed practical nurse must successfully complete one of 12178
the following: 12179

(a) A nursing education program approved by the board 12180
under division (A) of section 4723.06 of the Revised Code; 12181

(b) A nursing education program approved by a board of 12182
another jurisdiction that is a member of the national council of 12183
state boards of nursing; 12184

(c) A practical nurse course offered or approved by the 12185

United States army; 12186

(d) A practical nurse education program approved by the 12187
United States air force as either of the following: 12188

(i) The community college of the air force associate 12189
degree in practical nursing technology; 12190

(ii) The allied health program, for students who graduated 12191
that program prior to 2016. 12192

(D) The board shall grant a license to practice nursing as 12193
a registered nurse or as a licensed practical nurse in 12194
accordance with Chapter 4796. of the Revised Code to an 12195
applicant if either of the following applies: 12196

(1) The applicant holds a license in another state. 12197

(2) The applicant has satisfactory work experience, a 12198
government certification, or a private certification as 12199
described in that chapter as a registered nurse or licensed 12200
practical nurse in a state that does not issue that license. 12201

(E) The board may grant a nonrenewable temporary permit to 12202
practice nursing as a registered nurse or as a licensed 12203
practical nurse to an applicant for a license ~~by endorsement~~ 12204
under division (B) or (D) of this section if the board is 12205
satisfied by the evidence that the applicant holds a current, 12206
valid, and unrestricted license or equivalent authorization from 12207
another jurisdiction. Chapter 4796. of the Revised Code does not 12208
apply for a temporary permit issued under this division. Subject 12209
to earlier automatic termination as described in this paragraph, 12210
the temporary permit shall expire at the earlier of one hundred 12211
eighty days after issuance or upon the issuance of a license ~~by~~ 12212
~~endorsement~~ under division (B) or (D) of this section. The 12213
temporary permit shall terminate automatically if the criminal 12214

records check completed by the bureau of criminal identification 12215
and investigation as described in section 4723.091 of the 12216
Revised Code regarding the applicant indicates that the 12217
applicant is ineligible for licensure in accordance with section 12218
4723.092 of the Revised Code. An applicant whose temporary 12219
permit is automatically terminated is permanently prohibited 12220
from obtaining a license to practice nursing in this state as a 12221
registered nurse or as a licensed practical nurse. 12222

Sec. 4723.26. (A) (1) As used in this section: 12223

(a) "Free clinic" has the same meaning as in section 12224
3701.071 of the Revised Code. 12225

(b) "Indigent and uninsured person" and "operation" have 12226
the same meanings as in section 2305.234 of the Revised Code. 12227

(2) For the purposes of this section, a person shall be 12228
considered retired from practice if the person's license has 12229
expired with the intention of ceasing to practice nursing as a 12230
registered nurse, licensed practical nurse, or advanced practice 12231
registered nurse for remuneration. 12232

(B) The board of nursing may issue, without examination, a 12233
volunteer's certificate to a qualified person who is retired 12234
from practice so that the person may provide nursing services to 12235
indigent and uninsured persons at any location, including a free 12236
clinic. 12237

(C) Except as provided in division (D) of this section, an 12238
application for a volunteer's certificate shall include all of 12239
the following: 12240

(1) A copy or other evidence of the applicant's degree 12241
from a school of registered nursing, practical nursing, or 12242
advanced practice registered nursing; 12243

(2) One of the following, as applicable:	12244
(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 issued by a jurisdiction in the United States that licenses persons to practice nursing as a registered nurse, licensed practical nurse, or advanced practice registered nurse;	12245 12246 12247 12248 12249 12250
(b) A copy or other evidence of the applicant's most recent license equivalent to a license to practice nursing as a registered nurse, licensed practical nurse, or advanced practice registered nurse in one or more branches of the United States armed services that the United States government issued.	12251 12252 12253 12254 12255
(3) Evidence of one of the following, as applicable:	12256
(a) The applicant has maintained for at least ten years prior to retirement a valid, unrestricted license in any jurisdiction in the United States that licenses persons to practice nursing as a registered nurse, licensed practical nurse, or advanced practice registered nurse.	12257 12258 12259 12260 12261
(b) The applicant has practiced nursing as a registered nurse, licensed practical nurse, or advanced practice registered nurse under a valid, unrestricted license for at least ten years prior to retirement in one or more branches of the United States armed services.	12262 12263 12264 12265 12266
(D) For an applicant retired from practice for at least ten years, the applicant shall do both of the following:	12267 12268
(1) Certify to the board completion of continuing nursing education that meets the requirements of section 4723.24 of the Revised Code and the rules adopted under that section;	12269 12270 12271

(2) Submit a request to the bureau of criminal 12272
identification and investigation for a criminal records check 12273
and check of federal bureau of investigation records pursuant to 12274
section 4723.091 of the Revised Code. 12275

(E) Chapter 4796. of the Revised Code does not apply to a 12276
certificate issued under this section. 12277

(F) The holder of a volunteer's certificate may provide 12278
nursing services only to indigent and uninsured persons, but may 12279
do so at any location, including a free clinic. The holder shall 12280
not accept any form of remuneration for providing nursing 12281
services while in possession of the certificate. The board may 12282
suspend or revoke a volunteer's certificate on receiving proof 12283
satisfactory to the board that the holder has engaged in 12284
practice in this state outside the scope of the holder's 12285
certificate or that there are grounds for action against the 12286
person under section 4723.28 of the Revised Code. In revoking a 12287
certificate, the board may specify that the revocation is 12288
permanent. 12289

~~(F)~~ (G) (1) A volunteer's certificate shall be valid for a 12290
period of two years, and may be renewed upon the application of 12291
the holder, unless the certificate is suspended or revoked under 12292
division ~~(E)~~ (F) of this section. The board shall maintain a 12293
record of all persons who hold volunteer's certificates. The 12294
board shall not charge a fee for issuing or renewing a 12295
certificate pursuant to this section. 12296

(2) To be eligible for renewal of a volunteer's 12297
certificate, the holder of the certificate shall certify to the 12298
board completion of continuing nursing education that meets the 12299
requirements of section 4723.24 of the Revised Code and the 12300
rules adopted under that section. The board may not renew a 12301

certificate if the holder has not complied with the appropriate 12302
continuing education requirements. Any entity for which the 12303
holder provides nursing services may pay for or reimburse the 12304
holder for any costs incurred in obtaining the required 12305
continuing education hours. 12306

(3) The holder of a volunteer's certificate issued 12307
pursuant to this section is subject to the immunity provisions 12308
regarding the provision of services to indigent and uninsured 12309
persons in section 2305.234 of the Revised Code. 12310

~~(G)~~(H) The board shall adopt rules in accordance with 12311
Chapter 119. of the Revised Code to administer and enforce this 12312
section. 12313

Sec. 4723.32. This chapter does not prohibit any of the 12314
following: 12315

(A) The practice of nursing by a student currently 12316
enrolled in and actively pursuing completion of a prelicensure 12317
nursing education program, if all of the following are the case: 12318

(1) The student is participating in a program located in 12319
this state and approved by the board of nursing or participating 12320
in this state in a component of a program located in another 12321
jurisdiction and approved by a board that is a member of the 12322
national council of state boards of nursing; 12323

(2) The student's practice is under the auspices of the 12324
program; 12325

(3) The student acts under the supervision of a registered 12326
nurse serving for the program as a faculty member or teaching 12327
assistant. 12328

(B) The rendering of medical assistance to a licensed 12329

physician, licensed dentist, or licensed podiatrist by a person 12330
under the direction, supervision, and control of such licensed 12331
physician, dentist, or podiatrist; 12332

(C) The activities of persons employed as nursing aides, 12333
attendants, orderlies, or other auxiliary workers in patient 12334
homes, nurseries, nursing homes, hospitals, home health 12335
agencies, or other similar institutions; 12336

(D) The provision of nursing services to family members or 12337
in emergency situations; 12338

(E) The care of the sick when done in connection with the 12339
practice of religious tenets of any church and by or for its 12340
members; 12341

(F) The practice of nursing as an advanced practice 12342
registered nurse by a student currently enrolled in and actively 12343
pursuing completion of a program of study leading to initial 12344
authorization by the board of nursing to practice nursing as an 12345
advanced practice registered nurse in a designated specialty, if 12346
all of the following are the case: 12347

(1) The program qualifies the student to sit for the 12348
examination of a national certifying organization approved by 12349
the board under section 4723.46 of the Revised Code or the 12350
program prepares the student to receive a master's or doctoral 12351
degree in accordance with division (A) (2) of section 4723.41 of 12352
the Revised Code; 12353

(2) The student's practice is under the auspices of the 12354
program; 12355

(3) The student acts under the supervision of an advanced 12356
practice registered nurse serving for the program as a faculty 12357
member, teaching assistant, or preceptor. 12358

(G) The activities of an individual who is a resident of a state other than this state and who currently holds a license to practice nursing or equivalent authorization from another jurisdiction, but only if the individual's activities are limited to those activities that the same type of nurse may engage in pursuant to a license issued under this chapter, the individual's authority to practice has not been revoked, the individual is not currently under suspension or on probation, the individual does not represent the individual as being licensed under this chapter, and one of the following is the case:

(1) The individual is engaging in the practice of nursing by discharging official duties while employed by or under contract with the United States government or any agency thereof;

(2) The individual is engaging in the practice of nursing as an employee of an individual, agency, or corporation located in the other jurisdiction in a position with employment responsibilities that include transporting patients into, out of, or through this state, as long as each trip in this state does not exceed seventy-two hours;

(3) The individual is consulting with an individual licensed in this state to practice any health-related profession;

(4) The individual is engaging in activities associated with teaching in this state as a guest lecturer at or for a nursing education program, continuing nursing education program, or in-service presentation;

(5) The individual is conducting evaluations of nursing

care that are undertaken on behalf of an accrediting 12388
organization, including the national league for nursing 12389
accrediting committee, the joint commission (formerly known as 12390
the joint commission on accreditation of healthcare 12391
organizations), or any other nationally recognized accrediting 12392
organization; 12393

(6) The individual is providing nursing care to an 12394
individual who is in this state on a temporary basis, not to 12395
exceed six months in any one calendar year, if the nurse is 12396
directly employed by or under contract with the individual or a 12397
guardian or other person acting on the individual's behalf; 12398

(7) The individual is providing nursing care during any 12399
disaster, natural or otherwise, that has been officially 12400
declared to be a disaster by a public announcement issued by an 12401
appropriate federal, state, county, or municipal official; 12402

(8) The individual is providing nursing care at a free-of- 12403
charge camp accredited by the SeriousFun children's network that 12404
specializes in providing therapeutic recreation, as defined in 12405
section 2305.231 of the Revised Code, for individuals with 12406
chronic diseases, if all of the following are the case: 12407

(a) The individual provides documentation to the medical 12408
director of the camp that the individual holds a current, valid 12409
license to practice nursing or equivalent authorization from 12410
another jurisdiction. 12411

(b) The individual provides nursing care only at the camp 12412
or in connection with camp events or activities that occur off 12413
the grounds of the camp. 12414

(c) The individual is not compensated for the individual's 12415
services. 12416

(d) The individual provides nursing care within this state	12417
for not more than thirty days per calendar year.	12418
(e) The camp has a medical director who holds an	12419
unrestricted license to practice medicine issued in accordance	12420
with Chapter 4731. of the Revised Code.	12421
(9) The individual is providing nursing care as a	12422
volunteer without remuneration during a charitable event that	12423
lasts not more than seven days if both of the following are the	12424
case:	12425
(a) The individual, or the charitable event's organizer,	12426
notifies the board of nursing not less than seven calendar days	12427
before the first day of the charitable event of the individual's	12428
intent to engage in the practice of nursing as a registered	12429
nurse, advanced practice registered nurse, or licensed practical	12430
nurse at the event;	12431
(b) If the individual's scope of practice in the other	12432
jurisdiction is more restrictive than in this state, the	12433
individual is limited to performing only those procedures that a	12434
registered nurse, advanced practice registered nurse, or	12435
licensed practical nurse in the other jurisdiction may perform.	12436
(H) The administration of medication by an individual who	12437
holds a valid medication aide certificate issued under this	12438
chapter, if the medication is administered to a resident of a	12439
nursing home, residential care facility, or ICF/IID authorized	12440
by section 4723.64 of the Revised Code to use a certified	12441
medication aide and the medication is administered in accordance	12442
with section 4723.67 of the Revised Code.	12443
<u>(I) An individual who is a resident of a state other than</u>	12444
<u>this state and who holds a license to practice nursing or</u>	12445

equivalent authorization from another jurisdiction is not 12446
required to obtain a license in accordance with Chapter 4796. of 12447
the Revised Code to perform the activities described under 12448
division (G) of this section. 12449

Sec. 4723.41. (A) Each person who desires to practice 12450
nursing as a certified nurse-midwife and has not been authorized 12451
to practice midwifery prior to December 1, 1967, and each person 12452
who desires to practice nursing as a certified registered nurse 12453
anesthetist, clinical nurse specialist, or certified nurse 12454
practitioner shall file with the board of nursing a written 12455
application for a license to practice nursing as an advanced 12456
practice registered nurse and designation in the desired 12457
specialty. The application must be filed, under oath, on a form 12458
prescribed by the board accompanied by the application fee 12459
required by section 4723.08 of the Revised Code. 12460

Except as provided in division (B), (C), or (D) of this 12461
section, at the time of making application, the applicant shall 12462
meet all of the following requirements: 12463

(1) Be a registered nurse; 12464

(2) Submit documentation satisfactory to the board that 12465
the applicant has earned a master's or doctoral degree with a 12466
major in a nursing specialty or in a related field that 12467
qualifies the applicant to sit for the certification examination 12468
of a national certifying organization approved by the board 12469
under section 4723.46 of the Revised Code; 12470

(3) Submit documentation satisfactory to the board of 12471
having passed the certification examination of a national 12472
certifying organization approved by the board under section 12473
4723.46 of the Revised Code to examine and certify, as 12474

applicable, nurse-midwives, registered nurse anesthetists, 12475
clinical nurse specialists, or nurse practitioners; 12476

(4) Submit an affidavit with the application that states 12477
all of the following: 12478

(a) That the applicant is the person named in the 12479
documents submitted under this section and is the lawful 12480
possessor thereof; 12481

(b) The applicant's age, residence, the school at which 12482
the applicant obtained education in the applicant's nursing 12483
specialty, and any other facts that the board requires; 12484

(c) The specialty in which the applicant seeks 12485
designation. 12486

(B) (1) A certified registered nurse anesthetist, clinical 12487
nurse specialist, certified nurse-midwife, or certified nurse 12488
practitioner who is practicing or has practiced as such in 12489
another jurisdiction other than another state may apply for a 12490
license by endorsement to practice nursing as an advanced 12491
practice registered nurse and designation as a certified 12492
registered nurse anesthetist, clinical nurse specialist, 12493
certified nurse-midwife, or certified nurse practitioner in this 12494
state if the nurse meets the requirements set forth in division 12495
(A) of this section or division (B) (2) of this section. 12496

(2) If an applicant who is practicing or has practiced in 12497
another jurisdiction other than another state applies for 12498
designation under division (B) (2) of this section, the 12499
application shall be submitted to the board in the form 12500
prescribed by rules of the board and be accompanied by the 12501
application fee required by section 4723.08 of the Revised Code. 12502
The application shall include evidence that the applicant meets 12503

the requirements of division (B) (2) of this section, holds 12504
authority to practice nursing and is in good standing in another 12505
jurisdiction other than another state granted after meeting 12506
requirements approved by the entity of that jurisdiction that 12507
regulates nurses, and other information required by rules of the 12508
board of nursing. 12509

With respect to the educational requirements and national 12510
certification requirements that an applicant under division (B) 12511
(2) of this section must meet, both of the following apply: 12512

(a) If the applicant is a certified registered nurse 12513
anesthetist, certified nurse-midwife, or certified nurse 12514
practitioner who, on or before December 31, 2000, obtained 12515
certification in the applicant's nursing specialty with a 12516
national certifying organization listed in division (A) (3) of 12517
section 4723.41 of the Revised Code as that division existed 12518
prior to March 20, 2013, or that was at that time approved by 12519
the board under section 4723.46 of the Revised Code, the 12520
applicant must have maintained the certification. The applicant 12521
is not required to have earned a master's or doctoral degree 12522
with a major in a nursing specialty or in a related field that 12523
qualifies the applicant to sit for the certification 12524
examination. 12525

(b) If the applicant is a clinical nurse specialist, one 12526
of the following must apply to the applicant: 12527

(i) On or before December 31, 2000, the applicant obtained 12528
a master's or doctoral degree with a major in a clinical area of 12529
nursing from an educational institution accredited by a national 12530
or regional accrediting organization. The applicant is not 12531
required to have passed a certification examination. 12532

(ii) On or before December 31, 2000, the applicant 12533
obtained a master's or doctoral degree in nursing or a related 12534
field and was certified as a clinical nurse specialist by the 12535
American nurses credentialing center or another national 12536
certifying organization that was at that time approved by the 12537
board under section 4723.46 of the Revised Code. 12538

(3) The board shall grant a license to practice nursing as 12539
an advanced practice registered nurse in accordance with Chapter 12540
4796. of the Revised Code to an applicant if either of the 12541
following applies: 12542

(a) The applicant holds a license in another state. 12543

(b) The applicant has satisfactory work experience, a 12544
government certification, or a private certification as 12545
described in that chapter as an advanced practice registered 12546
nurse in a state that does not issue that license. 12547

(4) The board may grant a nonrenewable temporary permit to 12548
practice nursing as an advanced practice registered nurse to an 12549
applicant for licensure ~~by endorsement under division (B) (2) or~~ 12550
(3) of this section if the board is satisfied by the evidence 12551
that the applicant holds a valid, unrestricted license in or 12552
equivalent authorization from another jurisdiction. Chapter 12553
4796. of the Revised Code does not apply to a temporary permit 12554
issued under this division. The temporary permit shall expire at 12555
the earlier of one hundred eighty days after issuance or upon 12556
the issuance of a license ~~by endorsement under division (B) (2)~~ 12557
or (3) of this section. 12558

(C) An applicant who desires to practice nursing as a 12559
certified registered nurse anesthetist, certified nurse-midwife, 12560
or certified nurse practitioner is exempt from the educational 12561

requirements in division (A) (2) of this section if all of the 12562
following are the case: 12563

(1) Before January 1, 2001, the board issued to the 12564
applicant a certificate of authority to practice as a certified 12565
registered nurse anesthetist, certified nurse-midwife, or 12566
certified nurse practitioner; 12567

(2) The applicant submits documentation satisfactory to 12568
the board that the applicant obtained certification in the 12569
applicant's nursing specialty with a national certifying 12570
organization listed in division (A) (3) of section 4723.41 of the 12571
Revised Code as that division existed prior to March 20, 2013, 12572
or that was at that time approved by the board under section 12573
4723.46 of the Revised Code; 12574

(3) The applicant submits documentation satisfactory to 12575
the board that the applicant has maintained the certification 12576
described in division (C) (2) of this section. 12577

(D) An applicant who desires to practice as a clinical 12578
nurse specialist is exempt from the examination requirement in 12579
division (A) (3) of this section if both of the following are the 12580
case: 12581

(1) Before January 1, 2001, the board issued to the 12582
applicant a certificate of authority to practice as a clinical 12583
nurse specialist; 12584

(2) The applicant submits documentation satisfactory to 12585
the board that the applicant earned either of the following: 12586

(a) A master's or doctoral degree with a major in a 12587
clinical area of nursing from an educational institution 12588
accredited by a national or regional accrediting organization; 12589

(b) A master's or doctoral degree in nursing or a related field and was certified as a clinical nurse specialist by the American nurses credentialing center or another national certifying organization that was at that time approved by the board under section 4723.46 of the Revised Code.

Sec. 4723.651. (A) To be eligible to receive a medication aide certificate, an applicant shall meet all of the following conditions:

(1) Be at least eighteen years of age;

(2) Have a high school diploma or a certificate of high school equivalence as defined in section 5107.40 of the Revised Code;

(3) If the applicant is to practice as a medication aide in a nursing home, be a nurse aide who satisfies the requirements of division (A) (1), (2), (3), (4), (5), (6), or (8) of section 3721.32 of the Revised Code;

(4) If the applicant is to practice as a medication aide in a residential care facility, be a nurse aide who satisfies the requirements of division (A) (1), (2), (3), (4), (5), (6), or (8) of section 3721.32 of the Revised Code or an individual who has at least one year of direct care experience in a residential care facility;

(5) If the applicant is to practice as a medication aide in an ICF/IID, be a nurse aide who satisfies the requirements of division (A) (1), (2), (3), (4), (5), (6), or (8) of section 3721.32 of the Revised Code or an individual who has at least one year of direct care experience in an ICF/IID;

(6) Successfully complete the course of instruction provided by a training program approved under section 4723.66 of

the Revised Code; 12619

(7) Not be ineligible for licensure or certification in 12620
accordance with section 4723.092 of the Revised Code; 12621

(8) Have not committed any act that is grounds for 12622
disciplinary action under section 3123.47 or 4723.28 of the 12623
Revised Code or be determined by the board to have made 12624
restitution, been rehabilitated, or both; 12625

(9) Meet all other requirements for a medication aide 12626
certificate established in rules adopted under section 4723.69 12627
of the Revised Code. 12628

(B) ~~If Except as provided in division (C) of this section,~~ 12629
if an applicant meets the requirements specified in division (A) 12630
of this section, the board of nursing shall issue a medication 12631
aide certificate to the applicant. If a medication aide 12632
certificate is issued to an individual on the basis of having at 12633
least one year of direct care experience working in a 12634
residential care facility, as provided in division (A)(4) of 12635
this section, the certificate is valid for use only in a 12636
residential care facility. If a medication aide certificate is 12637
issued to an individual on the basis of having at least one year 12638
of direct care experience working in an ICF/IID, as provided in 12639
division (A)(5) of this section, the certificate is valid for 12640
use only in an ICF/IID. The board shall state the limitation on 12641
the certificate issued to the individual. 12642

(C) The board shall issue a medication aide certificate in 12643
accordance with Chapter 4796. of the Revised Code to an 12644
applicant if either of the following applies: 12645

(1) The applicant holds a certificate or license in 12646
another state. 12647

(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. 12648
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(D) A medication aide certificate is valid for two years, unless earlier suspended or revoked. The certificate may be renewed in accordance with procedures specified by the board in rules adopted under section 4723.69 of the Revised Code. To be eligible for renewal, an applicant shall pay the renewal fee established in the rules and meet all renewal qualifications specified in the rules. 12652
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Sec. 4723.75. (A) The—Except as provided in division (D) of this section, the board of nursing shall issue a certificate to practice as a dialysis technician to an applicant if the following conditions are met: 12659
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(1) The application is submitted to the board in accordance with rules adopted under section 4723.79 of the Revised Code and includes both of the following: 12663
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(a) The fee established in rules adopted under section 4723.79 of the Revised Code; 12666
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(b) The name and address of each approved dialysis training program in which the applicant has enrolled and the dates during which the applicant was enrolled in each program. 12668
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(2) The applicant meets the requirements established by the board's rules. 12671
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(3) The applicant demonstrates competency to practice as a dialysis technician, as specified in division (B) of this section. 12673
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(4) In the case of an applicant who entered a dialysis training program on or after June 1, 2003, the results of a criminal records check conducted in accordance with section 4723.091 of the Revised Code demonstrate that the applicant is not ineligible for certification in accordance with section 4723.092 of the Revised Code.

(B) For an applicant to demonstrate competence to practice as a dialysis technician, one of the following must apply:

(1) The applicant has successfully completed a dialysis training program approved by the board under section 4723.74 of the Revised Code and meets both of the following requirements:

(a) Has performed dialysis care for a dialysis provider for not less than six months immediately prior to the date of application;

(b) Has passed a certification examination demonstrating competence to perform dialysis care not later than eighteen months after successfully completing a dialysis training program approved by the board under section 4723.74 of the Revised Code.

(2) The applicant does all of the following:

(a) Has a testing organization approved by the board submit evidence satisfactory to the board that the applicant passed an examination, in another jurisdiction, that demonstrates the applicant's competence to provide dialysis care;

(b) Submits evidence satisfactory to the board that the applicant has been employed to perform dialysis care in another jurisdiction for not less than six months immediately prior to the date of application for certification under this section;

(c) Submits evidence satisfactory to the board that the applicant completed at least two hours of education directly related to this chapter and the rules adopted under it.

(C) An applicant who does not pass the certification examination described in division (B) (1) (b) of this section within the time period prescribed in that division may continue to pursue certification by repeating the entire training and application process, including doing all of the following:

(1) Enrolling in and successfully completing a dialysis training program approved by the board;

(2) Submitting a request to the bureau of criminal identification and investigation for a criminal records check and check of federal bureau of investigation records pursuant to section 4723.091 of the Revised Code;

(3) Submitting an application for a dialysis technician intern certificate in accordance with section 4723.76 of the Revised Code;

(4) Demonstrating competence to perform dialysis care in accordance with division (B) of this section.

(D) The board shall issue a certificate to practice as a dialysis technician 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 dialysis technician in a state that does not issue that certificate or license.

Sec. 4723.76. (A) ~~The~~ Except as provided in division (D) 12732
of this section, the board of nursing shall issue a certificate 12733
to practice as a dialysis technician intern to an applicant who 12734
has not passed the dialysis technician certification examination 12735
required by section 4723.751 of the Revised Code, but who 12736
satisfies all of the following requirements: 12737

(1) Applies to the board in accordance with rules adopted 12738
under section 4723.79 of the Revised Code and includes with the 12739
application both of the following: 12740

(a) The fee established in rules adopted under section 12741
4723.79 of the Revised Code; 12742

(b) The name and address of all dialysis training programs 12743
approved by the board in which the applicant has been enrolled 12744
and the dates of enrollment in each program. 12745

(2) Provides documentation from the applicant's employer 12746
attesting that the applicant is competent to perform dialysis 12747
care; 12748

(3) Has successfully completed a dialysis training program 12749
approved by the board of nursing under section 4723.74 of the 12750
Revised Code. 12751

(B) A dialysis technician intern certificate issued to an 12752
applicant who meets the requirements in division (A) of this 12753
section is valid for a period of time that is eighteen months 12754
from the date on which the applicant successfully completed a 12755
dialysis training program approved by the board under section 12756
4723.74 of the Revised Code, minus the time the applicant was 12757
enrolled in one or more dialysis training programs approved by 12758
the board. 12759

(C) A dialysis technician intern certificate issued under 12760

this section may not be renewed. 12761

(D) (1) The board shall issue a certificate to practice as 12762
a dialysis technician intern in accordance with Chapter 4796. of 12763
the Revised Code to an applicant if either of the following 12764
applies: 12765

(a) The applicant holds a certificate or license in 12766
another state. 12767

(b) The applicant has satisfactory work experience, a 12768
government certification, or a private certification as 12769
described in that chapter as a dialysis technician intern in a 12770
state that does not issue that certificate or license. 12771

(2) A certificate issued under Chapter 4796. of the 12772
Revised Code is valid for the same time period as described in 12773
division (B) of this section. 12774

Sec. 4723.85. (A) The board of nursing shall review all 12775
applications received under section 4723.83 of the Revised Code. 12776
If an applicant meets the requirements of section 4723.84 of the 12777
Revised Code, the board shall issue a community health worker 12778
certificate to the applicant. 12779

(B) Notwithstanding the requirements specified in section 12780
4723.84 of the Revised Code, the board shall issue a community 12781
health worker certificate in accordance with Chapter 4796. of 12782
the Revised Code to an applicant if either of the following 12783
applies: 12784

(1) The applicant holds a certificate or license in 12785
another state. 12786

(2) The applicant has satisfactory work experience, a 12787
government certification, or a private certification as 12788

described in that chapter as a community health worker in a 12789
state that does not issue that certificate or license. 12790

(C) A community health worker certificate issued under 12791
division (A) or (B) of this section expires biennially and may 12792
be renewed in accordance with the schedule and procedures 12793
established by the board in rules adopted under section 4723.88 12794
of the Revised Code. To be eligible for renewal, an individual 12795
must complete the continuing education requirements established 12796
by the board in rules adopted under section 4723.88 of the 12797
Revised Code and meet all other requirements for renewal, as 12798
specified in the board's rules adopted under that section. If an 12799
applicant for renewal has successfully completed the continuing 12800
education requirements and meets all other requirements for 12801
renewal, the board shall issue a renewed community health worker 12802
certificate to the applicant. 12803

Sec. 4725.13. (A) The state vision professionals board, by 12804
an affirmative vote of a majority of its members, shall issue 12805
certificates under its seal as follows: 12806

(1) Every applicant who, prior to May 19, 1992, passed the 12807
licensing examination then in effect, and who otherwise complies 12808
with sections 4725.01 to 4725.34 of the Revised Code shall 12809
receive from the board a certificate of licensure authorizing 12810
the holder to engage in the practice of optometry as provided in 12811
division (A)(1) of section 4725.01 of the Revised Code. 12812

(2) Every applicant who, prior to May 19, 1992, passed the 12813
general and ocular pharmacology examination then in effect, and 12814
who otherwise complies with sections 4725.01 to 4725.34 of the 12815
Revised Code, shall receive from the board a separate topical 12816
ocular pharmaceutical agents certificate authorizing the holder 12817
to administer topical ocular pharmaceutical agents as provided 12818

in division (A) (2) of section 4725.01 of the Revised Code and in 12819
accordance with sections 4725.01 to 4725.34 of the Revised Code. 12820

(3) Every applicant who holds a valid certificate of 12821
licensure issued prior to May 19, 1992, and meets the 12822
requirements of section 4725.14 of the Revised Code shall 12823
receive from the board a separate therapeutic pharmaceutical 12824
agents certificate authorizing the holder to engage in the 12825
practice of optometry as provided in division (A) (3) of section 12826
4725.01 of the Revised Code. 12827

(4) Every applicant who, on or after May 19, 1992, passes 12828
all parts of the licensing examination accepted by the board 12829
under section 4725.11 of the Revised Code and otherwise complies 12830
with the requirements of sections 4725.01 to 4725.34 of the 12831
Revised Code shall receive from the board a certificate of 12832
licensure authorizing the holder to engage in the practice of 12833
optometry as provided in division (A) (1) of section 4725.01 of 12834
the Revised Code and a separate therapeutic pharmaceutical 12835
agents certificate authorizing the holder to engage in the 12836
practice of optometry as provided in division (A) (3) of that 12837
section. 12838

(B) Each person to whom a certificate is issued pursuant 12839
to this section by the board shall keep the certificate 12840
displayed in a conspicuous place in the location at which that 12841
person practices optometry and shall whenever required exhibit 12842
the certificate to any member or agent of the board. If an 12843
optometrist practices outside of or away from the location at 12844
which the optometrist's certificate of licensure is displayed, 12845
the optometrist shall deliver to each person examined or fitted 12846
with optical accessories by the optometrist, a receipt signed by 12847
the optometrist in which the optometrist shall set forth the 12848

amounts charged, the optometrist's post-office address, and the 12849
number assigned to the optometrist's certificate of licensure. 12850
The information may be provided as part of a prescription given 12851
to the person. 12852

(C) A person who, on May 19, 1992, holds a valid 12853
certificate of licensure or topical ocular pharmaceutical agents 12854
certificate issued by the board may continue to engage in the 12855
practice of optometry as provided by the certificate of 12856
licensure or topical ocular pharmaceutical agents certificate if 12857
the person continues to comply with sections 4725.01 to 4725.34 12858
of the Revised Code as required by the certificate of licensure 12859
or topical ocular pharmaceutical agents certificate. 12860

(D) Chapter 4796. of the Revised Code does not apply to 12861
certificates issued under division (A) (2) or (3) of this 12862
section. 12863

Sec. 4725.18. (A) The state vision professionals board may 12864
issue a certificate of licensure and therapeutic pharmaceutical 12865
agents certificate by endorsement to an individual licensed as 12866
an optometrist by ~~another state or~~ a Canadian province if the 12867
board determines that the ~~other state or~~ province has standards 12868
for the practice of optometry that are at least as stringent as 12869
the standards established under sections 4725.01 to 4725.34 of 12870
the Revised Code and the individual meets the conditions 12871
specified in division (B) of this section. The certificates may 12872
be issued only by an affirmative vote of a majority of the 12873
board's members. 12874

(B) An individual seeking a certificate of licensure and 12875
therapeutic pharmaceutical agents certificate pursuant to 12876
division (A) of this section shall submit an application to the 12877
board. To receive the certificates, an applicant must meet all 12878

- of the following conditions: 12879
- (1) Meet the same qualifications that an individual must 12880
meet under divisions (B) (1) to (3) of section 4725.12 of the 12881
Revised Code to receive a certificate of licensure and 12882
therapeutic pharmaceutical agents certificate under that 12883
section; 12884
- (2) Be licensed to practice optometry by a ~~state or~~ 12885
Canadian province that requires passage of a written, entry- 12886
level examination at the time of initial licensure; 12887
- (3) Be licensed in good standing by the optometry 12888
licensing agency of the ~~other state or~~ province, evidenced by 12889
submission of a letter from the licensing agency of the ~~other~~ 12890
~~state or~~ province attesting to the applicant's good standing; 12891
- (4) Provide the board with certified reports from the 12892
optometry licensing agencies of all ~~states and~~ provinces in 12893
which the applicant is licensed or has been licensed to practice 12894
optometry describing all past and pending actions taken by those 12895
agencies with respect to the applicant's authority to practice 12896
optometry in those jurisdictions, including such actions as 12897
investigations, entering into consent agreements, suspensions, 12898
revocations, and refusals to issue or renew a license; 12899
- (5) Have been actively engaged in the practice of 12900
optometry, including the use of therapeutic pharmaceutical 12901
agents, for at least three years immediately preceding making 12902
application under this section; 12903
- (6) Pay the nonrefundable application fees established 12904
under section 4725.34 of the Revised Code for a certificate of 12905
licensure and therapeutic pharmaceutical agents certificate; 12906
- (7) Submit all transcripts, reports, or other information 12907

the board requires; 12908

(8) Participate in a two-hour instruction session provided 12909
by the board on the optometry statutes and rules of this state 12910
or pass an Ohio optometry jurisprudence test administered by the 12911
board; 12912

(9) Pass all or part of the licensing examination accepted 12913
by the board under section 4725.11 of the Revised Code, if the 12914
board determines that testing is necessary to determine whether 12915
the applicant's qualifications are sufficient for issuance of a 12916
certificate of licensure and therapeutic pharmaceutical agents 12917
certificate under this section; 12918

(10) Not have been previously denied issuance of a 12919
certificate by the board. 12920

(C) The board shall issue a certificate of licensure and 12921
therapeutic pharmaceutical agents certificate in accordance with 12922
Chapter 4796. of the Revised Code to an applicant if either of 12923
the following applies: 12924

(1) The applicant holds a certificate or license in 12925
another state. 12926

(2) The applicant has satisfactory work experience, a 12927
government certification, or a private certification as 12928
described in that chapter in the practice of optometry using 12929
therapeutic pharmaceutical agents in a state that does not issue 12930
that license or certificate. 12931

Sec. 4725.26. Division (A) of section 4725.02 of the 12932
Revised Code does not apply to the following: 12933

(A) Physicians authorized to practice medicine and surgery 12934
or osteopathic medicine and surgery under Chapter 4731. of the 12935

Revised Code;	12936
(B) Persons who sell optical accessories but do not assume to adapt them to the eye, and neither practice nor profess to practice optometry;	12937 12938 12939
(C) An <u>A nonresident instructor</u> in a school of optometry that is located in this state and approved by the state vision professionals board under section 4725.10 of the Revised Code who holds a valid current license to practice optometry from a licensing body in another jurisdiction and limits the practice of optometry to the instruction of students enrolled in the school. <u>The state vision professionals board shall not require a nonresident instructor who holds a license in another state to obtain a license in accordance with Chapter 4796. of the Revised Code to practice optometry in the manner described under this division.</u>	12940 12941 12942 12943 12944 12945 12946 12947 12948 12949 12950
(D) A student enrolled in a school of optometry, located in this or another state and approved by the board under section 4725.10 of the Revised Code, while the student is participating in this state in an optometry training program provided or sponsored by the school, if the student acts under the direct, personal supervision and control of an optometrist licensed by the board or authorized to practice pursuant to division (C) of this section.	12951 12952 12953 12954 12955 12956 12957 12958
(E) An individual who is licensed or otherwise specifically authorized by the Revised Code to engage in an activity that is included in the practice of optometry.	12959 12960 12961
(F) An individual who is not licensed or otherwise specifically authorized by the Revised Code to engage in an activity that is included in the practice of optometry, but is	12962 12963 12964

acting pursuant to the rules for delegation of optometric tasks 12965
adopted under section 4725.09 of the Revised Code. 12966

(G) ~~An~~A nonresident individual who holds in good standing 12967
a valid license to practice optometry from a licensing body in 12968
another jurisdiction and is practicing as a volunteer without 12969
remuneration during a charitable event that lasts not more than 12970
seven days. 12971

When an individual meets the conditions of this division, 12972
the individual shall be deemed to hold, during the course of the 12973
charitable event, a license to practice optometry from the state 12974
vision professionals board and shall be subject to the 12975
provisions of this chapter authorizing the board to take 12976
disciplinary action against a license holder. Not less than 12977
seven calendar days before the first day of the charitable 12978
event, the individual or the event's organizer shall notify the 12979
board of the individual's intent to engage in the practice of 12980
optometry at the event. During the course of the charitable 12981
event, the individual's scope of practice is limited to the 12982
procedures that an optometrist licensed under this chapter is 12983
authorized to perform unless the individual's scope of practice 12984
in the other jurisdiction is more restrictive than in this 12985
state. If the latter is the case, the individual's scope of 12986
practice is limited to the procedures that an optometrist in the 12987
other jurisdiction may perform. 12988

The board shall not require a nonresident individual who 12989
holds a license in another state to obtain a license in 12990
accordance with Chapter 4796. of the Revised Code to practice 12991
optometry as a volunteer in the manner described under this 12992
division. 12993

Sec. 4725.48. (A) Any person who desires to engage in 12994

optical dispensing shall file a properly completed application 12995
for an examination with the state vision professionals board or 12996
with the testing service the board has contracted with pursuant 12997
to section 4725.49 of the Revised Code. The application for 12998
examination shall be made using a form provided by the board and 12999
shall be accompanied by an examination fee the board shall 13000
establish by rule. 13001

(B) Any person who desires to engage in optical dispensing 13002
shall file a properly completed application for a license with 13003
the board with a licensure application fee of fifty dollars. 13004

No person shall be eligible to apply for a license under 13005
this division, unless the person is at least eighteen years of 13006
age, is free of contagious or infectious disease, has received a 13007
passing score, as determined by the board, on the examination 13008
administered under division (A) of this section, is a graduate 13009
of an accredited high school of any state, or has received an 13010
equivalent education and has successfully completed either of 13011
the following: 13012

(1) Two years of supervised experience under a licensed 13013
dispensing optician, optometrist, or physician engaged in the 13014
practice of ophthalmology, up to one year of which may be 13015
continuous experience of not less than thirty hours a week in an 13016
optical laboratory; 13017

(2) A two-year college level program in optical dispensing 13018
that has been approved by the board and that includes, but is 13019
not limited to, courses of study in mathematics, science, 13020
English, anatomy and physiology of the eye, applied optics, 13021
ophthalmic optics, measurement and inspection of lenses, lens 13022
grinding and edging, ophthalmic lens design, keratometry, and 13023
the fitting and adjusting of spectacle lenses and frames and 13024

contact lenses, including methods of fitting contact lenses and 13025
post-fitting care. 13026

(C) (1) Any person who desires to obtain a license to 13027
practice as an ocularist shall file a properly completed 13028
application with the board accompanied by the appropriate fee 13029
and proof that the applicant has met the requirements for 13030
licensure. The board shall establish, by rule, the application 13031
fee and the minimum requirements for licensure, including 13032
education, examination, or experience standards recognized by 13033
the board as national standards for ocularists. The board shall 13034
issue a license to practice as an ocularist to an applicant who 13035
satisfies the requirements of this division and rules adopted 13036
pursuant to this division. 13037

(2) The board shall issue a license to practice as an 13038
ocularist in accordance with Chapter 4796. of the Revised Code 13039
to an applicant if either of the following applies: 13040

(a) The applicant holds a license in another state. 13041

(b) The applicant has satisfactory work experience, a 13042
government certification, or a private certification as 13043
described in that chapter as an ocularist in a state that does 13044
not issue that license. 13045

(D) (1) Subject to divisions (D) (3) and (4) of this 13046
section, the board shall not adopt, maintain, renew, or enforce 13047
any rule that precludes an individual from renewing a license as 13048
a dispensing optician issued under sections 4725.40 to 4725.59 13049
of the Revised Code due to any past criminal activity or 13050
interpretation of moral character, unless the individual has 13051
committed a crime of moral turpitude or a disqualifying offense 13052
as those terms are defined in section 4776.10 of the Revised 13053

Code. 13054

If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing. 13055
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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. 13057
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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. 13061
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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. 13067
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(E) The board, subject to the approval of the controlling board, may establish examination fees in excess of the amount established by rule pursuant to this section, provided that such fees do not exceed those amounts established in rule by more than fifty per cent. 13071
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Sec. 4725.52. Any licensed dispensing optician may supervise a maximum of three apprentices who shall be permitted to engage in optical dispensing only under the supervision of the licensed dispensing optician. 13076
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To serve as an apprentice, a person shall register with the state vision professionals board on a form provided by the board and in the form of a statement giving the name and address 13080
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of the supervising licensed dispensing optician, the location at 13083
which the apprentice will be employed, and any other information 13084
required by the board. For the duration of the apprenticeship, 13085
the apprentice shall register annually on the form provided by 13086
the board and in the form of a statement. 13087

Each apprentice shall pay an initial registration fee of 13088
twenty dollars. For each registration renewal thereafter, each 13089
apprentice shall pay a registration renewal fee of twenty 13090
dollars. 13091

The board shall grant registration as an apprentice under 13092
this section in accordance with Chapter 4796. of the Revised 13093
Code to an applicant if the applicant holds a registration or 13094
license in another state or has satisfactory work experience, a 13095
government certification, or a private certification as 13096
described in that chapter as an apprentice permitted to engage 13097
in supervised optical dispensing in a state that does not grant 13098
that registration or license. 13099

The board shall not deny registration as an apprentice 13100
under this section to any individual based on the individual's 13101
past criminal history or an interpretation of moral character 13102
unless the denial is for a disqualifying offense in accordance 13103
with section 9.79 of the Revised Code. In considering a renewal 13104
of an individual's registration, the board shall not consider 13105
any conviction or plea of guilty prior to the initial 13106
registration. However, the board may consider a conviction or 13107
plea of guilty if it occurred after the individual was initially 13108
registered, or after the most recent registration renewal. If 13109
the board denies an individual for a registration or 13110
registration renewal, the reasons for such denial shall be put 13111
in writing. Additionally, the board may grant an individual a 13112

conditional registration that lasts for one year. After the one- 13113
year period has expired, the registration is no longer 13114
considered conditional, and the individual shall be considered 13115
fully registered. 13116

A person who is gaining experience under the supervision 13117
of a licensed optometrist or ophthalmologist that would qualify 13118
the person under division (B) (1) of section 4725.48 of the 13119
Revised Code to take the examination for optical dispensing is 13120
not required to register with the board. 13121

~~Sec. 4725.57. An applicant for licensure as a licensed- 13122
dispensing optician who is licensed or registered in another- 13123
state shall be accorded the full privileges of practice within- 13124
this state, upon the payment of a fifty-dollar fee and the- 13125
submission of a certified copy of the license or certificate- 13126
issued by such other state, without the necessity of- 13127
examination, if the The state vision professionals board 13128
determines that the shall issue a license to engage in optical 13129
dispensing in accordance with Chapter 4796. of the Revised Code 13130
to an applicant meets the remaining requirements of division (B)- 13131
of section 4725.48 of the Revised Code. The board may require- 13132
that the applicant have received a passing score, as determined- 13133
by the board, on an examination that is substantially the same- 13134
as the examination described in division (A) of section 4725.48- 13135
of the Revised Code if either of the following applies: 13136~~

(A) The applicant holds a license or registration in 13137
another state. 13138

(B) The applicant has satisfactory work experience, a 13139
government certification, or a private certification as 13140
described in that chapter as a dispensing optician in a state 13141
that does not issue that license or registration. 13142

Sec. 4725.591. Section 4725.41 of the Revised Code does 13143
not apply to a nonresident person who holds in good standing a 13144
valid license from another state to engage in optical dispensing 13145
and is engaging in optical dispensing as a volunteer without 13146
remuneration during a charitable event that lasts not more than 13147
seven days. 13148

When a person meets the conditions of this section, the 13149
person shall be deemed to hold, during the course of the 13150
charitable event, a license to engage in optical dispensing from 13151
the state vision professionals board and shall be subject to the 13152
provisions of this chapter authorizing the board to take 13153
disciplinary action against a license holder. Not less than 13154
seven calendar days before the first day of the charitable 13155
event, the person or the event's organizer shall notify the 13156
board of the person's intent to engage in optical dispensing at 13157
the event. During the course of the charitable event, the 13158
person's scope of practice is limited to the procedures that a 13159
dispensing optician licensed under this chapter is authorized to 13160
perform unless the person's scope of practice in the other state 13161
is more restrictive than in this state. If the latter is the 13162
case, the person's scope of practice is limited to the 13163
procedures that a dispensing optician in the other state may 13164
perform. 13165

The state vision professionals board shall not require a 13166
nonresident person who holds a license in another state to 13167
obtain a license in accordance with Chapter 4796. of the Revised 13168
Code to practice optometry as a volunteer in the manner 13169
described under this section. 13170

Sec. 4727.03. (A) As used in this section, "experience in 13171
the capacity involved" means that the applicant for a 13172

pawnbroker's license demonstrates sufficient financial 13173
responsibility and experience in the pawnbroker business, or in 13174
a related business, to act as a pawnbroker in compliance with 13175
this chapter. "Experience in the capacity involved" shall be 13176
determined by: 13177

(1) Prior or current ownership or management of, or 13178
employment in, a pawnshop; 13179

(2) Demonstration to the satisfaction of the 13180
superintendent of financial institutions of a thorough working 13181
knowledge of all pawnbroker laws and rules as they relate to the 13182
actual operation of a pawnshop. 13183

A demonstration shall include a demonstration of an 13184
ability to properly complete forms, knowledge of how to properly 13185
calculate interest and storage charges, and knowledge of legal 13186
notice and forfeiture procedures. The final determination of 13187
whether an applicant's demonstration is adequate rests with the 13188
superintendent. 13189

(3) A submission by the applicant and any stockholders, 13190
owners, managers, directors, or officers of the pawnshop, and 13191
employees of the applicant to a police record check; and 13192

(4) Liquid assets in a minimum amount of one hundred 13193
twenty-five thousand dollars at the time of applying for initial 13194
licensure and demonstration of the ability to maintain the 13195
liquid assets at a minimum amount of seventy-five thousand 13196
dollars for the duration of holding a valid pawnbroker's 13197
license. If an applicant holds a pawnbroker's license at the 13198
time of application or is applying for more than one license, 13199
this requirement shall be met separately for each license. 13200

~~(B) The~~ (1) Except as provided in division (B) (2) of this 13201

section, the superintendent may grant a license to act as a 13202
pawnbroker to any person having experience in the capacity 13203
involved to engage in the business of pawnbroking upon the 13204
payment to the superintendent of a license fee determined by the 13205
superintendent pursuant to section 1321.20 of the Revised Code. 13206
A license is not transferable or assignable. 13207

(2) The superintendent shall grant a license to act as a 13208
pawnbroker in accordance with Chapter 4796. of the Revised Code 13209
to a person if either of the following applies: 13210

(a) The person holds a license in another state. 13211

(b) The person has satisfactory work experience, a 13212
government certification, or a private certification as 13213
described in that chapter as a pawnbroker in a state that does 13214
not issue that license. 13215

(C) The superintendent may consider an application 13216
withdrawn and may retain the investigation fee required under 13217
division (D) of this section if both of the following are true: 13218

(1) An application for a license does not contain all of 13219
the information required under division (B) of this section. 13220

(2) The information is not submitted to the superintendent 13221
within ninety days after the superintendent requests the 13222
information from the applicant in writing. 13223

(D) The superintendent shall require an applicant for a 13224
pawnbroker's license to pay to the superintendent a 13225
nonrefundable initial investigation fee of two hundred dollars, 13226
which is for the exclusive use of the state. 13227

(E) (1) Except as otherwise provided in division (E) (2) of 13228
this section, a pawnbroker's license issued by the 13229

superintendent expires on the thirtieth day of June next 13230
following the date of its issuance, or on a different date set 13231
by the superintendent pursuant to section 1181.23 of the Revised 13232
Code, and may be renewed annually in accordance with the 13233
standard renewal procedure set forth in Chapter 4745. of the 13234
Revised Code. Fifty per cent of the annual license fee shall be 13235
for the use of the state, and fifty per cent shall be paid by 13236
the state to the municipal corporation, or if outside the limits 13237
of any municipal corporation, to the county, in which the office 13238
of the licensee is located. All such fees payable to municipal 13239
corporations or counties shall be paid annually. 13240

(2) A pawnbroker's license issued or renewed by the 13241
superintendent on or after January 1, 2006, expires on the 13242
thirtieth day of June in the even-numbered year next following 13243
the date of its issuance or renewal, as applicable, and may be 13244
renewed biennially by the thirtieth day of June in accordance 13245
with the standard renewal procedure set forth in Chapter 4745. 13246
of the Revised Code. Fifty per cent of the biennial license fee 13247
shall be for the use of the state, and fifty per cent shall be 13248
paid by the state to the municipal corporation, or if outside 13249
the limits of any municipal corporation, to the county, in which 13250
the office of the licensee is located. All such fees payable to 13251
municipal corporations or counties shall be paid biennially. If 13252
deemed necessary for participation, the superintendent may reset 13253
the renewal date and require annual registration pursuant to 13254
section 1181.23 of the Revised Code. 13255

(F) The fee for renewal of a license shall be equivalent 13256
to the fee for an initial license established by the 13257
superintendent pursuant to section 1321.20 of the Revised Code. 13258
Any licensee who wishes to renew the pawnbroker's license but 13259
who fails to do so on or before the date the license expires 13260

shall reapply for licensure in the same manner and pursuant to 13261
the same requirements as for initial licensure, unless the 13262
licensee pays to the superintendent on or before the thirty- 13263
first day of August of the year the license expires, a late 13264
renewal penalty of one hundred dollars in addition to the 13265
regular renewal fee. Any licensee who fails to renew the license 13266
on or before the date the license expires is prohibited from 13267
acting as a pawnbroker until the license is renewed or a new 13268
license is issued under this section. Any licensee who renews a 13269
license between the first day of July and the thirty-first day 13270
of August of the year the license expires is not relieved from 13271
complying with this division. The superintendent may refuse to 13272
issue to or renew the license of any licensee who violates this 13273
division. 13274

(G) No license shall be granted to any person not a 13275
resident of or the principal office of which is not located in 13276
the municipal corporation or county designated in such license 13277
unless that applicant, in writing and in due form approved by 13278
and filed with the superintendent, first appoints an agent, a 13279
resident of the state, and city or county where the office is to 13280
be located, upon whom all judicial and other process, or legal 13281
notice, directed to the applicant may be served. In case of the 13282
death, removal from the state, or any legal disability or any 13283
disqualification of any such agent, service of such process or 13284
notice may be made upon the superintendent. 13285

The superintendent may, upon notice to the licensee and 13286
reasonable opportunity to be heard, suspend or revoke any 13287
license or assess a penalty against the licensee if the 13288
licensee, or the licensee's officers, agents, or employees, has 13289
violated this chapter. Any penalty shall be appropriate to the 13290
violation but in no case shall the penalty be less than two 13291

hundred nor more than two thousand dollars. Whenever, for any 13292
cause, a license is suspended or revoked, the superintendent 13293
shall not issue another license to the licensee nor to the legal 13294
spouse of the licensee, nor to any business entity of which the 13295
licensee is an officer or member or partner, nor to any person 13296
employed by the licensee, until the expiration of at least two 13297
years from the date of revocation or suspension of the license. 13298
The superintendent shall deposit all penalties allocated 13299
pursuant to this section into the state treasury to the credit 13300
of the consumer finance fund. 13301

Any proceedings for the revocation or suspension of a 13302
license or to assess a penalty against a licensee are subject to 13303
Chapter 119. of the Revised Code. 13304

(H) If a licensee surrenders or chooses not to renew the 13305
pawnbroker's license, the licensee shall notify the 13306
superintendent thirty days prior to the date on which the 13307
licensee intends to close the licensee's business as a 13308
pawnbroker. Prior to the date, the licensee shall do either of 13309
the following with respect to all active loans: 13310

(1) Dispose of an active loan by selling the loan to 13311
another person holding a valid pawnbroker's license issued under 13312
this section; 13313

(2) Reduce the rate of interest on pledged articles held 13314
as security for a loan to eight per cent per annum or less 13315
effective on the date that the pawnbroker's license is no longer 13316
valid. 13317

Sec. 4728.03. (A) As used in this section, "experience in 13318
the capacity involved" means that the applicant for a precious 13319
metals dealer's license has had sufficient financial 13320

responsibility and experience in the business of precious metals dealer, or a related business, to act as a precious metals dealer in compliance with this chapter.

(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.

(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:

(a) A copy of the surety bond is filed with the division;

(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;

(c) The bond is in the amount of not less than ten thousand dollars.

(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:

(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 precious metals dealer in a state 13349
that does not issue that license. 13350

(4) Before granting a license under this division, the 13351
division shall determine that the applicant meets the 13352
requirements of division (B) (1) ~~or~~, (2), or (3) of this section. 13353

(C) ~~The~~ Except for a license issued under division (B) (3) 13354
of this section, the division shall require an applicant for a 13355
precious metals dealer's license to pay to the division a 13356
nonrefundable, initial investigation fee of two hundred dollars 13357
which shall be for the exclusive use of the state. The license 13358
fee for a precious metals dealer's license and the renewal fee 13359
shall be determined by the superintendent, provided that the fee 13360
may not exceed three hundred dollars. A license issued by the 13361
division shall expire on the last day of June next following the 13362
date of its issuance or annually on a different date set by the 13363
superintendent pursuant to section 1181.23 of the Revised Code. 13364
Fifty per cent of license fees shall be for the use of the 13365
state, and fifty per cent shall be paid to the municipal 13366
corporation, or if outside the limits of any municipal 13367
corporation, to the county in which the office of the licensee 13368
is located. All portions of license fees payable to municipal 13369
corporations or counties shall be paid as they accrue, by the 13370
treasurer of state, on vouchers issued by the director of budget 13371
and management. 13372

(D) Every such license shall be renewed annually by the 13373
last day of June, or annually on a different date set by the 13374
superintendent pursuant to section 1181.23 of the Revised Code, 13375
according to the standard renewal procedure of Chapter 4745. of 13376
the Revised Code. No license shall be granted to any person not 13377
a resident of or the principal office of which is not located in 13378

the municipal corporation or county designated in such license, 13379
unless, and until such applicant shall, in writing and in due 13380
form, to be first approved by and filed with the division, 13381
appoint an agent, a resident of the state, and city or county 13382
where the office is to be located, upon whom all judicial and 13383
other process, or legal notice, directed to the applicant may be 13384
served; and in case of the death, removal from the state, or any 13385
legal disability or any disqualification of any agent, service 13386
of process or notice may be made upon the superintendent. 13387

(E) The division may, pursuant to Chapter 119. of the 13388
Revised Code, upon notice to the licensee and after giving the 13389
licensee reasonable opportunity to be heard, revoke or suspend 13390
any license, if the licensee or the licensee's officers, agents, 13391
or employees violate this chapter. Whenever, for any cause, the 13392
license is revoked or suspended, the division shall not issue 13393
another license to the licensee nor to the husband or wife of 13394
the licensee, nor to any copartnership or corporation of which 13395
the licensee is an officer, nor to any person employed by the 13396
licensee, until the expiration of at least one year from the 13397
date of revocation of the license. 13398

(F) In conducting an investigation to determine whether an 13399
applicant satisfies the requirements for licensure under this 13400
section, the superintendent may request that the superintendent 13401
of the bureau of criminal identification and investigation 13402
investigate and determine whether the bureau has procured any 13403
information pursuant to section 109.57 of the Revised Code 13404
pertaining to the applicant. 13405

If the superintendent of financial institutions determines 13406
that conducting an investigation to determine whether an 13407
applicant satisfies the requirements for licensure under this 13408

section will require procuring information outside the state, 13409
then, in addition to the fee established under division (C) of 13410
this section, the superintendent may require the applicant to 13411
pay any of the actual expenses incurred by the division to 13412
conduct such an investigation, provided that the superintendent 13413
shall assess the applicant a total no greater than one thousand 13414
dollars for such expenses. The superintendent may require the 13415
applicant to pay in advance of the investigation, sufficient 13416
funds to cover the estimated cost of the actual expenses. If the 13417
superintendent requires the applicant to pay investigation 13418
expenses, the superintendent shall provide to the applicant an 13419
itemized statement of the actual expenses incurred by the 13420
division to conduct the investigation. 13421

(G) (1) Except as otherwise provided in division (G) (2) of 13422
this section a precious metals dealer licensed under this 13423
section shall maintain a net worth of at least ten thousand 13424
dollars, computed as required under division (B) (1) of this 13425
section, for as long as the licensee holds a valid precious 13426
metals dealer's license issued pursuant to this section. 13427

(2) A licensee who obtains a surety bond under division 13428
(B) (2) of this section is exempt from the requirement of 13429
division (G) (1) of this section, but shall maintain the bond for 13430
at least two years after the date on which the licensee ceases 13431
to conduct business in this state. 13432

Sec. 4729.09. The state board of pharmacy ~~may shall issue~~ 13433
~~a license an individual as a pharmacist without examination if~~ 13434
~~the individual:~~ 13435

~~(A) Holds a license in good standing to practice pharmacy~~ 13436
~~under the laws of~~ in accordance with Chapter 4796. of the 13437
Revised Code to an applicant if either of the following applies: 13438

~~(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;.~~ 13439
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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.~~ 13444
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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.~~ 13448
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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. 13453
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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. 13457
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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 13463
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applicant who holds a license in another state or has 13469
satisfactory work experience, a government certification, or a 13470
private certification as described in that chapter as a pharmacy 13471
intern in a state that does not issue that license. A license 13472
shall be valid until the next renewal date and shall be renewed 13473
only if the intern is meeting the requirements and rules of the 13474
board. 13475

Sec. 4729.15. (A) Except as provided in division (B) of 13476
this section, the state board of pharmacy shall charge the 13477
following fees: 13478

(1) For applying for a license to practice as a 13479
pharmacist, an amount adequate to cover all expenses of the 13480
board related to examination except the expenses of procuring 13481
and grading the examination, which fee shall not be returned if 13482
the applicant fails to pass the examination; 13483

(2) For the examination of an applicant for licensure as a 13484
pharmacist, an amount adequate to cover any expenses to the 13485
board of procuring and grading the examination or any part 13486
thereof, which fee shall not be returned if the applicant fails 13487
to pass the examination; 13488

(3) For issuing a license to an individual who passes the 13489
examination described in section 4729.07 of the Revised Code, an 13490
amount that is adequate to cover the expense; 13491

(4) For a pharmacist applying for renewal of a license 13492
before the expiration date, two hundred fifty dollars, which fee 13493
shall not be returned if the applicant fails to qualify for 13494
renewal; 13495

(5) For a pharmacist applying for renewal of a license 13496
that has been expired for less than three years, the renewal fee 13497

identified in division (A) (4) of this section plus a penalty of 13498
thirty-seven dollars and fifty cents, which fee shall not be 13499
returned if the applicant fails to qualify for renewal; 13500

(6) For a pharmacist applying for renewal of a license 13501
that has been expired for more than three years, three hundred 13502
thirty-seven dollars and fifty cents, which fee shall not be 13503
returned if the applicant fails to qualify for renewal; 13504

(7) For a pharmacist applying for a license on 13505
presentation of a pharmacist license granted by another state, 13506
~~three hundred thirty-seven dollars and fifty cents~~the fee 13507
specified in Chapter 4796. of the Revised Code, which fee shall 13508
not be returned if the applicant fails to qualify for licensure. 13509

(8) For a license to practice as a pharmacy intern, forty- 13510
five dollars, which fee shall not be returned if the applicant 13511
fails to qualify for licensure; 13512

(9) For the renewal of a pharmacy intern license, forty- 13513
five dollars, which fee shall not be returned if the applicant 13514
fails to qualify for renewal; 13515

(10) For certifying licensure and grades for reciprocal 13516
licensure, thirty-five dollars; 13517

(11) For making copies of any application, affidavit, or 13518
other document filed in the state board of pharmacy office, an 13519
amount fixed by the board that is adequate to cover the expense, 13520
except that for copies required by federal or state agencies or 13521
law enforcement officers for official purposes, no charge need 13522
be made; 13523

(12) For certifying and affixing the seal of the board, an 13524
amount fixed by the board that is adequate to cover the expense, 13525
except that for certifying and affixing the seal of the board to 13526

a document required by federal or state agencies or law 13527
enforcement officers for official purposes, no charge need be 13528
made; 13529

(13) For each copy of a book or pamphlet that includes 13530
laws administered by the state board of pharmacy, rules adopted 13531
by the board, and chapters of the Revised Code with which the 13532
board is required to comply, an amount fixed by the board that 13533
is adequate to cover the expense of publishing and furnishing 13534
the book or pamphlet. 13535

(B) (1) Subject to division (B) (2) of this section, the 13536
fees described in divisions (A) (1) to (10) of this section do 13537
not apply to an individual who is on active duty in the armed 13538
forces of the United States, as defined in section 5903.01 of 13539
the Revised Code, to the spouse of an individual who is on 13540
active duty in the armed forces of the United States, or to an 13541
individual who served in the armed forces of the United States 13542
and presents documentation that the individual has been 13543
discharged under honorable conditions from the armed forces or 13544
has been transferred to the reserve with evidence of 13545
satisfactory service. 13546

(2) The state board of pharmacy may establish limits with 13547
respect to the individuals for whom fees are not applicable 13548
under division (B) (1) of this section. 13549

Sec. 4729.901. (A) An applicant for registration under 13550
section 4729.90 of the Revised Code shall file with the state 13551
board of pharmacy an application in the form and manner 13552
prescribed in rules adopted under section 4729.94 of the Revised 13553
Code. The application shall be accompanied by an application fee 13554
of fifty dollars, which shall not be returned if the applicant 13555
fails to qualify for registration. 13556

(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 13616
individual's previous registration has lapsed for more than five 13617
years or the board grants its approval. 13618

Sec. 4730.10. (A) ~~An~~ Except as provided in division (C) of 13619
this section, an individual seeking a license to practice as a 13620
physician assistant shall file with the state medical board a 13621
written application on a form prescribed and supplied by the 13622
board. The application shall include all of the following: 13623

(1) The applicant's name, residential address, business 13624
address, if any, and social security number; 13625

(2) Satisfactory proof that the applicant meets the age 13626
requirement specified in division (A) (1) of section 4730.11 of 13627
the Revised Code; 13628

(3) Satisfactory proof that the applicant meets either the 13629
educational requirements specified in division (B) (1) or (2) of 13630
section 4730.11 of the Revised Code or the educational or other 13631
applicable requirements specified in division (C) (1), (2), or 13632
(3) of that section; 13633

(4) Any other information the board requires. 13634

(B) At the time of making application for a license to 13635
practice, the applicant shall pay the board a fee of four 13636
hundred dollars, no part of which shall be returned. The fees 13637
shall be deposited in accordance with section 4731.24 of the 13638
Revised Code. 13639

(C) The board shall issue a license to practice as a 13640
physician assistant in accordance with Chapter 4796. of the 13641
Revised Code to an applicant if either of the following applies: 13642

(1) The applicant holds a license in another state. 13643

(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. 13644
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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. 13648
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(B) (1) As used in this division: 13653

(a) "Mechanotherapy" means all of the following: 13654

(i) Examining patients by verbal inquiry; 13655

(ii) Examination of the musculoskeletal system by hand; 13656

(iii) Visual inspection and observation; 13657

(iv) Diagnosing a patient's condition only as to whether the patient has a disorder of the musculoskeletal system; 13658
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(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. 13660
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(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 13669
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rules adopted under this chapter. 13672

(2) Mechanotherapists who received a certificate to 13673
practice from the board prior to March 2, 1992, may continue to 13674
practice mechanotherapy, as defined in rules adopted by the 13675
board. Such mechanotherapists shall practice in accordance with 13676
rules adopted by the board. 13677

A person authorized by this division to practice as a 13678
mechanotherapist may examine, diagnose, and assume 13679
responsibility for the care of patients with due regard for 13680
first aid and the hygienic and nutritional care of the patients. 13681
Roentgen rays shall be used by a mechanotherapist only for 13682
diagnostic purposes. 13683

(3) A person who holds a certificate to practice 13684
mechanotherapy and completed educational requirements in 13685
mechanotherapy on or before November 3, 1985, is entitled to use 13686
the title "doctor of mechanotherapy" and is a "physician" who 13687
performs "medical services" for the purposes of Chapters 4121. 13688
and 4123. of the Revised Code and the medicaid program, and 13689
shall receive payment or reimbursement as provided under those 13690
chapters and that program. 13691

(C) Chapter 4796. of the Revised Code does not apply to a 13692
certificate to practice naprapathy or mechanotherapy issued 13693
under this section. 13694

Sec. 4731.19. (A) A-Except as provided in division (E) of 13695
this section, a person seeking a license to practice a limited 13696
branch of medicine shall file with the state medical board an 13697
application in a manner prescribed by the board. The application 13698
shall include or be accompanied by all of the following: 13699

(1) Evidence that the applicant is at least eighteen years 13700

of age;	13701
(2) Evidence that the applicant has attained high school graduation or its equivalent;	13702 13703
(3) Evidence that the applicant holds one of the following:	13704 13705
(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:	13706 13707 13708
(i) Two hundred seventy-five hours in anatomy and physiology and pathology;	13709 13710
(ii) Two hundred seventy-five hours in massage theory and practical, including hygiene;	13711 13712
(iii) Twenty-five hours in ethics;	13713
(iv) Twenty-five hours in business and law.	13714
(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;	13715 13716 13717 13718 13719 13720
(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.	13721 13722 13723 13724
(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	13725 13726 13727

applicable limited branch of medicine;	13728
(5) An attestation that the information submitted under this section is accurate and truthful and that the applicant consents to release of information;	13729 13730 13731
(6) Any other information the board requires.	13732
(B) An applicant for a license to practice a limited branch of medicine shall comply with the requirements of section 4731.171 of the Revised Code.	13733 13734 13735
(C) At the time of making application for a license to practice a limited branch of medicine, the applicant shall pay to the board a fee of one hundred fifty dollars, no part of which shall be returned. No application shall be considered filed until the board receives the appropriate fee.	13736 13737 13738 13739 13740
(D) The board may investigate the application materials received under this section and contact any agency or organization for recommendations or other information about the applicant.	13741 13742 13743 13744
<u>(E) The board shall issue a certificate to practice a limited branch of medicine in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:</u>	13745 13746 13747 13748
<u>(1) The applicant holds a license or certificate in another state.</u>	13749 13750
<u>(2) As described in that chapter, the applicant has satisfactory work experience in practicing, or a government certification or private certification to practice, a limited branch of medicine in a state that does not issue that license or certificate.</u>	13751 13752 13753 13754 13755

Sec. 4731.293. (A) The state medical board shall issue, 13756
without examination, a clinical research faculty certificate to 13757
practice medicine and surgery, osteopathic medicine and surgery, 13758
or podiatric medicine and surgery to any person who applies for 13759
the certificate and provides to the board satisfactory evidence 13760
of both of the following: 13761

(1) That the applicant holds a current, unrestricted 13762
license to practice medicine and surgery, osteopathic medicine 13763
and surgery, or podiatric medicine and surgery issued by another 13764
state or country; 13765

(2) That the applicant has been appointed to serve in this 13766
state on the academic staff of a medical school accredited by 13767
the liaison committee on medical education, an osteopathic 13768
medical school accredited by the American osteopathic 13769
association, or a college of podiatric medicine and surgery in 13770
good standing with the board. 13771

(B) The holder of a clinical research faculty certificate 13772
may do one of the following, as applicable: 13773

(1) Practice medicine and surgery or osteopathic medicine 13774
and surgery only as is incidental to the certificate holder's 13775
teaching or research duties at the medical school or a teaching 13776
hospital affiliated with the school; 13777

(2) Practice podiatric medicine and surgery only as is 13778
incidental to the certificate holder's teaching or research 13779
duties at the college of podiatric medicine and surgery or a 13780
teaching hospital affiliated with the college. 13781

(C) The board may revoke a certificate on receiving proof 13782
satisfactory to the board that the certificate holder has 13783
engaged in practice in this state outside the scope of the 13784

certificate or that there are grounds for action against the 13785
certificate holder under section 4731.22 of the Revised Code. 13786

(D) A clinical research faculty certificate is valid for 13787
three years, except that the certificate ceases to be valid if 13788
the holder's academic staff appointment described in division 13789
(A) (2) of this section is no longer valid or the certificate is 13790
revoked pursuant to division (C) of this section. 13791

(E) (1) The board shall provide a renewal notice to the 13792
certificate holder at least one month before the certificate 13793
expires. Failure of a certificate holder to receive a notice of 13794
renewal from the board shall not excuse the certificate holder 13795
from the requirements contained in this section. The notice 13796
shall inform the certificate holder of the renewal procedure. 13797
The notice also shall inform the certificate holder of the 13798
reporting requirement established by division (H) of section 13799
3701.79 of the Revised Code. At the discretion of the board, the 13800
information may be included on the application for renewal or on 13801
an accompanying page. 13802

(2) A clinical research faculty certificate may be renewed 13803
for an additional three-year period. There is no limit on the 13804
number of times a certificate may be renewed. A person seeking 13805
renewal of a certificate shall apply to the board. The board 13806
shall provide the application for renewal in a form determined 13807
by the board. 13808

(3) An applicant is eligible for renewal if the applicant 13809
does all of the following: 13810

(a) Reports any criminal offense to which the applicant 13811
has pleaded guilty, of which the applicant has been found 13812
guilty, or for which the applicant has been found eligible for 13813

intervention in lieu of conviction, since last filing an 13814
application for a clinical research faculty certificate; 13815

(b) Provides evidence satisfactory to the board of both of 13816
the following: 13817

(i) That the applicant continues to maintain a current, 13818
unrestricted license to practice medicine and surgery, 13819
osteopathic medicine and surgery, or podiatric medicine and 13820
surgery issued by another state or country; 13821

(ii) That the applicant's initial appointment to serve in 13822
this state on the academic staff of a school or college is still 13823
valid or has been renewed. 13824

(4) Regardless of whether the certificate has expired, a 13825
person who was granted a visiting medical faculty certificate 13826
under this section as it existed immediately prior to June 6, 13827
2012, may apply for a clinical research faculty certificate as a 13828
renewal. The board may issue the clinical research faculty 13829
certificate if the applicant meets the requirements of division 13830
(E) (3) of this section. The board may not issue a clinical 13831
research faculty certificate if the visiting medical faculty 13832
certificate was revoked. 13833

(F) A person holding a clinical research faculty 13834
certificate issued under this section shall not be required to 13835
obtain a certificate under Chapter 4796. of the Revised Code. 13836

(G) The board may adopt any rules it considers necessary 13837
to implement this section. The rules shall be adopted in 13838
accordance with Chapter 119. of the Revised Code. 13839

Sec. 4731.294. (A) The state medical board may issue, 13840
without examination, a special activity certificate to any 13841
nonresident person seeking to practice medicine and surgery or 13842

osteopathic medicine and surgery in conjunction with a special 13843
activity, program, or event taking place in this state. 13844

(B) An applicant for a special activity certificate shall 13845
submit evidence satisfactory to the board of all of the 13846
following: 13847

(1) The applicant holds a current, unrestricted license to 13848
practice medicine and surgery or osteopathic medicine and 13849
surgery issued by another state or country and that within the 13850
two-year period immediately preceding application, the applicant 13851
has done one of the following: 13852

(a) Actively practiced medicine and surgery or osteopathic 13853
medicine and surgery in the United States; 13854

(b) Participated in a graduate medical education program 13855
accredited by either the accreditation council for graduate 13856
medical education of the American medical association or the 13857
American osteopathic association; 13858

(c) Successfully passed the federation licensing 13859
examination established by the federation of state medical 13860
boards, a special examination established by the federation of 13861
state medical boards, or all parts of a standard medical 13862
licensing examination established for purposes of determining 13863
the competence of individuals to practice medicine and surgery 13864
or osteopathic medicine and surgery in the United States. 13865

(2) The applicant meets the same educational requirements 13866
that individuals must meet under sections 4731.09 and 4731.14 of 13867
the Revised Code. 13868

(3) The applicant's practice in conjunction with the 13869
special activity, program, or event will be in the public 13870
interest. 13871

(C) The applicant shall pay a fee of one hundred twenty-five dollars. 13872
13873

(D) The holder of a special activity certificate may 13874
practice medicine and surgery or osteopathic medicine and 13875
surgery only in conjunction with the special activity, event, or 13876
program for which the certificate is issued. The board may 13877
revoke a certificate on receiving proof satisfactory to the 13878
board that the holder of the certificate has engaged in practice 13879
in this state outside the scope of the certificate or that there 13880
are grounds for action against the certificate holder under 13881
section 4731.22 of the Revised Code. 13882

(E) A special activity certificate is valid for the 13883
shorter of thirty days or the duration of the special activity, 13884
program, or event. The certificate may not be renewed. 13885

(F) The board shall not require a person holding a special 13886
activity certificate issued under this section to obtain a 13887
certificate under Chapter 4796. of the Revised Code. 13888

(G) The state medical board shall adopt rules in 13889
accordance with Chapter 119. of the Revised Code that specify 13890
how often an applicant may be granted a certificate under this 13891
section. 13892

Sec. 4731.295. (A) (1) As used in this section: 13893

(a) "Free clinic" has the same meaning as in section 13894
3701.071 of the Revised Code. 13895

(b) "Indigent and uninsured person" and "operation" have 13896
the same meanings as in section 2305.234 of the Revised Code. 13897

(2) For the purposes of this section, a person shall be 13898
considered retired from practice if the person's license has 13899

expired with the person's intention of ceasing to practice 13900
medicine and surgery or osteopathic medicine and surgery for 13901
remuneration. 13902

(B) The state medical board may issue, without 13903
examination, a volunteer's certificate to a person who is 13904
retired from practice so that the person may provide medical 13905
services to indigent and uninsured persons at any location, 13906
including a free clinic. The board shall deny issuance of a 13907
volunteer's certificate to a person who is not qualified under 13908
this section to hold a volunteer's certificate. 13909

(C) An application for a volunteer's certificate shall 13910
include all of the following: 13911

(1) A copy of the applicant's degree of medicine or 13912
osteopathic medicine. 13913

(2) One of the following, as applicable: 13914

(a) A copy of the applicant's most recent license 13915
authorizing the practice of medicine and surgery or osteopathic 13916
medicine and surgery issued by a jurisdiction in the United 13917
States that licenses persons to practice medicine and surgery or 13918
osteopathic medicine and surgery-. 13919

(b) A copy of the applicant's most recent license 13920
equivalent to a license to practice medicine and surgery or 13921
osteopathic medicine and surgery in one or more branches of the 13922
United States armed services that the United States government 13923
issued. 13924

(3) Evidence of one of the following, as applicable: 13925

(a) That the applicant has maintained for at least ten 13926
years prior to retirement full licensure in good standing in any 13927

jurisdiction in the United States that licenses persons to 13928
practice medicine and surgery or osteopathic medicine and 13929
surgery. 13930

(b) That the applicant has practiced for at least ten 13931
years prior to retirement in good standing as a doctor of 13932
medicine and surgery or osteopathic medicine and surgery in one 13933
or more of the branches of the United States armed services. 13934

(4) An attestation that the applicant will not accept any 13935
form of remuneration for any medical services rendered while in 13936
possession of a volunteer's certificate. 13937

(D) The holder of a volunteer's certificate may provide 13938
medical services only to indigent and uninsured persons, but may 13939
do so at any location, including a free clinic. The holder shall 13940
not accept any form of remuneration for providing medical 13941
services while in possession of the certificate. Except in a 13942
medical emergency, the holder shall not perform any operation or 13943
deliver babies. The board may revoke a volunteer's certificate 13944
on receiving proof satisfactory to the board that the holder has 13945
engaged in practice in this state outside the scope of the 13946
certificate. 13947

(E) (1) A volunteer's certificate shall be valid for a 13948
period of three years, unless earlier revoked under division (D) 13949
of this section or pursuant to section 4731.22 of the Revised 13950
Code. A volunteer's certificate may be renewed upon the 13951
application of the holder. The board shall maintain a register 13952
of all persons who hold volunteer's certificates. The board 13953
shall not charge a fee for issuing or renewing a certificate 13954
pursuant to this section. 13955

(2) To be eligible for renewal of a volunteer's 13956

certificate the holder of the certificate shall certify to the board completion of one hundred fifty hours of continuing medical education that meets the requirements of section 4731.282 of the Revised Code regarding certification by private associations and approval by the board. The board may not renew a certificate if the holder has not complied with the continuing medical education requirements. Any entity for which the holder provides medical services may pay for or reimburse the holder for any costs incurred in obtaining the required continuing medical education credits.

(3) The board shall issue a volunteer's certificate to each person who qualifies under this section for the certificate. The certificate shall state that the certificate holder is authorized to provide medical services pursuant to the laws of this state. The holder shall display the 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 holder of a volunteer's certificate issued under this section is not required to obtain a license under Chapter 4796. of the Revised Code.

(G) The board shall adopt rules in accordance with Chapter 119. of the Revised Code to administer and enforce this section.

Sec. 4731.297. (A) As used in this section:

(1) "Academic medical center" means a medical school and its affiliated teaching hospitals and clinics partnering to do

all of the following: 13986

(a) Provide the highest quality of patient care from 13987
expert physicians; 13988

(b) Conduct groundbreaking research leading to medical 13989
advancements for current and future patients; 13990

(c) Provide medical education and graduate medical 13991
education to educate and train physicians. 13992

(2) "Affiliated physician group practice" means a medical 13993
practice that consists of one or more physicians authorized 13994
under this chapter to practice medicine and surgery or 13995
osteopathic medicine and surgery and that is affiliated with an 13996
academic medical center to further the objectives described in 13997
divisions (A) (1) (a) to (c) of this section. 13998

(B) The state medical board shall issue, without 13999
examination, to an applicant who meets the requirements of this 14000
section a certificate of conceded eminence authorizing the 14001
practice of medicine and surgery or osteopathic medicine and 14002
surgery as part of the applicant's employment with an academic 14003
medical center in this state or affiliated physician group 14004
practice in this state. 14005

(C) To be eligible for a certificate of conceded eminence, 14006
an applicant shall provide to the board all of the following: 14007

(1) Evidence satisfactory to the board of all of the 14008
following: 14009

(a) That the applicant is an international medical 14010
graduate who holds a medical degree from an educational 14011
institution listed in the international medical education 14012
directory; 14013

(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.

(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.

(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.

(viii) The applicant has been the recipient of a national institutes of health or other competitive grant award.

(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;

(g) That the applicant has sufficient written and oral English skills to communicate effectively and reliably with patients, their families, and other medical professionals;

(h) That the applicant will have professional liability insurance through the applicant's employment with the academic medical center or affiliated physician group practice.

(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;

(3) Three letters of reference from distinguished experts 14070
in the applicant's specialty attesting to the unique 14071
capabilities of the applicant, at least one of which must be 14072
from outside the academic medical center or affiliated physician 14073
group practice; 14074

(4) An affidavit from the dean of the medical school where 14075
the applicant has been appointed to serve as a faculty member 14076
stating that the applicant meets all of the requirements of 14077
division (C) (1) of this section and that the letters of 14078
reference submitted under division (C) (3) of this section are 14079
from distinguished experts in the applicant's specialty, and 14080
documentation to support the affidavit; 14081

(5) A fee of one thousand dollars for the certificate. 14082

(D) (1) The holder of a certificate of conceded eminence 14083
may practice medicine and surgery or osteopathic medicine and 14084
surgery only within the clinical setting of the academic medical 14085
center with which the certificate holder is employed or for the 14086
affiliated physician group practice with which the certificate 14087
holder is employed. 14088

(2) A certificate holder may supervise medical students, 14089
physicians participating in graduate medical education, advanced 14090
practice nurses, and physician assistants when performing 14091
clinical services in the certificate holder's area of specialty. 14092

(E) The board may revoke a certificate issued under this 14093
section on receiving proof satisfactory to the board that the 14094
certificate holder has engaged in practice in this state outside 14095
the scope of the certificate or that there are grounds for 14096
action against the certificate holder under section 4731.22 of 14097
the Revised Code. 14098

(F) A certificate of conceded eminence is valid for the 14099
shorter of two years or the duration of the certificate holder's 14100
employment with the academic medical center or affiliated 14101
physician group practice. The certificate ceases to be valid if 14102
the holder resigns or is otherwise terminated from the academic 14103
medical center or affiliated physician group practice. 14104

(G) A certificate of conceded eminence may be renewed for 14105
an additional two-year period. There is no limit on the number 14106
of times a certificate may be renewed. A person seeking renewal 14107
of a certificate shall apply to the board and is eligible for 14108
renewal if the applicant does all of the following: 14109

(1) Pays the renewal fee of one thousand dollars; 14110

(2) Provides to the board an affidavit and supporting 14111
documentation from the academic medical center or affiliated 14112
physician group practice of all of the following: 14113

(a) That the applicant's initial appointment to the 14114
medical faculty is still valid or has been renewed; 14115

(b) That the applicant's clinical practice is consistent 14116
with the established standards in the field; 14117

(c) That the applicant has demonstrated continued 14118
scholarly achievement; 14119

(d) That the applicant has demonstrated continued 14120
professional achievement consistent with the academic medical 14121
center's requirements, established pursuant to standards adopted 14122
under section 3701.351 of the Revised Code, for physicians with 14123
staff membership or professional privileges with the academic 14124
medical center. 14125

(3) Satisfies the same continuing medical education 14126

requirements set forth in section 4731.282 of the Revised Code 14127
that apply to a person who holds a certificate to practice 14128
medicine and surgery or osteopathic medicine and surgery issued 14129
under this chapter. 14130

(4) Complies with any other requirements established by 14131
the board. 14132

(H) The board shall not require a person to obtain a 14133
certificate under Chapter 4796. of the Revised Code to practice 14134
medicine and surgery or osteopathic medicine and surgery if the 14135
person holds a certificate of conceded eminence issued under 14136
this section. 14137

(I) The board may adopt any rules it considers necessary 14138
to implement this section. The rules shall be adopted in 14139
accordance with Chapter 119. of the Revised Code. 14140

Sec. 4731.299. (A) The Except as provided in division (I) 14141
of this section, the state medical board may issue, without 14142
examination, to an applicant who meets all of the requirements 14143
of this section an expedited license to practice medicine and 14144
surgery or osteopathic medicine and surgery by endorsement. 14145

(B) An individual who seeks an expedited license by 14146
endorsement shall file with the board a written application on a 14147
form prescribed and supplied by the board. The application shall 14148
include all of the information the board considers necessary to 14149
process it. 14150

(C) ~~To~~ Except as provided in division (I) of this section, 14151
to be eligible to receive an expedited license by endorsement, 14152
an applicant shall do both of the following: 14153

(1) Provide evidence satisfactory to the board that the 14154
applicant meets all of the following requirements: 14155

(a) Has passed one of the following:	14156
(i) Steps one, two, and three of the United States medical licensing examination;	14157 14158
(ii) Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States;	14159 14160
(iii) Any other medical licensing examination recognized by the board.	14161 14162
(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;	14163 14164 14165 14166 14167
(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;	14168 14169 14170
(d) Is in compliance with the medical education and training requirements in sections 4731.09 and 4731.14 of the Revised Code.	14171 14172 14173
(2) Certify to the board that all of the following are the case:	14174 14175
(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.	14176 14177 14178 14179 14180 14181
(b) The applicant does not have a medical condition that could affect the applicant's ability to practice according to	14182 14183

acceptable and prevailing standards of care. 14184

(c) No adverse action has been taken against the applicant 14185
by a health care institution. 14186

(d) To the applicant's knowledge, no federal agency, 14187
medical society, medical association, or branch of the United 14188
States military has investigated or taken action against the 14189
applicant. 14190

(e) No professional licensing or regulatory authority has 14191
filed a complaint against, investigated, or taken action against 14192
the applicant and the applicant has not withdrawn a professional 14193
license application. 14194

(f) The applicant has not been suspended or expelled from 14195
any institution of higher education or school, including a 14196
medical school. 14197

(D) An applicant for an expedited license by endorsement 14198
shall comply with section 4731.08 of the Revised Code. 14199

(E) ~~At~~ Except as provided in division (I) of this section, 14200
at the time of application, the applicant shall pay to the board 14201
a fee of one thousand dollars, no part of which shall be 14202
returned. No application shall be considered filed until the 14203
board receives the fee. 14204

(F) The secretary and supervising member of the board 14205
shall review all applications received under this section. 14206

If the secretary and supervising member determine that an 14207
applicant meets the requirements for an expedited license by 14208
endorsement, the board shall issue the license to the applicant. 14209

If the secretary and supervising member determine that an 14210
applicant does not meet the requirements for an expedited 14211

license by endorsement, the application shall be treated as an 14212
application under section 4731.09 of the Revised Code. 14213

(G) Each license issued by the board under this section 14214
shall be signed by the president and secretary of the board and 14215
attested by the board's seal. 14216

(H) Within sixty days after September 29, 2013, the board 14217
shall approve acceptable means of demonstrating compliance with 14218
sections 4731.09 and 4731.14 of the Revised Code as required by 14219
division (C) (1) (d) of this section. 14220

(I) The board shall issue a license to practice medicine 14221
and surgery or osteopathic medicine and surgery in accordance 14222
with Chapter 4796. of the Revised Code to an applicant if either 14223
of the following applies: 14224

(1) The applicant holds a license in another state. 14225

(2) The applicant has satisfactory work experience, a 14226
government certification, or a private certification as 14227
described in that chapter as a physician in a state that does 14228
not issue that license. 14229

Sec. 4731.52. (A) ~~A~~ Except as provided in division (E) of 14230
this section, a person seeking a license to practice podiatric 14231
medicine and surgery shall file with the state medical board an 14232
application in the form and manner prescribed by the board. The 14233
application must include all of the following: 14234

(1) Evidence satisfactory to the board to demonstrate that 14235
the applicant meets all of the following requirements: 14236

(a) Is at least eighteen years of age; 14237

(b) Possesses a high school diploma or a certificate of 14238
high school equivalence or has obtained the equivalent of such 14239

education as determined by the board;	14240
(c) Has completed at least two years of undergraduate work	14241
in a college of arts and sciences or the equivalent of such	14242
education as determined by the board;	14243
(d) Holds a degree from a college of podiatric medicine	14244
and surgery that was in good standing with the board at the time	14245
the degree was granted, as determined by the board;	14246
(e) Has completed one year of postgraduate training in a	14247
podiatric internship, residency, or clinical fellowship program	14248
accredited by the council on podiatric medicine or the American	14249
podiatric medical association or its equivalent as determined by	14250
the board;	14251
(f) Has successfully passed an examination prescribed in	14252
rules adopted by the board to determine competency to practice	14253
podiatric medicine and surgery;	14254
(g) Has complied with section 4731.531 of the Revised	14255
Code.	14256
(2) An attestation that the information submitted under	14257
this section is accurate and truthful;	14258
(3) Consent to the release of the applicant's information;	14259
(4) Any other information the board requires.	14260
(B) An <u>Except as provided in division (E) of this section,</u>	14261
<u>an</u> applicant for a license to practice podiatric medicine and	14262
surgery shall include with the application a fee of three	14263
hundred five dollars, no part of which may be returned. An	14264
application is not considered submitted until the board receives	14265
the fee.	14266

(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 14296
board. The board shall not require a nonresident person who 14297
holds a license in another state to obtain a license under 14298
Chapter 4796. of the Revised Code. 14299

(B) An applicant for a visiting podiatric faculty 14300
certificate shall submit evidence satisfactory to the board that 14301
the applicant meets the requirements of division (A) of this 14302
section. 14303

(C) The holder of a visiting podiatric faculty certificate 14304
may practice podiatric medicine and surgery only as is 14305
incidental to the certificate holder's teaching duties at the 14306
college or the teaching hospitals affiliated with the college. 14307
The board may revoke a certificate on receiving proof 14308
satisfactory to the board that the holder of the certificate has 14309
engaged in practice in this state outside the scope of the 14310
certificate or that there are grounds for action against the 14311
certificate holder under section 4731.22 of the Revised Code. 14312

(D) A visiting podiatric faculty certificate is valid for 14313
the shorter of one year or the duration of the holder's 14314
appointment to the academic staff of the college. The 14315
certificate may not be renewed. 14316

Sec. 4732.10. (A) The state board of psychology shall 14317
appoint an entrance examiner who shall determine the sufficiency 14318
of an applicant's qualifications for admission to the 14319
appropriate examination. A member of the board or the executive 14320
director may be appointed as the entrance examiner. 14321

(B) Requirements for admission to examination for a 14322
psychologist license shall be that the applicant: 14323

(1) Is at least twenty-one years of age; 14324

(2) Meets one of the following requirements:	14325
(a) Received an earned doctoral degree from an institution accredited or recognized by a national or regional accrediting agency and a program accredited by any of the following:	14326
(i) The American psychological association, office of program consultation and accreditation;	14327
(ii) The accreditation office of the Canadian psychological association;	14328
(iii) A program listed by the association of state and provincial psychology boards/national register designation committee;	14329
(iv) The national association of school psychologists.	14330
(b) Received an earned doctoral degree in psychology or school psychology from an institution accredited or recognized by a national or regional accrediting agency but the program does not meet the program accreditation requirements of division (B) (2) (a) of this section;	14331
(c) Received from an academic institution outside of the United States or Canada a degree determined, under rules adopted by the board under division (E) of this section, to be equivalent to a doctoral degree in psychology from a program described in division (B) (2) (a) of this section;	14332
(d) Held a psychologist license, certificate, or registration required for practice in another United States or a Canadian jurisdiction for a minimum of ten years and meets educational, experience, and professional requirements established under rules adopted by the board.	14333
(3) Has had at least two years of supervised professional	14334
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experience in psychological work of a type satisfactory to the 14353
board, at least one year of which must be a predoctoral 14354
internship. The board shall adopt guidelines for the kind of 14355
supervised professional experience that fulfill this 14356
requirement. 14357

(4) If applying under division (B) (2) (b) or (c) of this 14358
section, has had at least two years of supervised professional 14359
experience in psychological work of a type satisfactory to the 14360
board, at least one year of which must be postdoctoral. The 14361
board shall adopt guidelines for the kind of supervised 14362
professional experience that fulfill this requirement. 14363

(C) Requirements for admission to examination for a school 14364
psychologist license shall be that the applicant: 14365

(1) Has received from an educational institution 14366
accredited or recognized by national or regional accrediting 14367
agencies as maintaining satisfactory standards, including those 14368
approved by the state board of education for the training of 14369
school psychologists, at least a master's degree in school 14370
psychology, or a degree considered equivalent by the board; 14371

(2) Is at least twenty-one years of age; 14372

(3) Has completed at least sixty quarter hours, or the 14373
semester hours equivalent, at the graduate level, of accredited 14374
study in course work relevant to the study of school psychology; 14375

(4) Has completed an internship in an educational 14376
institution approved by the Ohio department of education for 14377
school psychology supervised experience or one year of other 14378
training experience acceptable to the board, such as supervised 14379
professional experience under the direction of a licensed 14380
psychologist or licensed school psychologist; 14381

(5) Furnishes proof of at least twenty-seven months, 14382
exclusive of internship, of full-time experience as a 14383
certificated school psychologist employed by a board of 14384
education or a private school meeting the standards prescribed 14385
by the state board of education, or of experience that the board 14386
deems equivalent. 14387

(D) If the entrance examiner finds that the applicant 14388
meets the requirements set forth in this section, the applicant 14389
shall be admitted to the appropriate examination. 14390

(E) The board shall adopt under Chapter 119. of the 14391
Revised Code rules for determining for the purposes of division 14392
(B) (2) (b) of this section whether a degree is equivalent to a 14393
degree in psychology from an institution in the United States. 14394

Sec. 4732.12. If an applicant for a license issued by the 14395
state board of psychology to practice as a psychologist or 14396
school psychologist receives a score acceptable to the board on 14397
the appropriate examination required by section 4732.11 of the 14398
Revised Code and has paid the fee required by section 4732.15 of 14399
the Revised Code, the board shall issue the appropriate license. 14400

The board shall issue a license to practice as a 14401
psychologist or school psychologist, as appropriate, in 14402
accordance with Chapter 4796. of the Revised Code to an 14403
applicant who holds a license in another state or has 14404
satisfactory work experience, a government certification, or a 14405
private certification as described in that chapter as a 14406
psychologist or school psychologist in a state that does not 14407
issue that license. 14408

Sec. 4732.22. (A) The following persons are exempted from 14409
the licensing requirements of this chapter: 14410

(1) A person who holds a license or certificate issued by 14411
the state board of education authorizing the practice of school 14412
psychology, while practicing school psychology within the scope 14413
of employment by a board of education or by a private school 14414
meeting the standards prescribed by the state board of education 14415
under division (D) of section 3301.07 of the Revised Code, or 14416
while acting as a school psychologist within the scope of 14417
employment in a program for children with disabilities 14418
established under Chapter 3323. or 5126. of the Revised Code. A 14419
person exempted under this division shall not offer 14420
psychological services to any other individual, organization, or 14421
group for remuneration, monetary or otherwise, unless the person 14422
is licensed by the state board of psychology. 14423

(2) Any nonresident temporarily employed in this state to 14424
render psychological services for not more than thirty days a 14425
year, who, in the opinion of the board, meets the standards for 14426
entrance in division (B) of section 4732.10 of the Revised Code, 14427
who has paid the required fee and submitted an application 14428
prescribed by the board, and who holds whatever license or 14429
certificate, if any, is required for such practice in the 14430
person's home state or home country. The state board of 14431
psychology shall not require a nonresident temporarily employed 14432
in this state who holds a license or certificate in another 14433
state to obtain a license in accordance with Chapter 4796. of 14434
the Revised Code to practice or render psychological services in 14435
the manner described under this division. 14436

(3) Any person working under the supervision of a 14437
psychologist or school psychologist licensed under this chapter, 14438
while carrying out specific tasks, under the license holder's 14439
supervision, as an extension of the license holder's legal and 14440
ethical authority as specified under this chapter if the person 14441

is registered under division (B) of this section. All fees shall 14442
be billed under the name of the license holder. The person 14443
working under the license holder's supervision shall not 14444
represent self to the public as a psychologist or school 14445
psychologist, although supervised persons and persons in 14446
training may be ascribed such titles as "psychology trainee," 14447
"psychology assistant," "psychology intern," or other 14448
appropriate term that clearly implies their supervised or 14449
training status. 14450

(4) Any student in an accredited educational institution, 14451
while carrying out activities that are part of the student's 14452
prescribed course of study, provided such activities are 14453
supervised by a professional person who is qualified to perform 14454
such activities and is licensed under this chapter or is a 14455
qualified supervisor pursuant to rules of the board; 14456

(5) Recognized religious officials, including ministers, 14457
priests, rabbis, imams, Christian science practitioners, and 14458
other persons recognized by the board, conducting counseling 14459
when the counseling activities are within the scope of the 14460
performance of their regular duties and are performed under the 14461
auspices or sponsorship of an established and legally cognizable 14462
religious denomination or sect, as defined in current federal 14463
tax regulations, and when the religious official does not refer 14464
to the official's self as a psychologist and remains accountable 14465
to the established authority of the religious denomination or 14466
sect; 14467

(6) Persons in the employ of the federal government 14468
insofar as their activities are a part of the duties of their 14469
positions; 14470

(7) Persons licensed, certified, or registered under any 14471

other provision of the Revised Code who are practicing those 14472
arts and utilizing psychological procedures that are allowed and 14473
within the standards and ethics of their profession or within 14474
new areas of practice that represent appropriate extensions of 14475
their profession, provided that they do not hold themselves out 14476
to the public by the title of psychologist; 14477

(8) Persons using the term "social psychologist," 14478
"experimental psychologist," "developmental psychologist," 14479
"research psychologist," "cognitive psychologist," and other 14480
terms used by those in academic and research settings who 14481
possess a doctoral degree in psychology from an educational 14482
institution accredited or recognized by national or regional 14483
accrediting agencies as maintaining satisfactory standards and 14484
who do not use such a term in the solicitation or rendering of 14485
professional psychological services. 14486

(B) The license holder who is supervising a person 14487
described in division (A) (3) of this section shall register the 14488
person with the board. The board shall adopt rules regarding the 14489
registration process and the supervisory relationship. 14490

Sec. 4733.18. (A) The state board of registration for 14491
professional engineers and surveyors ~~may shall~~ authorize a 14492
temporary registration for an individual who has filed with the 14493
board an application for a temporary registration and has paid 14494
the required fee in accordance with Chapter 4796. of the Revised 14495
Code. The temporary registration continues only for the time the 14496
board requires for consideration of the application for 14497
registration, ~~provided a person is legally qualified to practice~~ 14498
~~that profession in the person's own state in which the~~ 14499
~~requirements and qualifications of registration are not lower~~ 14500
~~than those specified in this chapter.~~ 14501

(B) (1) The following persons are exempt from this chapter:	14502
(a) An employee or a subordinate of a person registered	14503
under this chapter or an employee of a person holding temporary	14504
registration under division (A) of this section, provided the	14505
employee's or subordinate's duties do not include responsible	14506
charge of engineering or surveying work;	14507
(b) Officers and employees of the government of the United	14508
States while engaged within this state in the practice of	14509
engineering or surveying, for that government;	14510
(c) An engineer engaged solely as an officer of a	14511
privately owned public utility.	14512
(2) This chapter does not require registration for the	14513
purpose of practicing professional engineering, or professional	14514
surveying by an individual, firm, or corporation on property	14515
owned or leased by that individual, firm, or corporation unless	14516
the same involves the public welfare or the safeguarding of	14517
life, health, or property, or for the performance of engineering	14518
or surveying which relates solely to the design or fabrication	14519
of manufactured products.	14520
(C) Nothing in this chapter prevents persons other than	14521
engineers from preparing plans, drawings, specifications, or	14522
data, from filing applications for building permits, or from	14523
obtaining those permits for residential buildings, as defined by	14524
section 3781.06 of the Revised Code, or buildings that are	14525
erected as one-, two-, or three-family units or structures	14526
within the meaning of the term "industrialized unit" as provided	14527
in section 3781.06 of the Revised Code.	14528
(D) Nothing in this chapter prevents persons other than	14529
engineers from preparing drawings or data, from filing	14530

applications for building permits, or from obtaining those 14531
permits for the installation of replacement equipment or systems 14532
that are similar in type or capacity to the equipment or systems 14533
being replaced, and for any improvement, alteration, repair, 14534
painting, decorating, or other modification of any buildings or 14535
structures subject to sections 3781.06 to 3781.18 and 3791.04 of 14536
the Revised Code where the building official determines that no 14537
plans or specifications are required for approval. 14538

Sec. 4733.19. ~~A~~ With respect to a person registered or 14539
licensed to engage in the practice of engineering or surveying 14540
by a proper authority of a ~~another~~ state, territory, or 14541
possession of the United States, or the District of Columbia, 14542
~~who, in the opinion of or who has a government certification or~~ 14543
private certification as an engineer or surveyor in another 14544
state, territory, or possession of the United States, or the 14545
District of Columbia that does not issue that registration or 14546
license, the state board of registration for professional 14547
engineers and surveyors, ~~meets the requirements of this chapter,~~ 14548
~~based on verified evidence, may, upon application and payment of~~ 14549
~~the established fee, be registered~~ shall register the person as 14550
a professional engineer or surveyor in accordance with Chapter 14551
4796. of the Revised Code. Notwithstanding section 4796.05 of 14552
the Revised Code, the board shall register a person who has 14553
satisfactory work experience as a professional engineer or 14554
surveyor in accordance with Chapter 4796. of the Revised Code if 14555
the person satisfies a minimum education requirement and passes 14556
an examination. 14557

~~Any person who seeks registration as a professional~~ 14558
~~surveyor under this section must pass a two-hour professional~~ 14559
~~practice examination, devoted to the laws and practices of this~~ 14560
~~state prior to receiving such registration.~~ 14561

Sec. 4734.23. (A) A person licensed by another ~~state or~~ 14562
country in the practice of chiropractic may apply under this 14563
section for a license to practice chiropractic in this state in 14564
lieu of applying under section 4734.20 of the Revised Code. The 14565
fee for applying under this ~~section~~ division shall be five 14566
hundred dollars. 14567

(B) The state chiropractic board may, for good cause, 14568
waive all or part of the educational and testing requirements 14569
specified under section 4734.20 of the Revised Code and issue a 14570
license to an applicant under division (A) of this section, if 14571
the applicant presents satisfactory proof of being licensed to 14572
practice chiropractic in another ~~state or~~ country where the 14573
requirements for receipt of the license, on the date the license 14574
was issued, are considered by the board to be substantially 14575
equivalent to those of this chapter. The applicant must meet the 14576
same age requirement that must be met under section 4734.20 of 14577
the Revised Code. If the board does not waive all of the 14578
educational and testing requirements, the board may require that 14579
the applicant complete and receive a score specified by the 14580
board on one or more tests administered by the board or by the 14581
national board of chiropractic examiners or another testing 14582
entity. 14583

(C) The board shall issue a license to practice 14584
chiropractic in accordance with Chapter 4796. of the Revised 14585
Code to an applicant if either of the following applies: 14586

(1) The applicant holds a license to practice chiropractic 14587
in another state. 14588

(2) The applicant has satisfactory work experience, a 14589
government certification, or a private certification as 14590
described in that chapter as a chiropractor in a state that does 14591

not issue that license. 14592

Sec. 4734.27. (A) To the extent it is in the public 14593
interest, the state chiropractic board may issue, without 14594
examination, a special limited license to practice chiropractic 14595
as follows: 14596

(1) To a person who is seeking to participate in an 14597
internship, residency, preceptorship, or clinical fellowship in 14598
this state in preparation for the practice of chiropractic; 14599

(2) To a nonresident person who plans to provide 14600
chiropractic services in connection with a special activity, 14601
program, or event conducted in this state, if the person holds a 14602
current, valid, and unrestricted license to practice 14603
chiropractic in another state or country; 14604

(3) To a person who previously held an unrestricted 14605
license to practice chiropractic in this state who plans to 14606
offer gratuitous chiropractic services as a voluntary public 14607
service; 14608

(4) To any other person for any other reason specified as 14609
good cause by the board in rules adopted under this section. 14610

(B) An applicant for a special limited license shall 14611
submit to the board a complete application on a form prescribed 14612
by the board, pay an application fee of seventy-five dollars, 14613
and furnish proof satisfactory to the board of being at least 14614
twenty-one years of age and of either holding the degree of 14615
doctor of chiropractic or being enrolled in a program leading to 14616
the degree. The institution from which the applicant received 14617
the degree or in which the applicant is enrolled must be a 14618
school or college that is approved by the board under section 14619
4734.21 of the Revised Code. 14620

(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. 14650

Sec. 4734.283. If the state chiropractic board determines 14651
under section 4734.282 of the Revised Code that an applicant 14652
meets the requirements for a certificate to practice 14653
acupuncture, the executive director of the board shall issue to 14654
the applicant a certificate to practice acupuncture. 14655

A certificate to practice acupuncture expires biennially 14656
in accordance with a schedule the board shall establish. The 14657
certificate may be renewed in accordance with section 4734.284 14658
of the Revised Code. 14659

Notwithstanding the requirements for a certificate under 14660
this chapter, the executive director shall issue a certificate 14661
to practice acupuncture in accordance with Chapter 4796. of the 14662
Revised Code to a chiropractor who holds a license or 14663
certificate to practice acupuncture in another state or has 14664
satisfactory work experience, a government certification, or a 14665
private certification as described in that chapter as an 14666
acupuncturist in a state that does not issue that license or 14667
certificate. 14668

Sec. 4735.023. (A) An oil and gas land professional who is 14669
not otherwise permitted to engage in the activities described in 14670
division (A) of section 4735.01 of the Revised Code may perform 14671
such activities, if the oil and gas land professional does all 14672
of the following: 14673

(1) (a) Registers on an annual basis as an oil and gas land 14674
professional with the superintendent of real estate by such date 14675
specified and on a form approved by the superintendent, which 14676
form includes both of the following: 14677

(i) The name and address of the oil and gas land 14678

professional; 14679

(ii) Evidence of the oil and gas land professional's 14680
membership in good standing in a national, state, or local 14681
professional organization that has been in existence for at 14682
least three years and has, as part of its mission, developed a 14683
set of standards of performance and ethics for oil and gas land 14684
professionals. 14685

(b) Pays an annual fee, established by the superintendent 14686
in an amount not to exceed one hundred dollars, which shall 14687
accompany the registration. 14688

(2) At or prior to first contacting any landowner or other 14689
person with an interest in real estate for the purpose of 14690
engaging in the activities of an oil and gas land professional, 14691
and on a form approved by the superintendent, discloses to the 14692
landowner or other person all of the following: 14693

(a) The oil and gas land professional's name and address 14694
as registered with the superintendent; 14695

(b) That the oil and gas land professional is registered 14696
as such with the superintendent and is a member in good standing 14697
in a national, state, or local professional organization that 14698
has been in existence for at least three years and has, as part 14699
of its mission, developed a set of standards of performance and 14700
ethics for oil and gas land professionals; 14701

(c) That the oil and gas land professional is not a 14702
licensed real estate broker or real estate salesperson under 14703
Chapter 4735. of the Revised Code; 14704

(d) That the landowner or other person with an interest in 14705
real estate may seek legal counsel in connection with any 14706
transaction with the oil and gas land professional; 14707

(e) That the oil and gas land professional is not 14708
representing the landowner or other person with an interest in 14709
real estate. 14710

(3) At or prior to entering into any agreements for the 14711
purpose of exploring for, transporting, producing, or developing 14712
oil and gas mineral interests including, but not limited to, oil 14713
and gas leases and pipeline easements with any landowner or 14714
other person with an interest in real estate, and on a form 14715
approved by the superintendent, discloses to the landowner or 14716
other person with an interest in real estate all of the 14717
following: 14718

(a) The oil and gas land professional's name and address 14719
as registered with the superintendent; 14720

(b) That the oil and gas land professional is registered 14721
as such with the superintendent and a member in good standing in 14722
a national, state, or local professional organization that has 14723
been in existence for at least three years and has, as part of 14724
its mission, developed a set of standards of performance and 14725
ethics for oil and gas land professionals; 14726

(c) That the oil and gas land professional is not a 14727
licensed real estate broker or real estate salesperson under 14728
Chapter 4735. of the Revised Code; 14729

(d) That the landowner or other person may seek legal 14730
counsel in connection with any transaction with the oil and gas 14731
land professional; 14732

(e) That the oil and gas land professional is not 14733
representing the landowner or other person with an interest in 14734
real estate. 14735

(B) Any oil and gas land professional who must be 14736

registered as such with the superintendent pursuant to this 14737
section who ceases to be a member in good standing of an 14738
organization described in division (A) (1) (a) (ii) of this section 14739
shall report the change in membership status to the 14740
superintendent within thirty days of that change. Failure to 14741
report such change in membership status shall result in the 14742
automatic suspension of registration status and subject the 14743
registrant to the penalties for unlicensed activity as found in 14744
section 4735.052 of the Revised Code. 14745

(C) Any oil and gas land professional who fails to 14746
register with the superintendent pursuant to this section is 14747
subject to the penalties for unlicensed activity as found in 14748
section 4735.052 of the Revised Code. 14749

(D) Notwithstanding any provision of this section to the 14750
contrary, the superintendent shall register in accordance with 14751
Chapter 4796. of the Revised Code as an oil and gas land 14752
professional a person if either of the following applies: 14753

(1) The person is licensed or registered as an oil and gas 14754
land professional in another state. 14755

(2) The person has satisfactory work experience, a 14756
government certification, or a private certification as 14757
described in that chapter as an oil and gas land professional in 14758
a state that does not issue that license or registration. 14759

Sec. 4735.07. (A) The superintendent of real estate, with 14760
the consent of the Ohio real estate commission, may enter into 14761
agreements with recognized national testing services to 14762
administer the real estate broker's examination under the 14763
superintendent's supervision and control, consistent with the 14764
requirements of this chapter as to the contents of such 14765

examination. 14766

(B) No applicant for a real estate broker's license shall 14767
take the broker's examination who has not established to the 14768
satisfaction of the superintendent that the applicant: 14769

(1) Is honest and truthful; 14770

(2) (a) Has not been convicted of a disqualifying offense 14771
as determined in accordance with section 9.79 of the Revised 14772
Code; 14773

(b) Has not been finally adjudged by a court to have 14774
violated any municipal, state, or federal civil rights laws 14775
relevant to the protection of purchasers or sellers of real 14776
estate or, if the applicant has been so adjudged, at least two 14777
years have passed since the court decision and the 14778
superintendent has disregarded the adjudication because the 14779
applicant has proven, by a preponderance of the evidence, that 14780
the applicant's activities and employment record since the 14781
adjudication show that the applicant is honest and truthful, and 14782
there is no basis in fact for believing that the applicant will 14783
again violate the laws involved. 14784

(3) Has not, during any period in which the applicant was 14785
licensed under this chapter, violated any provision of, or any 14786
rule adopted pursuant to, this chapter, or, if the applicant has 14787
violated any such provision or rule, has established to the 14788
satisfaction of the superintendent that the applicant will not 14789
again violate such provision or rule; 14790

(4) Is at least eighteen years of age; 14791

(5) Has been a licensed real estate broker or salesperson 14792
for at least two years; during at least two of the five years 14793
preceding the person's application, has worked as a licensed 14794

real estate broker or salesperson for an average of at least	14795
thirty hours per week; and has completed one of the following:	14796
(a) At least twenty real estate transactions, in which	14797
property was sold for another by the applicant while acting in	14798
the capacity of a real estate broker or salesperson;	14799
(b) Such equivalent experience as is defined by rules	14800
adopted by the commission.	14801
(6) (a) If licensed as a real estate salesperson prior to	14802
August 1, 2001, successfully has completed at an institution of	14803
higher education all of the following credit-eligible courses by	14804
either classroom instruction or distance education:	14805
(i) Thirty hours of instruction in real estate practice;	14806
(ii) Thirty hours of instruction that includes the	14807
subjects of Ohio real estate law, municipal, state, and federal	14808
civil rights law, new case law on housing discrimination,	14809
desegregation issues, and methods of eliminating the effects of	14810
prior discrimination. If feasible, the instruction in Ohio real	14811
estate law shall be taught by a member of the faculty of an	14812
accredited law school. If feasible, the instruction in	14813
municipal, state, and federal civil rights law, new case law on	14814
housing discrimination, desegregation issues, and methods of	14815
eliminating the effects of prior discrimination shall be taught	14816
by a staff member of the Ohio civil rights commission who is	14817
knowledgeable with respect to those subjects. The requirements	14818
of this division do not apply to an applicant who is admitted to	14819
practice before the supreme court.	14820
(iii) Thirty hours of instruction in real estate	14821
appraisal;	14822
(iv) Thirty hours of instruction in real estate finance;	14823

(v) Three quarter hours, or its equivalent in semester hours, in financial management;	14824 14825
(vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management;	14826 14827
(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;	14828 14829
(viii) Three quarter hours, or its equivalent in semester hours, in business law.	14830 14831
(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:	14832 14833 14834 14835
(i) Forty hours of instruction in real estate practice;	14836
(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.	14837 14838 14839 14840 14841 14842 14843 14844 14845 14846 14847 14848 14849 14850
(iii) Twenty hours of instruction in real estate appraisal;	14851 14852

(iv) Twenty hours of instruction in real estate finance;	14853
(v) The training in the amount of hours specified under	14854
divisions (B) (6) (a) (v), (vi), (vii), and (viii) of this section.	14855
(c) Division (B) (6) (a) or (b) of this section does not	14856
apply to any applicant who holds a valid real estate	14857
salesperson's license issued prior to January 2, 1972. Divisions	14858
(B) (6) (a) (v), (vi), (vii), and (viii) or division (B) (6) (b) (v)	14859
of this section do not apply to any applicant who holds a valid	14860
real estate salesperson's license issued prior to January 3,	14861
1984.	14862
(d) Divisions (B) (6) (a) (iii) and (B) (6) (b) (iii) of this	14863
section do not apply to any new applicant who holds a valid Ohio	14864
real estate appraiser license or certificate issued prior to the	14865
date of application for a real estate broker's license.	14866
(e) Successful completion of the instruction required by	14867
division (B) (6) (a) or (b) of this section shall be determined by	14868
the law in effect on the date the instruction was completed.	14869
(7) If licensed as a real estate salesperson on or after	14870
January 3, 1984, satisfactorily has completed a minimum of two	14871
years of post-secondary education, or its equivalent in semester	14872
or quarter hours, at an institution of higher education, and has	14873
fulfilled the requirements of division (B) (6) (a) or (b) of this	14874
section. The requirements of division (B) (6) (a) or (b) of this	14875
section may be included in the two years of post-secondary	14876
education, or its equivalent in semester or quarter hours, that	14877
is required by this division. The post-secondary education	14878
requirement may be satisfied by completing the credit-eligible	14879
courses using either classroom instruction or distance	14880
education. Successful completion of any course required by this	14881

section shall be determined by the law in effect on the date the course was completed. 14882
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(C) Each applicant for a broker's license shall be 14884
examined in the principles of real estate practice, Ohio real 14885
estate law, and financing and appraisal, and as to the duties of 14886
real estate brokers and real estate salespersons, the 14887
applicant's knowledge of real estate transactions and 14888
instruments relating to them, and the canons of business ethics 14889
pertaining to them. The commission from time to time shall 14890
promulgate such canons and cause them to be published in printed 14891
form. 14892

(D) Examinations shall be administered with reasonable 14893
accommodations in accordance with the requirements of the 14894
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 14895
U.S.C. 12101. The contents of an examination shall be consistent 14896
with the requirements of division (B) (6) of this section and 14897
with the other specific requirements of this section. An 14898
applicant who has completed the requirements of division (B) (6) 14899
of this section at the time of application shall be examined no 14900
later than twelve months after the applicant is notified of 14901
admission to the examination. 14902

~~(E) The superintendent may waive one or more of the~~ 14903
~~requirements of this section in the case of an application from~~ 14904
~~a nonresident real estate broker pursuant to a reciprocity~~ 14905
~~agreement with the licensing authority of the state from which~~ 14906
~~the nonresident applicant holds a valid real estate broker~~ 14907
~~license. Notwithstanding any provision of this chapter to the~~ 14908
~~contrary, the superintendent shall issue a real estate broker's~~ 14909
~~license in accordance with Chapter 4796. of the Revised Code to~~ 14910
~~an applicant if either of the following applies:~~ 14911

<u>(1) The applicant holds a license in another state.</u>	14912
<u>(2) The applicant has satisfactory work experience, a</u>	14913
<u>government certification, or a private certification as</u>	14914
<u>described in Chapter 4796. of the Revised Code as a real estate</u>	14915
<u>broker in a state that does not issue that license.</u>	14916
(F) There shall be no limit placed on the number of times	14917
an applicant may retake the examination.	14918
(G) (1) Not earlier than the date of issue of a real estate	14919
broker's license to a licensee, but not later than twelve months	14920
after the date of issue of a real estate broker's license to a	14921
licensee, the licensee shall submit proof satisfactory to the	14922
superintendent, on forms made available by the superintendent,	14923
of the completion of ten hours of instruction that shall be	14924
completed in schools, seminars, and educational institutions	14925
that are approved by the commission. Approval of the curriculum	14926
and providers shall be granted according to rules adopted	14927
pursuant to section 4735.10 of the Revised Code and may be taken	14928
through classroom instruction or distance education.	14929
If the required proof of completion is not submitted to	14930
the superintendent within twelve months of the date a license is	14931
issued under this section, the license of the real estate broker	14932
is suspended automatically without the taking of any action by	14933
the superintendent. The broker's license shall not be	14934
reactivated by the superintendent until it is established, to	14935
the satisfaction of the superintendent, that the requirements of	14936
this division have been met and that the licensee is in	14937
compliance with this chapter. A licensee's license is revoked	14938
automatically without the taking of any action by the	14939
superintendent if the licensee fails to submit proof of	14940
completion of the education requirements specified under	14941

division (G) (1) of this section within twelve months of the date 14942
the license is suspended. 14943

(2) If the license of a real estate broker is suspended 14944
pursuant to division (G) (1) of this section, the license of a 14945
real estate salesperson associated with that broker 14946
correspondingly is suspended pursuant to division (H) of section 14947
4735.20 of the Revised Code. However, the suspended license of 14948
the associated real estate salesperson shall be reactivated and 14949
no fee shall be charged or collected for that reactivation if 14950
all of the following occur: 14951

(a) That broker subsequently submits satisfactory proof to 14952
the superintendent that the broker has complied with the 14953
requirements of division (G) (1) of this section and requests 14954
that the broker's license as a real estate broker be 14955
reactivated; 14956

(b) The superintendent then reactivates the broker's 14957
license as a real estate broker; 14958

(c) The associated real estate salesperson intends to 14959
continue to be associated with that broker and otherwise is in 14960
compliance with this chapter. 14961

Sec. 4735.08. The superintendent of real estate shall 14962
issue a real estate broker's license when the superintendent is 14963
satisfied that: 14964

(A) An applicant who is not a partnership, association, 14965
limited liability company, limited liability partnership, or 14966
corporation ~~satisfies one of the following:~~ 14967

~~(1) Has has received a passing score on each portion of~~ 14968
the real estate broker's examination as determined by rule by 14969
the real estate commission; 14970

~~(2) Is qualified to be licensed without examination as a nonresident real estate broker, under division (E) of section 4735.07 of the Revised Code.~~ 14971
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(B) All the members or officers who are authorized to perform the functions of a real estate broker as the agents of an applicant that is a partnership, association, limited liability company, limited liability partnership, or corporation, are licensed themselves as real estate brokers under this chapter. 14974
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Sec. 4735.09. (A) Application for a license as a real estate salesperson shall be made to the superintendent of real estate on forms furnished by the superintendent and signed by the applicant. The application shall be in the form prescribed by the superintendent and shall contain such information as is required by this chapter and the rules of the Ohio real estate commission. The application shall be accompanied by the recommendation of the real estate broker with whom the applicant is associated or with whom the applicant intends to be associated, certifying that the applicant is honest and truthful, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, which conviction or adjudication the applicant has not disclosed to the superintendent, and recommending that the applicant be admitted to the real estate salesperson examination. 14980
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(B) A fee of eighty-one dollars shall accompany the application, which fee includes the fee for the initial year of the licensing period, if a license is issued. The initial year of the licensing period commences at the time the license is 14997
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issued and ends on the applicant's first birthday thereafter. 15001
The application fee shall be nonrefundable. A fee of eighty-one 15002
dollars shall be charged by the superintendent for each 15003
successive application made by the applicant. One dollar of each 15004
application fee shall be credited to the real estate education 15005
and research fund. 15006

(C) There shall be no limit placed on the number of times 15007
an applicant may retake the examination. 15008

(D) The superintendent, with the consent of the 15009
commission, may enter into an agreement with a recognized 15010
national testing service to administer the real estate 15011
salesperson's examination under the superintendent's supervision 15012
and control, consistent with the requirements of this chapter as 15013
to the contents of the examination. 15014

If the superintendent, with the consent of the commission, 15015
enters into an agreement with a national testing service to 15016
administer the real estate salesperson's examination, the 15017
superintendent may require an applicant to pay the testing 15018
service's examination fee directly to the testing service. If 15019
the superintendent requires the payment of the examination fee 15020
directly to the testing service, each applicant shall submit to 15021
the superintendent a processing fee in an amount determined by 15022
the Ohio real estate commission pursuant to division (A)(1) of 15023
section 4735.10 of the Revised Code. 15024

(E) The superintendent shall issue a real estate 15025
salesperson's license when satisfied that the applicant has 15026
received a passing score on each portion of the salesperson's 15027
examination as determined by rule by the real estate commission, ~~7-~~ 15028
~~except that the superintendent may waive one or more of the~~ 15029
~~requirements of this section in the case of an applicant who is-~~ 15030

~~a licensed real estate salesperson in another state pursuant to~~ 15031
~~a reciprocity agreement with the licensing authority of the~~ 15032
~~state from which the applicant holds a valid real estate~~ 15033
~~salesperson's license.~~ 15034

(F) No applicant for a salesperson's license shall take 15035
the salesperson's examination who has not established to the 15036
satisfaction of the superintendent that the applicant: 15037

(1) Is honest and truthful; 15038

(2) (a) Has not been convicted of a disqualifying offense 15039
as determined in accordance with section 9.79 of the Revised 15040
Code; 15041

(b) Has not been finally adjudged by a court to have 15042
violated any municipal, state, or federal civil rights laws 15043
relevant to the protection of purchasers or sellers of real 15044
estate or, if the applicant has been so adjudged, at least two 15045
years have passed since the court decision and the 15046
superintendent has disregarded the adjudication because the 15047
applicant has proven, by a preponderance of the evidence, that 15048
the applicant is honest and truthful, and there is no basis in 15049
fact for believing that the applicant again will violate the 15050
laws involved. 15051

(3) Has not, during any period in which the applicant was 15052
licensed under this chapter, violated any provision of, or any 15053
rule adopted pursuant to this chapter, or, if the applicant has 15054
violated such provision or rule, has established to the 15055
satisfaction of the superintendent that the applicant will not 15056
again violate such provision or rule; 15057

(4) Is at least eighteen years of age; 15058

(5) If born after the year 1950, has a high school diploma 15059

or a certificate of high school equivalence issued by the 15060
department of education; 15061

(6) Has successfully completed at an institution of higher 15062
education all of the following credit-eligible courses by either 15063
classroom instruction or distance education: 15064

(a) Forty hours of instruction in real estate practice; 15065

(b) Forty hours of instruction that includes the subjects 15066
of Ohio real estate law, municipal, state, and federal civil 15067
rights law, new case law on housing discrimination, 15068
desegregation issues, and methods of eliminating the effects of 15069
prior discrimination. If feasible, the instruction in Ohio real 15070
estate law shall be taught by a member of the faculty of an 15071
accredited law school. If feasible, the instruction in 15072
municipal, state, and federal civil rights law, new case law on 15073
housing discrimination, desegregation issues, and methods of 15074
eliminating the effects of prior discrimination shall be taught 15075
by a staff member of the Ohio civil rights commission who is 15076
knowledgeable with respect to those subjects. The requirements 15077
of this division do not apply to an applicant who is admitted to 15078
practice before the supreme court. 15079

(c) Twenty hours of instruction in real estate appraisal; 15080

(d) Twenty hours of instruction in real estate finance. 15081

(G) (1) Successful completion of the instruction required 15082
by division (F) (6) of this section shall be determined by the 15083
law in effect on the date the instruction was completed. 15084

(2) Division (F) (6) (c) of this section does not apply to 15085
any new applicant who holds a valid Ohio real estate appraiser 15086
license or certificate issued prior to the date of application 15087
for a real estate salesperson's license. 15088

(H) Only for noncredit course offerings, an institution of higher education shall obtain approval from the appropriate state authorizing entity prior to offering a real estate course that is designed and marketed as satisfying the salesperson license education requirements of division (F)(6) of this section. The state authorizing entity may consult with the superintendent in reviewing the course for compliance with this section.

(I) Any person who has not been licensed as a real estate salesperson or broker within a four-year period immediately preceding the person's current application for the salesperson's examination shall have successfully completed the prelicensure instruction required by division (F)(6) of this section within a ten-year period immediately preceding the person's current application for the salesperson's examination.

(J) Not earlier than the date of issue of a real estate salesperson's license to a licensee, but not later than twelve months after the date of issue of a real estate salesperson license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of twenty hours of instruction that shall be completed in schools, seminars, and educational institutions approved by the commission. The instruction shall include, but is not limited to, current practices relating to commercial real estate, property management, short sales, and land contracts; contract law; federal and state programs; economic conditions; and fiduciary responsibility. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code and may be taken through classroom instruction or distance education.

If proof of completion of the required instruction is not 15120
submitted within twelve months of the date a license is issued 15121
under this section, the licensee's license is suspended 15122
automatically without the taking of any action by the 15123
superintendent. The superintendent immediately shall notify the 15124
broker with whom such salesperson is associated of the 15125
suspension of the salesperson's license. A salesperson whose 15126
license has been suspended under this division shall have twelve 15127
months after the date of the suspension of the salesperson's 15128
license to submit proof of successful completion of the 15129
instruction required under this division. No such license shall 15130
be reactivated by the superintendent until it is established, to 15131
the satisfaction of the superintendent, that the requirements of 15132
this division have been met and that the licensee is in 15133
compliance with this chapter. A licensee's license is revoked 15134
automatically without the taking of any action by the 15135
superintendent when the licensee fails to submit the required 15136
proof of completion of the education requirements under division 15137
(I) of this section within twelve months of the date the license 15138
is suspended. 15139

(K) Examinations shall be administered with reasonable 15140
accommodations in accordance with the requirements of the 15141
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 15142
U.S.C. 12189. The contents of an examination shall be consistent 15143
with the classroom instructional requirements of division (F) (6) 15144
of this section. An applicant who has completed the classroom 15145
instructional requirements of division (F) (6) of this section at 15146
the time of application shall be examined no later than twelve 15147
months after the applicant is notified of the applicant's 15148
admission to the examination. 15149

(L) Notwithstanding any provision of this chapter to the 15150

contrary, the superintendent shall issue a real estate 15151
salesperson's license in accordance with Chapter 4796. of the 15152
Revised Code to an applicant if either of the following applies: 15153

(1) The applicant holds a license in another state. 15154

(2) The applicant has satisfactory work experience, a 15155
government certification, or a private certification as 15156
described in Chapter 4796. of the Revised Code as a real estate 15157
salesperson in a state that does not issue that license. 15158

Sec. 4735.10. (A) (1) The Ohio real estate commission may 15159
adopt reasonable rules in accordance with Chapter 119. of the 15160
Revised Code, necessary for implementing the provisions of this 15161
chapter relating, but not limited to, the following: 15162

(a) The form and manner of filing applications for 15163
licensure; 15164

(b) Times and form of examination for license; 15165

(c) Placing an existing broker's license on deposit or a 15166
salesperson's license on an inactive status for an indefinite 15167
period; 15168

(d) Specifying the process by which a licensee may resign 15169
the licensee's license; 15170

(e) Defining any additional license status that the 15171
commission determines is necessary and that is not otherwise 15172
defined in this chapter and establishing the process by which a 15173
licensee places the licensee's license in a status defined by 15174
the commission in the rules the commission adopts; 15175

(f) Clarification of the activities that require a license 15176
under this chapter; 15177

(g) Permitting a broker to act as principal broker for more than one brokerage.	15178 15179
(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:	15180 15181 15182 15183
(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;	15184 15185 15186 15187
(b) A three-year license and a three-year license renewal system;	15188 15189
(c) Standards for the approval of the postlicensure courses as required by division (G) of section 4735.07 and division (J) of section 4735.09 of the Revised Code, courses of study required for licenses, courses offered in preparation for license examinations, or courses required as continuing education for licenses.	15190 15191 15192 15193 15194 15195
(d) Guidelines to ensure that continuing education classes are open to all persons licensed under this chapter. The rules shall specify that an organization that sponsors a continuing education class may offer its members a reasonable reduction in the fees charged for the class.	15196 15197 15198 15199 15200
(e) Requirements for trust accounts and property management accounts. The rules shall specify that:	15201 15202
(i) Brokerages engaged in the management of property for another may, pursuant to a written contract with the property owner, exercise signatory authority for withdrawals from property management accounts maintained in the name of the	15203 15204 15205 15206

property owner. The exercise of authority for withdrawals does	15207
not constitute a violation of any provision of division (A) of	15208
section 4735.18 of the Revised Code.	15209
(ii) The interest earned on property management trust	15210
accounts maintained in the name of the property owner or the	15211
broker shall be payable to the property owner unless otherwise	15212
specified in a written contract.	15213
(f) Notice of renewal forms and filing deadlines;	15214
(g) Special assessments under division (A) of section	15215
4735.12 of the Revised Code.	15216
(B) The commission may adopt rules in accordance with	15217
Chapter 119. of the Revised Code establishing standards and	15218
guidelines with which the superintendent of real estate shall	15219
comply in the exercise of the following powers:	15220
(1) Appointment and recommendation of ancillary trustees	15221
under section 4735.05 of the Revised Code;	15222
(2) Rejection of names proposed to be used by	15223
partnerships, associations, limited liability companies, limited	15224
liability partnerships, and corporations, under division (B) of	15225
section 4735.06 of the Revised Code, including procedures for	15226
the application and approval of more than one trade name for a	15227
brokerage;	15228
(3) Acceptance and rejection of applications to take the	15229
broker and salesperson examinations and licensure, with	15230
appropriate waivers pursuant to division (E) of section 4735.07	15231
and section 4735.09 of the Revised Code;	15232
(4) Approval of applications of brokers to place their	15233
licenses in an inactive status and to become salespersons under	15234

section 4735.13 of the Revised Code;	15235
(5) Appointment of hearing examiners under section 119.09 of the Revised Code;	15236 15237
(6) Acceptance and rejection of applications to take the foreign real estate dealer and salesperson examinations and licensure, with waiver of examination, under sections 4735.27 and 4735.28 of the Revised Code;	15238 15239 15240 15241
(7) Qualification of foreign real estate under section 4735.25 of the Revised Code.	15242 15243
If at any time there is no rule in effect establishing a guideline or standard required by this division, the superintendent may adopt a rule in accordance with Chapter 119. of the Revised Code for such purpose.	15244 15245 15246 15247
(C) The commission or superintendent may hear testimony in matters relating to the duties imposed upon them, and the president of the commission and superintendent may administer oaths. The commission or superintendent may require other proof of the honesty and truthfulness of any person named in an application for a real estate broker's or real estate salesperson's license before admitting the applicant to the examination or issuing a license.	15248 15249 15250 15251 15252 15253 15254 15255
Sec. 4735.27. (A) An application to act as a foreign real estate dealer shall be in writing and filed with the superintendent of real estate. It shall be in the form the superintendent prescribes and shall contain the following information:	15256 15257 15258 15259 15260
(1) The name and address of the applicant;	15261
(2) A description of the applicant, including, if the	15262

applicant is a partnership, unincorporated association, or any 15263
similar form of business organization, the names and the 15264
residence and business addresses of all partners, officers, 15265
directors, trustees, or managers of the organization, and the 15266
limitation of the liability of any partner or member; and if the 15267
applicant is a corporation, a list of its officers and 15268
directors, and the residence and business addresses of each, 15269
and, if it is a foreign corporation, a copy of its articles of 15270
incorporation in addition; 15271

(3) The location and addresses of the principal office and 15272
all other offices of the applicant; 15273

(4) A general description of the business of the applicant 15274
prior to the application, including a list of states in which 15275
the applicant is a licensed foreign real estate dealer; 15276

(5) The names and addresses of all salespersons of the 15277
applicant at the date of the application; 15278

(6) The nature of the business of the applicant, and its 15279
places of business, for the ten-year period preceding the date 15280
of application. 15281

(B) Every nonresident applicant shall name a person within 15282
this state upon whom process against the applicant may be served 15283
and shall give the complete residence and business address of 15284
the person designated. Every applicant shall file an irrevocable 15285
written consent, executed and acknowledged by an individual duly 15286
authorized to give such consent, that actions growing out of a 15287
fraud committed by the applicant in connection with the sale in 15288
this state of foreign real estate may be commenced against it, 15289
in the proper court of any county in this state in which a cause 15290
of action for such fraud may arise or in which the plaintiff in 15291

such action may reside, by serving on the secretary of state any 15292
proper process or pleading authorized by the laws of this state, 15293
in the event that the applicant if a resident of this state, or 15294
the person designated by the nonresident applicant, cannot be 15295
found at the address given. The consent shall stipulate that the 15296
service of process on the secretary of state shall be taken in 15297
all courts to be as valid and binding as if service had been 15298
made upon the foreign real estate dealer. If the applicant is a 15299
corporation or an unincorporated association, the consent shall 15300
be accompanied by a certified copy of the resolution of the 15301
board of directors, trustees, or managers of the corporation or 15302
association, authorizing such individual to execute the consent. 15303

(C) The superintendent may investigate any applicant for a 15304
dealer's license, and may require any additional information the 15305
superintendent considers necessary to determine the 15306
qualifications of the applicant to act as a foreign real estate 15307
dealer. If the application for a dealer's license involves 15308
investigation outside this state, the superintendent may require 15309
the applicant to advance sufficient funds to pay any of the 15310
actual expenses of the investigation, and an itemized statement 15311
of such expense shall be furnished to the applicant. 15312

(D) Every applicant shall take a written examination, 15313
prescribed and conducted by the superintendent, which covers the 15314
applicant's knowledge of the principles of real estate practice, 15315
real estate law, financing and appraisal, real estate 15316
transactions and instruments relating to them, canons of 15317
business ethics relating to real estate transactions, and the 15318
duties of foreign real estate dealers and salespersons. The fee 15319
for the examination, when administered by the superintendent, is 15320
one hundred one dollars. If the applicant does not appear for 15321
the examination, the fee shall be forfeited and a new 15322

application and fee shall be filed, unless good cause for the 15323
failure to appear is shown to the superintendent. ~~The~~ 15324
~~requirement of an examination may be waived in whole or in part~~ 15325
~~by the superintendent if an applicant is licensed as a real~~ 15326
~~estate broker by any state.~~ 15327

Any applicant who fails the examination twice shall wait 15328
six months before applying to retake the examination. 15329

(E) No person shall take the foreign real estate dealer's 15330
examination who has not established to the satisfaction of the 15331
superintendent that the person: 15332

(1) Has not been convicted of a disqualifying offense as 15333
determined in accordance with section 9.79 of the Revised Code; 15334

(2) Has not been finally adjudged by a court to have 15335
violated any municipal, state, or federal civil rights laws 15336
relevant to the protection of purchasers or sellers of real 15337
estate or, if the applicant has been so adjudged, at least two 15338
years have passed since the court decision and the 15339
superintendent has disregarded the adjudication because the 15340
applicant has proven, by a preponderance of the evidence, that 15341
the applicant's activities and employment record since the 15342
adjudication show that the applicant is honest and truthful, and 15343
there is no basis in fact for believing that the applicant again 15344
will violate the laws involved; 15345

(3) Has not, during any period for which the applicant was 15346
licensed under this chapter or any former section of the Revised 15347
Code applicable to licensed foreign real estate dealers or 15348
salespersons, violated any provision of, or any rule adopted 15349
pursuant to, this chapter or that section, or, if the applicant 15350
has violated any such provision or rule, has established to the 15351

satisfaction of the superintendent that the applicant will not 15352
again violate the provision or rule. 15353

(F) ~~If Except as provided in division (H) of this section,~~ 15354
~~if~~ the superintendent finds that an applicant for a license as a 15355
foreign real estate dealer, or each named member, manager, or 15356
officer of a partnership, association, or corporate applicant is 15357
at least eighteen years of age, has passed the examination 15358
required under this section ~~or has had the requirement of an~~ 15359
~~examination waived~~, and appears otherwise qualified, the 15360
superintendent shall issue a license to the applicant to engage 15361
in business in this state as a foreign real estate dealer. 15362
Dealers licensed pursuant to this section shall employ as 15363
salespersons of foreign real estate only persons licensed 15364
pursuant to section 4735.28 of the Revised Code. If at any time 15365
such salespersons resign or are discharged or new salespersons 15366
are added, the dealer forthwith shall notify the superintendent 15367
and shall file with the division of real estate the names and 15368
addresses of new salespersons. 15369

(G) If the applicant merely is renewing the applicant's 15370
license for the previous year, the application need contain only 15371
the information required by divisions (A) (2), (3), and (6) of 15372
this section. 15373

(H) The superintendent shall issue a license to engage in 15374
business in this state as a foreign real estate dealer in 15375
accordance with Chapter 4796. of the Revised Code to an 15376
applicant if either of the following applies: 15377

(1) The applicant holds a license in another state. 15378

(2) The applicant has satisfactory work experience, a 15379
government certification, or a private certification as 15380

described in that chapter as a foreign real estate dealer in a 15381
state that does not issue that license. 15382

Sec. 4735.28. (A) An application to act as a foreign real 15383
estate salesperson shall be in writing and filed with the 15384
superintendent of real estate. It shall be in the form the 15385
superintendent prescribes and shall contain the following 15386
information: 15387

(1) The name and complete residence and business addresses 15388
of the applicant; 15389

(2) The name of the foreign real estate dealer who is 15390
employing the applicant or who intends to employ the applicant; 15391

(3) The age and education of the applicant, and the 15392
applicant's experience in the sale of foreign real estate; 15393
whether the applicant has ever been licensed by the 15394
superintendent, and if so, when; whether the applicant has ever 15395
been refused a license by the superintendent; and whether the 15396
applicant has ever been licensed or refused a license or any 15397
similar permit by any division or superintendent of real estate, 15398
by whatsoever name known or designated, anywhere; 15399

(4) The nature of the employment, and the names and 15400
addresses of the employers, of the applicant for the period of 15401
ten years immediately preceding the date of the application. 15402

(B) Every applicant shall take a written examination, 15403
prescribed and conducted by the superintendent, which covers the 15404
applicant's knowledge of the principles of real estate practice, 15405
real estate law, financing and appraisal, real estate 15406
transactions and instruments relating to them, canons of 15407
business ethics relating to real estate transactions, and the 15408
duties of foreign real estate salespersons. The fee for the 15409

examination, when administered by the superintendent, is sixty- 15410
eight dollars. If the applicant does not appear for the 15411
examination, the fee shall be forfeited and a new application 15412
and fee shall be filed, unless good cause for the failure to 15413
appear is shown to the superintendent. ~~The requirement of an~~ 15414
~~examination may be waived in whole or in part by the~~ 15415
~~superintendent if an applicant is licensed as a real estate~~ 15416
~~broker or salesperson by any state.~~ 15417

Any applicant who fails the examination twice shall wait 15418
six months before applying to retake the examination. 15419

(C) No person shall take the foreign real estate 15420
salesperson's examination who has not established to the 15421
satisfaction of the superintendent that the person: 15422

(1) Has not been convicted of a disqualifying offense as 15423
determined in accordance with section 9.79 of the Revised Code; 15424

(2) Has not been finally adjudged by a court to have 15425
violated any municipal, state, or federal civil rights laws 15426
relevant to the protection of purchasers or sellers of real 15427
estate or, if the applicant has been so adjudged, at least two 15428
years have passed since the court decision and the 15429
superintendent has disregarded the adjudication because the 15430
applicant has proven, by a preponderance of the evidence, that 15431
the applicant's activities and employment record since the 15432
adjudication show that the applicant is honest and truthful, and 15433
there is no basis in fact for believing that the applicant will 15434
again violate the laws; 15435

(3) Has not, during any period for which the applicant was 15436
licensed under this chapter or any former section of the Revised 15437
Code applicable to licensed foreign real estate dealers or 15438

salespersons, violated any provision of, or any rule adopted 15439
pursuant to, this chapter or that section, or, if the applicant 15440
has violated any such provision or rule, has established to the 15441
satisfaction of the superintendent that the applicant will not 15442
again violate the provision or rule. 15443

(D) Every salesperson of foreign real estate shall be 15444
licensed by the superintendent of real estate and shall be 15445
employed only by the licensed foreign real estate dealer 15446
specified on the salesperson's license. 15447

(E) If the superintendent finds that the applicant appears 15448
to be qualified to act as a foreign real estate salesperson, and 15449
has fully complied with the provisions of this chapter, and that 15450
the dealer in the application is a licensed foreign real estate 15451
dealer, the superintendent, upon payment of the fees prescribed 15452
by section 4735.15 of the Revised Code, shall issue a license to 15453
the applicant authorizing the applicant to act as a salesperson 15454
for the dealer named in the application. 15455

(F) The superintendent shall issue a license to act as a 15456
salesperson of foreign real estate in accordance with Chapter 15457
4796. of the Revised Code to an applicant if either of the 15458
following applies: 15459

(1) The applicant holds a license in another state. 15460

(2) The applicant has satisfactory work experience, a 15461
government certification, or a private certification as 15462
described in that chapter as acting as a salesperson of foreign 15463
real estate in a state that does not issue that license. 15464

Sec. 4736.10. Any (A) Except as provided in division (B) 15465
of this section, any person who meets the educational 15466
qualifications of division (A), (B), or (C) of section 4736.08 15467

of the Revised Code, but does not meet the experience 15468
requirement of such division may make application to the 15469
director of health on a form prescribed by the director for 15470
registration as an environmental health specialist in training. 15471
The director shall register the person as an environmental 15472
health specialist in training upon payment of the fee required 15473
by section 4736.12 of the Revised Code. 15474

(B) The director shall issue an environmental health 15475
specialist in training registration in accordance with Chapter 15476
4796. of the Revised Code to an applicant if either of the 15477
following applies: 15478

(1) The applicant holds a license or registration in 15479
another state. 15480

(2) The applicant has satisfactory work experience, a 15481
government certification, or a private certification as 15482
described in that chapter as an environmental health specialist 15483
in training in a state that does not issue that license or 15484
registration. 15485

(C) An environmental health specialist in training shall 15486
apply for registration as an environmental health specialist 15487
within three years after registration as an environmental health 15488
specialist in training. The director may extend the registration 15489
of any environmental health specialist in training who 15490
furnishes, in writing, sufficient cause for not applying for 15491
registration as an environmental health specialist within the 15492
three-year period. However, the director shall not extend the 15493
registration more than an additional two years beyond the three- 15494
year period. 15495

Sec. 4736.14. The director of health ~~may, upon application~~ 15496

~~and proof of valid registration, shall~~ issue a certificate of 15497
registration in accordance with Chapter 4796. of the Revised 15498
Code to any a person who if either of the following applies: 15499

(A) The person is or has been registered as an 15500
environmental health specialist by any other state, ~~if the~~ 15501
~~requirements of that state at the time of such registration are~~ 15502
~~determined by the director to be at least equivalent to the~~ 15503
~~requirements of this chapter.~~ 15504

(B) The person has satisfactory work experience, a 15505
government certification, or a private certification as 15506
described in that chapter as an environmental health specialist 15507
in a state that does not issue that certificate of registration. 15508

Sec. 4740.05. Each specialty section of the Ohio 15509
construction industry licensing board, other than the 15510
administrative section, shall do all of the following: 15511

(A) Adopt rules in accordance with Chapter 119. of the 15512
Revised Code that are limited to the following: 15513

(1) Criteria for the section to use in evaluating the 15514
qualifications of an individual; 15515

(2) Criteria for the section to use in deciding whether to 15516
issue, renew, suspend, revoke, or refuse to issue or renew a 15517
license; 15518

~~(3) The determinations and approvals the section makes~~ 15519
~~under the reciprocity provision of section 4740.08 of the~~ 15520
~~Revised Code;~~ 15521

~~(4) Criteria for continuing education courses conducted~~ 15522
pursuant to this chapter; 15523

~~(5)~~ (4) A requirement that any training agency seeking 15524

approval to provide continuing education courses submit the 15525
required information to the appropriate specialty section of the 15526
board at least thirty days, but not more than one year, prior to 15527
the date on which the course is proposed to be offered; 15528

~~(6)~~ (5) A prohibition against any training agency 15529
providing a continuing education course unless the 15530
administrative section of the board approved that training 15531
agency not more than one year prior to the date the course is 15532
offered; 15533

~~(7)~~ (6) A list of disqualifying offenses pursuant to 15534
sections 9.79, 4740.06, 4740.10, and 4776.10 of the Revised 15535
Code. 15536

(B) Investigate allegations in reference to violations of 15537
this chapter and the rules adopted pursuant to it that pertain 15538
to the specialty section and determine by rule a procedure to 15539
conduct investigations and hearings on these allegations; 15540

(C) Maintain a record of its proceedings; 15541

(D) Grant approval to a training agency to offer 15542
continuing education courses pursuant to rules the board adopts; 15543

(E) As required, do all things necessary to carry out this 15544
chapter; 15545

(F) Establish or approve a continuing education curriculum 15546
for license renewal for each class of contractors for which the 15547
section has primary responsibility. No curriculum may require 15548
more than five hours per year in specific course requirements. 15549
No contractor may be required to take more than ten hours per 15550
year in continuing education courses. The ten hours shall be the 15551
aggregate of hours of continuing education for all licenses the 15552
contractor holds. 15553

(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.

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.

(B) To qualify to take an examination, an individual shall:

(1) Be at least eighteen years of age;

(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;

(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;

(4) Maintain contractor's liability insurance in an amount the appropriate specialty section of the board determines and only in one contracting company name;

(5) Not have done any of the following:	15583
(a) Violated this chapter or any rule adopted pursuant to it;	15584 15585
(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;	15586 15587 15588 15589
(c) Engaged in fraud, misrepresentation, or deception in the conduct of business.	15590 15591
(C) <u>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:</u>	15592 15593 15594 15595 15596
<u>(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;</u>	15597 15598 15599 15600 15601 15602
<u>(2) Provide at least one tax return that reflects income earned for services provided under the individual's out-of-state occupational license;</u>	15603 15604 15605
<u>(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:</u>	15606 15607 15608 15609
<u>(a) Licensed as a foreign corporation under section</u>	15610

1703.04 of the Revised Code and has designated an agent in this 15611
state in accordance with section 1703.041 of the Revised Code; 15612

(b) Registered as a foreign limited liability company 15613
under section 1706.511 of the Revised Code and has designated an 15614
agent in this state in accordance with section 1706.09 of the 15615
Revised Code. 15616

(4) Meet the requirements described in divisions (B) (1), 15617
(2), (4), and (5) of this section. 15618

(D) (1) For an individual who has been actively engaged in 15619
activities in the service of the uniformed services, as defined 15620
in section 4796.01 of the Revised Code, that are substantially 15621
similar to the activities for which the license the individual 15622
is applying under this chapter is required, to qualify to take 15623
an examination, an individual shall: 15624

(a) Provide proof that the individual was actively engaged 15625
in the activities in the service of the uniformed services for 15626
at least three of the five years immediately preceding the date 15627
the application is submitted; 15628

(b) Meet the requirements described in divisions (B) (1), 15629
(2), (4), and (5) of this section. 15630

(2) Each specialty section of the board may adopt a rule 15631
in accordance with Chapter 119. of the Revised Code to waive the 15632
requirement that an applicant under division (D) (1) (a) of this 15633
section has been actively engaged in the activity for three of 15634
the five years immediately preceding the date the application is 15635
submitted. 15636

(E) The board secretary, or the secretary's designee, 15637
shall approve an application for examination submitted under 15638
division (C) or (D) of this section within thirty days after 15639

receiving a complete application that meets the requirements of 15640
that division. 15641

(E) When an applicant for licensure as a contractor in a 15642
licensed trade meets the qualifications set forth in division 15643
(B), (C), or (D) of this section and passes the required 15644
examination, the appropriate specialty section of the board, 15645
within ninety days after the application was filed, shall 15646
authorize the administrative section of the board to license the 15647
applicant for the type of contractor's license for which the 15648
applicant qualifies. A specialty section of the board may 15649
withdraw its authorization to the administrative section for 15650
issuance of a license for good cause shown, on the condition 15651
that notice of that withdrawal is given prior to the 15652
administrative section's issuance of the license. 15653

~~(D)(1)~~(G)(1) Except as provided in division ~~(D)(2)~~(G)(2) 15654
of this section, if an applicant does not pass the required 15655
examination, the applicant may retake the examination not less 15656
than sixty days after the applicant's most recent examination. 15657

(2) An applicant who does not pass the required 15658
examination after taking the examination five times under this 15659
section shall reapply for a license under division (A) of this 15660
section before retaking the required examination any subsequent 15661
time. 15662

~~(E)~~(H) All licenses a contractor holds pursuant to this 15663
chapter shall expire annually on the same date, which shall be 15664
the expiration date of the original license the contractor 15665
holds. An individual holding a valid, unexpired license may 15666
renew the license, without reexamination, by submitting an 15667
application to the appropriate specialty section of the board 15668
not more than ninety calendar days before the expiration of the 15669

license, along with the renewal fee the specialty section 15670
requires and proof of compliance with the applicable continuing 15671
education requirements. The applicant shall provide information 15672
in the renewal application satisfactory to demonstrate to the 15673
appropriate specialty section that the applicant continues to 15674
meet the requirements of ~~division (B)~~divisions (B) (2), (4), and 15675
(5) of this section. 15676

Upon application and within one calendar year after a 15677
license has expired, a section may waive any of the requirements 15678
for renewal of a license upon finding that an applicant 15679
substantially meets the renewal requirements or that failure to 15680
timely apply for renewal is due to excusable neglect. A section 15681
that waives requirements for renewal of a license may impose 15682
conditions upon the licensee and assess a late filing fee of not 15683
more than double the usual renewal fee. An applicant shall 15684
satisfy any condition the section imposes before a license is 15685
reissued. 15686

~~(F)~~(I) An individual holding a valid license may request 15687
the section of the board that authorized that license to place 15688
the license in inactive status under conditions, and for a 15689
period of time, as that section determines. 15690

~~(G)~~(J) Except for the ninety-day extension provided for a 15691
license assigned to a contracting company under division (D) of 15692
section 4740.07 of the Revised Code, a license held by an 15693
individual immediately terminates upon the death of the 15694
individual. 15695

~~(H)~~(K) Nothing in any license issued by the Ohio 15696
construction industry licensing board shall be construed to 15697
limit or eliminate any requirement of or any license issued by 15698
the Ohio fire marshal. 15699

~~(I)~~ ~~(1)~~ (L) (1) Subject to division ~~(I)~~ ~~(3)~~ (L) (3) of this 15700
section, no specialty section of the board shall adopt, 15701
maintain, renew, or enforce any rule, or otherwise preclude in 15702
any way, an individual from renewing a license under this 15703
chapter due to any past criminal activity or interpretation of 15704
moral character. If the specialty section denies an individual a 15705
license renewal, the reasons for such denial shall be put in 15706
writing. 15707

(2) The section may refuse to issue a license to an 15708
applicant because of a conviction of or plea of guilty to an 15709
offense if the refusal is in accordance with section 9.79 of the 15710
Revised Code. 15711

(3) In considering a renewal of an individual's license, 15712
the section shall not consider any conviction or plea of guilty 15713
prior to the initial licensing. However, the board may consider 15714
a conviction or plea of guilty if it occurred after the 15715
individual was initially licensed, or after the most recent 15716
license renewal. 15717

(4) The section may grant an individual a conditional 15718
license that lasts for one year. After the one-year period has 15719
expired, the license is no longer considered conditional, and 15720
the individual shall be considered fully licensed. 15721

~~(J)~~ (M) Notwithstanding divisions ~~(E)~~ ~~(H)~~ and ~~(I)~~ ~~(L)~~ of 15722
this section and sections 4740.04 and 4740.05 of the Revised 15723
Code, the board may establish rules that amend the continuing 15724
education requirements and license renewal schedule for 15725
licensees as provided in or adopted pursuant to those sections 15726
for the purpose of establishing a compliance incentive program. 15727
These rules may include provisions for the creation of the 15728
program and the qualifications, continuing education 15729

requirements, and renewal schedule for the program. 15730

Sec. 4741.12. (A) The state veterinary medical licensing board shall issue a license to practice veterinary medicine in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 15731
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(1) The applicant holds a license in another state. 15735

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in the practice of veterinary medicine in a state that does not issue that license. 15736
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(B) The board may issue a license to practice veterinary medicine without the examination required pursuant to section 4741.11 of the Revised Code to an applicant from another ~~state, territory, country, or the District of Columbia~~ who furnishes satisfactory proof to the board that the applicant meets all of the following criteria: 15740
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~~(A)~~ (1) The applicant is a graduate of a veterinary college accredited by the American veterinary medical association or holds a certificate issued, on or after May 1, 1987, by the education commission for foreign veterinary graduates of the American veterinary medical association or issued by any other nationally recognized certification program the board approves by rule. 15746
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~~(B)~~ (2) The applicant holds a license, which is not under suspension, revocation, or other disciplinary action, issued by an agency similar to this board of another ~~state, territory, country, or the District of Columbia,~~ having requirements equivalent to those of this state, provided the laws of such ~~state, territory, country, or district~~ accord equal rights to 15753
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the holder of a license to practice in this state who removes to 15759
such ~~state, territory, country, or district.~~ 15760

~~(C)~~ (3) The applicant is not under investigation for an 15761
act which would constitute a violation of this chapter that 15762
would require the revocation of or refusal to renew a license. 15763

~~(D)~~ (4) The applicant has a thorough knowledge of the laws 15764
and rules governing the practice of veterinary medicine in this 15765
state, as determined by the board. 15766

Sec. 4741.13. The state veterinary medical licensing board 15767
may issue a limited license to practice veterinary medicine to 15768
~~an a nonresident~~ individual whose sole professional capacity is 15769
with a veterinary academic institution or veterinary technology 15770
institution recognized by the board in accordance with rules the 15771
board adopts or with a government diagnostic laboratory. A 15772
person holding a limited license is authorized to engage in the 15773
practice of veterinary medicine only to the extent necessary to 15774
fulfill the person's employment or educational obligations as an 15775
instructor, researcher, diagnostician, intern, resident in a 15776
veterinary specialty, or graduate student. 15777

The board may issue a limited license to ~~an a nonresident~~ 15778
applicant who submits a completed application on a form 15779
prescribed by the board, pays the applicable fee prescribed in 15780
section 4741.17 of the Revised Code, and meets the criteria 15781
established by the board. The board shall not require an 15782
individual issued a limited license under this section to obtain 15783
a license under Chapter 4796. of the Revised Code. 15784

Sec. 4741.14. The state veterinary medical licensing board 15785
may issue, without the examination required pursuant to section 15786
4741.11 of the Revised Code, a temporary permit to practice 15787

veterinary medicine to a nonresident veterinarian holding a 15788
license which is not revoked, suspended, expired, or under any 15789
restrictions and is otherwise in good standing from another 15790
state, territory, or the District of Columbia, provided that a 15791
veterinarian who holds a current license in this state applies 15792
for the temporary permit for the veterinarian. The board shall 15793
not require a veterinarian issued a temporary permit under this 15794
section to obtain a license under Chapter 4796. of the Revised 15795
Code. 15796

A temporary permit issued pursuant to this section only 15797
authorizes the permit holder to act as a veterinary consultant 15798
or to provide veterinary medical services in this state for a 15799
specific animal or animals. When using the services of a 15800
veterinary consultant, the responsibility for the care and 15801
treatment of the patient remains with the veterinarian who holds 15802
a current license in this state and who is providing treatment, 15803
or consultation as to treatment, to the patient. The board shall 15804
determine by rule the specific purposes for which it may issue a 15805
temporary permit and the duration of the permit, not to exceed 15806
six months, under rules it adopts pursuant to Chapter 119. of 15807
the Revised Code. No more than two temporary permits may be 15808
issued pursuant to this section to any one applicant. Any 15809
subsequent applications shall be made pursuant to section 15810
4741.12 of the Revised Code. 15811

Sec. 4741.15. (A) A person who has done both of the 15812
following may submit an application to the state veterinary 15813
medical licensing board for a provisional veterinary graduate 15814
license: 15815

(1) Graduated from a veterinary college approved by the 15816
board; 15817

(2) Applied for and is waiting to take a nationally 15818
recognized examination approved by the board for a license to 15819
practice veterinary medicine. 15820

The application shall be on a form that the board 15821
prescribes and shall contain any information that the board 15822
requires together with a letter or letters of recommendation 15823
from a licensed veterinarian or veterinarians who will be 15824
directly supervising and responsible for the applicant as 15825
provided in division (C) of this section. The applicant shall 15826
include with the application the fee established in section 15827
4741.17 of the Revised Code. 15828

(B) The board may issue a provisional veterinary graduate 15829
license to an applicant who has satisfied the requirements 15830
established in division (A) of this section. The board shall 15831
issue a provisional veterinary graduate license in accordance 15832
with Chapter 4796. of the Revised Code to an applicant if the 15833
applicant holds a license in another state or has satisfactory 15834
work experience, a government certification, or a private 15835
certification as described in that chapter in performing or 15836
assisting in medical treatments, diagnoses, and surgeries under 15837
veterinary supervision in a state that does not issue that 15838
license. A provisional veterinary graduate license is valid for 15839
six months following the date of its issuance and is not 15840
renewable. 15841

(C) A person who holds a provisional veterinary graduate 15842
license may perform or assist in medical treatments, diagnosis, 15843
and surgery on a patient only under the direct veterinary 15844
supervision of the veterinarian or veterinarians who provided 15845
the letter or letters of recommendation accompanying the 15846
person's application under division (A) of this section and may 15847

engage in other duties related to the practice of veterinary 15848
medicine only under veterinary supervision. 15849

(D) No person who holds a provisional veterinary graduate 15850
license shall be represented, explicitly or implicitly, as being 15851
a licensed veterinarian. 15852

(E) The board may revoke a provisional veterinary graduate 15853
license if the person who holds the license violates division 15854
(C) or (D) of this section. 15855

Sec. 4741.19. (A) Unless exempted under this chapter, no 15856
person shall practice veterinary medicine, or any of its 15857
branches, without a license or limited license issued by the 15858
state veterinary medical licensing board pursuant to sections 15859
4741.11 to 4741.13 of the Revised Code, a temporary permit 15860
issued pursuant to section 4741.14 of the Revised Code, or a 15861
registration certificate issued pursuant to division (C) of this 15862
section, or with an inactive, expired, suspended, terminated, or 15863
revoked license, temporary permit, or registration. 15864

(B) No veterinary student shall: 15865

(1) Perform or assist surgery unless under direct 15866
veterinary supervision and unless the student has had the 15867
minimum education and experience prescribed by rule of the 15868
board; 15869

(2) Engage in any other work related to the practice of 15870
veterinary medicine unless under veterinary supervision; 15871

(3) Participate in the operation of a branch office, 15872
clinic, or allied establishment unless a licensed veterinarian 15873
is present on the establishment premises. 15874

(C) No person shall act as a registered veterinary 15875

technician unless the person is registered with the board on a 15876
biennial basis and pays the biennial registration fee. A 15877
registered veterinary technician registration expires biennially 15878
on the first day of March in the odd-numbered years and may be 15879
renewed in accordance with the standard renewal procedures 15880
contained in Chapter 4745. of the Revised Code upon payment of 15881
the biennial registration fee and fulfillment of ten continuing 15882
education hours during the two years immediately preceding 15883
renewal for registration. Each registered veterinary technician 15884
shall notify in writing the executive director of the board of 15885
any change in the registered veterinary technician's office 15886
address or employment within ninety days after the change has 15887
taken place. 15888

(1) A registered veterinary technician operating under 15889
veterinary supervision may perform the following duties: 15890

(a) Prepare or supervise the preparation of patients, 15891
instruments, equipment, and medications for surgery; 15892

(b) Collect or supervise the collection of specimens and 15893
perform laboratory procedures as required by the supervising 15894
veterinarian; 15895

(c) Apply wound dressings, casts, or splints as required 15896
by the supervising veterinarian; 15897

(d) Assist a veterinarian in immunologic, diagnostic, 15898
medical, and surgical procedures; 15899

(e) Suture skin incisions; 15900

(f) Administer or supervise the administration of topical, 15901
oral, or parenteral medication under the direction of the 15902
supervising veterinarian; 15903

(g) Other ancillary veterinary technician functions that 15904
are performed pursuant to the order and control and under the 15905
full responsibility of a licensed veterinarian. 15906

(h) Any additional duties as established by the board in 15907
rule. 15908

(2) A registered veterinary technician operating under 15909
direct veterinary supervision may perform all of the following: 15910

(a) Induce and monitor general anesthesia according to 15911
medically recognized and appropriate methods; 15912

(b) Dental prophylaxis, periodontal care, and extraction 15913
not involving sectioning of teeth or resection of bone or both 15914
of these; 15915

(c) Equine dental procedures, including the floating of 15916
molars, premolars, and canine teeth; removal of deciduous teeth; 15917
and the extraction of first premolars or wolf teeth. 15918

The degree of supervision by a licensed veterinarian over 15919
the functions performed by the registered veterinary technician 15920
shall be consistent with the standards of generally accepted 15921
veterinary medical practices. 15922

(3) The board shall issue a registration to be a 15923
veterinary technician in accordance with Chapter 4796. of the 15924
Revised Code to an applicant if either of the following applies: 15925

(a) The applicant holds a similar registration or license 15926
in another state. 15927

(b) The applicant has satisfactory work experience, a 15928
government certification, or a private certification as 15929
described in that chapter as a veterinary technician in a state 15930
that does not issue that registration or license. 15931

(D) A veterinarian licensed to practice in this state 15932
shall not present the person's self as or state a claim that the 15933
person is a specialist unless the veterinarian has previously 15934
met the requirements for certification by a specialty 15935
organization recognized by the American board of veterinary 15936
specialties for a specialty or such other requirements set by 15937
rule of the board and has paid the fee required by division (A) 15938
(10) of section 4741.17 of the Revised Code. 15939

The board shall issue a certification as a veterinary 15940
specialist in accordance with Chapter 4796. of the Revised Code 15941
to an applicant if the applicant holds a certification as a 15942
specialist in another state or has satisfactory work experience, 15943
a government certification, or a private certification as 15944
described in that chapter as a veterinary specialist in a state 15945
that does not issue that certification. 15946

(E) Notwithstanding division (A) of this section, any 15947
animal owner or the owner's designee may engage in the practice 15948
of embryo transfer on the owner's animal if a licensed 15949
veterinarian directly supervises the owner or the owner's 15950
designee and the means used to perform the embryo transfer are 15951
nonsurgical. 15952

(F) Allied medical support may assist a licensed 15953
veterinarian to the extent to which the law that governs the 15954
individual providing the support permits, if all of the 15955
following apply: 15956

(1) A valid veterinary-client-patient-relationship exists. 15957

(2) The individual acts under direct veterinary 15958
supervision. 15959

(3) The allied medical support individual receives 15960

informed, written, client consent. 15961

(4) The veterinarian maintains responsibility for the 15962
patient and keeps the patient's medical records. 15963

The board may inspect the facilities of an allied medical 15964
support individual in connection with an investigation based on 15965
a complaint received in accordance with section 4741.26 of the 15966
Revised Code involving that individual. 15967

Sec. 4743.04. (A) The renewal of a license or other 15968
authorization to practice a trade or profession issued under 15969
Title XLVII of the Revised Code is subject to the provisions of 15970
section 5903.10 of the Revised Code relating to service in the 15971
armed forces. 15972

(B) Continuing education requirements applicable to the 15973
licensees under Title XLVII of the Revised Code are subject to 15974
the provisions of section 5903.12 of the Revised Code relating 15975
to active duty military service. 15976

~~(C) A department, agency, or office of any political 15977
subdivision of this state that issues a license or certificate 15978
to practice a trade or profession may, pursuant to rules adopted 15979
by the department, agency, or office, issue a temporary license 15980
or certificate to practice the trade or profession to a person 15981
whose spouse is on active military duty in this state. 15982~~

~~(D)~~ A department, agency, or office of this state that 15983
issues a license or certificate to practice a trade or 15984
profession shall issue a temporary license or certificate to 15985
practice the trade or profession as provided in section 4743.041 15986
of the Revised Code. 15987

~~(E)~~ (D) The issuance of a license or other authorization 15988
to practice a trade or profession issued under Title XLVII of 15989

the Revised Code is subject to the provisions of section 5903.03 15990
of the Revised Code relating to service in the armed forces. 15991

Sec. 4743.041. (A) As used in this section: 15992

"Active guard and reserve" has the meaning defined in 10 15993
U.S.C. 101. 15994

"Military duty" includes service in the uniformed services 15995
on active duty, in the active guard and reserve, and as a 15996
military technician dual status under 10 U.S.C. 10216. 15997

"Uniformed services" has the meaning defined in 10 U.S.C. 15998
101. 15999

(B) Pursuant to division ~~(D)~~ (C) of section 4743.04 of the 16000
Revised Code, a department, agency, or office of this state 16001
shall issue a temporary license or certificate to practice a 16002
trade or profession to an individual, provided that all of the 16003
following qualifications are met: 16004

(1) The individual holds a valid license or certificate to 16005
practice the trade or profession issued by any other state or 16006
jurisdiction; 16007

(2) The individual is in good standing in the state or 16008
jurisdiction of licensure or certification; 16009

(3) The individual presents adequate proof to the 16010
department, agency, or office of this state that the individual 16011
or the individual's spouse is on military duty in this state; 16012
and 16013

(4) The individual complies with sections 4776.01 to 16014
4776.04 of the Revised Code if a department, agency, or office 16015
of this state requires an applicant under the law governing the 16016
applicable trade or profession to submit to a criminal records 16017

check to receive a license or certificate. 16018

(C) A department, agency, or office of this state may, 16019
under this section, issue a regular license or certificate in 16020
lieu of issuing a temporary license or certificate, provided 16021
that the applicant meets the requirements of this section, and 16022
provided that the regular license is issued by the deadline 16023
specified in division (D) of this section. 16024

(D) If the department, agency, or office of this state 16025
requires an individual under the law governing the applicable 16026
trade or profession to submit to a criminal records check to 16027
receive a license or certificate, and the individual applies for 16028
a license or certificate under this section, the department, 16029
agency, or office of this state shall, within twenty-four hours 16030
after receiving the report under division (A) of section 4776.04 16031
of the Revised Code, notify the applicant that the department, 16032
agency, or office of this state has received the results of a 16033
criminal records check. A department, agency, or office of this 16034
state shall issue a temporary license or certificate or a 16035
regular license under this section, provided that the applicant 16036
meets the requirements of this section, within thirty days of 16037
having received an application, or, if the applicant is subject 16038
to a criminal records check, within fourteen days of having 16039
received the results of a criminal records check. If the 16040
department, agency, or office of this state finds that the 16041
individual is under investigation by the licensing agency of any 16042
other state or jurisdiction, the department, agency, or office 16043
of this state may postpone issuing the license or certificate 16044
until the investigation is complete and the licensing agency of 16045
the other state or jurisdiction confirms that the individual is 16046
in good standing. The department, agency, or office of this 16047
state shall verify the standing of the license or certificate 16048

issued by another state or jurisdiction when the temporary 16049
license is up for renewal. No temporary license shall be valid 16050
for a period of more than six years. 16051

(E) A department, agency, or office of this state shall, 16052
in accordance with Chapter 119. of the Revised Code, deny an 16053
individual a temporary license or certificate issued under this 16054
section or revoke an individual's temporary license or 16055
certificate issued under this section if any of the following 16056
circumstances occur: 16057

(1) The individual's license or certificate issued by 16058
another state or jurisdiction expires or is revoked, or the 16059
individual is not in good standing; 16060

(2) With respect to an individual who was eligible for a 16061
temporary license under this section as the spouse of an 16062
individual on military duty, six months have elapsed since the 16063
divorce, dissolution, or annulment of the marriage; 16064

(3) The individual is disqualified from obtaining a 16065
license in the trade or profession because of a conviction, 16066
judicial finding of guilt, or plea of guilty to a disqualifying 16067
criminal offense specified on the list the department, agency, 16068
or office of this state makes available pursuant to division (C) 16069
of section 9.78 of the Revised Code. 16070

(F) An individual with a temporary license or certificate 16071
or a regular license issued under this section may practice the 16072
trade or profession in this state only within the scope and 16073
practice that is permitted under Ohio law and that does not 16074
exceed the individual's training. 16075

(G) Notwithstanding any other provision of the Revised 16076
Code, a department, agency, or office of this state shall waive 16077

all fees associated with the issuance of a temporary license or certificate issued under this section. 16078
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(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. 16080
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(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 the fiscal year. The director shall compile the reports and make them available to the public. 16084
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(J) A license or certificate issued under this section shall be considered a license issued under the laws regulating the practice of the applicable occupation or profession in this state. Provisions of law applicable to a license issued to an applicant who does not obtain a license under this section apply in the same manner to licenses issued under this section. 16093
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(K) Chapter 4796. of the Revised Code does not apply to a license or certificate issued under this section. 16099
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(L) A department, agency, or office of this state shall not require an individual who meets the requirements of this section to apply for the license or certificate under Chapter 4796. of the Revised Code. However, the individual may elect to apply for the license or certificate under Chapter 4796. of the Revised Code. 16101
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Sec. 4747.04. (A) The state speech and hearing	16107
professionals board shall:	16108
(1) Establish the nature and scope of qualifying	16109
examinations in accordance with section 4747.08 of the Revised	16110
Code;	16111
(2) Determine whether persons holding similar valid	16112
licenses from other states or jurisdictions <u>other than other</u>	16113
<u>states</u> shall be required to take and successfully pass the	16114
appropriate qualifying examination as a condition for licensing	16115
in this state;	16116
(3) Review complaints and conduct investigations in	16117
accordance with section 4747.13 of the Revised Code and hold any	16118
hearings that are necessary to carry out this chapter;	16119
(4) Determine and specify the length of time each license	16120
that is suspended or revoked shall remain suspended or revoked;	16121
(5) Deposit all payments collected under this chapter into	16122
the state treasury to the credit of the occupational licensing	16123
and regulatory fund created in section 4743.05 of the Revised	16124
Code;	16125
(6) Establish a list of disqualifying offenses for	16126
licensure as a hearing aid dealer or fitter, or for a hearing	16127
aid dealer or fitter trainee permit, pursuant to sections 9.79,	16128
4747.05, 4747.10, 4747.12, and 4776.10 of the Revised Code.	16129
(B) The board shall adopt reasonable rules, in accordance	16130
with Chapter 119. of the Revised Code, necessary for the	16131
administration of this chapter. The board shall include all of	16132
the following in those rules:	16133
(1) The amount of any fees required under this chapter;	16134

(2) The information to be included in a hearing aid receipt provided by a licensed hearing aid dealer or fitter to a person under section 4747.09 of the Revised Code;

(3) The amount of time a licensed hearing aid dealer or fitter or trainee permit holder has to provide the notice of a change in address or addresses required under section 4747.11 of the Revised Code and any other requirements relating to the notice;

(4) Any additional conduct for which the board may discipline a licensee or permit holder under section 4747.12 of the Revised Code.

(C) Nothing in this section shall be interpreted as granting to the board the right to restrict advertising which is not false or misleading, or to prohibit or in any way restrict a hearing aid dealer or fitter from renting or leasing space from any person, firm or corporation in a mercantile establishment for the purpose of using such space for the lawful sale of hearing aids or to prohibit a mercantile establishment from selling hearing aids if the sale would be otherwise lawful under this chapter.

Sec. 4747.05. (A) (1) The state speech and hearing professionals board shall issue to each applicant, within sixty days of receipt of a properly completed application and payment of an application fee set by the board in rules adopted under section 4747.04 of the Revised Code, a hearing aid dealer's or fitter's license if the applicant:

~~(1)~~ (a) In the case of an individual, the individual is at least eighteen years of age, is free of contagious or infectious disease, and has successfully passed a qualifying examination

specified and administered by the board. 16164

~~(2)~~ (b) In the case of a firm, partnership, association, 16165
or corporation, the application, in addition to such information 16166
as the board requires, is accompanied by an application for a 16167
license for each person, whether owner or employee, of the firm, 16168
partnership, association, or corporation, who engages in dealing 16169
in or fitting of hearing aids, or contains a statement that such 16170
applications are submitted separately. No firm, partnership, 16171
association, or corporation licensed pursuant to this chapter 16172
shall permit any unlicensed person to sell or fit hearing aids. 16173

(2) The board shall issue a hearing aid dealer's or 16174
fitter's license in accordance with Chapter 4796. of the Revised 16175
Code to an applicant if either of the following applies: 16176

(a) The applicant holds a license in another state. 16177

(b) The applicant has satisfactory work experience, a 16178
government certification, or a private certification as 16179
described in that chapter as a hearing aid dealer or fitter in a 16180
state that does not issue that license. 16181

(B) (1) Subject to division (B) (3) of this section, the 16182
board shall not adopt or enforce any rule that precludes an 16183
individual from renewing a license issued under this chapter due 16184
to any past criminal activity, unless the individual has 16185
committed a crime of moral turpitude or a disqualifying offense 16186
as those terms are defined in section 4776.10 of the Revised 16187
Code. The board shall comply with Chapter 119. of the Revised 16188
Code when denying an individual a license renewal. 16189

(2) The board may refuse to issue a license to an 16190
applicant because of a conviction of or plea of guilty to an 16191
offense if the refusal is in accordance with section 9.79 of the 16192

Revised Code. 16193

(3) In considering a renewal of an individual's license, 16194
the board shall not consider any conviction or plea of guilty 16195
prior to the initial licensing. However, the board may consider 16196
a conviction or plea of guilty if it occurred after the 16197
individual was initially licensed, or after the most recent 16198
license renewal. 16199

(4) The board may grant an individual a conditional 16200
license that lasts for one year. After the one-year period has 16201
expired, the license is no longer considered conditional, and 16202
the individual shall be considered fully licensed. 16203

(C) (1) Except as provided in division (C) (2) of this 16204
section, each license issued is valid from the date of issuance 16205
until the thirty-first day of December of the even-numbered year 16206
that follows the date of issuance. 16207

(2) A license issued less than one hundred days before the 16208
thirty-first day of December of an even-numbered year is valid 16209
from the date of issuance until the thirty-first day of December 16210
of the even-numbered year that follows the thirty-first day of 16211
December immediately after the date of issuance. 16212

Sec. 4747.10. (A) (1) Each person currently engaged in 16213
training to become a licensed hearing aid dealer or fitter shall 16214
apply to the state speech and hearing professionals board for a 16215
hearing aid dealer's and fitter's trainee permit. The board 16216
shall issue to each applicant within thirty days of receipt of a 16217
properly completed application and payment of an application fee 16218
set by the board in rules adopted under section 4747.04 of the 16219
Revised Code, a trainee permit if such applicant meets all of 16220
the following criteria: 16221

~~(A)~~ (a) Is at least eighteen years of age; 16222

~~(B)~~ (b) Is the holder of a diploma from an accredited high school or a certificate of high school equivalence issued by the department of education; 16223
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~~(C)~~ (c) Is free of contagious or infectious disease. 16226

(2) The board shall issue a hearing aid dealer's and fitter's trainee permit in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 16227
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(a) The applicant holds a permit or license in another state. 16230
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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 hearing aid dealer and fitter trainee in a state that does not issue that permit or license. 16232
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(B) The board shall not deny a trainee permit issued under this section to any individual based on the individual's past criminal history unless the denial is in accordance with section 9.79 of the Revised Code. 16236
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In considering a renewal of an individual's trainee permit, the board shall not consider any conviction or plea of guilty prior to the issuance of the initial trainee permit. 16240
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However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially granted the trainee permit, or after the most recent trainee permit renewal. 16243
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The board shall comply with Chapter 119. of the Revised Code when denying an individual for a trainee permit or renewal. 16246
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Additionally, the board may grant an individual a conditional trainee permit that lasts for one year. After the one-year period has expired, the permit is no longer considered 16248
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conditional, and the individual shall be considered to be 16251
granted a full trainee permit. 16252

(C) Each trainee permit issued by the board expires one 16253
year from the date it was first issued, and may be renewed once 16254
if the trainee has not successfully completed the qualifying 16255
requirements for licensing as a hearing aid dealer or fitter 16256
before the expiration date of such permit. The board shall issue 16257
a renewed permit to each applicant upon receipt of a properly 16258
completed application and payment of a renewal fee set by the 16259
board in rules adopted under section 4747.04 of the Revised 16260
Code. No person holding a trainee permit shall engage in the 16261
practice of dealing in or fitting of hearing aids except while 16262
under supervision by a licensed hearing aid dealer or fitter. 16263

Sec. 4749.12. ~~(A) A~~ The director of public safety shall 16264
issue a license as a private investigator, security guard 16265
provider, or as a private investigator and a security guard 16266
provider in accordance with Chapter 4796. of the Revised Code to 16267
a person who is a resident of another state; if either of the 16268
following applies: 16269

(A) The person is licensed as a private investigator, 16270
security guard provider, or as a private investigator and a 16271
security guard provider in another state; and wishes to engage 16272
in the business of private investigation, the business of 16273
security services, or both businesses in this state, shall be 16274
licensed pursuant to section 4749.03 of the Revised Code, but 16275
the director of public safety may waive the examination 16276
requirement of that section and issue a license to a nonresident 16277
under the circumstances described in division (B) of this 16278
section. 16279

~~(B) If a nonresident~~ The person has satisfactory work 16280

~~experience, a government certification, or a private 16281
certification as described in that chapter as a private 16282
investigator, security guard provider, or a private investigator 16283
and security guard provider ~~seeking licensure under this chapter~~ 16284
~~submits with the application and accompanying matter specified~~ 16285
~~in section 4749.03 of the Revised Code proof of licensure in~~ 16286
~~another state, and if the requirements of divisions (A) (1) (a),~~ 16287
~~(b), and (d) and, if applicable, (F) (1) of section 4749.03 of~~ 16288
~~the Revised Code are satisfied and the nonresident meets all~~ 16289
~~current requirements of the laws of the other state regulating~~ 16290
~~the business of private investigation, the business of security~~ 16291
~~services, or both businesses, the director may waive the~~ 16292
~~examination requirement and fee of that section. This waiver~~ 16293
~~authority may be exercised only if the director determines that~~ 16294
~~the other state has a law similar to this division and extends~~ 16295
~~to residents of this state a similar waiver of examination~~ 16296
~~privilege in a state that does not issue that license.~~ 16297~~

Sec. 4751.01. As used in this chapter: 16298

(A) "Health-care licensing agency" means any department, 16299
division, board, section of a board, or other government unit 16300
that is authorized by a statute of this or another state to 16301
issue a license, certificate, permit, card, or other authority 16302
to do either of the following in the context of health care: 16303

(1) Engage in a specific profession, occupation, or 16304
occupational activity; 16305

(2) Have charge of and operate certain specified 16306
equipment, machinery, or premises. 16307

(B) "Licensed health services executive" means an 16308
individual who holds a valid health services executive license. 16309

(C) "Licensed nursing home administrator" means an individual who holds a valid nursing home administrator license.

(D) "Licensed temporary nursing home administrator" means an individual who holds a valid temporary nursing home administrator license.

(E) "Long-term services and supports setting" means any institutional or community-based setting in which medical, health, psychosocial, habilitative, rehabilitative, or personal care services are provided to individuals on a post-acute care basis.

(F) "Nursing home" means a nursing home as defined by or under the authority of section 3721.01 of the Revised Code, or a nursing home operated by a governmental agency.

(G) "Nursing home administration" means planning, organizing, directing, and managing the operation of a nursing home.

(H) "Nursing home administrator" means any individual who engages in the practice of nursing home administration, whether or not the individual shares the functions and duties of nursing home administration with one or more other individuals.

(I) "Valid health services executive license" means a health services executive license to which all of the following apply:

(1) It was issued by the board of executives of long-term services and supports under section 4751.201, 4751.21, 4751.23, 4751.25, or 4751.33 of the Revised Code;

(2) It was not sold, fraudulently furnished, or fraudulently obtained in violation of division (F) of section

4751.10 of the Revised Code; 16338

(3) It is current and in good standing. 16339

(J) "Valid nursing home administrator license" means a 16340
nursing home administrator license to which all of the following 16341
apply: 16342

(1) It was issued by the board under section 4751.20, 16343
4751.201, 4751.23, 4751.24, or 4751.33 of the Revised Code; 16344

(2) It was not sold, fraudulently furnished, or 16345
fraudulently obtained in violation of division (F) of section 16346
4751.10 of the Revised Code; 16347

(3) It is current and in good standing. 16348

(K) "Valid temporary nursing home administrator license" 16349
means a temporary nursing home administrator license to which 16350
all of the following apply: 16351

(1) It was issued by the board under section 4751.202, 16352
4751.23, or 4751.33 of the Revised Code; 16353

(2) It was not sold, fraudulently furnished, or 16354
fraudulently obtained in violation of division (F) of section 16355
4751.10 of the Revised Code; 16356

(3) It is current and in good standing. 16357

Sec. 4751.15. The board of executives of long-term 16358
services and supports shall administer, or contract with a 16359
government or private entity to administer, examinations that an 16360
individual must pass to obtain a nursing home administrator 16361
license under section 4751.20 ~~or 4751.201~~ of the Revised Code. 16362
If the board contracts with a government or private entity to 16363
administer the examinations, the contract may authorize the 16364

entity to collect and keep, as all or part of the entity's 16365
compensation under the contract, any fee an individual pays to 16366
take the examination. The entity is not required to deposit the 16367
fee into the state treasury. 16368

To be admitted to an examination administered under this 16369
section, an individual must pay the examination fee charged by 16370
the board or government or private entity. If an individual 16371
fails three times to pass the examination, the individual, 16372
before being admitted to the examination a subsequent time, also 16373
must satisfy any education requirements, experience 16374
requirements, or both, that may be prescribed in rules adopted 16375
under section 4751.04 of the Revised Code in addition to any 16376
education requirements or experience requirements that must be 16377
satisfied to obtain a nursing home administrator license under 16378
section 4751.20 ~~or 4751.201~~ of the Revised Code. 16379

Sec. 4751.20. (A) ~~Subject~~ Except as provided in section 16380
4751.201 of the Revised Code, and subject to section 4751.32 of 16381
the Revised Code, the board of executives of long-term services 16382
and supports shall issue a nursing home administrator license to 16383
an individual under this section if all of the following 16384
requirements are satisfied: 16385

(1) The individual has submitted to the board a completed 16386
application for the license in accordance with rules adopted 16387
under section 4751.04 of the Revised Code. 16388

(2) If the individual is required by rules adopted under 16389
section 4751.04 of the Revised Code to serve as a nursing home 16390
administrator in training, the individual has paid to the board 16391
the administrator in training fee of fifty dollars. 16392

(3) The individual is at least twenty-one years of age. 16393

(4) The individual has successfully completed educational requirements and work experience specified in rules adopted under section 4751.04 of the Revised Code, including, if so required by the rules, experience obtained as a nursing home administrator in training.

(5) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check.

(6) 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.

(7) The individual has passed the licensing examination administered under section 4751.15 of the Revised Code.

(8) The individual has paid to the board a license fee of two hundred fifty dollars.

(9) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.

(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.

Sec. 4751.201. ~~(A) Subject to section 4751.32 of the Revised Code, Notwithstanding the requirements for a license under this chapter, the board of executives of long-term services and supports may shall issue a nursing home administrator license or a health services executive license in accordance with Chapter 4796. of the Revised Code to an~~

~~individual under this section if all of the following~~ 16423
~~requirements are satisfied:—~~ 16424

~~(1) The individual is legally authorized to practice~~ 16425
~~nursing home administration in another state.—~~ 16426

~~(2) The individual has submitted to the board a completed~~ 16427
~~application for the license in accordance with rules adopted~~ 16428
~~under section 4751.04 of the Revised Code.—~~ 16429

~~(3) The individual is at least twenty one years of age.—~~ 16430

~~(4) The individual holds at least a bachelor's degree from~~ 16431
~~an accredited educational institution.—~~ 16432

~~(5) The individual is of good moral character.—~~ 16433

~~(6) The individual has complied with section 4776.02 of~~ 16434
~~the Revised Code regarding a criminal records check.—~~ 16435

~~(7) The board, in its discretion, has determined that the~~ 16436
~~results of the criminal records check do not make the individual~~ 16437
~~ineligible for the license.—~~ 16438

~~(8) The individual has passed the licensing examination~~ 16439
~~administered under section 4751.15 of the Revised Code.—~~ 16440

~~(9) The individual has paid to the board a license fee of~~ 16441
~~two hundred fifty dollars.—~~ 16442

~~(10) The individual has satisfied any additional~~ 16443
~~requirements as may be prescribed in rules adopted under section~~ 16444
~~4751.04 of the Revised Code.—~~ 16445

~~(B) A nursing home administrator license shall certify~~ 16446
~~that the individual to whom it was issued has met the applicable~~ 16447
~~requirements of this chapter and any applicable rules adopted~~ 16448
~~under section 4751.04 of the Revised Code and is authorized to~~ 16449

~~practice nursing home administration while the license is~~ 16450
~~valid~~applicant if either of the following applies: 16451

(A) The applicant holds a license in another state. 16452

(B) The applicant has satisfactory work experience, a 16453
government certification, or a private certification as 16454
described in that chapter as a nursing home administrator or a 16455
health services executive in a state that does not issue that 16456
license. 16457

Sec. 4751.202. (A) Subject to section 4751.32 of the 16458
Revised Code, the board of executives of long-term services and 16459
supports may issue a temporary nursing home administrator 16460
license to an individual if all of the following requirements 16461
are satisfied: 16462

(1) The operator of a nursing home has requested that the 16463
board issue a temporary nursing home administrator license to 16464
the individual to authorize the individual to temporarily 16465
practice nursing home administration at the nursing home because 16466
of a vacancy in the position of nursing home administrator at 16467
the nursing home resulting from a death, illness, or other 16468
unexpected cause. 16469

(2) The individual is at least twenty-one years of age. 16470

(3) The individual has complied with section 4776.02 of 16471
the Revised Code regarding a criminal records check. 16472

(4) The board, in accordance with section 9.79 of the 16473
Revised Code, has determined that the results of the criminal 16474
records check do not make the individual ineligible for the 16475
license. 16476

(5) The individual has paid to the board a fee for the 16477

temporary license of one hundred dollars. 16478

(6) The individual has satisfied any additional 16479
requirements as may be prescribed in rules adopted under section 16480
4751.04 of the Revised Code. 16481

(B) A temporary nursing home administrator license shall 16482
certify that the individual to whom it was issued has met the 16483
applicable requirements of this chapter and any applicable rules 16484
adopted under section 4751.04 of the Revised Code and is 16485
authorized to practice nursing home administration while the 16486
temporary license is valid. 16487

(C) Except as provided in section 4751.32 of the Revised 16488
Code, a temporary nursing home administrator license is valid 16489
for a period of time the board shall specify on the temporary 16490
license. That period shall not exceed one hundred eighty days. 16491
If that period is less than one hundred eighty days, the 16492
individual holding the temporary license may apply to the board 16493
for renewal of the temporary license in accordance with rules 16494
the board shall adopt under section 4751.04 of the Revised Code. 16495
Except as provided in section 4751.32 of the Revised Code, a 16496
renewed temporary nursing home administrator license is valid 16497
for a period of time the board shall specify on the renewed 16498
temporary license. That period shall not exceed the difference 16499
between one hundred eighty days and the number of days for which 16500
the original temporary license was valid. A renewed temporary 16501
nursing home administrator license shall not be renewed. A 16502
licensed temporary nursing home administrator who intends to 16503
continue to practice nursing home administration after the 16504
temporary license, including, if applicable, the renewed 16505
temporary license, expires must obtain a nursing home 16506
administrator license under section 4751.20 of the Revised Code. 16507

(D) Chapter 4796. of the Revised Code does not apply to a 16508
temporary license issued under this section. 16509

Sec. 4751.21. (A) ~~Subject~~ Except as provided in section 16510
4751.201 of the Revised Code, and subject to section 4751.32 of 16511
the Revised Code, the board of executives of long-term services 16512
and supports shall issue a health services executive license to 16513
an individual if all of the following requirements are 16514
satisfied: 16515

(1) The individual has submitted to the board a completed 16516
application for the license in accordance with rules adopted 16517
under section 4751.04 of the Revised Code. 16518

(2) The individual is a licensed nursing home 16519
administrator. 16520

(3) The individual has obtained the health services 16521
executive qualification through the national association of 16522
long-term care administrator boards. 16523

(4) The individual has complied with section 4776.02 of 16524
the Revised Code regarding a criminal records check. 16525

(5) The board, in accordance with section 9.79 of the 16526
Revised Code, has determined that the results of the criminal 16527
records check do not make the individual ineligible for the 16528
license. 16529

(6) The individual has paid to the board a license fee of 16530
one hundred dollars. 16531

(B) A health services executive license shall certify that 16532
the individual to whom it was issued has met the applicable 16533
requirements of this chapter and any applicable rules adopted 16534
under section 4751.04 of the Revised Code and is a licensed 16535

health services executive while the license is valid. 16536

Sec. 4751.32. (A) Except as provided in division (D) of 16537
this section, the board of executives of long-term services and 16538
supports may take any of the actions authorized by division (B) 16539
of this section against an individual who has applied for or 16540
holds a nursing home administrator license, temporary nursing 16541
home administrator license, or health services executive license 16542
if any of the following apply to the individual: 16543

(1) The individual has failed to satisfy any requirement 16544
established by this chapter or the rules adopted under section 16545
4751.04 of the Revised Code that must be satisfied to obtain the 16546
license or temporary license. 16547

(2) The individual has violated, or failed to comply with 16548
a requirement of, this chapter or a rule adopted under section 16549
4751.04 of the Revised Code regarding the practice of nursing 16550
home administration, including the requirements of sections 16551
4751.40 and 4751.41 of the Revised Code. 16552

(3) The individual is unfit or incompetent to practice 16553
nursing home administration, serve in a leadership position at a 16554
long-term services and supports setting, or direct the practices 16555
of others in such a setting by reason of negligence, habits, or 16556
other causes, including the individual's habitual or excessive 16557
use or abuse of drugs, alcohol, or other substances. 16558

(4) The individual has acted in a manner inconsistent with 16559
the health and safety of either of the following: 16560

(a) The residents of the nursing home at which the 16561
individual practices nursing home administration; 16562

(b) The consumers of services and supports provided by a 16563
long-term services and supports setting at which the individual 16564

(10) The individual has failed to do any of the following:	16592
(a) Cooperate with an investigation conducted by the board under section 4751.31 of the Revised Code;	16593 16594
(b) Respond to or comply with a subpoena issued by the board in an investigation of the individual;	16595 16596
(c) Comply with any disciplinary action the board has taken against the individual pursuant to this section.	16597 16598
(B) The following are the actions that the board may take for the purpose of division (A) of this section:	16599 16600
(1) Deny the individual any of the following:	16601
(a) A nursing home administrator license under section 4751.20, 4751.201, 4751.23, or 4751.24 of the Revised Code;	16602 16603
(b) A temporary nursing home administrator license under section 4751.202 or 4751.23 of the Revised Code;	16604 16605
(c) A health services executive license under section <u>4751.201</u> , 4751.21, 4751.23, or 4751.25 of the Revised Code.	16606 16607
(2) Suspend the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license;	16608 16609 16610
(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;	16611 16612 16613 16614
(4) Place a limitation on the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license;	16615 16616 16617
(5) Place the individual on probation;	16618

(6) Issue a written reprimand of the individual;	16619
(7) Impose on the individual a civil penalty, fine, or other sanction specified in rules adopted under section 4751.04 of the Revised Code.	16620 16621 16622
(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. Any admissions or findings included in a proposed consent agreement have no force or effect if the board refuses to ratify the consent agreement.	16623 16624 16625 16626 16627 16628 16629 16630 16631 16632 16633 16634
(D) The board shall not refuse to issue an initial nursing home administrator license, temporary nursing home administrator license, or health services executive license, unless the refusal is in accordance with section 9.79 of the Revised Code.	16635 16636 16637 16638
Sec. 4752.05. (A) <u>The</u> Except as provided in division (D) of this section, the state board of pharmacy shall issue a license to provide home medical equipment services to each applicant under section 4752.04 of the Revised Code that meets either of the following requirements:	16639 16640 16641 16642 16643
(1) Meets the standards established by the board in rules adopted under section 4752.17 of the Revised Code;	16644 16645
(2) Is a pharmacy licensed under Chapter 4729. of the Revised Code that receives total payments of ten thousand	16646 16647

dollars or more per year from selling or renting home medical equipment. 16648
16649

(B) During the period ending one year after September 16, 16650
2004, an applicant that does not meet either of the requirements 16651
of division (A) of this section shall be granted a provisional 16652
license if for at least twelve months prior to September 16, 16653
2004, the applicant was engaged in the business of providing 16654
home medical equipment services. The provisional license expires 16655
one year following the date on which it is issued and is not 16656
subject to renewal under section 4752.06 of the Revised Code. 16657

(C) The board may conduct a personal interview of an 16658
applicant, or an applicant's representative, to determine the 16659
applicant's qualifications for licensure. 16660

(D) The board shall issue a license to provide home 16661
medical equipment services in accordance with Chapter 4796. of 16662
the Revised Code to an applicant if either of the following 16663
applies: 16664

(1) The applicant holds a license in another state. 16665

(2) The applicant has satisfactory work experience, a 16666
government certification, or a private certification as 16667
described in that chapter as a provider of home medical 16668
equipment services in a state that does not issue that license. 16669

(E) A license issued under division (A) of this section to 16670
provide home medical equipment services expires at the end of 16671
the licensing period for which it is issued and may be renewed 16672
in accordance with section 4752.06 of the Revised Code. For 16673
purposes of issuing and renewing licenses, the board shall use a 16674
biennial licensing period that begins on the first day of July 16675
of each even-numbered year and ends on the thirtieth day of June 16676

of the next succeeding even-numbered year. 16677

~~(E)~~(F) Any license issued under this section is valid only 16678
for the facility named in the application. 16679

Sec. 4752.12. (A) ~~The~~Except as provided in division (B) 16680
of this section, the state board of pharmacy shall issue a 16681
certificate of registration to provide home medical equipment 16682
services to each applicant who submits a complete application 16683
under section 4752.11 of the Revised Code. For purposes of this 16684
division, an application is complete only if the board finds 16685
that the applicant holds accreditation from the joint commission 16686
on accreditation of healthcare organizations or another national 16687
accrediting body recognized by the board, as specified in rules 16688
adopted under section 4752.17 of the Revised Code. 16689

(B) The board shall issue a certificate of registration in 16690
accordance with Chapter 4796. of the Revised Code to an 16691
applicant if either of the following applies: 16692

(1) The applicant holds a certificate of registration or 16693
license in another state. 16694

(2) The applicant has satisfactory work experience, a 16695
government certification, or a private certification as 16696
described in that chapter as a provider of home medical 16697
equipment services in a state that does not issue that 16698
certificate or license. 16699

~~(C)~~ A certificate of registration ~~issued under this~~ 16700
~~section~~ expires at the end of the registration period for which 16701
it is issued and may be renewed in accordance with section 16702
4752.13 of the Revised Code. For purposes of renewing 16703
certificates of registration, the board shall use a biennial 16704
registration period that begins on the first day of July of each 16705

even-numbered year and ends on the thirtieth day of June of the 16706
next succeeding even-numbered year. 16707

~~(C)~~(D) A certificate of registration ~~issued under this~~ 16708
~~section~~ is valid only for the facility named in the application. 16709

Sec. 4753.07. The state speech and hearing professionals 16710
board shall issue under its seal a license or conditional 16711
license to every applicant who has passed the appropriate 16712
examinations designated by the board and who otherwise complies 16713
with the licensure requirements of this chapter. The license or 16714
conditional license entitles the holder to practice speech- 16715
language pathology or audiology. 16716

The board shall issue under its seal a license or 16717
conditional license to practice speech-language pathology or 16718
audiology to an applicant in accordance with Chapter 4796. of 16719
the Revised Code if the applicant holds a license or conditional 16720
license in another state or the applicant has satisfactory work 16721
experience, a government certification, or a private 16722
certification as described in that chapter as a speech-language 16723
pathologist or audiologist in a state that does not issue those 16724
licenses. 16725

Each licensee shall display the license or conditional 16726
license or an official duplicate in a conspicuous place where 16727
the licensee practices speech-language pathology or audiology or 16728
both. 16729

Sec. 4753.071. A person who is required to meet the 16730
supervised professional experience requirement of division (F) 16731
of section 4753.06 of the Revised Code shall submit to the state 16732
speech and hearing professionals board an application for a 16733
conditional license. The application shall include a plan for 16734

the content of the supervised professional experience on a form 16735
the board shall prescribe. The board shall issue the conditional 16736
license to the applicant if the applicant meets the requirements 16737
of section 4753.06 of the Revised Code, other than the 16738
requirement to have obtained the supervised professional 16739
experience, and pays to the board the appropriate fee for a 16740
conditional license. The board shall issue a conditional license 16741
in accordance with Chapter 4796. of the Revised Code to an 16742
applicant if the applicant holds a license in another state or 16743
the applicant has satisfactory work experience, a government 16744
certification, or a private certification as described in that 16745
chapter in a state that does not issue a conditional license. An 16746
applicant may not begin employment until the conditional license 16747
has been issued. 16748

A conditional license authorizes an individual to practice 16749
speech-language pathology or audiology while completing the 16750
supervised professional experience as required by division (F) 16751
of section 4753.06 of the Revised Code. A person holding a 16752
conditional license may practice speech-language pathology or 16753
audiology while working under the supervision of a person fully 16754
licensed in accordance with this chapter. A conditional license 16755
is valid for eighteen months unless suspended or revoked 16756
pursuant to section 3123.47 or 4753.10 of the Revised Code. 16757

A person holding a conditional license may perform 16758
services for which payment will be sought under the medicare 16759
program or the medicaid program but all requests for payment for 16760
such services shall be made by the person who supervises the 16761
person performing the services. 16762

Sec. 4753.072. The state speech and hearing professionals 16763
board shall establish by rule pursuant to Chapter 119. of the 16764

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 in a state that does not issue those licenses.

Sec. 4753.073. (A) The state speech and hearing professionals board shall issue under its seal a speech-language pathology student permit to any applicant who submits a plan that has been approved by the applicant's university graduate program in speech-language pathology and that conforms to requirements determined by the board by rule and who meets all of the following requirements:

(1) Is enrolled in a graduate program at an educational institution located in this state that is accredited by the council on academic accreditation in audiology and speech-language pathology of the American speech-language-hearing association;

(2) Has completed at least one year of postgraduate training in speech-language pathology, or equivalent coursework

as determined by the board, and any student clinical experience 16795
the board may require by rule. 16796

(B) The board shall issue under its seal a speech-language 16797
pathology student permit in accordance with Chapter 4796. of the 16798
Revised Code to an applicant if either of the following applies: 16799

(1) The applicant holds a permit or license in another 16800
state. 16801

(2) The applicant has satisfactory work experience, a 16802
government certification, or a private certification as 16803
described in that chapter as a speech-language pathology student 16804
in a state that does not issue that permit or license. 16805

(C) The speech-language pathology student permit 16806
authorizes the holder to practice speech-language pathology 16807
within limits determined by the board by rule, which shall 16808
include the following: 16809

(1) The permit holder's caseload shall be limited in a 16810
manner to be determined by the board by rule. 16811

(2) The permit holder's authorized scope of practice shall 16812
be limited in a manner to be determined by the board by rule. 16813
The rule shall consider the coursework and clinical experience 16814
that has been completed by the permit holder and the 16815
recommendation of the applicant's university graduate program in 16816
speech-language pathology. 16817

(3) The permit holder shall practice only when under the 16818
supervision of a speech-language pathologist who is licensed by 16819
the board and acting under the approval and direction of the 16820
applicant's university graduate program in speech-language 16821
pathology. The board shall determine by rule the manner of 16822
supervision. 16823

~~(C)(D)~~ A permit ~~issued under this section~~ shall expire two 16824
years after the date of issuance. Student permits may be renewed 16825
in a manner to be determined by the board by rule. 16826

~~(D)(E)~~ Each permit holder shall display the permit or an 16827
official duplicate in a conspicuous place where the permit 16828
holder practices speech-language pathology. 16829

Sec. 4753.08. The state speech and hearing professionals 16830
board shall waive the examination, educational, and professional 16831
experience requirements for any applicant who meets ~~any either~~ 16832
of the following requirements: 16833

(A) On September 26, 1975, had at least a bachelor's 16834
degree with a major in speech-language pathology or audiology 16835
from an accredited college or university, or was employed as a 16836
speech-language pathologist or audiologist for at least nine 16837
months at any time within the three years prior to September 26, 16838
1975, if an application providing bona fide proof of such degree 16839
or employment was filed with the former board of speech-language 16840
pathology and audiology within one year after that date, and was 16841
accompanied by the application fee as prescribed in division (A) 16842
of section 4753.11 of the Revised Code. 16843

~~(B) Presents proof to the state speech and hearing 16844
professionals board of current certification or licensure in 16845
good standing in the area in which licensure is sought in a 16846
state that has standards at least equal to the standards for 16847
licensure that are in effect in this state at the time the 16848
applicant applies for the license. 16849~~

~~(C) Presents proof to the state speech and hearing 16850
professionals board of both of the following: 16851~~

~~(1) Having current certification or licensure in good 16852~~

~~standing in audiology in a state that has standards at least
equal to the standards for licensure as an audiologist that were
in effect in this state on December 31, 2005;~~ 16853
16854
16855

~~(2) Having first obtained that certification or licensure
not later than December 31, 2007.~~ 16856
16857

~~(D)~~ Presents proof to the state speech and hearing 16858
professionals board of a current certificate of clinical 16859
competence in speech-language pathology or audiology that is in 16860
good standing and received from the American speech-language- 16861
hearing association in the area in which licensure is sought. 16862

Sec. 4753.09. Except as provided in this section and in 16863
section 4753.10 of the Revised Code, a license issued by the 16864
state speech and hearing professionals board shall be renewed 16865
biennially in accordance with the standard renewal procedure 16866
contained in Chapter 4745. of the Revised Code. If the 16867
application for renewal is made one year or longer after the 16868
renewal application is due, the person shall apply for licensure 16869
as provided in section 4753.06 or division (B), ~~(C), or (D)~~ of 16870
section 4753.08 of the Revised Code. The board shall not renew a 16871
conditional license; however, the board may grant an applicant a 16872
second conditional license. 16873

The board shall establish by rule adopted pursuant to 16874
Chapter 119. of the Revised Code the qualifications for license 16875
renewal. Applicants shall demonstrate continued competence, 16876
which may include continuing education, examination, self- 16877
evaluation, peer review, performance appraisal, or practical 16878
simulation. The board may establish other requirements as a 16879
condition for license renewal as considered appropriate by the 16880
board. 16881

The board may renew a license which expires while the license is suspended, but the renewal shall not affect the suspension. The board shall not renew a license which has been revoked. If a revoked license is reinstated under section 4753.10 of the Revised Code after it has expired, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in the amount equal to the renewal fee in effect on the last preceding regular renewal date on which it is reinstated, plus any delinquent fees accrued from the time of the revocation, if such a fee is prescribed by the board by rule.

Sec. 4753.12. Nothing in this chapter shall be construed to:

(A) Prohibit a person other than an individual from engaging in the business of speech-language pathology or audiology without licensure if it employs a licensed individual in the direct practice of speech-language pathology and audiology. Such entity shall file a statement with the state speech and hearing professionals board, on a form approved by the board for this purpose, swearing that it submits itself to the rules of the board and the provisions of this chapter which the board determines applicable.

(B) Prevent or restrict the practice of a person employed as a speech-language pathologist or audiologist by any agency of the federal government.

(C) Restrict the activities and services of a student or intern in speech-language pathology or audiology from pursuing a course of study leading to a degree in these areas at a college or university accredited by a recognized regional or national accrediting body or in one of its cooperating clinical training facilities, if these activities and services are supervised by a

person licensed in the area of study or certified by the 16912
American speech-language-hearing association in the area of 16913
study and if the student is designated by a title such as 16914
"speech-language pathology intern," "audiology intern," 16915
"trainee," or other such title clearly indicating the training 16916
status. 16917

(D) Prevent a person from performing speech-language 16918
pathology or audiology services when performing these services 16919
in pursuit of the required supervised professional experience as 16920
prescribed in section 4753.06 of the Revised Code and that 16921
person has been issued a conditional license pursuant to section 16922
4753.071 of the Revised Code. 16923

(E) Restrict a speech-language pathologist or audiologist 16924
who holds the certification of the American speech-language- 16925
hearing association, or who is licensed as a speech-language 16926
pathologist or audiologist in another state and who has made 16927
application to the board for a license in this state from 16928
practicing speech-language pathology or audiology without a 16929
valid license pending the disposition of the application. The 16930
board shall not require a speech-language pathologist or 16931
audiologist who is licensed in another state to obtain a license 16932
in accordance with Chapter 4796. of the Revised Code to practice 16933
speech-language pathology or audiology in the manner described 16934
under this division. 16935

(F) Restrict a person not a resident of this state from 16936
offering speech-language pathology or audiology services in this 16937
state if such services are performed for not more than one 16938
period of thirty consecutive calendar days in any year, if the 16939
person is licensed in the state of the person's residence or 16940
certified by the American speech-language-hearing association 16941

and files a statement as prescribed by the board in advance of 16942
providing these services. Such person shall be subject to the 16943
rules of the board and the provisions of this chapter. The board 16944
shall not require a person not a resident of this state who is 16945
licensed in the state of the person's residence to obtain a 16946
license in accordance with Chapter 4796. of the Revised Code to 16947
offer speech-language pathology or audiology services in the 16948
manner described under this division. 16949

(G) Restrict a person licensed under Chapter 4747. of the 16950
Revised Code from engaging in the duties as defined in that 16951
chapter related to measuring, testing, and counseling for the 16952
purpose of identifying or modifying hearing conditions in 16953
connection with the fitting, dispensing, or servicing of a 16954
hearing aid, or affect the authority of hearing aid dealers to 16955
deal in hearing aids or advertise the practice of dealing in 16956
hearing aids in accordance with Chapter 4747. of the Revised 16957
Code. 16958

(H) Restrict a physician from engaging in the practice of 16959
medicine and surgery or osteopathic medicine and surgery or 16960
prevent any individual from carrying out any properly delegated 16961
responsibilities within the normal practice of medicine and 16962
surgery or osteopathic medicine and surgery. 16963

(I) Restrict a person registered or licensed under Chapter 16964
4723. of the Revised Code from performing those acts and 16965
utilizing those procedures that are within the scope of the 16966
practice of professional or practical nursing as defined in 16967
Chapter 4723. of the Revised Code and the ethics of the nursing 16968
profession, provided such a person does not claim to the public 16969
to be a speech-language pathologist or audiologist. 16970

(J) Restrict an individual licensed as an audiologist 16971

under this chapter from fitting, selling, or dispensing hearing aids. 16972
16973

(K) Authorize the practice of medicine and surgery or 16974
entitle a person licensed pursuant to this chapter to engage in 16975
the practice of medicine or surgery or any of its branches. 16976

(L) Restrict a person licensed pursuant to Chapter 4755. 16977
of the Revised Code from performing those acts and utilizing 16978
those procedures that are within the scope of the practice of 16979
occupational therapy or occupational therapy assistant as 16980
defined in Chapter 4755. of the Revised Code, provided the 16981
person does not claim to the public to be a speech-language 16982
pathologist or audiologist. 16983

Sec. 4755.08. The occupational therapy section of the Ohio 16984
occupational therapy, physical therapy, and athletic trainers 16985
board shall issue a license to every applicant who has passed 16986
the appropriate examination designated by the section and who 16987
otherwise complies with the licensure requirements of sections 16988
4755.04 to 4755.13 of the Revised Code. The license entitles the 16989
holder to practice occupational therapy or to assist in the 16990
practice of occupational therapy. The licensee shall display the 16991
license in a conspicuous place at the licensee's principal place 16992
of business. 16993

The section shall issue a license to practice occupational 16994
therapy or to assist in the practice of occupational therapy in 16995
accordance with Chapter 4796. of the Revised Code to an 16996
applicant if either of the following applies: 16997

(A) The applicant holds a license in another state. 16998

(B) The applicant has satisfactory work experience, a 16999
government certification, or a private certification as 17000

described in that chapter as an occupational therapist or 17001
assistant occupational therapist in a state that does not issue 17002
that license. 17003

Sec. 4755.09. The occupational therapy section of the Ohio 17004
occupational therapy, physical therapy, and athletic trainers 17005
board may waive the examination requirement under section 17006
4755.07 of the Revised Code for any applicant for licensure as 17007
an occupational therapist or occupational therapy assistant who 17008
~~either~~ has met educational, training, and job experience 17009
requirements established by the section, ~~or presents proof of~~ 17010
~~current certification or licensure in another state that~~ 17011
~~requires standards for licensure at least equal to those for~~ 17012
~~licensure in this state.~~ 17013

The section may waive the educational requirements under 17014
section 4755.07 of the Revised Code for any applicant who has 17015
met job experience requirements established by the section. 17016

Sec. 4755.411. The physical therapy section of the Ohio 17017
occupational therapy, physical therapy, and athletic trainers 17018
board shall adopt rules in accordance with Chapter 119. of the 17019
Revised Code pertaining to the following: 17020

(A) Fees for the verification of a license and license 17021
reinstatement, and other fees established by the section; 17022

(B) Provisions for the section's government and control of 17023
its actions and business affairs; 17024

(C) Minimum curricula for physical therapy education 17025
programs that prepare graduates to be licensed in this state as 17026
physical therapists and physical therapist assistants; 17027

(D) Eligibility criteria to take the examinations required 17028
under sections 4755.43 and 4755.431 of the Revised Code; 17029

(E) The form and manner for filing applications for licensure with the section;	17030 17031
(F) For purposes of section 4755.46 of the Revised Code, all of the following:	17032 17033
(1) A schedule regarding when licenses to practice as a physical therapist and physical therapist assistant expire during a biennium;	17034 17035 17036
(2) An additional fee, not to exceed thirty-five dollars, that may be imposed if a licensee files a late application for renewal;	17037 17038 17039
(3) The conditions under which the license of a person who files a late application for renewal will be reinstated.	17040 17041
(G) The issuance, renewal, suspension, and permanent revocation of a license and the conduct of hearings;	17042 17043
(H) Appropriate ethical conduct in the practice of physical therapy;	17044 17045
(I) Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;	17046 17047 17048
(J) Conditions that may be imposed for reinstatement of a license following suspension pursuant to section 4755.47 of the Revised Code;	17049 17050 17051
(K) For purposes of sections 4755.45 and 4755.451 of the Revised Code, both of the following:	17052 17053
(1) Identification of the credentialing organizations from which the section will accept equivalency evaluations for foreign physical therapist education and foreign physical	17054 17055 17056

therapist assistant education. The physical therapy section 17057
shall identify only those credentialing organizations that use a 17058
course evaluation tool or form approved by the physical therapy 17059
section. 17060

(2) Evidence, other than the evaluations described in 17061
division (K)(1) of this section, that the section will consider 17062
for purposes of evaluating whether an applicant's education is 17063
reasonably equivalent to the educational requirements that were 17064
in force for licensure in this state as a physical therapist or 17065
physical therapist assistant on the date of the applicant's 17066
initial licensure or registration in another ~~state or~~ country. 17067

(L) Standards of conduct for physical therapists and 17068
physical therapist assistants, including requirements for 17069
supervision, delegation, and practicing with or without referral 17070
or prescription; 17071

(M) Appropriate display of a license; 17072

(N) Procedures for a licensee to follow in notifying the 17073
section within thirty days of a change in name or address, or 17074
both; 17075

(O) The amount and content of corrective action courses 17076
required by the board under section 4755.47 of the Revised Code. 17077

Sec. 4755.44. If an applicant passes the examination or 17078
examinations required under section 4755.43 of the Revised Code 17079
and pays the fee required by division (B) of section 4755.42 of 17080
the Revised Code, the physical therapy section of the Ohio 17081
occupational therapy, physical therapy, and athletic trainers 17082
board shall issue a license, attested by the seal of the board, 17083
to the applicant to practice as a physical therapist. 17084

The section shall issue a license to practice as a 17085

physical therapist in accordance with Chapter 4796. of the 17086
Revised Code, attested by the seal of the board, to an applicant 17087
if either of the following applies: 17088

(A) The applicant holds a license in another state. 17089

(B) The applicant has satisfactory work experience, a 17090
government certification, or a private certification as 17091
described in that chapter as a physical therapist in a state 17092
that does not issue that license. 17093

Sec. 4755.441. If an applicant passes the examination or 17094
examinations required under section 4755.431 of the Revised Code 17095
and pays the fee required by division (B) of section 4755.421 of 17096
the Revised Code, the physical therapy section of the Ohio 17097
occupational therapy, physical therapy, and athletic trainers 17098
board shall issue a license, attested by the seal of the board, 17099
to the applicant to practice as physical therapist assistant. 17100

The section shall issue a license to practice as a 17101
physical therapist assistant in accordance with Chapter 4796. of 17102
the Revised Code, attested by the seal of the board, to an 17103
applicant if either of the following applies: 17104

(A) The applicant holds a license in another state. 17105

(B) The applicant has satisfactory work experience, a 17106
government certification, or a private certification as 17107
described in that chapter as a physical therapist assistant in a 17108
state that does not issue that license. 17109

Sec. 4755.45. (A) The physical therapy section of the Ohio 17110
occupational therapy, physical therapy, and athletic trainers 17111
board shall issue to an applicant a license to practice as a 17112
physical therapist without requiring the applicant to have 17113
passed the national examination for physical therapists 17114

described in division (A) of section 4755.43 of the Revised Code 17115
within one year of filing an application described in section 17116
4755.42 of the Revised Code if all of the following are true: 17117

(1) The applicant presents evidence satisfactory to the 17118
physical therapy section that the applicant received a score on 17119
the national physical therapy examination described in division 17120
(A) of section 4755.43 of the Revised Code that would have been 17121
a passing score according to the board in the year the applicant 17122
sat for the examination; 17123

(2) The applicant presents evidence satisfactory to the 17124
physical therapy section that the applicant passed the 17125
jurisprudence examination described in division (B) of section 17126
4755.43 of the Revised Code; 17127

(3) The applicant holds a current and valid license or 17128
registration to practice physical therapy in another ~~state or~~ 17129
country; 17130

(4) Subject to division (B) of this section, the applicant 17131
can demonstrate that the applicant's education is reasonably 17132
equivalent to the educational requirements that were in force 17133
for licensure in this state on the date of the applicant's 17134
initial licensure or registration in the other ~~state or~~ country; 17135

(5) The applicant pays the fee described in division (B) 17136
of section 4755.42 of the Revised Code; 17137

(6) The applicant is not in violation of any section of 17138
this chapter or rule adopted under it. 17139

(B) For purposes of division (A)(4) of this section, if, 17140
after receiving the results of an equivalency evaluation from a 17141
credentialing organization identified by the section pursuant to 17142
rules adopted under section 4755.411 of the Revised Code, the 17143

section determines that regardless of the results of the 17144
evaluation the applicant's education is not reasonably 17145
equivalent to the educational requirements that were in force 17146
for licensure in this state on the date of the applicant's 17147
initial licensure or registration in ~~another state or a~~ foreign 17148
country, the section shall send a written notice to the 17149
applicant stating that the section is denying the applicant's 17150
application and stating the specific reason why the section is 17151
denying the applicant's application. The section shall send the 17152
notice to the applicant through certified mail within thirty 17153
days after the section makes that determination. 17154

Sec. 4755.451. (A) The physical therapy section of the 17155
Ohio occupational therapy, physical therapy, and athletic 17156
trainers board shall issue to an applicant a license as a 17157
physical therapist assistant without requiring the applicant to 17158
have passed the national examination for physical therapist 17159
assistants described in division (A) of section 4755.431 of the 17160
Revised Code within one year of filing an application described 17161
in section 4755.421 of the Revised Code if all of the following 17162
are true: 17163

(1) The applicant presents evidence satisfactory to the 17164
physical therapy section that the applicant received a score on 17165
the national physical therapy examination described in division 17166
(A) of section 4755.431 of the Revised Code that would have been 17167
a passing score according to the board in the year the applicant 17168
sat for the examination; 17169

(2) The applicant presents evidence satisfactory to the 17170
physical therapy section that the applicant passed the 17171
jurisprudence examination described in division (B) of section 17172
4755.431 of the Revised Code; 17173

(3) The applicant holds a current and valid license or registration to practice as a physical therapist assistant in another ~~state or~~ country; 17174
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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; 17177
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(5) The applicant pays the fee described in division (B) of section 4755.421 of the Revised Code; 17182
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(6) The applicant is not in violation of any section of this chapter or rule adopted under it. 17184
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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 the determination. 17186
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Sec. 4755.48. (A) No person shall employ fraud or deception in applying for or securing a license to practice 17201
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physical therapy or to be a physical therapist assistant. 17203

(B) No person shall practice or in any way imply or claim 17204
to the public by words, actions, or the use of letters as 17205
described in division (C) of this section to be able to practice 17206
physical therapy or to provide physical therapy services, 17207
including practice as a physical therapist assistant, unless the 17208
person holds a valid license under sections 4755.40 to 4755.56 17209
of the Revised Code or except for submission of claims as 17210
provided in section 4755.56 of the Revised Code. 17211

(C) No person shall use the words or letters, physical 17212
therapist, physical therapy, physical therapy services, 17213
physiotherapist, physiotherapy, physiotherapy services, licensed 17214
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 17215
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 17216
therapist assistant, physical therapy technician, licensed 17217
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 17218
letters, words, abbreviations, or insignia, indicating or 17219
implying that the person is a physical therapist or physical 17220
therapist assistant without a valid license under sections 17221
4755.40 to 4755.56 of the Revised Code. 17222

(D) No person who practices physical therapy or assists in 17223
the provision of physical therapy treatments under the 17224
supervision of a physical therapist shall fail to display the 17225
person's current license granted under sections 4755.40 to 17226
4755.56 of the Revised Code in a conspicuous location in the 17227
place where the person spends the major part of the person's 17228
time so engaged. 17229

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 17230
Code shall affect or interfere with the performance of the 17231
duties of any physical therapist or physical therapist assistant 17232

in active service in the army, navy, coast guard, marine corps, 17233
air force, public health service, or marine hospital service of 17234
the United States, while so serving. 17235

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 17236
Code shall prevent or restrict the activities or services of a 17237
person pursuing a course of study leading to a degree in 17238
physical therapy in an accredited or approved educational 17239
program if the activities or services constitute a part of a 17240
supervised course of study and the person is designated by a 17241
title that clearly indicates the person's status as a student. 17242

(G) (1) Subject to division (G) (2) of this section, nothing 17243
in sections 4755.40 to 4755.56 of the Revised Code shall prevent 17244
or restrict the activities or services of any person who holds a 17245
current, unrestricted license to practice physical therapy in 17246
another state when that person, pursuant to contract or 17247
employment with an athletic team located in the state in which 17248
the person holds the license, provides physical therapy to any 17249
of the following while the team is traveling to or from or 17250
participating in a sporting event in this state: 17251

(a) A member of the athletic team; 17252

(b) A member of the athletic team's coaching, 17253
communications, equipment, or sports medicine staff; 17254

(c) A member of a band or cheerleading squad accompanying 17255
the athletic team; 17256

(d) The athletic team's mascot. 17257

(2) In providing physical therapy pursuant to division (G) 17258
(1) of this section, the person shall not do either of the 17259
following: 17260

- (a) Provide physical therapy at a health care facility; 17261
- (b) Provide physical therapy for more than sixty days in a calendar year. 17262
17263
- (3) The limitations described in divisions (G) (1) and (2) of this section do not apply to a person who is practicing in accordance with the compact privilege granted by this state through the "Physical Therapy Licensure Compact" entered into under section 4755.57 of the Revised Code. 17264
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- (4) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board shall not require a nonresident person who holds a license to practice physical therapy in another state to obtain a license in accordance with Chapter 4796. of the Revised Code to provide physical therapy services in the manner described under division (G) (1) of this section. 17269
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- (H) (1) Except as provided in division (H) (2) of this section and subject to division (I) of this section, no person shall practice physical therapy other than on the prescription of, or the referral of a patient by, a person who is licensed in this or another state to do at least one of the following: 17276
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- (a) Practice medicine and surgery, chiropractic, dentistry, osteopathic medicine and surgery, podiatric medicine and surgery; 17281
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- (b) Practice as a physician assistant; 17284
- (c) Practice nursing as an advanced practice registered nurse. 17285
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- (2) The prohibition in division (H) (1) of this section on practicing physical therapy other than on the prescription of, 17287
17288

or the referral of a patient by, any of the persons described in 17289
that division does not apply if either of the following applies 17290
to the person: 17291

(a) The person holds a master's or doctorate degree from a 17292
professional physical therapy program that is accredited by a 17293
national physical therapy accreditation agency approved by the 17294
physical therapy section of the Ohio occupational therapy, 17295
physical therapy, and athletic trainers board. 17296

(b) On or before December 31, 2004, the person has 17297
completed at least two years of practical experience as a 17298
licensed physical therapist. 17299

(I) To be authorized to prescribe physical therapy or 17300
refer a patient to a physical therapist for physical therapy, a 17301
person described in division (H) (1) of this section must be in 17302
good standing with the relevant licensing board in this state or 17303
the state in which the person is licensed and must act only 17304
within the person's scope of practice. 17305

(J) In the prosecution of any person for violation of 17306
division (B) or (C) of this section, it is not necessary to 17307
allege or prove want of a valid license to practice physical 17308
therapy or to practice as a physical therapist assistant, but 17309
such matters shall be a matter of defense to be established by 17310
the accused. 17311

Sec. 4755.482. (A) Except as otherwise provided in 17312
divisions (B) and (C) of this section, a person shall not teach 17313
a physical therapy theory and procedures course in physical 17314
therapy education without obtaining a license as a physical 17315
therapist from the physical therapy section of the Ohio 17316
occupational therapy, physical therapy, and athletic trainers 17317

board. 17318

(B) A nonresident person who is registered or licensed as 17319
a physical therapist under the laws of another state shall not 17320
teach a physical therapy theory and procedures course in 17321
physical therapy education for more than one year without 17322
obtaining a license as a physical therapist from the physical 17323
therapy section, and the section shall not require that person 17324
to obtain a license in accordance with Chapter 4796. of the 17325
Revised Code to teach as described in this division. 17326

(C) A person who is registered or licensed as a physical 17327
therapist under the laws of a foreign country and is not 17328
registered or licensed as a physical therapist in any state who 17329
wishes to teach a physical therapy theory and procedures course 17330
in physical therapy education in this state, or an institution 17331
that wishes the person to teach such a course at the 17332
institution, may apply to the physical therapy section to 17333
request authorization for the person to teach such a course for 17334
a period of not more than one year. Any member of the physical 17335
therapy section may approve the person's or institution's 17336
application. No person described in this division shall teach 17337
such a course for longer than one year without obtaining a 17338
license from the physical therapy section. 17339

(D) The physical therapy section may investigate any 17340
person who allegedly has violated this section. The physical 17341
therapy section has the same powers to investigate an alleged 17342
violation of this section as those powers specified in section 17343
4755.02 of the Revised Code. If, after investigation, the 17344
physical therapy section determines that reasonable evidence 17345
exists that a person has violated this section, within seven 17346
days after that determination, the physical therapy section 17347

shall send a written notice to that person in the same manner as 17348
prescribed in section 119.07 of the Revised Code for licensees, 17349
except that the notice shall specify that a hearing will be held 17350
and specify the date, time, and place of the hearing. 17351

The physical therapy section shall hold a hearing 17352
regarding the alleged violation in the same manner prescribed 17353
for an adjudication hearing under section 119.09 of the Revised 17354
Code. If the physical therapy section, after the hearing, 17355
determines a violation has occurred, the physical therapy 17356
section may discipline the person in the same manner as the 17357
physical therapy section disciplines licensees under section 17358
4755.47 of the Revised Code. The physical therapy section's 17359
determination is an order that the person may appeal in 17360
accordance with section 119.12 of the Revised Code. 17361

If a person who allegedly committed a violation of this 17362
section fails to appear for a hearing, the physical therapy 17363
section may request the court of common pleas of the county 17364
where the alleged violation occurred to compel the person to 17365
appear before the physical therapy section for a hearing. If the 17366
physical therapy section assesses a person a civil penalty for a 17367
violation of this section and the person fails to pay that civil 17368
penalty within the time period prescribed by the physical 17369
therapy section, the physical therapy section shall forward to 17370
the attorney general the name of the person and the amount of 17371
the civil penalty for the purpose of collecting that civil 17372
penalty. In addition to the civil penalty assessed pursuant to 17373
this section, the person also shall pay any fee assessed by the 17374
attorney general for collection of the civil penalty. 17375

Sec. 4755.62. (A) No person shall claim to the public to 17376
be an athletic trainer or imply by words, actions, or letters 17377

that the person is an athletic trainer, or otherwise engage in 17378
the practice of athletic training, unless the person is licensed 17379
as an athletic trainer pursuant to this chapter. 17380

(B) Except as otherwise provided in division (B) of 17381
section 4755.65 of the Revised Code, no educational institution, 17382
partnership, association, or corporation shall advertise or 17383
otherwise offer to provide or convey the impression that it is 17384
providing athletic training unless an individual licensed as an 17385
athletic trainer pursuant to this chapter is employed by, or 17386
under contract to, the educational institution, partnership, 17387
association, or corporation and will be performing the athletic 17388
training services to which reference is made. 17389

(C) To qualify for an athletic trainers license, a person 17390
shall: 17391

(1) Have satisfactorily completed an application for 17392
licensure in accordance with rules adopted by the athletic 17393
trainers section of the Ohio occupational therapy, physical 17394
therapy, and athletic trainers board under section 4755.61 of 17395
the Revised Code; 17396

(2) Have paid the examination fee required under this 17397
section; 17398

(3) Have shown, to the satisfaction of the athletic 17399
trainers section, that the applicant has received a 17400
baccalaureate or higher degree from an institution of higher 17401
education, approved by the athletic trainers section of the 17402
board and the federal regional accreditation agency and 17403
recognized by the council on postsecondary accreditation, and 17404
has satisfactorily completed the educational course work 17405
requirements established by rule of the athletic trainers 17406

section under section 4755.61 of the Revised Code. 17407

(4) In addition to educational course work requirements, 17408
have obtained supervised clinical experience that meets the 17409
requirements established in rules adopted by the athletic 17410
trainers section under section 4755.61 of the Revised Code; 17411

(5) Have passed an examination adopted by the athletic 17412
trainers section under division (A) (8) of section 4755.61 of the 17413
Revised Code. Each applicant for licensure shall pay, at the 17414
time of application, the nonrefundable examination fee set by 17415
the athletic trainers section. 17416

(D) ~~The section may waive the requirements of division (C)~~ 17417
~~of this section for any applicant who presents proof of current~~ 17418
~~licensure shall issue a license to engage in the practice of~~ 17419
athletic training in accordance with Chapter 4796. of the 17420
Revised Code to an applicant who holds a license in another 17421
state whose standards for licensure, as determined by the 17422
section, are equal to or greater than those in effect in this 17423
state on the date of application or to an applicant who has 17424
satisfactory work experience, a government certification, or a 17425
private certification as described in that chapter as an 17426
athletic trainer in a state that does not issue that license. 17427

(E) The section shall issue a license to every applicant 17428
who complies with the requirements of division (C) of this 17429
section, files the required application form, and pays the fees 17430
required by section 4755.61 of the Revised Code. Each licensee 17431
shall display the licensee's license in a conspicuous place at 17432
the licensee's principal place of employment. 17433

A license issued under this section entitles the holder to 17434
engage in the practice of athletic training, to claim to the 17435

public to be an athletic trainer, or to imply by words or 17436
letters that the licensee is an athletic trainer. A license 17437
issued under this section does not entitle the holder to 17438
provide, offer to provide, or represent that the holder is 17439
qualified to provide any care or services for which the holder 17440
lacks the education, training, or experience to provide or is 17441
prohibited by law from providing. 17442

Sec. 4755.65. (A) Nothing in sections 4755.61 to 4755.64 17443
of the Revised Code shall be construed to prevent or restrict 17444
the practice, services, or activities of any person who: 17445

(1) Is an individual authorized under Chapter 4731. of the 17446
Revised Code to practice medicine and surgery, osteopathic 17447
medicine and surgery, or podiatry, a dentist licensed under 17448
Chapter 4715. of the Revised Code, a chiropractor licensed under 17449
Chapter 4734. of the Revised Code, a dietitian licensed under 17450
Chapter 4759. of the Revised Code, a physical therapist licensed 17451
under this chapter, or a qualified member of any other 17452
occupation or profession practicing within the scope of the 17453
person's license or profession and who does not claim to the 17454
public to be an athletic trainer; 17455

(2) Is employed as an athletic trainer by an agency of the 17456
United States government and provides athletic training solely 17457
under the direction or control of the agency by which the person 17458
is employed; 17459

(3) Is a student in an athletic training education program 17460
approved by the athletic trainers section leading to a 17461
baccalaureate or higher degree from an accredited college or 17462
university and is performing duties that are a part of a 17463
supervised course of study; 17464

(4) Is ~~not an a nonresident~~ individual not licensed as an athletic trainer in this state who practices or offers to practice athletic training while traveling with a visiting team or organization from outside the state or an event approved by the section for the purpose of providing athletic training to the visiting team, organization, or event;

(5) Provides athletic training only to relatives or in medical emergencies;

(6) Provides gratuitous care to friends or members of the person's family;

(7) Provides only self-care.

(B) Nothing in this chapter shall be construed to prevent any person licensed under Chapter 4723. of the Revised Code and whose license is in good standing, any person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery and whose certificate to practice is in good standing, any person authorized under Chapter 4731. of the Revised Code to practice podiatry and whose certificate to practice is in good standing, any person licensed under Chapter 4734. of the Revised Code to practice chiropractic and whose license is in good standing, any person licensed as a dietitian under Chapter 4759. of the Revised Code to practice dietetics and whose license is in good standing, any person licensed as a physical therapist under this chapter to practice physical therapy and whose license is in good standing, or any association, corporation, or partnership from advertising, describing, or offering to provide athletic training, or billing for athletic training if the athletic training services are provided by a person licensed under this chapter and practicing within the scope of the person's license,

by a person licensed under Chapter 4723. of the Revised Code and 17495
practicing within the scope of the person's license, by a person 17496
authorized under Chapter 4731. of the Revised Code to practice 17497
podiatry, by a person authorized under Chapter 4731. of the 17498
Revised Code to practice medicine and surgery or osteopathic 17499
medicine and surgery, by a person licensed under Chapter 4734. 17500
of the Revised Code to practice chiropractic, or by a person 17501
licensed under Chapter 4759. of the Revised Code to practice 17502
dietetics. 17503

(C) Nothing in this chapter shall be construed as 17504
authorizing a licensed athletic trainer to practice medicine and 17505
surgery, osteopathic medicine and surgery, podiatry, or 17506
chiropractic. 17507

(D) The athletic trainer section of the occupational 17508
therapy, physical therapy, and athletic trainers board shall not 17509
require a nonresident individual licensed as an athletic trainer 17510
in another state to obtain a license in accordance with Chapter 17511
4796. of the Revised Code to practice or offer to practice 17512
athletic training in the manner described under division (A) (4) 17513
of this section. 17514

Sec. 4757.18. ~~The counselor, social worker, and marriage 17515~~
~~and family therapist board may enter into a reciprocal agreement 17516~~
~~with any state that regulates individuals practicing in the same 17517~~
~~capacities as those regulated under this chapter if the board 17518~~
~~finds that the state has requirements substantially equivalent 17519~~
~~to the requirements this state has for receipt of a license or 17520~~
~~certificate of registration under this chapter. In a reciprocal 17521~~
~~agreement, the board agrees to issue the appropriate license or 17522~~
~~certificate of registration to any resident of the other state 17523~~
~~whose practice is currently authorized by that state if that 17524~~

~~state's regulatory body agrees to authorize the appropriate
practice of any resident of this state who holds a valid license
or certificate of registration issued under this chapter.~~ 17525
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~~Subject to section 4757.25 of the Revised Code, the The
professional standards committees of the counselor, social
worker, and marriage and family therapist board mayshall, by
endorsement, issue the appropriate license, temporary license,
or certificate of registration in accordance with Chapter 4796.
of the Revised Code to a resident of a state with which the
board does not have a reciprocal agreement, if the person
submits proof satisfactory to the committee of currently being
licensed, certified, registered, or otherwise authorized to
practice by that statean applicant if either of the following
applies:~~ 17528
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~~(A) The applicant holds a license or certificate of
registration in another state.~~ 17539
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~~(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.~~ 17541
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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.~~ 17546
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~~The board may become a member of a national reciprocity~~ 17553

~~organization that requires its members to have requirements-~~ 17554
~~substantially equivalent to the requirements of this state to-~~ 17555
~~receive a license or certificate to practice in the same-~~ 17556
~~capacities as those regulated under this chapter. If the board-~~ 17557
~~becomes a member of such an organization, the board shall-~~ 17558
~~consider itself to have a reciprocal agreement with the other-~~ 17559
~~states that are also members of the organization.~~ 17560

~~(B) The board may, by endorsement, shall issue the-~~ 17561
~~appropriate a license or, certificate, or endorsement in~~ 17562
~~accordance with Chapter 4796. of the Revised Code to a resident-~~ 17563
~~of a an applicant if either of the following applies:~~ 17564

~~(1) The applicant holds a license, certificate, or~~ 17565
~~endorsement in another state with which the board does not have-~~ 17566
~~a reciprocal agreement if both of the following apply:~~ 17567

~~(1) The board finds that the state has requirements-~~ 17568
~~substantially equivalent to the requirements of this state for-~~ 17569
~~receipt of a license or certificate under this chapter.~~ 17570

~~(2) The individual submits proof satisfactory to the board-~~ 17571
~~of being currently authorized to practice by that state~~ 17572

~~(2) The applicant has satisfactory work experience, a~~ 17573
~~government certification, or a private certification as~~ 17574
~~described in that chapter in a state that does not issue the~~ 17575
~~license, certificate, or endorsement for which the applicant is~~ 17576
~~applying.~~ 17577

~~(C)-(B) A license or certificate obtained by reciprocity-~~ 17578
~~or endorsement under this section may be renewed or restored~~ 17579
~~under section 4758.26 of the Revised Code if the individual~~ 17580
~~holding the license or certificate satisfies the renewal or~~ 17581
~~restoration requirements established by that section. An~~ 17582

individual holding a license or certificate obtained by ~~by~~ 17583
~~reciprocity or endorsement~~ under this section may obtain, under 17584
section 4758.24 of the Revised Code, a different license or 17585
certificate available under this chapter if the individual meets 17586
all of the requirements as specified in that section for the 17587
license or certificate the individual seeks. 17588

Sec. 4759.05. (A) ~~The~~ Except as provided in division (E) 17589
of this section, the state medical board shall adopt, amend, or 17590
rescind rules pursuant to Chapter 119. of the Revised Code to 17591
carry out the provisions of this chapter, including rules 17592
governing the following: 17593

(1) Selection and approval of a dietitian licensure 17594
examination offered by the commission on dietetic registration 17595
or any other examination; 17596

(2) The examination of applicants for licensure as a 17597
dietitian, as required under division (A) of section 4759.06 of 17598
the Revised Code; 17599

(3) Requirements for pre-professional dietetic experience 17600
of applicants for licensure as a dietitian that are at least 17601
equivalent to the requirements adopted by the commission on 17602
dietetic registration; 17603

(4) Requirements for a person holding a limited permit 17604
under division (G) of section 4759.06 of the Revised Code, 17605
including the duration of validity of a limited permit and 17606
procedures for renewal; 17607

(5) Continuing education requirements for renewal of a 17608
license, including rules providing for pro rata reductions by 17609
month of the number of hours of continuing education that must 17610
be completed for license holders who have been disabled by 17611

illness or accident or have been absent from the country. Rules 17612
adopted under this division shall be consistent with the 17613
continuing education requirements adopted by the commission on 17614
dietetic registration. 17615

(6) Any additional education requirements the board 17616
considers necessary, for applicants who have not practiced 17617
dietetics within five years of the initial date of application 17618
for licensure; 17619

(7) Standards of professional responsibility and practice 17620
for persons licensed under this chapter that are consistent with 17621
those standards of professional responsibility and practice 17622
adopted by the academy of nutrition and dietetics; 17623

(8) Formulation of an application form for licensure or 17624
license renewal; 17625

(9) Procedures for license renewal; 17626

(10) Requirements for criminal records checks of 17627
applicants under section 4776.03 of the Revised Code. 17628

(B) (1) The board shall investigate evidence that appears 17629
to show that a person has violated any provision of this chapter 17630
or any rule adopted under it. Any person may report to the board 17631
in a signed writing any information that the person may have 17632
that appears to show a violation of any provision of this 17633
chapter or any rule adopted under it. In the absence of bad 17634
faith, any person who reports information of that nature or who 17635
testifies before the board in any adjudication conducted under 17636
Chapter 119. of the Revised Code shall not be liable in damages 17637
in a civil action as a result of the report or testimony. Each 17638
complaint or allegation of a violation received by the board 17639
shall be assigned a case number and shall be recorded by the 17640

board. 17641

(2) Investigations of alleged violations of this chapter 17642
or any rule adopted under it shall be supervised by the 17643
supervising member elected by the board in accordance with 17644
section 4731.02 of the Revised Code and by the secretary as 17645
provided in section 4759.012 of the Revised Code. The president 17646
may designate another member of the board to supervise the 17647
investigation in place of the supervising member. No member of 17648
the board who supervises the investigation of a case shall 17649
participate in further adjudication of the case. 17650

(3) In investigating a possible violation of this chapter 17651
or any rule adopted under this chapter, the board may issue 17652
subpoenas, question witnesses, conduct interviews, administer 17653
oaths, order the taking of depositions, inspect and copy any 17654
books, accounts, papers, records, or documents, and compel the 17655
attendance of witnesses and the production of books, accounts, 17656
papers, records, documents, and testimony, except that a 17657
subpoena for patient record information shall not be issued 17658
without consultation with the attorney general's office and 17659
approval of the secretary and supervising member of the board. 17660

Before issuance of a subpoena for patient record 17661
information, the secretary and supervising member shall 17662
determine whether there is probable cause to believe that the 17663
complaint filed alleges a violation of this chapter or any rule 17664
adopted under it and that the records sought are relevant to the 17665
alleged violation and material to the investigation. The 17666
subpoena may apply only to records that cover a reasonable 17667
period of time surrounding the alleged violation. 17668

On failure to comply with any subpoena issued by the board 17669
and after reasonable notice to the person being subpoenaed, the 17670

board may move for an order compelling the production of persons 17671
or records pursuant to the Rules of Civil Procedure. 17672

A subpoena issued by the board may be served by a sheriff, 17673
the sheriff's deputy, or a board employee or agent designated by 17674
the board. Service of a subpoena issued by the board may be made 17675
by delivering a copy of the subpoena to the person named 17676
therein, reading it to the person, or leaving it at the person's 17677
usual place of residence, usual place of business, or address on 17678
file with the board. When serving a subpoena to an applicant for 17679
or the holder of a license or limited permit issued under this 17680
chapter, service of the subpoena may be made by certified mail, 17681
return receipt requested, and the subpoena shall be deemed 17682
served on the date delivery is made or the date the person 17683
refuses to accept delivery. If the person being served refuses 17684
to accept the subpoena or is not located, service may be made to 17685
an attorney who notifies the board that the attorney is 17686
representing the person. 17687

A sheriff's deputy who serves a subpoena shall receive the 17688
same fees as a sheriff. Each witness who appears before the 17689
board in obedience to a subpoena shall receive the fees and 17690
mileage provided for under section 119.094 of the Revised Code. 17691

(4) All hearings, investigations, and inspections of the 17692
board shall be considered civil actions for the purposes of 17693
section 2305.252 of the Revised Code. 17694

(5) A report required to be submitted to the board under 17695
this chapter, a complaint, or information received by the board 17696
pursuant to an investigation is confidential and not subject to 17697
discovery in any civil action. 17698

The board shall conduct all investigations or inspections 17699

and proceedings in a manner that protects the confidentiality of 17700
patients and persons who file complaints with the board. The 17701
board shall not make public the names or any other identifying 17702
information about patients or complainants unless proper consent 17703
is given. 17704

The board may share any information it receives pursuant 17705
to an investigation or inspection, including patient records and 17706
patient record information, with law enforcement agencies, other 17707
licensing boards, and other governmental agencies that are 17708
prosecuting, adjudicating, or investigating alleged violations 17709
of statutes or administrative rules. An agency or board that 17710
receives the information shall comply with the same requirements 17711
regarding confidentiality as those with which the state medical 17712
board must comply, notwithstanding any conflicting provision of 17713
the Revised Code or procedure of the agency or board that 17714
applies when it is dealing with other information in its 17715
possession. In a judicial proceeding, the information may be 17716
admitted into evidence only in accordance with the Rules of 17717
Evidence, but the court shall require that appropriate measures 17718
are taken to ensure that confidentiality is maintained with 17719
respect to any part of the information that contains names or 17720
other identifying information about patients or complainants 17721
whose confidentiality was protected by the state medical board 17722
when the information was in the board's possession. Measures to 17723
ensure confidentiality that may be taken by the court include 17724
sealing its records or deleting specific information from its 17725
records. 17726

(6) On a quarterly basis, the board shall prepare a report 17727
that documents the disposition of all cases during the preceding 17728
three months. The report shall contain the following information 17729
for each case with which the board has completed its activities: 17730

(a) The case number assigned to the complaint or alleged violation;	17731 17732
(b) The type of license, if any, held by the individual against whom the complaint is directed;	17733 17734
(c) A description of the allegations contained in the complaint;	17735 17736
(d) The disposition of the case.	17737
The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.	17738 17739 17740 17741
(C) The board shall keep records as are necessary to carry out the provisions of this chapter.	17742 17743
(D) The board shall maintain and publish on its internet web site the board's rules and requirements for licensure adopted under division (A) of this section.	17744 17745 17746
<u>(E) The board shall issue a license or limited permit to practice dietetics in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following apply:</u>	17747 17748 17749
<u>(1) The applicant holds a license or permit in another state.</u>	17750 17751
<u>(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a dietitian in a state that does not issue that license.</u>	17752 17753 17754 17755
Sec. 4759.06. (A) <u>The—Except as provided in section 4759.05 of the Revised Code, the state medical board shall issue</u>	17756 17757

a license to practice dietetics to an applicant who meets all of 17758
the following requirements: 17759

(1) Has satisfactorily completed an application for 17760
licensure in accordance with rules adopted under division (A) of 17761
section 4759.05 of the Revised Code; 17762

(2) Has paid the fee required under division (A) of 17763
section 4759.08 of the Revised Code; 17764

(3) Has received a baccalaureate or higher degree from an 17765
institution of higher education that is approved by the board or 17766
a regional accreditation agency that is recognized by the 17767
council on postsecondary accreditation, and has completed a 17768
program consistent with the academic standards for dietitians 17769
established by the academy of nutrition and dietetics; 17770

(4) Has successfully completed a pre-professional dietetic 17771
experience approved by the academy of nutrition and dietetics, 17772
or experience approved by the board under division (A) (3) of 17773
section 4759.05 of the Revised Code; 17774

(5) Has passed the examination approved by the board under 17775
division (A) (1) of section 4759.05 of the Revised Code. 17776

(B) The board shall waive the requirements of divisions 17777
(A) (3), (4), and (5) of this section and any rules adopted under 17778
division (A) (6) of section 4759.05 of the Revised Code if the 17779
applicant presents satisfactory evidence to the board of current 17780
registration as a registered dietitian with the commission on 17781
dietetic registration. 17782

(C) (1) The board shall issue a license to practice 17783
dietetics to an applicant who meets the requirements of division 17784
(A) of this section. A license shall be valid for a two-year 17785
period unless revoked or suspended by the board and shall expire 17786

on the date that is two years after the date of issuance. A 17787
license may be renewed for additional two-year periods. 17788

(2) The board shall renew an applicant's license if the 17789
applicant has paid the license renewal fee specified in section 17790
4759.08 of the Revised Code and certifies to the board that the 17791
applicant has met the continuing education requirements adopted 17792
under division (A) (5) of section 4759.05 of the Revised Code. 17793
The renewal shall be pursuant to the standard renewal procedure 17794
of sections 4745.01 to 4745.03 of the Revised Code. 17795

At least one month before a license expires, the board 17796
shall provide a renewal notice. Failure of any person to receive 17797
a notice of renewal from the board shall not excuse the person 17798
from the requirements contained in this section. Each person 17799
holding a license shall give notice to the board of a change in 17800
the license holder's residence address, business address, or 17801
electronic mail address not later than thirty days after the 17802
change occurs. 17803

(D) Any person licensed to practice dietetics by the 17804
former Ohio board of dietetics before January 21, 2018, may 17805
continue to practice dietetics in this state under that license 17806
if the person continues to meet the requirements to renew a 17807
license under this chapter and renews the license through the 17808
state medical board. 17809

The state medical board may take any of the following 17810
actions, as provided in section 4759.07 of the Revised Code, 17811
against the holder of a license to practice dietetics issued 17812
before January 21, 2018, by the former Ohio board of dietetics: 17813

(1) Limit, revoke, or suspend the holder's license; 17814

(2) Refuse to renew or reinstate the holder's license; 17815

(3) Reprimand the holder or place the holder on probation.	17816
(E) The board may require a random sample of dietitians to submit materials documenting that the continuing education requirements adopted under division (A) (5) of section 4759.05 of the Revised Code have been met.	17817 17818 17819 17820
This division does not limit the board's authority to conduct investigations pursuant to section 4759.07 of the Revised Code.	17821 17822 17823
(F) (1) If, through a random sample conducted under division (E) of this section or any other means, the board finds that an individual who certified completion of the number of hours and type of continuing education required to renew, reinstate, or restore a license to practice did not complete the requisite continuing education, the board may do either of the following:	17824 17825 17826 17827 17828 17829 17830
(a) Take disciplinary action against the individual under section 4759.07 of the Revised Code, impose a civil penalty, or both;	17831 17832 17833
(b) Permit the individual to agree in writing to complete the continuing education and pay a civil penalty.	17834 17835
(2) The board's finding in any disciplinary action taken under division (F) (1) (a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members.	17836 17837 17838 17839
(3) A civil penalty imposed under division (F) (1) (a) of this section or paid under division (F) (1) (b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.	17840 17841 17842 17843 17844

(G) (1) ~~The~~ Except as provided in section 4759.05 of the 17845
Revised Code, the board may grant a limited permit to a person 17846
who has completed the education and pre-professional 17847
requirements of divisions (A) (3) and (4) of this section and who 17848
presents evidence to the board of having applied to take the 17849
examination approved by the board under division (A) (1) of 17850
section 4759.05 of the Revised Code. An application for a 17851
limited permit shall be made on forms that the board shall 17852
furnish and shall be accompanied by the limited permit fee 17853
specified in section 4759.08 of the Revised Code. 17854

(2) If no grounds apply under section 4759.07 of the 17855
Revised Code for denying a license to the applicant and the 17856
applicant meets the requirements of division (G) (1) of this 17857
section, the board shall issue a limited permit to the 17858
applicant. 17859

A limited permit expires in accordance with rules adopted 17860
under section 4759.05 of the Revised Code. A limited permit may 17861
be renewed in accordance with those rules. 17862

(3) A person holding a limited permit who has failed the 17863
examination shall practice only under the direct supervision of 17864
a licensed dietitian. 17865

(4) The board may revoke a limited permit on proof 17866
satisfactory to the board that the permit holder has engaged in 17867
practice in this state outside the scope of the permit, that the 17868
holder has engaged in unethical conduct, or that grounds for 17869
action against the holder exist under section 4759.07 of the 17870
Revised Code. 17871

Sec. 4760.03. (A) ~~An~~ Except as provided in division (D) of 17872
this section, an individual seeking a license to practice as an 17873

anesthesiologist assistant shall file with the state medical 17874
board a written application on a form prescribed and supplied by 17875
the board. The application shall include all of the following 17876
information: 17877

(1) Evidence satisfactory to the board that the applicant 17878
is at least twenty-one years of age; 17879

(2) Evidence satisfactory to the board that the applicant 17880
has successfully completed the training necessary to prepare 17881
individuals to practice as anesthesiologist assistants, as 17882
specified in section 4760.031 of the Revised Code; 17883

(3) Evidence satisfactory to the board that the applicant 17884
holds current certification from the national commission for 17885
certification of anesthesiologist assistants and that the 17886
requirements for receiving the certification included passage of 17887
an examination to determine the individual's competence to 17888
practice as an anesthesiologist assistant; 17889

(4) Any other information the board considers necessary to 17890
process the application and evaluate the applicant's 17891
qualifications. 17892

(B) (1) At the time of making application for a license 17893
under division (A) of this section, ~~the~~ an applicant shall pay 17894
the board a fee of one hundred dollars, no part of which shall 17895
be returned. 17896

(2) An applicant seeking a license under division (D) of 17897
this section shall pay the fee required under Chapter 4796. of 17898
the Revised Code. 17899

(C) The board shall review all applications received under 17900
this section. Not later than sixty days after receiving a 17901
complete application, the board shall determine whether an 17902

applicant meets the requirements to receive a license. ~~The~~ 17903
Except as provided in division (D) of this section, the board 17904
shall not issue a license to an applicant unless the applicant 17905
is certified by the national commission for certification of 17906
anesthesiologist assistants or a successor organization that is 17907
recognized by the board. 17908

(D) The board shall issue a license to practice as an 17909
anesthesiologist assistant in accordance with Chapter 4796. of 17910
the Revised Code to an applicant if either of the following 17911
applies: 17912

(1) The applicant holds a license in another state. 17913

(2) The applicant has satisfactory work experience, a 17914
government certification, or a private certification as 17915
described in that chapter as an anesthesiologist assistant in a 17916
state that does not issue that license. 17917

Sec. 4760.031. ~~As~~ Except for a license issued under 17918
division (D) of section 4760.03 of the Revised Code, as a 17919
condition of being eligible to receive a license to practice as 17920
an anesthesiologist assistant, an individual must successfully 17921
complete the following training requirements: 17922

(A) A baccalaureate or higher degree program at an 17923
institution of higher education accredited by an organization 17924
recognized by the department of higher education. The program 17925
must have included courses in the following areas of study: 17926

(1) General biology; 17927

(2) General chemistry; 17928

(3) Organic chemistry; 17929

(4) Physics; 17930

(5) Calculus.	17931
(B) A training program conducted for the purpose of preparing individuals to practice as anesthesiologist assistants. If the program was completed prior to May 31, 2000, the program must have been completed at case western reserve university or emory university in Atlanta, Georgia. If the program is completed on or after May 31, 2000, the program must be a graduate-level program accredited by the commission on accreditation of allied health education programs or any of the commission's successor organizations. In either case, the training program must have included at least all of the following components:	17932 17933 17934 17935 17936 17937 17938 17939 17940 17941 17942
(1) Basic sciences of anesthesia: physiology, pathophysiology, anatomy, and biochemistry. The courses must be presented as a continuum of didactic courses designed to teach students the foundations of human biological existence on which clinical correlations to anesthesia practice are based.	17943 17944 17945 17946 17947
(2) Pharmacology for the anesthetic sciences. The course must include instruction in the anesthetic principles of pharmacology, pharmacodynamics, pharmacokinetics, uptake and distribution, intravenous anesthetics and narcotics, and volatile anesthetics.	17948 17949 17950 17951 17952
(3) Physics in anesthesia.	17953
(4) Fundamentals of anesthetic sciences, presented as a continuum of courses covering a series of topics in basic medical sciences with special emphasis on the effects of anesthetics on normal physiology and pathophysiology.	17954 17955 17956 17957
(5) Patient instrumentation and monitoring, presented as a continuum of courses focusing on the design of, proper	17958 17959

preparation of, and proper methods of resolving problems that 17960
arise with anesthesia equipment. The courses must provide a 17961
balance between the engineering concepts used in anesthesia 17962
instruments and the clinical application of anesthesia 17963
instruments. 17964

(6) Clinically based conferences in which techniques of 17965
anesthetic management, quality assurance issues, and current 17966
professional literature are reviewed from the perspective of 17967
practice improvement. 17968

(7) Clinical experience consisting of at least two 17969
thousand hours of direct patient contact, presented as a 17970
continuum of courses throughout the entirety of the program, 17971
beginning with a gradual introduction of the techniques for the 17972
anesthetic management of patients and culminating in the 17973
assimilation of the graduate of the program into the work force. 17974
Areas of instruction must include the following: 17975

(a) Preoperative patient assessment; 17976

(b) Indwelling vascular catheter placement, including 17977
intravenous and arterial catheters; 17978

(c) Airway management, including mask airway and 17979
orotracheal intubation; 17980

(d) Intraoperative charting; 17981

(e) Administration and maintenance of anesthetic agents, 17982
narcotics, hypnotics, and muscle relaxants; 17983

(f) Administration and maintenance of volatile 17984
anesthetics; 17985

(g) Administration of blood products and fluid therapy; 17986

(h) Patient monitoring;	17987
(i) Postoperative management of patients;	17988
(j) Regional anesthesia techniques;	17989
(k) Administration of vasoactive substances for treatment of unacceptable patient hemodynamic status;	17990 17991
(l) Specific clinical training in all the subspecialties of anesthesia, including pediatrics, neurosurgery, cardiovascular surgery, trauma, obstetrics, orthopedics, and vascular surgery.	17992 17993 17994 17995
(8) Basic life support that qualifies the individual to administer cardiopulmonary resuscitation to patients in need. The course must include the instruction necessary to be certified in basic life support by the American red cross or the American heart association.	17996 17997 17998 17999 18000
(9) Advanced cardiac life support that qualifies the individual to participate in the pharmacologic intervention and management resuscitation efforts for a patient in full cardiac arrest. The course must include the instruction necessary to be certified in advanced cardiac life support by the American red cross or the American heart association.	18001 18002 18003 18004 18005 18006
Sec. 4761.04. (A) Except as provided in division (B) <u>or</u> <u>(C)</u> of this section, no person is eligible for licensure as a respiratory care professional unless the person has shown, to the satisfaction of the state medical board, all of the following:	18007 18008 18009 18010 18011
(1) That the person has successfully completed the requirements of an educational program approved by the board that includes instruction in the biological and physical	18012 18013 18014

sciences, pharmacology, respiratory care theory, procedures, and 18015
clinical practice, and cardiopulmonary rehabilitation 18016
techniques; 18017

(2) That the person has passed an examination approved 18018
under rules adopted by the board that tests the applicant's 18019
knowledge of the basic and clinical sciences relating to 18020
respiratory care theory and practice, professional skills and 18021
judgment in the utilization of respiratory care techniques, and 18022
such other subjects as the board considers useful in determining 18023
fitness to practice. 18024

(B) Any person licensed to practice respiratory care by 18025
the former Ohio respiratory care board before January 21, 2018, 18026
may continue to practice respiratory care in this state under 18027
that license if the person continues to meet the requirements to 18028
renew a license under this chapter and renews the license 18029
through the state medical board. 18030

The state medical board may take any of the following 18031
actions, as provided in section 4761.09 of the Revised Code, 18032
against the holder of a license to practice respiratory care 18033
issued before January 21, 2018, by the former Ohio respiratory 18034
care board: 18035

(1) Limit, revoke, or suspend the holder's license; 18036

(2) Refuse to renew or reinstate the holder's license; 18037

(3) Reprimand the holder or place the holder on probation. 18038

(C) The board shall issue a license to act as a 18039
respiratory care professional in accordance with Chapter 4796. 18040
of the Revised Code to an applicant if either of the following 18041
apply: 18042

(1) The applicant holds a license in another state. 18043

(2) The applicant has satisfactory work experience, a 18044
government certification, or a private certification as 18045
described in that chapter as a respiratory care professional in 18046
a state that does not issue that license. 18047

Sec. 4761.05. (A) The Except as provided in division (C) 18048
of section 4761.04 of the Revised Code, the state medical board 18049
shall issue a license to any applicant who complies with the 18050
requirements of section 4761.04 of the Revised Code, files the 18051
prescribed application form, and pays the fee or fees required 18052
under section 4761.07 of the Revised Code. The license entitles 18053
the holder to practice respiratory care. 18054

(B) (1) The Except as provided in division (D) of this 18055
section, the board shall issue a limited permit to any applicant 18056
who files an application on a form furnished by the board, pays 18057
the fee required under section 4761.07 of the Revised Code, and 18058
meets either of the following requirements: 18059

(a) Is enrolled in and is in good standing in a 18060
respiratory care educational program approved by the board that 18061
meets the requirements of division (A) (1) of section 4761.04 of 18062
the Revised Code leading to a degree or certificate of 18063
completion or is a graduate of the program; 18064

(b) Is employed as a provider of respiratory care in this 18065
state and was employed as a provider of respiratory care in this 18066
state prior to March 14, 1989. 18067

(2) If no grounds apply under section 4761.09 of the 18068
Revised Code for denying a limited permit to the applicant and 18069
the applicant meets the requirements of division (B) of this 18070
section, the board shall issue a limited permit to the 18071

applicant. 18072

The limited permit authorizes the holder to provide 18073
respiratory care under the supervision of a respiratory care 18074
professional. A person issued a limited permit under division 18075
(B) (1) (a) of this section may practice respiratory care under 18076
the limited permit for not more than three years after the date 18077
the limited permit is issued, except that the limited permit 18078
shall cease to be valid one year following the date of receipt 18079
of a certificate of completion from a board-approved respiratory 18080
care education program or immediately if the holder discontinues 18081
participation in the educational program. 18082

The holder shall notify the board as soon as practicable 18083
when the holder completes a board-approved respiratory care 18084
education program or discontinues participation in the 18085
educational program. 18086

This division does not require a student enrolled in an 18087
educational program leading to a degree or certificate of 18088
completion in respiratory care approved by the board to obtain a 18089
limited permit to perform any duties that are part of the 18090
required course of study. 18091

(3) A person issued a limited permit under division (B) (1) 18092
(b) of this section may practice under a limited permit for not 18093
more than three years, except that this restriction does not 18094
apply to a permit holder who, on March 14, 1989, has been 18095
employed as a provider of respiratory care for an average of not 18096
less than twenty-five hours per week for a period of not less 18097
than five years by a hospital. 18098

(4) During the three-year period in which a person may 18099
practice under a limited permit, the person shall apply for 18100

renewal on an annual basis in accordance with section 4761.06 of 18101
the Revised Code. 18102

(5) The board may revoke a limited permit upon proof 18103
satisfactory to the board that the permit holder has engaged in 18104
practice in this state outside the scope of the permit, that the 18105
holder has engaged in unethical conduct, or that there are 18106
grounds for action against the holder under section 4761.09 of 18107
the Revised Code. 18108

(C) The holder of a license or limited permit issued under 18109
this section shall either provide verification of licensure or 18110
permit status from the board's internet web site on request or 18111
prominently display a wall certificate in the license holder's 18112
office or place where the majority of the holder's practice is 18113
conducted. 18114

(D) The board shall issue a limited permit to practice 18115
respiratory care in accordance with Chapter 4796. of the Revised 18116
Code to an applicant if either of the following applies: 18117

(1) The applicant holds a license or permit in another 18118
state. 18119

(2) The applicant has satisfactory work experience, a 18120
government certification, or a private certification as 18121
described in that chapter as a provider of respiratory care in a 18122
state that does not issue that license or permit. 18123

Sec. 4762.03. (A) ~~An~~ Except as provided in division (D) of 18124
this section, an individual seeking a license to practice as an 18125
oriental medicine practitioner or license to practice as an 18126
acupuncturist shall file with the state medical board a written 18127
application on a form prescribed and supplied by the board. 18128

(B) ~~To~~ Except as provided in division (D) of this section, 18129

to be eligible for the license, an applicant shall meet all of 18130
the following conditions, as applicable: 18131

(1) The applicant shall submit evidence satisfactory to 18132
the board that the applicant is at least eighteen years of age. 18133

(2) In the case of an applicant seeking a license to 18134
practice as an oriental medicine practitioner, the applicant 18135
shall submit evidence satisfactory to the board of both of the 18136
following: 18137

(a) That the applicant holds a current and active 18138
designation from the national certification commission for 18139
acupuncture and oriental medicine as either a diplomate in 18140
oriental medicine or diplomate of acupuncture and Chinese 18141
herbology; 18142

(b) That the applicant has successfully completed, in the 18143
two-year period immediately preceding application for the 18144
license to practice, one course approved by the commission on 18145
federal food and drug administration dispensary and compounding 18146
guidelines and procedures. 18147

(3) In the case of an applicant seeking a license to 18148
practice as an acupuncturist, the applicant shall submit 18149
evidence satisfactory to the board that the applicant holds a 18150
current and active designation from the national certification 18151
commission for acupuncture and oriental medicine as a diplomate 18152
in acupuncture. 18153

(4) The applicant shall demonstrate to the board 18154
proficiency in spoken English by satisfying one of the following 18155
requirements: 18156

(a) Passing the examination described in section 4731.142 18157
of the Revised Code; 18158

(b) Submitting evidence satisfactory to the board that the applicant was required to demonstrate proficiency in spoken English as a condition of obtaining designation from the national certification commission for acupuncture and oriental medicine as a diplomate in oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate in acupuncture;

(c) Submitting evidence satisfactory to the board that the applicant, in seeking a designation from the national certification commission for acupuncture and oriental medicine as a diplomate of oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate of acupuncture, has successfully completed in English the examination required for such a designation by the national certification commission for acupuncture and oriental medicine;

(d) In the case of an applicant seeking a license to practice as an oriental medicine practitioner, submitting evidence satisfactory to the board that the applicant has previously held a license to practice as an acupuncturist issued under section 4762.04 of the Revised Code.

(5) The applicant shall submit to the board any other information the board requires.

(6) The applicant shall pay to the board a fee of one hundred dollars, no part of which may be returned to the applicant.

(C) The board shall review all applications received under this section. The board shall determine whether an applicant meets the requirements to receive a license not later than sixty days after receiving a complete application.

(D) The board shall issue a license to practice as an

oriental medicine practitioner or acupuncturist in accordance 18188
with Chapter 4796. of the Revised Code to an applicant if either 18189
of the following applies: 18190

(1) The applicant holds a license in another state. 18191

(2) The applicant has satisfactory work experience, a 18192
government certification, or a private certification as 18193
described in that chapter as an oriental medicine practitioner 18194
or acupuncturist in a state that does not issue that license. 18195

Sec. 4763.05. (A) (1) (a) A person shall make application 18196
for an initial state-certified general real estate appraiser 18197
certificate, an initial state-certified residential real estate 18198
appraiser certificate, an initial state-licensed residential 18199
real estate appraiser license, or an initial state-registered 18200
real estate appraiser assistant registration in writing to the 18201
superintendent of real estate on a form the superintendent 18202
prescribes. The application shall include the address of the 18203
applicant's principal place of business and all other addresses 18204
at which the applicant currently engages in the business of 18205
performing real estate appraisals and the address of the 18206
applicant's current residence. The superintendent shall retain 18207
the applicant's current residence address in a separate record 18208
which does not constitute a public record for purposes of 18209
section 149.43 of the Revised Code. The application shall 18210
indicate whether the applicant seeks certification as a general 18211
real estate appraiser or as a residential real estate appraiser, 18212
licensure as a residential real estate appraiser, or 18213
registration as a real estate appraiser assistant and be 18214
accompanied by the prescribed examination and certification, 18215
registration, or licensure fees set forth in section 4763.09 of 18216
the Revised Code. The application also shall include a pledge, 18217

signed by the applicant, that the applicant will comply with the standards set forth in this chapter; and a statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter.

(b) Upon the filing of an application and payment of any examination and certification, registration, or licensure fees, the superintendent of real estate shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints in accordance with section 109.572 of the Revised Code. Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent of real estate shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. Any fee required under division (C) (3) of section 109.572 of the Revised Code shall be paid by the applicant.

(2) For purposes of providing funding for the real estate appraiser recovery fund established by section 4763.16 of the Revised Code, the real estate appraiser board shall levy an assessment against each person issued an initial certificate, registration, or license and against current licensees, registrants, and certificate holders, as required by board rule. The assessment is in addition to the application and examination fees for initial applicants required by division (A) (1) of this section and the renewal fees required for current certificate holders, registrants, and licensees. The superintendent of real estate shall deposit the assessment into the state treasury to the credit of the real estate appraiser recovery fund. The assessment for initial certificate holders, registrants, and

licensees shall be paid prior to the issuance of a certificate, 18249
registration, or license, and for current certificate holders, 18250
registrants, and licensees, at the time of renewal. 18251

(B) An applicant for an initial general real estate 18252
appraiser certificate, residential real estate appraiser 18253
certificate, or residential real estate appraiser license shall 18254
possess experience in real estate appraisal as the board 18255
prescribes by rule. In addition to any other information 18256
required by the board, the applicant shall furnish, under oath, 18257
a detailed listing of the appraisal reports or file memoranda 18258
for each year for which experience is claimed and, upon request 18259
of the superintendent or the board, shall make available for 18260
examination a sample of the appraisal reports prepared by the 18261
applicant in the course of the applicant's practice. 18262

(C) An applicant for an initial certificate, registration, 18263
or license shall be at least eighteen years of age, honest, and 18264
truthful and shall present satisfactory evidence to the 18265
superintendent that the applicant has successfully completed any 18266
education requirements the board prescribes by rule. 18267

(D) An applicant for an initial general real estate 18268
appraiser or residential real estate appraiser certificate or 18269
residential real estate appraiser license shall take and 18270
successfully complete a written examination in order to qualify 18271
for the certificate or license. 18272

The board shall prescribe the examination requirements by 18273
rule. 18274

(E) (1) ~~A person who has obtained~~ The board shall issue a 18275
residential real estate appraiser license, a residential real 18276
estate appraiser certificate, real estate appraiser assistant 18277

~~registration, or a general real estate appraiser certificate 18278
from another state may apply to obtain a license or certificate- 18279
issued under this chapter provided the state that issued the- 18280
license or certificate has requirements that meet or exceed the- 18281
requirements found in this chapter. The board shall adopt rules- 18282
relating to this division. The application for obtaining a- 18283
license or certificate under this division may include any of- 18284
the following: 18285~~

~~(a) A pledge, signed by the applicant, that the applicant- 18286
will comply with the standards set forth in this chapter; 18287~~

~~(b) A statement that the applicant understands the types- 18288
of misconduct for which disciplinary proceedings may be- 18289
initiated against the applicant pursuant to this chapter; 18290~~

~~(c) A consent to service of process in accordance with 18291
Chapter 4796. of the Revised Code to an applicant if either of 18292
the following applies: 18293~~

~~(a) The applicant holds a certificate, license, or 18294
registration in another state. 18295~~

~~(b) The applicant has satisfactory work experience, a 18296
government certification, or a private certification as 18297
described in that chapter as a residential real estate 18298
appraiser, real estate appraiser assistant, or general real 18299
estate appraiser in a state that does not issue that 18300
certificate, license, or registration. 18301~~

(2) (a) The board shall recognize on a temporary basis a 18302
certification or license issued in another state and shall 18303
register on a temporary basis an appraiser who is certified or 18304
licensed in another state if all of the following apply: 18305

(i) The temporary registration is to perform an appraisal 18306

assignment that is part of a federally related transaction. 18307

(ii) The appraiser's business in this state is of a 18308
temporary nature. 18309

(iii) The appraiser registers with the board pursuant to 18310
this division. 18311

(b) An appraiser who is certified or licensed in another 18312
state shall register with the board for temporary practice 18313
before performing an appraisal assignment in this state in 18314
connection with a federally related transaction. 18315

(c) The board shall adopt rules relating to registration 18316
for the temporary recognition of certification and licensure of 18317
appraisers from another state. The registration for temporary 18318
recognition of certified or licensed appraisers from another 18319
state shall not authorize completion of more than one appraisal 18320
assignment in this state. The board shall not issue more than 18321
two registrations for temporary practice to any one applicant in 18322
any calendar year. The application for obtaining a registration 18323
under this division may include any of the following: 18324

(i) A pledge, signed by the applicant, that the applicant 18325
will comply with the standards set forth in this chapter; 18326

(ii) A statement that the applicant understands the types 18327
of misconduct for which disciplinary proceedings may be 18328
initiated against the applicant pursuant to this chapter; 18329

(iii) A consent to service of process. 18330

~~(3) The board may enter into reciprocal agreements with~~ 18331
~~other states. The board shall prescribe reciprocal agreement~~ 18332
~~requirements by rule.~~ (d) A nonresident appraiser whose 18333
certification or license has been recognized by the board on a 18334

temporary basis and who is acting in accordance with this 18335
section and the board's rules is not required to obtain a 18336
license in accordance with Chapter 4796. of the Revised Code. 18337

(F) The superintendent shall not issue a certificate, 18338
registration, or license to, or recognize on a temporary basis 18339
an appraiser from another state that is a corporation, 18340
partnership, or association. This prohibition shall not be 18341
construed to prevent a certificate holder or licensee from 18342
signing an appraisal report on behalf of a corporation, 18343
partnership, or association. 18344

(G) Every person licensed, registered, or certified under 18345
this chapter shall notify the superintendent, on a form provided 18346
by the superintendent, of a change in the address of the 18347
licensee's, registrant's, or certificate holder's principal 18348
place of business or residence within thirty days of the change. 18349
If a licensee's, registrant's, or certificate holder's license, 18350
registration, or certificate is revoked or not renewed, the 18351
licensee, registrant, or certificate holder immediately shall 18352
return the annual and any renewal certificate, registration, or 18353
license to the superintendent. 18354

(H) (1) The superintendent shall not issue a certificate, 18355
registration, or license to any person, or recognize on a 18356
temporary basis an appraiser from another state, who does not 18357
meet applicable minimum criteria for state certification, 18358
registration, or licensure prescribed by federal law or rule. 18359

(2) The superintendent shall not refuse to issue a general 18360
real estate appraiser certificate, residential real estate 18361
appraiser certificate, residential real estate appraiser 18362
license, or real estate appraiser assistant registration to any 18363
person because of a conviction of or plea of guilty to any 18364

criminal offense unless the refusal is in accordance with 18365
section 9.79 of the Revised Code. 18366

Sec. 4764.10. (A) The superintendent of real estate and 18367
professional licensing may issue a home inspector license to an 18368
applicant who holds a license, registration, or certification as 18369
a home inspector in another jurisdiction other than another 18370
state if that applicant submits an application on a form the 18371
superintendent provides, pays the fee the Ohio home inspector 18372
board prescribes, and satisfies all of the following 18373
requirements: 18374

~~(A)~~ (1) The applicant is licensed, registered, or 18375
certified as a home inspector in a jurisdiction that the board 18376
determines grants the same privileges to persons licensed under 18377
this chapter as this state grants to persons in that 18378
jurisdiction. 18379

~~(B)~~ (2) That other jurisdiction has licensing, 18380
registration, or certification requirements that are 18381
substantially similar to, or exceed, those of this state. 18382

~~(C)~~ (3) The applicant attests that the applicant is 18383
familiar with and will abide by this chapter. 18384

~~(D)~~ (4) The applicant attests to all of the following in a 18385
written statement that the applicant submits to the 18386
superintendent: 18387

~~(1)~~ (a) To provide the superintendent the name and address 18388
of an agent to receive service of process in this state or that 18389
the applicant authorizes the superintendent to act as agent for 18390
that applicant; 18391

~~(2)~~ (b) That service of process in accordance with the 18392
Revised Code is proper and the applicant is subject to the 18393

jurisdiction of the courts of this state; 18394

~~(3)~~ (c) That any cause of action arising out of the 18395
conduct of the applicant's business in this state shall be filed 18396
in the county in which the events that gave rise to that cause 18397
of action occurred. 18398

(B) The board shall issue a home inspector license in 18399
accordance with Chapter 4796. of the Revised Code to an 18400
applicant if either of the following applies: 18401

(1) The applicant holds a license in another state. 18402

(2) The applicant has satisfactory work experience, a 18403
government certification, or a private certification as 18404
described in that chapter as a home inspector in a state that 18405
does not issue that license. 18406

Sec. 4765.10. (A) The state board of emergency medical, 18407
fire, and transportation services shall do all of the following: 18408

(1) Administer and enforce the provisions of this chapter 18409
and the rules adopted under it; 18410

(2) Approve, in accordance with procedures established in 18411
rules adopted under section 4765.11 of the Revised Code, 18412
examinations that demonstrate competence to have a certificate 18413
to practice renewed without completing a continuing education 18414
program; 18415

(3) Advise applicants for state or federal emergency 18416
medical services funds, review and comment on applications for 18417
these funds, and approve the use of all state and federal funds 18418
designated solely for emergency medical service programs unless 18419
federal law requires another state agency to approve the use of 18420
all such federal funds; 18421

- (4) Serve as a statewide clearinghouse for discussion, 18422
inquiry, and complaints concerning emergency medical services; 18423
- (5) Make recommendations to the general assembly on 18424
legislation to improve the delivery of emergency medical 18425
services; 18426
- (6) Maintain a toll-free long distance telephone number 18427
through which it shall respond to questions about emergency 18428
medical services; 18429
- (7) Work with appropriate state offices in coordinating 18430
the training of firefighters and emergency medical service 18431
personnel. Other state offices that are involved in the training 18432
of firefighters or emergency medical service personnel shall 18433
cooperate with the board and its committees and subcommittees to 18434
achieve this goal. 18435
- (8) Provide a liaison to the state emergency operation 18436
center during those periods when a disaster, as defined in 18437
section 5502.21 of the Revised Code, has occurred in this state 18438
and the governor has declared an emergency as defined in that 18439
section. 18440
- (B) The board may do any of the following: 18441
- (1) Investigate complaints concerning emergency medical 18442
services and emergency medical service organizations as it 18443
determines necessary; 18444
- (2) ~~Enter into reciprocal agreements with other states~~ 18445
~~that have standards for accreditation of emergency medical~~ 18446
~~services training programs and for certification of first~~ 18447
~~responders, EMTs basic, EMTs I, paramedics, firefighters, or~~ 18448
~~fire safety inspectors that are substantially similar to those~~ 18449
~~established under this chapter and the rules adopted under it;~~ 18450

~~(3)~~—Establish a statewide public information system and 18451
public education programs regarding emergency medical services; 18452

~~(4)~~—(3) Establish an injury prevention program. 18453

(C) The state board of emergency medical, fire, and 18454
transportation services shall not regulate any profession that 18455
otherwise is regulated by another board, commission, or similar 18456
regulatory entity. 18457

Sec. 4765.11. (A) The state board of emergency medical, 18458
fire, and transportation services shall adopt, and may amend and 18459
rescind, rules in accordance with Chapter 119. of the Revised 18460
Code and divisions (C) and (D) of this section that establish 18461
all of the following: 18462

(1) Procedures for its governance and the control of its 18463
actions and business affairs; 18464

(2) Standards for the performance of emergency medical 18465
services by first responders, emergency medical technicians- 18466
basic, emergency medical technicians-intermediate, and emergency 18467
medical technicians-paramedic; 18468

(3) Application fees for certificates of accreditation, 18469
certificates of approval, certificates to teach, and 18470
certificates to practice, which shall be deposited into the 18471
trauma and emergency medical services fund created in section 18472
4513.263 of the Revised Code; 18473

(4) Criteria for determining when the application or 18474
renewal fee for a certificate to practice may be waived because 18475
an applicant cannot afford to pay the fee; 18476

(5) Procedures for issuance and renewal of certificates of 18477
accreditation, certificates of approval, certificates to teach, 18478

and certificates to practice, including any measures necessary 18479
to implement section 9.79 of the Revised Code and any procedures 18480
necessary to ensure that adequate notice of renewal is provided 18481
in accordance with division ~~(D)~~ (E) of section 4765.30 of the 18482
Revised Code; 18483

(6) Procedures for suspending or revoking certificates of 18484
accreditation, certificates of approval, certificates to teach, 18485
and certificates to practice; 18486

(7) Grounds for suspension or revocation of a certificate 18487
to practice issued under section 4765.30 of the Revised Code and 18488
for taking any other disciplinary action against a first 18489
responder, EMT-basic, EMT-I, or paramedic; 18490

(8) Procedures for taking disciplinary action against a 18491
first responder, EMT-basic, EMT-I, or paramedic; 18492

(9) Standards for certificates of accreditation and 18493
certificates of approval; 18494

(10) Qualifications for certificates to teach; 18495

(11) Requirements for a certificate to practice; 18496

(12) The curricula, number of hours of instruction and 18497
training, and instructional materials to be used in adult and 18498
pediatric emergency medical services training programs and adult 18499
and pediatric emergency medical services continuing education 18500
programs; 18501

(13) Procedures for conducting courses in recognizing 18502
symptoms of life-threatening allergic reactions and in 18503
calculating proper dosage levels and administering injections of 18504
epinephrine to adult and pediatric patients who suffer life- 18505
threatening allergic reactions; 18506

(14) Examinations for certificates to practice;	18507
(15) Procedures for administering examinations for certificates to practice;	18508 18509
(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program;	18510 18511 18512 18513
(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;	18514 18515
(18) Specifications of the emergency medical services that first responders are authorized to perform under section 4765.35 of the Revised Code, that EMTs-basic are authorized to perform under section 4765.37 of the Revised Code, that EMTs-I are authorized to perform under section 4765.38 of the Revised Code, and that paramedics are authorized to perform under section 4765.39 of the Revised Code;	18516 18517 18518 18519 18520 18521 18522
(19) Standards and procedures for implementing the requirements of section 4765.06 of the Revised Code, including designations of the persons who are required to report information to the board and the types of information to be reported;	18523 18524 18525 18526 18527
(20) Procedures for administering the emergency medical services grant program established under section 4765.07 of the Revised Code;	18528 18529 18530
(21) Procedures consistent with Chapter 119. of the Revised Code for appealing decisions of the board;	18531 18532
(22) Minimum qualifications and peer review and quality improvement requirements for persons who provide medical	18533 18534

direction to emergency medical service personnel, including, 18535
subject to division (B) of section 4765.42 of the Revised Code, 18536
qualifications for a physician to be eligible to serve as the 18537
medical director of an emergency medical service organization or 18538
a member of its cooperating physician advisory board; 18539

(23) The manner in which a patient, or a patient's parent, 18540
guardian, or custodian, may consent to the board releasing 18541
identifying information about the patient under division (D) of 18542
section 4765.102 of the Revised Code; 18543

(24) Circumstances under which a training program or 18544
continuing education program, or portion of either type of 18545
program, may be taught by a person who does not hold a 18546
certificate to teach issued under section 4765.23 of the Revised 18547
Code; 18548

(25) Certification cycles for certificates issued under 18549
sections 4765.23 and 4765.30 of the Revised Code and 18550
certificates issued by the executive director of the state board 18551
of emergency medical, fire, and transportation services under 18552
section 4765.55 of the Revised Code that establish a common 18553
expiration date for all certificates. 18554

(B) The board may adopt, and may amend and rescind, rules 18555
in accordance with Chapter 119. of the Revised Code and 18556
divisions (C) and (D) of this section that establish any of the 18557
following: 18558

(1) Specifications of information that may be collected 18559
under the trauma system registry and incidence reporting system 18560
created under section 4765.06 of the Revised Code; 18561

(2) Standards and procedures for implementing any of the 18562
recommendations made by any committees of the board or under 18563

section 4765.04 of the Revised Code; 18564

(3) Any other rules necessary to implement this chapter. 18565

(C) In developing and administering rules adopted under 18566
this chapter, the state board of emergency medical, fire, and 18567
transportation services shall consult with regional directors 18568
and regional advisory boards appointed under section 4765.05 of 18569
the Revised Code and emphasize the special needs of pediatric 18570
and geriatric patients. 18571

(D) Except as otherwise provided in this division, before 18572
adopting, amending, or rescinding any rule under this chapter, 18573
the board shall submit the proposed rule to the director of 18574
public safety for review. The director may review the proposed 18575
rule for not more than sixty days after the date it is 18576
submitted. If, within this sixty-day period, the director 18577
approves the proposed rule or does not notify the board that the 18578
rule is disapproved, the board may adopt, amend, or rescind the 18579
rule as proposed. If, within this sixty-day period, the director 18580
notifies the board that the proposed rule is disapproved, the 18581
board shall not adopt, amend, or rescind the rule as proposed 18582
unless at least twelve members of the board vote to adopt, 18583
amend, or rescind it. 18584

This division does not apply to an emergency rule adopted 18585
in accordance with section 119.03 of the Revised Code. 18586

(E) Notwithstanding any requirement for a certificate 18587
issued in accordance with rules adopted by the board under this 18588
section, the board, in accordance with Chapter 4796. of the 18589
Revised Code, shall issue a certificate that is a license as 18590
defined in section 4796.01 of the Revised Code to an individual 18591
if either of the following applies: 18592

(1) The individual holds a license or certificate in another state. 18593
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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 first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic in a state that does not issue that license or certificate. 18595
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Sec. 4765.30. All of the following apply to the state board of emergency medical, fire, and transportation services with respect to issuing and renewing certificates to practice: 18601
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(A) The board shall issue a certificate to practice as a first responder to an applicant who meets all of the following conditions: 18604
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(1) Holds the appropriate certificate of completion issued in accordance with section 4765.24 of the Revised Code; 18607
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(2) Passes the appropriate examination conducted under section 4765.29 of the Revised Code; 18609
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(3) Is not in violation of any provision of this chapter or the rules adopted under it; 18611
18612

(4) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code. 18613
18614

(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: 18615
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(1) Holds the appropriate certificate of completion issued in accordance with section 4765.24 of the Revised Code; 18618
18619

(2) Passes the appropriate examination conducted under section 4765.29 of the Revised Code;	18620 18621
(3) Is not in violation of any provision of this chapter or the rules adopted under it;	18622 18623
(4) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code.	18624 18625
(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:	18626 18627 18628 18629
(1) Holds a certificate to practice as an emergency medical technician-basic;	18630 18631
(2) Holds the appropriate certificate of completion issued in accordance with section 4765.24 of the Revised Code;	18632 18633
(3) Passes the appropriate examination conducted under section 4765.29 of the Revised Code;	18634 18635
(4) Is not in violation of any provision of this chapter or the rules adopted under it;	18636 18637
(5) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code.	18638 18639
(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>	18640 18641 18642 18643
(1) <u>The individual holds a license or certificate in another state.</u>	18644 18645
(2) <u>The individual has satisfactory work experience, a</u>	18646

government certification, or a private certification as 18647
described in that chapter as a first responder in a state that 18648
does not issue that license or certificate. 18649

(E) A certificate to practice shall have a certification 18650
cycle established by the board and may be renewed by the board 18651
pursuant to rules adopted under section 4765.11 of the Revised 18652
Code. Not later than sixty days prior to the expiration date of 18653
an individual's certificate to practice, the board shall notify 18654
the individual of the scheduled expiration. 18655

An application for renewal shall be accompanied by the 18656
appropriate renewal fee established in rules adopted under 18657
section 4765.11 of the Revised Code, unless the board waives the 18658
fee on determining pursuant to those rules that the applicant 18659
cannot afford to pay the fee. Except as provided in division (B) 18660
of section 4765.31 of the Revised Code, the application shall 18661
include evidence of either of the following: 18662

(1) That the applicant received a certificate of 18663
completion from the appropriate emergency medical services 18664
continuing education program pursuant to section 4765.24 of the 18665
Revised Code; 18666

(2) That the applicant has successfully passed an 18667
examination that demonstrates the competence to have a 18668
certificate renewed without completing an emergency medical 18669
services continuing education program. The board shall approve 18670
such examinations in accordance with rules adopted under section 18671
4765.11 of the Revised Code. 18672

~~(E)~~ (F) The board shall not require an applicant for 18673
renewal of a certificate to practice to take an examination as a 18674
condition of renewing the certificate. This division does not 18675

preclude the use of examinations by operators of approved 18676
emergency medical services continuing education programs as a 18677
condition for issuance of a certificate of completion in 18678
emergency medical services continuing education. 18679

Sec. 4765.55. (A) The executive director of the state 18680
board of emergency medical, fire, and transportation services, 18681
with the advice and counsel of the firefighter and fire safety 18682
inspector training committee of the state board of emergency 18683
medical, fire, and transportation services, shall assist in the 18684
establishment and maintenance by any state agency, or any 18685
county, township, city, village, school district, or educational 18686
service center of a fire service training program for the 18687
training of all persons in positions of any fire training 18688
certification level approved by the executive director, 18689
including full-time paid firefighters, part-time paid 18690
firefighters, volunteer firefighters, and fire safety inspectors 18691
in this state. The executive director, with the advice and 18692
counsel of the committee, shall adopt rules to regulate those 18693
firefighter and fire safety inspector training programs, and 18694
other training programs approved by the executive director. The 18695
rules may include, but need not be limited to, training 18696
curriculum, certification examinations, training schedules, 18697
minimum hours of instruction, attendance requirements, required 18698
equipment and facilities, basic physical requirements, and 18699
methods of training for all persons in positions of any fire 18700
training certification level approved by the executive director, 18701
including full-time paid firefighters, part-time paid 18702
firefighters, volunteer firefighters, and fire safety 18703
inspectors. The rules adopted to regulate training programs for 18704
volunteer firefighters shall not require more than thirty-six 18705
hours of training. 18706

The executive director, with the advice and counsel of the committee, shall provide for the classification and chartering of fire service training programs in accordance with rules adopted under division (B) of this section, and may take action against any chartered training program or applicant, in accordance with rules adopted under divisions (B) (4) and (5) of this section, for failure to meet standards set by the adopted rules.

(B) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall adopt, and may amend or rescind, rules under Chapter 119. of the Revised Code that establish all of the following:

(1) Requirements for, and procedures for chartering, the training programs regulated by this section;

(2) Requirements for, and requirements and procedures for obtaining and renewing, an instructor certificate to teach the training programs and continuing education classes regulated by this section;

(3) Requirements for, and requirements and procedures for obtaining and renewing, any of the fire training certificates regulated by this section;

(4) Grounds and procedures for suspending, revoking, restricting, or refusing to issue or renew any of the certificates or charters regulated by this section, which grounds shall be limited to one of the following:

(a) Failure to satisfy the education or training requirements of this section;

(b) Conviction of a felony offense;	18736
(c) Conviction of a misdemeanor involving moral turpitude;	18737
(d) Conviction of a misdemeanor committed in the course of practice;	18738 18739
(e) In the case of a chartered training program or applicant, failure to meet standards set by the rules adopted under this division.	18740 18741 18742
(5) Grounds and procedures for imposing and collecting fines, not to exceed one thousand dollars, in relation to actions taken under division (B) (4) of this section against persons holding certificates and charters regulated by this section, the fines to be deposited into the trauma and emergency medical services fund established under section 4513.263 of the Revised Code;	18743 18744 18745 18746 18747 18748 18749
(6) Continuing education requirements for certificate holders, including a requirement that credit shall be granted for in-service training programs conducted by local entities;	18750 18751 18752
(7) Procedures for considering the granting of an extension or exemption of fire service continuing education requirements;	18753 18754 18755
(8) Certification cycles for which the certificates and charters regulated by this section are valid.	18756 18757
(C) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall issue or renew an instructor certificate to teach the training programs and continuing education classes regulated by this section to any applicant that the executive	18758 18759 18760 18761 18762 18763

director determines meets the qualifications established in 18764
rules adopted under division (B) of this section, and may take 18765
disciplinary action against an instructor certificate holder or 18766
applicant in accordance with rules adopted under division (B) of 18767
this section. The executive director, with the advice and 18768
counsel of the committee, shall charter or renew the charter of 18769
any training program that the executive director determines 18770
meets the qualifications established in rules adopted under 18771
division (B) of this section, and may take disciplinary action 18772
against the holder of a charter in accordance with rules adopted 18773
under division (B) of this section. 18774

(D) The executive director shall issue or renew a fire 18775
training certificate for a firefighter, a fire safety inspector, 18776
or another position of any fire training certification level 18777
approved by the executive director, to any applicant that the 18778
executive director determines meets the qualifications 18779
established in rules adopted under division (B) of this section 18780
and may take disciplinary actions against a certificate holder 18781
or applicant in accordance with rules adopted under division (B) 18782
of this section. 18783

(E) Certificates issued under this section shall be on a 18784
form prescribed by the executive director, with the advice and 18785
counsel of the firefighter and fire safety inspector training 18786
committee of the state board of emergency medical, fire, and 18787
transportation services. 18788

(F) (1) The executive director, with the advice and counsel 18789
of the firefighter and fire safety inspector training committee 18790
of the state board of emergency medical, fire, and 18791
transportation services, shall establish criteria for evaluating 18792
the standards maintained by ~~other states and~~ the branches of the 18793

United States military for firefighter, fire safety inspector, 18794
and fire instructor training programs, and other training 18795
programs recognized by the executive director, to determine 18796
whether the standards are equivalent to those established under 18797
this section and shall establish requirements and procedures for 18798
issuing a certificate to each person who presents proof to the 18799
executive director of having satisfactorily completed a training 18800
program that meets those standards. 18801

(2) The executive director, with the committee's advice 18802
and counsel, shall adopt rules establishing requirements and 18803
procedures for issuing a fire training certificate in lieu of 18804
completing a chartered training program. 18805

(G) Notwithstanding any requirement for a certificate 18806
issued under this section, the executive director shall issue a 18807
certificate in accordance with Chapter 4796. of the Revised Code 18808
to an individual if either of the following applies: 18809

(1) The individual holds a license or certificate in 18810
another state. 18811

(2) The individual has satisfactory work experience, a 18812
government certification, or a private certification as 18813
described in that chapter as a firefighter or fire safety 18814
inspector in a state that does not issue that license or 18815
certificate. 18816

(H) Nothing in this section invalidates any other section 18817
of the Revised Code relating to the fire training academy. 18818
Section 4765.11 of the Revised Code does not affect any powers 18819
and duties granted to the executive director under this section. 18820

~~(H)~~ (I) Notwithstanding any provision of division (B) (4) 18821
of this section to the contrary, the executive director shall 18822

not adopt rules for refusing to issue any of the certificates or 18823
charters regulated by this section to an applicant because of a 18824
criminal conviction unless the rules establishing grounds and 18825
procedures for refusal are in accordance with section 9.79 of 18826
the Revised Code. 18827

Sec. 4767.031. (A) The owner or the person responsible for 18828
the operation of each cemetery required to register under 18829
section 4767.03 of the Revised Code shall provide the division 18830
of real estate in the department of commerce, on a form 18831
prescribed by the division, at the same time the owner or other 18832
person applies for registration or renewal of registration as 18833
required by section 4767.03 of the Revised Code, a list of the 18834
names and residence addresses of all persons employed or 18835
otherwise engaged by the cemetery to sell interment rights. The 18836
provision of this information constitutes the registration of 18837
these persons to sell interment rights. 18838

In order for an independent contractor to sell interment 18839
rights for a cemetery, the cemetery shall sponsor and register 18840
the independent contractor with the division. More than one 18841
cemetery may sponsor and register the same independent 18842
contractor. The division shall register an independent 18843
contractor in accordance with Chapter 4796. of the Revised Code 18844
if either of the following applies: 18845

(1) The individual is licensed or registered in another 18846
state. 18847

(2) The individual has satisfactory work experience, a 18848
government certification, or a private certification as 18849
described in that chapter as an independent contractor selling 18850
interment rights for a cemetery in a state that does not issue 18851
that license or registration. 18852

(B) The owner or the person responsible for the operation 18853
of each cemetery required to register under section 4767.03 of 18854
the Revised Code shall provide the division with a revised list 18855
of the names and residence addresses of all persons employed or 18856
otherwise engaged by the cemetery to sell interment rights 18857
within the calendar quarter immediately following the date of 18858
the termination of the cemetery's relationship with an existing 18859
salesperson or the commencement of a relationship with a new 18860
salesperson. As used in this division, "calendar quarter" means 18861
the three-month period that commences on the first day of each 18862
January, April, July, and October. 18863

Sec. 4771.08. (A) Upon receipt of all the materials 18864
required for application for registration under section 4771.07 18865
of the Revised Code, the Ohio athletic commission shall evaluate 18866
the information provided and issue a certificate of registration 18867
to the applicant, unless the commission finds that the applicant 18868
or an employee or representative of the applicant has committed 18869
any of the acts described in division (A) of section 4771.18 of 18870
the Revised Code. 18871

Notwithstanding the requirements for a certificate of 18872
registration under this chapter, the commission shall issue a 18873
certificate of registration in accordance with Chapter 4796. of 18874
the Revised Code to an applicant if either of the following 18875
applies: 18876

(1) The applicant is registered in another state. 18877

(2) The applicant has satisfactory work experience, a 18878
government certification, or a private certification as 18879
described in that chapter as an athlete agent in a state that 18880
does not issue that certificate of registration. 18881

(B) The commission may issue a temporary certificate of registration, effective for a period of up to ninety days after the issuance of the temporary registration, to ~~an~~ a nonresident athlete agent who is registered as an athlete agent in another state, or to a person who has not submitted all the material required under section 4771.07 of the Revised Code, but who the commission determines to have submitted sufficient material to warrant the issuance of a temporary certificate. Chapter 4796. of the Revised Code does not apply to a temporary certificate of registration issued under this division.

(C) The registration of an athlete agent with the commission is valid for a period of two years after the date the certificate of registration is issued. An athlete agent shall file an application for the renewal of a registration with the commission at least thirty days prior to the expiration of the registration of the athlete agent. An application for renewal shall be accompanied by a renewal fee in an amount determined by the commission pursuant to division (F) of section 4771.05 of the Revised Code.

(D) Each certificate of registration issued by the commission to an athlete agent shall contain all the following information:

(1) The name of the athlete agent;

(2) The address of the primary location in which the athlete agent is authorized to conduct business as an athlete agent;

(3) A registration number for the athlete agent and the date of issuance of the registration.

(E) No registration or certificate of registration is

valid for any individual other than the athlete agent to whom it is issued. 18911
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(F) The commission is not liable for the acts of an athlete agent who is registered with the commission. 18913
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Sec. 4773.03. (A) ~~Each~~ Except as provided in division (G) of this section, each individual seeking a license to practice as a general x-ray machine operator, radiographer, radiation therapy technologist, or nuclear medicine technologist shall apply to the department of health on a form the department shall prescribe and provide. The application shall be accompanied by the appropriate license application fee established in rules adopted under section 4773.08 of the Revised Code. 18915
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(B) ~~The~~ Except as provided in division (G) of this section, the department shall review all applications received and issue the appropriate general x-ray machine operator, radiographer, radiation therapy technologist, or nuclear medicine technologist license to each applicant who meets all of the following requirements: 18923
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(1) Is eighteen years of age or older; 18929

(2) Except as provided in division (C) of this section, passes the examination administered under section 4773.04 of the Revised Code for the applicant's area of practice; 18930
18931
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(3) Complies with any other licensing standards established in rules adopted under section 4773.08 of the Revised Code. 18933
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(C) An applicant is not required to take a licensing examination if one of the following applies to the applicant: 18936
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(1) The individual is applying for a license as a general 18938

x-ray machine operator and holds certification in that area of practice from the American registry of radiologic technologists or the American chiropractic registry of radiologic technologists.

(2) The individual is applying for a license as a radiographer and holds certification in that area of practice from the American registry of radiologic technologists.

(3) The individual is applying for a license as a radiation therapy technologist and holds certification in that area of practice from the American registry of radiologic technologists.

(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. 18968

A license may be renewed. To be eligible for renewal, the 18969
license holder must complete the continuing education 18970
requirements specified in rules adopted by the department under 18971
section 4773.08 of the Revised Code. Applications for license 18972
renewal shall be accompanied by the appropriate renewal fee 18973
established in rules adopted under section 4773.08 of the 18974
Revised Code. Renewals shall be made in accordance with the 18975
standard renewal procedure established under Chapter 4745. of 18976
the Revised Code. 18977

(E) (1) A license that has lapsed or otherwise become 18978
inactive may be reinstated. An individual seeking reinstatement 18979
of a license shall apply to the department on a form the 18980
department shall prescribe and provide. The application shall be 18981
accompanied by the appropriate reinstatement fee established in 18982
rules adopted under section 4773.08 of the Revised Code. 18983

(2) To be eligible for reinstatement, both of the 18984
following apply: 18985

(a) An applicant must continue to meet the conditions for 18986
receiving an initial license, including the examination or 18987
certification requirements specified in division (B) or (C) of 18988
this section. In the case of an applicant seeking reinstatement 18989
based on having passed an examination administered under section 18990
4773.04 of the Revised Code, the length of time that has elapsed 18991
since the examination was passed is not a consideration in 18992
determining whether the applicant is eligible for reinstatement. 18993

(b) The applicant must complete the continuing education 18994
requirements for reinstatement established in rules adopted 18995
under section 4773.08 of the Revised Code. 18996

(F) The department shall refuse to issue, renew, or
reinstate and may suspend or revoke a general x-ray machine
operator, radiographer, radiation therapy technologist, or
nuclear medicine technologist license if the applicant or
license holder does not comply with the applicable requirements
of this chapter or rules adopted under it.

(G) The department shall issue a general x-ray machine
operator, radiographer, radiation therapy technologist, or
nuclear medicine technologist 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 general x-ray machine operator,
radiographer, radiation therapy technologist, or nuclear
medicine technologist in a state that does not issue that
license.

Sec. 4774.03. (A) ~~An~~ Except as provided in division (D) of
this section, an individual seeking a license to practice as a
radiologist assistant shall file with the state medical board a
written application on a form prescribed and supplied by the
board. The application shall include all the information the
board considers necessary to process the application, including
evidence satisfactory to the board that the applicant meets the
requirements specified in division (B) of this section.

At the time an application is submitted, the applicant
shall pay the board the application fee specified by the board
in rules adopted under section 4774.11 of the Revised Code. No

part of the fee shall be returned. 19026

(B) ~~To~~ Except as provided in division (D) of this section, 19027
to be eligible to receive a license to practice as a radiologist 19028
assistant, an applicant shall meet all of the following 19029
requirements: 19030

(1) Be at least eighteen years of age; 19031

(2) Hold a current, valid license as a radiographer under 19032
Chapter 4773. of the Revised Code; 19033

(3) Have attained a baccalaureate degree or 19034
postbaccalaureate certificate from an advanced academic program 19035
encompassing a nationally recognized radiologist assistant 19036
curriculum that includes a radiologist-directed clinical 19037
preceptorship; 19038

(4) Hold current certification as a registered radiologist 19039
assistant from the American registry of radiologic technologists 19040
and have attained the certification by meeting the standard 19041
certification requirements established by the registry, 19042
including the registry's requirements for documenting clinical 19043
education in the form of a clinical portfolio and passing an 19044
examination to determine competence to practice; 19045

(5) Hold current certification in advanced cardiac life 19046
support. 19047

(C) The board shall review all applications received under 19048
this section. Not later than sixty days after receiving an 19049
application the board considers to be complete, the board shall 19050
determine whether the applicant meets the requirements to 19051
receive a license to practice as a radiologist assistant. 19052

(D) The board shall issue a license to practice as a 19053

radiologist assistant in accordance with Chapter 4796. of the 19054
Revised Code to an applicant if either of the following applies: 19055

(1) The applicant holds a license in another state. 19056

(2) The applicant has satisfactory work experience, a 19057
government certification, or a private certification as 19058
described in that chapter as a radiologist assistant in a state 19059
that does not issue that license. 19060

Sec. 4775.07. (A) Any person required to be registered as 19061
a motor vehicle repair operator shall apply to the motor vehicle 19062
repair board upon forms prescribed by the board. The forms shall 19063
contain sufficient information to identify the applicant, 19064
including name, address, state tax identification number, and 19065
any other identifying data prescribed by rule of the board. If 19066
the applicant is a partnership, identifying data as prescribed 19067
by the board may be required for each partner. If the applicant 19068
is a corporation, identifying data may be required for each 19069
officer of the corporation and each person in charge of each 19070
place of the motor vehicle repair operator's business in this 19071
state. The applicant shall affirm the application by oath. The 19072
applicant shall include with the application the initial 19073
registration fee set forth in section 4775.08 of the Revised 19074
Code and proof satisfactory to the board that the applicant has 19075
a current state and federal tax identification number, a valid 19076
vendor's license issued pursuant to section 5739.17 of the 19077
Revised Code, a United States environmental protection agency 19078
identification number issued under the "Resource Conservation 19079
and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 6901, as 19080
amended, and regulations adopted under that act, proof of 19081
possession of all permits required under Chapter 3704. of the 19082
Revised Code, general liability insurance and liability 19083

insurance that protects a person against liability for damage to 19084
motor vehicles in the applicant's care, custody, or control in 19085
an amount and form that conforms to the rules the board adopts 19086
under section 4775.04 of the Revised Code, and coverage under 19087
Chapters 4123. and 4141. of the Revised Code. In addition, the 19088
applicant shall affirm that the applicant is in compliance with 19089
all applicable federal and state statutes and rules and all 19090
local ordinances and resolutions, including all applicable 19091
zoning regulations. 19092

(B) Upon receipt of the completed application form and 19093
fees and after the board determines that the applicant meets the 19094
requirements for registration under division (A) of this 19095
section, the board shall direct the executive director to issue 19096
a registration certificate to the applicant for each place of 19097
business. The motor vehicle repair operator shall display the 19098
registration certificate in a conspicuous place on the premises 19099
of the business for which the registration is obtained. The 19100
board and director shall issue a registration certificate in 19101
accordance with Chapter 4796. of the Revised Code to an 19102
applicant if either of the following applies: 19103

(1) The applicant holds a license or registration 19104
certificate in another state. 19105

(2) The applicant has satisfactory work experience, a 19106
government certification, or a private certification as 19107
described in that chapter as a motor vehicle repair operator in 19108
a state that does not issue that license or registration 19109
certificate. 19110

(C) Each registration certificate issued under this 19111
section expires annually on the date of its original issuance 19112
and may be renewed in accordance with the standard renewal 19113

procedure of Chapter 4745. of the Revised Code. The application 19114
for a renewal of a registration certificate shall be accompanied 19115
by the same information and proof as is required to accompany an 19116
initial application under division (A) of this section. 19117

(D) When a motor vehicle repair operator experiences a 19118
change in any information or data required under division (A) of 19119
this section or by rule of the board for registration as a motor 19120
vehicle repair operator, the motor vehicle repair operator shall 19121
submit written notification of the change to the board within 19122
sixty days after the date that the information becomes obsolete. 19123
If a motor vehicle repair operator fails to submit the written 19124
notification of a change in information or data within sixty 19125
days after the change in information or data, the operator's 19126
registration certificate is automatically suspended, except that 19127
the board may waive the suspension for good cause shown. 19128

(E) Notwithstanding section 5703.21 of the Revised Code, 19129
the department of taxation may disclose to the board any 19130
information necessary for the board to verify the existence of 19131
an applicant's valid vendor's license and current state tax 19132
identification number. 19133

Sec. 4778.03. (A) ~~An~~ Except as provided in division (D) of 19134
this section, an individual seeking a license to practice as a 19135
genetic counselor shall file with the state medical board an 19136
application in a manner prescribed by the board. The application 19137
shall include all the information the board considers necessary 19138
to process the application, including evidence satisfactory to 19139
the board that the applicant meets the requirements specified in 19140
division (B) of this section. 19141

At the time an application is submitted, the applicant 19142
shall pay the board an application fee of two hundred dollars. 19143

No part of the fee shall be returned to the applicant or transferred for purposes of another application. 19144
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(B) ~~To~~ Except as provided in division (D) of this section, 19146
to be eligible to receive a license to practice as a genetic 19147
counselor, an applicant shall demonstrate to the board that the 19148
applicant meets all of the following requirements: 19149

(1) Is at least eighteen years of age; 19150

(2) Has attained a master's degree or higher degree from a 19151
genetic counseling graduate program accredited by the American 19152
board of genetic counseling, inc.; 19153

(3) Is a certified genetic counselor; 19154

(4) Has satisfied any other requirements established by 19155
the board in rules adopted under section 4778.12 of the Revised 19156
Code. 19157

(C) The board shall review all applications received under 19158
this section. Not later than sixty days after receiving an 19159
application it considers complete, the board shall determine 19160
whether the applicant meets the requirements for a license to 19161
practice as a genetic counselor. 19162

(D) The board shall issue a license to practice as a 19163
genetic counselor in accordance with Chapter 4796. of the 19164
Revised Code to an applicant if either of the following applies: 19165

(1) The applicant holds a license in another state. 19166

(2) The applicant has satisfactory work experience, a 19167
government certification, or a private certification as 19168
described in that chapter as a genetic counselor in a state that 19169
does not issue that license. 19170

Sec. 4778.08. (A) The-Except as provided in division (C) 19171
of this section, the state medical board may issue to an 19172
applicant under section 4778.03 of the Revised Code a license to 19173
practice as a genetic counselor, designated as a supervised 19174
practice license, if both of the following apply: 19175

(1) The applicant meets the requirements specified in 19176
section 4778.03 of the Revised Code other than being a certified 19177
genetic counselor; 19178

(2) The applicant is in active candidate status with the 19179
American board of genetic counseling. 19180

(B) A supervised practice license authorizes the holder to 19181
engage in the activities authorized by section 4778.11 of the 19182
Revised Code while the holder is under the general supervision 19183
of a genetic counselor licensed under section 4778.05 of the 19184
Revised Code or a physician. General supervision does not 19185
require the supervising licensed genetic counselor or physician 19186
to be present while the holder engages in such activities, but 19187
does require the licensed genetic counselor or physician to have 19188
professional responsibility for the holder and be readily 19189
accessible to the holder for professional consultation and 19190
assistance. 19191

A supervised practice license is valid from the date of 19192
issuance until the earlier of one year from that date or the 19193
date a license is issued under section 4778.05 of the Revised 19194
Code. A supervised practice license may not be renewed. 19195

(C) The board shall issue a supervised practice license to 19196
practice as a genetic counselor in accordance with Chapter 4796. 19197
of the Revised Code to an applicant if either of the following 19198
applies: 19199

<u>(1) The applicant holds a license in another state.</u>	19200
<u>(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a supervised practice genetic counselor in a state that does not issue that license.</u>	19201 19202 19203 19204
Sec. 4778.09. (A) The state medical board may issue a license to practice as a genetic counselor, designated as a special activity license, to an individual from another state seeking to practice in this state genetic counseling associated with a rare disease.	19205 19206 19207 19208 19209
(B) An applicant for a special activity license shall submit to the board all of the following information:	19210 19211
(1) Evidence that the applicant holds a current, unrestricted license to practice genetic counseling issued by another state or, if the applicant practices genetic counseling in another state that does not license genetic counselors, evidence that the applicant is a certified genetic counselor;	19212 19213 19214 19215 19216
(2) Evidence that the applicant has actively practiced genetic counseling within the two-year period immediately preceding application;	19217 19218 19219
(3) The name of the applicant's sponsoring institution or organization, a statement of need for genetic counseling from the sponsoring institution or organization, and the name of the rare disease for which the applicant will be practicing genetic counseling in this state.	19220 19221 19222 19223 19224
(C) At the time an application is submitted, the applicant shall pay a fee of twenty-five dollars. No part of the fee shall be returned to the applicant or transferred for purposes of another application.	19225 19226 19227 19228

(D) The board shall not require the holder of a special activity license issued under this section to obtain a license under Chapter 4796. of the Revised Code. A special activity license is valid for the shorter of thirty days or the duration of the genetic counseling associated with the rare disease for which the license was issued. The license may not be renewed.

(E) The holder of a special activity license may practice genetic counseling only to the extent that it is associated with the rare disease for which the license was issued. The license holder shall not bill a patient or any third party payer for genetic counseling provided in this state.

(F) The board may revoke a special activity license on receiving proof satisfactory to the board that the holder of the license has engaged in practice in this state outside the scope of the license or that there are grounds for action against the license holder under section 4778.14 of the Revised Code.

Sec. 4779.17. The Ohio occupational therapy, physical therapy, and athletic trainers board shall issue a license under section 4779.09 of the Revised Code to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics ~~without examination to an applicant who meets all of the following requirements:~~

~~(A) Applies to the board in accordance with section 4779.09 of the Revised Code;~~

~~(B) Holds a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics issued by the appropriate authority of another state;~~

~~(C) One of the following applies:~~

~~(1) In the case of an applicant for a license to practice~~

~~orthotics, the applicant meets the requirements in divisions (A)~~ 19258
~~(2) and (3) of section 4779.10 of the Revised Code.~~ 19259

~~(2) In the case of an applicant for a license to practice~~ 19260
~~prosthetics, the applicant meets the requirements in divisions~~ 19261
~~(A) (2) and (3) of section 4779.11 of the Revised Code.~~ 19262

~~(3) In the case of an applicant for a license to practice~~ 19263
~~orthotics and prosthetics, the applicant meets the requirements~~ 19264
~~in divisions (A) (2) and (3) of section 4779.12 of the Revised~~ 19265
~~Code.~~ 19266

~~(4) In the case of an applicant for a license to practice~~ 19267
~~pedorthics, the applicant meets the requirements in divisions~~ 19268
~~(B) and (C) of section 4779.13 of the Revised Code.~~ 19269

~~(D) All fees received by the board under this section~~ 19270
~~shall be deposited in the state treasury to the credit of the~~ 19271
~~occupational licensing and regulatory fund established in~~ 19272
~~section 4743.05 accordance with Chapter 4796. of the Revised~~ 19273
~~Code to an applicant if either of the following applies:~~ 19274

(A) The applicant holds a license in another state. 19275

(B) The applicant has satisfactory work experience, a 19276
government certification, or a private certification as 19277
described in that chapter in orthotics, prosthetics, orthotics 19278
and prosthetics, or pedorthics in a state that does not issue 19279
that license. 19280

Sec. 4779.18. (A) The Ohio occupational therapy, physical 19281
therapy, and athletic trainers board shall issue a temporary 19282
license to an individual who meets all of the following 19283
requirements: 19284

(1) Applies to the board in accordance with rules adopted 19285

under section 4779.08 of the Revised Code and pays the application fee specified in the rules;

(2) Is eighteen years of age or older;

(3) One of the following applies:

(a) In the case of an applicant for a license to practice orthotics, the applicant meets the requirements in divisions (A) (2) and (3) of section 4779.10 of the Revised Code.

(b) In the case of an applicant for a license to practice prosthetics, the applicant meets the requirements in divisions (A) (2) and (3) of section 4779.11 of the Revised Code.

(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.

(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.

(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.

(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.

(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

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a license issued under section 4779.09 of the Revised Code in 19314
the same area of practice. 19315

~~(C)~~ (E) All fees received by the board under this section 19316
shall be deposited in the state treasury to the credit of the 19317
occupational licensing and regulatory fund established in 19318
section 4743.05 of the Revised Code. 19319

Sec. 4781.07. (A) Pursuant to rules the division of 19320
industrial compliance adopts, the division may certify 19321
municipal, township, and county building departments and the 19322
personnel of those departments, or any private third party, to 19323
exercise the division's enforcement authority, accept and 19324
approve plans and specifications for foundations, support 19325
systems and installations, and inspect manufactured housing 19326
foundations, support systems, and manufactured housing 19327
installations. Any certification is effective for three years. 19328

(B) Following an investigation and finding of facts that 19329
support its action, the division of industrial compliance may 19330
revoke or suspend certification. The division may initiate an 19331
investigation on the division's own motion or the petition of a 19332
person affected by the enforcement or approval of plans. 19333

(C) (1) If a township, municipal corporation, or county 19334
does not have a building department that is certified pursuant 19335
to this section, it may designate by resolution or ordinance 19336
another building department that has been certified pursuant to 19337
this section to exercise the division's enforcement authority, 19338
accept and approve plans and specifications for foundations, 19339
support systems and installations, and inspect manufactured 19340
housing foundations, support systems, and manufactured housing 19341
installations. The designation is effective upon acceptance by 19342
the designee. 19343

(2) An owner of a manufactured home or an operator of a
manufactured home park may request an inspection and obtain an
approval described in division (C) (1) of this section from any
building department certified pursuant to this section
designated by the township, municipal corporation, or county in
which the owner's manufactured home or operator's manufactured
home park is located.

(D) The board shall certify an individual to exercise
enforcement authority, to accept and approve plans and
specifications, or to make inspections in this state in
accordance with Chapter 4796. of the Revised Code if either of
the following applies:

(1) The individual is certified in another state.

(2) The individual has satisfactory work experience, a
government certification, or a private certification as
described in that chapter in exercising enforcement authority,
accepting and approving plans and specifications for
foundations, support systems and installations, or inspecting
manufactured housing foundations, support systems, and
installations, in a state that does not issue that
certification.

Sec. 4781.08. (A) The division of industrial compliance
shall issue a manufactured housing installer license to any
applicant who is at least eighteen years of age and meets all of
the following requirements:

(1) Submits an application to the division on a form the
division prescribes and pays the fee the division requires;

(2) Completes all training requirements the division
prescribes;

(3) Meets the experience requirements the division prescribes by rule;	19373 19374
(4) Has at least one year of experience installing manufactured housing under the supervision of a licensed manufactured home installer if applying for licensure after January 1, 2006;	19375 19376 19377 19378
(5) Has completed an installation training course the division approves, which may be offered by the Ohio manufactured homes association or other entity;	19379 19380 19381
(6) Receives a passing score on the licensure examination the division administers;	19382 19383
(7) Provides information the division requires to demonstrate compliance with this chapter and the rules the division adopts;	19384 19385 19386
(8) Provides the division with three references from persons who are retailers, manufacturers, or manufactured home park operators familiar with the person's installation work experience and competency, with at least two of the three references provided after January 1, 2006, being from persons who are licensed manufactured housing installers;	19387 19388 19389 19390 19391 19392
(9) Has liability insurance or a surety bond that is issued by an insurance or surety company authorized to transact business in Ohio, in the amount the division specifies, and containing the terms and conditions the division requires;	19393 19394 19395 19396
(10) Is in compliance with section 4123.35 of the Revised Code.	19397 19398
(B) The division of industrial compliance shall not grant a license to any person who the division finds has engaged in	19399 19400

actions during the previous two years that constitute a ground 19401
for denial, suspension, or revocation of a license or who has 19402
had a license revoked or disciplinary action imposed by the 19403
licensing or certification board of another state or 19404
jurisdiction during the previous two years in connection with 19405
the installation of manufactured housing. 19406

(C) Any person who is licensed, certified, or otherwise 19407
approved under the laws of another state to perform functions 19408
substantially similar to those of a manufactured housing 19409
installer may apply to the division for licensure on a form the 19410
division prescribes. The division shall issue a license ~~if the~~ 19411
~~standards for licensure, certification, or approval in the state~~ 19412
~~in which the applicant is licensed, certified, or approved are~~ 19413
~~substantially similar to or exceed the requirements set forth in~~ 19414
~~this chapter and the rules adopted pursuant to it~~ in accordance 19415
with Chapter 4796. of the Revised Code to an applicant if either 19416
of the following applies: 19417

(1) The applicant holds a license in another state. 19418

(2) The applicant has satisfactory work experience, a 19419
government certification, or a private certification as 19420
described in that chapter as a manufactured housing installer in 19421
a state that does not issue that license. The division may 19422
~~require the applicant to pass the division's licensure~~ 19423
~~examination.~~ 19424

(D) Any license issued pursuant to this section shall bear 19425
the licensee's name and post-office address, the issue date, a 19426
serial number the division designates, and the signature of the 19427
person the division designates pursuant to rules. 19428

(E) A manufactured housing installer license expires two 19429

years after it is issued. The division of industrial compliance 19430
shall renew a license if the applicant does all of the 19431
following: 19432

(1) Meets the requirements of division (A) of this 19433
section; 19434

(2) Demonstrates compliance with the requirements of this 19435
chapter and the rules adopted pursuant to it; 19436

(3) Meets the division's continuing education 19437
requirements. 19438

(F) No manufactured housing installer license may be 19439
transferred to another person. 19440

Sec. 4781.17. (A) Each person applying for a manufactured 19441
housing dealer's license or manufactured housing broker's 19442
license shall complete and deliver to the department of 19443
commerce, division of real estate, before the first day of 19444
April, a separate application for license for each county in 19445
which the business of selling or brokering manufactured or 19446
mobile homes is to be conducted. The application shall be in the 19447
form prescribed by the division of real estate and accompanied 19448
by the fee established by the division of real estate. The 19449
applicant shall sign and swear to the application that shall 19450
include all of the following: 19451

(1) Name of applicant and location of principal place of 19452
business; 19453

(2) Name or style under which business is to be conducted 19454
and, if a corporation, the state of incorporation; 19455

(3) Name and address of each owner or partner and, if a 19456
corporation, the names of the officers and directors; 19457

(4) The county in which the business is to be conducted	19458
and the address of each place of business therein;	19459
(5) A statement of the previous history, record, and	19460
association of the applicant and of each owner, partner,	19461
officer, and director, that is sufficient to establish to the	19462
satisfaction of the division of real estate the reputation in	19463
business of the applicant;	19464
(6) A statement showing whether the applicant has	19465
previously applied for a manufactured housing dealer's license,	19466
manufactured housing broker's license, manufactured housing	19467
salesperson's license, or, prior to July 1, 2010, a motor	19468
vehicle dealer's license, manufactured home broker's license, or	19469
motor vehicle salesperson's license, and the result of the	19470
application, and whether the applicant has ever been the holder	19471
of any such license that was revoked or suspended;	19472
(7) If the applicant is a corporation or partnership, a	19473
statement showing whether any partner, employee, officer, or	19474
director has been refused a manufactured housing dealer's	19475
license, manufactured housing broker's license, manufactured	19476
housing salesperson's license, or, prior to July 1, 2010, a	19477
motor vehicle dealer's license, manufactured home broker's	19478
license, or motor vehicle salesperson's license, or has been the	19479
holder of any such license that was revoked or suspended;	19480
(8) Any other information required by the division of real	19481
estate.	19482
(B) Each person applying for a manufactured housing	19483
salesperson's license shall complete and deliver to the division	19484
of real estate before the first day of July an application for	19485
license. The application shall be in the form prescribed by the	19486

division of real estate and shall be accompanied by the fee 19487
established by the division. The applicant shall sign and swear 19488
to the application that shall include all of the following: 19489

(1) Name and post-office address of the applicant; 19490

(2) Name and post-office address of the manufactured 19491
housing dealer or manufactured housing broker for whom the 19492
applicant intends to act as salesperson; 19493

(3) A statement of the applicant's previous history, 19494
record, and association, that is sufficient to establish to the 19495
satisfaction of the division of real estate the applicant's 19496
reputation in business; 19497

(4) A statement as to whether the applicant intends to 19498
engage in any occupation or business other than that of a 19499
manufactured housing salesperson; 19500

(5) A statement as to whether the applicant has ever had 19501
any previous application for a manufactured housing salesperson 19502
license refused or, prior to July 1, 2010, any application for a 19503
motor vehicle salesperson license refused, and whether the 19504
applicant has previously had a manufactured housing salesperson 19505
or motor vehicle salesperson license revoked or suspended; 19506

(6) A statement as to whether the applicant was an 19507
employee of or salesperson for a manufactured housing dealer or 19508
manufactured housing broker whose license was suspended or 19509
revoked; 19510

(7) A statement of the manufactured housing dealer or 19511
manufactured housing broker named therein, designating the 19512
applicant as the dealer's or broker's salesperson; 19513

(8) Any other information required by the division of real 19514

estate. 19515

(C) Any application for a manufactured housing dealer or 19516
manufactured housing broker delivered to the division of real 19517
estate under this section also shall be accompanied by a 19518
photograph, as prescribed by the division, of each place of 19519
business operated, or to be operated, by the applicant. 19520

(D) The division of real estate shall deposit all license 19521
fees into the state treasury to the credit of the manufactured 19522
homes regulatory fund. 19523

(E) Notwithstanding any provision of this chapter to the 19524
contrary, the division shall issue a manufactured housing 19525
dealer's license or manufactured housing broker's license in 19526
accordance with Chapter 4796. of the Revised Code to an 19527
applicant if either of the following applies: 19528

(1) The applicant holds a license in another state. 19529

(2) The applicant has satisfactory work experience, a 19530
government certification, or a private certification as 19531
described in that chapter as a manufactured housing dealer or 19532
manufactured housing broker in a state that does not issue that 19533
license. 19534

Sec. 4783.04. (A) An individual seeking a certificate to 19535
practice as a certified Ohio behavior analyst shall file with 19536
the state board of psychology a written application on a form 19537
prescribed and supplied by the board. To be eligible for a 19538
certificate, the individual shall do all of the following: 19539

(1) Demonstrate that the applicant conducts the 19540
applicant's professional activities in accordance with accepted 19541
professional and ethical standards; 19542

(2) Comply with sections 4776.01 to 4776.04 of the Revised Code;	19543 19544
(3) Demonstrate an understanding of the law regarding behavioral health practice;	19545 19546
(4) Demonstrate current certification as a board certified behavior analyst by the behavior analyst certification board or its successor organization or demonstrate completion of equivalent requirements and passage of a psychometrically valid examination administered by a nationally accredited credentialing organization;	19547 19548 19549 19550 19551 19552
(5) Pay the fee established by the state board of psychology.	19553 19554
(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.	19555 19556 19557 19558 19559 19560 19561 19562 19563
<u>(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:</u>	19564 19565 19566 19567
<u>(1) The applicant holds a certificate or license in another state.</u>	19568 19569
<u>(2) The applicant has satisfactory work experience, a government certification, or a private certification as</u>	19570 19571

described in that chapter as a behavior analyst in a state that 19572
does not issue that certificate or license. 19573

Sec. 5123.161. A person or government entity that seeks to 19574
provide supported living shall apply to the director of 19575
developmental disabilities for a supported living certificate. 19576

Except as provided in sections 5123.166 and 5123.169 of 19577
the Revised Code, the director shall issue to the person or 19578
government entity a supported living certificate if the person 19579
or government entity follows the application process established 19580
in rules adopted under section 5123.1611 of the Revised Code, 19581
meets the applicable certification standards established in 19582
those rules, and pays the certification fee established in those 19583
rules. The director shall issue a supported living certificate 19584
in accordance with Chapter 4796. of the Revised Code to a person 19585
if either of the following applies: 19586

(A) The person holds a supported living certificate issued 19587
by another state. 19588

(B) The person has satisfactory work experience, a 19589
government certification, or a private certification as 19590
described in that chapter as a person providing supported living 19591
in a state that does not issue that certificate. 19592

Sec. 5123.45. (A) The department of developmental 19593
disabilities shall establish a program under which the 19594
department issues certificates to the following: 19595

(1) Developmental disabilities personnel, for purposes of 19596
meeting the requirement of division (D)(1) of section 5123.42 of 19597
the Revised Code to obtain a certificate or certificates to 19598
administer medications and perform health-related activities 19599
pursuant to the authority granted under division (C) of that 19600

section; 19601

(2) Registered nurses, for purposes of meeting the 19602
requirement of division (B) of section 5123.441 of the Revised 19603
Code to obtain a certificate or certificates to provide the 19604
developmental disabilities personnel training courses developed 19605
under section 5123.43 of the Revised Code. 19606

(B) To receive a certificate issued under this section, 19607
developmental disabilities personnel and registered nurses shall 19608
successfully complete the applicable training course or courses 19609
and meet all other applicable requirements established in rules 19610
adopted pursuant to this section. The department shall issue the 19611
appropriate certificate or certificates to developmental 19612
disabilities personnel and registered nurses who meet the 19613
requirements for the certificate or certificates. The department 19614
shall issue the appropriate certificate or certificates in 19615
accordance with Chapter 4796. of the Revised Code to an 19616
applicant if either of the following applies: 19617

(1) The applicant holds a certificate or certificates 19618
issued by another state. 19619

(2) The applicant has satisfactory work experience, a 19620
government certification, or a private certification as 19621
described in that chapter as developmental disabilities 19622
personnel in a state that does not issue that certificate. 19623

(C) Certificates issued to developmental disabilities 19624
personnel are valid for one year and may be renewed. 19625
Certificates issued to registered nurses are valid for two years 19626
and may be renewed. 19627

To be eligible for renewal, developmental disabilities 19628
personnel and registered nurses shall meet the applicable 19629

continued competency requirements and continuing education 19630
requirements specified in rules adopted under division (D) of 19631
this section. In the case of registered nurses, continuing 19632
nursing education completed in compliance with the license 19633
renewal requirements established under Chapter 4723. of the 19634
Revised Code may be counted toward meeting the continuing 19635
education requirements established in the rules adopted under 19636
division (D) of this section. 19637

(D) In accordance with section 5123.46 of the Revised 19638
Code, the department shall adopt rules that establish all of the 19639
following: 19640

(1) Requirements that developmental disabilities personnel 19641
and registered nurses must meet to be eligible to take a 19642
training course, including having sufficient written and oral 19643
English skills to communicate effectively and reliably with 19644
patients, their families, and other medical professionals; 19645

(2) Standards that must be met to receive a certificate, 19646
including requirements pertaining to an applicant's criminal 19647
background; 19648

(3) Procedures to be followed in applying for a 19649
certificate and issuing a certificate; 19650

(4) Standards and procedures for renewing a certificate, 19651
including requirements for continuing education and, in the case 19652
of developmental disabilities personnel who administer 19653
prescribed medications, standards that require successful 19654
demonstration of proficiency in administering prescribed 19655
medications; 19656

(5) Any other standards or procedures the department 19657
considers necessary to administer the certification program. 19658

Sec. 5126.25. (A) The director of developmental disabilities shall adopt rules under division (C) of this section establishing uniform standards and procedures for the certification and registration of persons, other than the persons described in division (I) of this section, who are seeking employment with or are employed by either of the following:

(1) A county board of developmental disabilities;

(2) An entity that contracts with a county board to operate programs and services for individuals with developmental disabilities.

(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 19688
needs of individuals with developmental disabilities and the 19689
specialized techniques needed to serve them, except that the 19690
rules shall not require a person designated as a service 19691
employee under section 5126.22 of the Revised Code to have or 19692
obtain a bachelor's or higher degree; 19693

(3) Procedures to be followed in applying for initial 19694
certification or registration and for renewing the certification 19695
or registration. 19696

(4) Requirements that must be met for renewal of 19697
certification or registration, which may include continuing 19698
education and professional training requirements; 19699

(5) Subject to section 5126.23 of the Revised Code, 19700
grounds for which certification or registration may be denied, 19701
suspended, or revoked and procedures for appealing the denial, 19702
suspension, or revocation. 19703

(D) Each person seeking certification or registration for 19704
employment shall apply in the manner established in rules 19705
adopted under this section. 19706

(E) (1) Except as provided in division (E) (2) of this 19707
section, the superintendent of each county board is responsible 19708
for taking all actions regarding certification and registration 19709
of employees, other than the position of superintendent, early 19710
intervention supervisor, early intervention specialist, or 19711
investigative agent. For the position of superintendent, early 19712
intervention supervisor, early intervention specialist, or 19713
investigative agent, the director of developmental disabilities 19714
is responsible for taking all such actions. 19715

Actions that may be taken by the superintendent or 19716

director include issuing, renewing, denying, suspending, and 19717
revoking certification and registration. All actions shall be 19718
taken in accordance with the rules adopted under this section. 19719

The superintendent may charge a fee to persons applying 19720
for certification or registration. The superintendent shall 19721
establish the amount of the fee according to the costs the 19722
county board incurs in administering its program for 19723
certification and registration of employees. 19724

A person subject to the denial, suspension, or revocation 19725
of certification or registration may appeal the decision. The 19726
appeal shall be made in accordance with the rules adopted under 19727
this section. 19728

(2) Pursuant to division (C) of section 5126.05 of the 19729
Revised Code, the superintendent may enter into a contract with 19730
any other entity under which the entity is given authority to 19731
carry out all or part of the superintendent's responsibilities 19732
under division (E) (1) of this section. 19733

(F) A person with valid certification or registration 19734
under this section on the effective date of any rules adopted 19735
under this section that increase the standards applicable to the 19736
certification or registration shall have such period as the 19737
rules prescribe, but not less than one year after the effective 19738
date of the rules, to meet the new certification or registration 19739
standards. 19740

(G) A person with valid certification or registration is 19741
qualified to be employed according to that certification or 19742
registration by any county board or entity contracting with a 19743
county board. 19744

(H) The director shall monitor county boards to ensure 19745

that their employees and the employees of their contracting 19746
entities have the applicable certification or registration 19747
required under this section and that the employees are 19748
performing only those functions they are authorized to perform 19749
under the certification or registration. The superintendent of 19750
each county board or the superintendent's designee shall 19751
maintain in appropriate personnel files evidence acceptable to 19752
the director that the employees have met the requirements. On 19753
request, representatives of the department of developmental 19754
disabilities shall be given access to the evidence. 19755

(I) The certification and registration requirements of 19756
this section and the rules adopted under it do not apply to 19757
either of the following: 19758

(1) A person who holds a valid license issued or 19759
certificate issued under Chapter 3319. of the Revised Code and 19760
performs no duties other than teaching or supervision of a 19761
teaching program; 19762

(2) A person who holds a valid license or certificate 19763
issued under Title XLVII of the Revised Code and performs only 19764
those duties governed by the license or certificate. 19765

(J) The director shall issue a certification or 19766
registration in accordance with Chapter 4796. of the Revised 19767
Code to a person if either of the following applies: 19768

(1) The person holds a license, certification, or 19769
registration in another state. 19770

(2) The person has satisfactory work experience, a 19771
government certification, or a private certification as 19772
described in that chapter in a state that does not issue that 19773
license, certification, or registration. 19774

Sec. 5902.02. The duties of the director of veterans services shall include the following:	19775 19776
(A) Furnishing the veterans service commissions of all counties of the state copies of the state laws, rules, and legislation relating to the operation of the commissions and their offices;	19777 19778 19779 19780
(B) Upon application, assisting the general public in obtaining records of vital statistics pertaining to veterans or their dependents;	19781 19782 19783
(C) Adopting rules pursuant to Chapter 119. of the Revised Code pertaining to minimum qualifications for hiring, certifying, and accrediting county veterans service officers, pertaining to their required duties, and pertaining to revocation of the certification of county veterans service officers;	19784 19785 19786 19787 19788 19789
(D) Adopting rules pursuant to Chapter 119. of the Revised Code for the education, training, certification, and duties of veterans service commissioners and for the revocation of the certification of a veterans service commissioner;	19790 19791 19792 19793
(E) Developing and monitoring programs and agreements enhancing employment and training for veterans in single or multiple county areas;	19794 19795 19796
(F) Developing and monitoring programs and agreements to enable county veterans service commissions to address homelessness, indigency, and other veteran-related issues individually or jointly;	19797 19798 19799 19800
(G) Developing and monitoring programs and agreements to enable state agencies, individually or jointly, that provide services to veterans, including the veterans' homes operated	19801 19802 19803

under Chapter 5907. of the Revised Code and the director of job 19804
and family services, to address homelessness, indigency, 19805
employment, and other veteran-related issues; 19806

(H) Establishing and providing statistical reporting 19807
formats and procedures for county veterans service commissions; 19808

(I) Publishing electronically a listing of county veterans 19809
service offices and county veterans service commissioners. The 19810
listing shall include the expiration dates of commission 19811
members' terms of office and the organizations they represent; 19812
the names, addresses, and telephone numbers of county veterans 19813
service offices; and the addresses and telephone numbers of the 19814
Ohio offices and headquarters of state and national veterans 19815
service organizations. 19816

(J) Establishing a veterans advisory committee to advise 19817
and assist the department of veterans services in its duties. 19818
Members shall include a member of the national guard association 19819
of the United States who is a resident of this state, a member 19820
of the military officers association of America who is a 19821
resident of this state, a state representative of 19822
congressionally chartered veterans organizations referred to in 19823
section 5901.02 of the Revised Code, a representative of any 19824
other congressionally chartered state veterans organization that 19825
has at least one veterans service commissioner in the state, 19826
three representatives of the Ohio state association of county 19827
veterans service commissioners, who shall have a combined vote 19828
of one, three representatives of the state association of county 19829
veterans service officers, who shall have a combined vote of 19830
one, one representative of the county commissioners association 19831
of Ohio, who shall be a county commissioner not from the same 19832
county as any of the other county representatives, a 19833

representative of the advisory committee on women veterans, a 19834
representative of a labor organization, and a representative of 19835
the office of the attorney general. The department of veterans 19836
services shall submit to the advisory committee proposed rules 19837
for the committee's operation. The committee may review and 19838
revise these proposed rules prior to submitting them to the 19839
joint committee on agency rule review. 19840

(K) Adopting, with the advice and assistance of the 19841
veterans advisory committee, policy and procedural guidelines 19842
that the veterans service commissions shall adhere to in the 19843
development and implementation of rules, policies, procedures, 19844
and guidelines for the administration of Chapter 5901. of the 19845
Revised Code. The department of veterans services shall adopt no 19846
guidelines or rules regulating the purposes, scope, duration, or 19847
amounts of financial assistance provided to applicants pursuant 19848
to sections 5901.01 to 5901.15 of the Revised Code. The director 19849
of veterans services may obtain opinions from the office of the 19850
attorney general regarding rules, policies, procedures, and 19851
guidelines of the veterans service commissions and may enforce 19852
compliance with Chapter 5901. of the Revised Code. 19853

(L) Receiving copies of form DD214 filed in accordance 19854
with the director's guidelines adopted under division (L) of 19855
this section from members of veterans service commissions 19856
appointed under section 5901.02 and from county veterans service 19857
officers employed under section 5901.07 of the Revised Code; 19858

(M) Developing and maintaining and improving a resource, 19859
such as a telephone answering point or a web site, by means of 19860
which veterans and their dependents, through a single portal, 19861
can access multiple sources of information and interaction with 19862
regard to the rights of, and the benefits available to, veterans 19863

and their dependents. The director of veterans services may 19864
enter into agreements with state and federal agencies, with 19865
agencies of political subdivisions, with state and local 19866
instrumentalities, and with private entities as necessary to 19867
make the resource as complete as is possible. 19868

(N) Planning, organizing, advertising, and conducting 19869
outreach efforts, such as conferences and fairs, at which 19870
veterans and their dependents may meet, learn about the 19871
organization and operation of the department of veterans 19872
services and of veterans service commissions, and obtain 19873
information about the rights of, and the benefits and services 19874
available to, veterans and their dependents; 19875

(O) Advertising, in print, on radio and television, and 19876
otherwise, the rights of, and the benefits and services 19877
available to, veterans and their dependents; 19878

(P) Developing and advocating improved benefits and 19879
services for, and improved delivery of benefits and services to, 19880
veterans and their dependents; 19881

(Q) Searching for, identifying, and reviewing statutory 19882
and administrative policies that relate to veterans and their 19883
dependents and reporting to the general assembly statutory and 19884
administrative policies that should be consolidated in whole or 19885
in part within the organization of the department of veterans 19886
services to unify funding, delivery, and accounting of statutory 19887
and administrative policy expressions that relate particularly 19888
to veterans and their dependents; 19889

(R) Encouraging veterans service commissions to innovate 19890
and otherwise to improve efficiency in delivering benefits and 19891
services to veterans and their dependents and to report 19892

successful innovations and efficiencies to the director of veterans services; 19893
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(S) Publishing and encouraging adoption of successful innovations and efficiencies veterans service commissions have achieved in delivering benefits and services to veterans and their dependents; 19895
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(T) Establishing advisory committees, in addition to the veterans advisory committee established under division (K) of this section, on veterans issues; 19899
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(U) Developing and maintaining a relationship with the United States department of veterans affairs, seeking optimal 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; 19902
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(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; 19908
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(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; 19913
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(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 19917
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satisfactory report submitted;	19922
(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;	19923 19924 19925 19926
(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;	19927 19928 19929 19930
(AA) Investigating complaints against county veterans services commissioners and county veterans service officers if the director reasonably believes the investigation to be appropriate and necessary;	19931 19932 19933 19934
(BB) Developing and maintaining a web site that is accessible by veterans and their dependents and provides a link to the web site of each state agency that issues a license, certificate, or other authorization permitting an individual to engage in an occupation or occupational activity;	19935 19936 19937 19938 19939
(CC) Encouraging state agencies to conduct outreach efforts through which veterans and their dependents can learn about available job and education benefits;	19940 19941 19942
(DD) Informing state agencies about changes in statutes and rules that affect veterans and their dependents;	19943 19944
(EE) Assisting licensing agencies in adopting rules under section 5903.03 of the Revised Code;	19945 19946
(FF) Administering the provision of grants from the military injury relief fund under section 5902.05 of the Revised Code;	19947 19948 19949

(GG) Issuing a county veterans service officer certification or county veterans service commissioner certification in accordance with Chapter 4796. of the Revised Code to an applicant if the applicant holds a license or certification in another state or the applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a county veterans service officer or county veterans service commissioner, or in a position that is the equivalent to county veterans service officer or county veterans service commissioner, in a state that does not issue that license or certification; 19950
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(HH) Taking any other actions required by this chapter. 19961

Sec. 5903.04. Each licensing agency shall adopt rules under Chapter 119. of the Revised Code to establish and implement all of the following: 19962
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(A) A process to obtain from each applicant documentation and additional information necessary to determine if the applicant is a service member or veteran, or the spouse or surviving spouse of a service member or veteran; 19965
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(B) A process to record, track, and monitor applications that have been received from a service member, veteran, or the spouse or surviving spouse of a service member or veteran; and 19969
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(C) A process to prioritize and expedite certification or licensing for each applicant who is a service member, veteran, or the spouse or a surviving spouse of a service member or veteran. 19972
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In establishing these processes, the licensing agency shall include any special accommodations that may be appropriate for applicants facing imminent deployment, and for applicants 19976
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for a temporary license or certificate under division ~~(D)~~(C) of 19979
section 4743.04 of the Revised Code. 19980

Sec. 6109.04. (A) The director of environmental protection 19981
shall administer and enforce this chapter and rules adopted 19982
under it. 19983

(B) The director shall adopt, amend, and rescind such 19984
rules in accordance with Chapter 119. of the Revised Code as may 19985
be necessary or desirable to do both of the following: 19986

(1) Govern public water systems in order to protect the 19987
public health; 19988

(2) Govern public water systems to protect the public 19989
welfare, including rules governing contaminants in water that 19990
may adversely affect the suitability of the water for its 19991
intended uses or that may otherwise adversely affect the public 19992
health or welfare. 19993

(C) The director may do any or all of the following: 19994

(1) Adopt, amend, and rescind such rules in accordance 19995
with Chapter 119. of the Revised Code as may be necessary or 19996
desirable to do any or all of the following: 19997

(a) Govern the granting of variances and exemptions from 19998
rules adopted under this chapter, subject to requirements of the 19999
Safe Drinking Water Act; 20000

(b) Govern the certification of operators of public water 20001
systems, including establishment of qualifications according to 20002
a classification of public water systems and of provisions for 20003
examination, grounds for revocation, ~~reciprocity with other~~ 20004
~~states,~~ renewal of certification, and other provisions necessary 20005
or desirable for assurance of proper operation of water systems; 20006

(c) Carry out the powers and duties of the director under this chapter.	20007 20008
(2) Provide a program for the general supervision of operation and maintenance of public water systems;	20009 20010
(3) Maintain an inventory of public water systems;	20011
(4) Adopt and implement a program for conducting sanitary surveys of public water systems;	20012 20013
(5) Establish and maintain a system of record keeping and reporting of activities of the environmental protection agency under this chapter;	20014 20015 20016
(6) Establish and maintain a program for the certification of laboratories conducting analyses of drinking water;	20017 20018
(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.	20019 20020 20021 20022 20023
(D) Before adopting, amending, or rescinding a rule authorized by this chapter, the director shall do all of the following:	20024 20025 20026
(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;	20027 20028 20029 20030
(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;	20031 20032 20033

(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.

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.

(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:

(1) The applicant holds a certification 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 an operator of a public water system in a state that does not issue that certification or license.

Sec. 6111.46. (A) The environmental protection agency shall exercise general supervision of the treatment and disposal of sewage and industrial wastes and the operation and maintenance of works or means installed for the collection, treatment, and disposal of sewage and industrial wastes. Such general supervision shall apply to all features of construction, operation, and maintenance of the works or means that do or may affect the proper treatment and disposal of sewage and industrial wastes.

(B) (1) The agency shall investigate the works or means

employed in the collection, treatment, and disposal of sewage 20063
and industrial wastes whenever considered necessary or whenever 20064
requested to do so by local health officials and may issue and 20065
enforce orders and shall adopt rules governing the operation and 20066
maintenance of the works or means of treatment and disposal of 20067
such sewage and industrial wastes. In adopting rules under this 20068
section, the agency shall establish standards governing the 20069
construction, operation, and maintenance of the works or means 20070
of collection, treatment, and disposal of sewage that is 20071
generated at recreational vehicle parks, recreation camps, 20072
combined park-camps, and temporary park-camps that are separate 20073
from such standards relative to manufactured home parks. 20074

(2) As used in division (B)(1) of this section: 20075

(a) "Manufactured home parks" has the same meaning as in 20076
section 4781.01 of the Revised Code. 20077

(b) "Recreational vehicle parks," "recreation camps," 20078
"combined park-camps," and "temporary park-camps" have the same 20079
meanings as in section 3729.01 of the Revised Code. 20080

(C) The agency may require the submission of records and 20081
data of construction, operation, and maintenance, including 20082
plans and descriptions of existing works or means of treatment 20083
and disposal of such sewage and industrial wastes. When the 20084
agency requires the submission of such records or information, 20085
the public officials or person, firm, or corporation having the 20086
works in charge shall comply promptly with that order. 20087

(D) If the agency issues a license pursuant to the 20088
authority granted under this section, the agency shall issue the 20089
license in accordance with Chapter 4796. of the Revised Code to 20090
an applicant if either of the following applies: 20091

<u>(1) The applicant holds a license in another state.</u>	20092
<u>(2) The applicant has satisfactory work experience, a</u>	20093
<u>government certification, or a private certification as</u>	20094
<u>described in that chapter in a state that does not issue that</u>	20095
<u>license.</u>	20096
Section 3. That existing sections 109.73, 109.77, 109.771,	20097
109.78, 109.804, 147.01, 147.63, 169.16, 173.21, 173.391,	20098
173.422, 503.41, 715.27, 903.07, 905.321, 917.09, 917.091,	20099
921.06, 921.11, 921.12, 921.24, 921.26, 926.30, 928.02, 943.09,	20100
956.05, 956.06, 1315.23, 1321.04, 1321.37, 1321.53, 1321.64,	20101
1321.74, 1322.10, 1322.21, 1513.07, 1513.161, 1514.12, 1514.47,	20102
1531.40, 1533.051, 1533.51, 1561.14, 1561.15, 1561.16, 1561.17,	20103
1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 1565.06, 1565.15,	20104
1707.15, 1707.151, 1707.16, 1707.161, 1707.163, 1707.165,	20105
1717.06, 3101.10, 3301.071, 3301.074, 3319.088, 3319.22,	20106
3319.226, 3319.229, 3319.26, 3319.261, 3319.262, 3319.27,	20107
3319.28, 3319.301, 3319.303, 3319.361, 3327.10, 3703.21,	20108
3704.14, 3713.05, 3717.09, 3723.03, 3723.06, 3737.83, 3737.881,	20109
3742.05, 3743.03, 3743.16, 3743.40, 3743.51, 3748.07, 3748.12,	20110
3769.03, 3772.13, 3772.131, 3773.36, 3773.421, 3781.10,	20111
3781.102, 3781.105, 3916.03, 3951.03, 3951.05, 3951.09, 4104.07,	20112
4104.101, 4104.19, 4105.02, 4169.03, 4301.10, 4508.03, 4508.04,	20113
4508.08, 4511.763, 4701.06, 4701.07, 4701.10, 4703.08, 4703.10,	20114
4703.33, 4703.35, 4703.37, 4707.07, 4707.072, 4707.09, 4709.07,	20115
4709.08, 4709.10, 4712.02, 4713.10, 4713.28, 4713.30, 4713.31,	20116
4713.34, 4713.37, 4713.69, 4715.03, 4715.09, 4715.10, 4715.16,	20117
4715.27, 4715.362, 4715.363, 4715.39, 4715.42, 4715.421,	20118
4715.53, 4715.62, 4717.05, 4717.051, 4717.10, 4723.08, 4723.09,	20119
4723.26, 4723.32, 4723.41, 4723.651, 4723.75, 4723.76, 4723.85,	20120
4725.13, 4725.18, 4725.26, 4725.48, 4725.52, 4725.57, 4725.591,	20121
4727.03, 4728.03, 4729.09, 4729.11, 4729.15, 4729.901, 4729.921,	20122

4730.10, 4731.151, 4731.19, 4731.293, 4731.294, 4731.295, 20123
4731.297, 4731.299, 4731.52, 4731.572, 4732.10, 4732.12, 20124
4732.22, 4733.18, 4733.19, 4734.23, 4734.27, 4734.283, 4735.023, 20125
4735.07, 4735.08, 4735.09, 4735.10, 4735.27, 4735.28, 4736.10, 20126
4736.14, 4740.05, 4740.06, 4741.12, 4741.13, 4741.14, 4741.15, 20127
4741.19, 4743.04, 4743.041, 4747.04, 4747.05, 4747.10, 4749.12, 20128
4751.01, 4751.15, 4751.20, 4751.201, 4751.202, 4751.21, 4751.32, 20129
4752.05, 4752.12, 4753.07, 4753.071, 4753.072, 4753.073, 20130
4753.08, 4753.09, 4753.12, 4755.08, 4755.09, 4755.411, 4755.44, 20131
4755.441, 4755.45, 4755.451, 4755.48, 4755.482, 4755.62, 20132
4755.65, 4757.18, 4758.25, 4759.05, 4759.06, 4760.03, 4760.031, 20133
4761.04, 4761.05, 4762.03, 4763.05, 4764.10, 4765.10, 4765.11, 20134
4765.30, 4765.55, 4767.031, 4771.08, 4773.03, 4774.03, 4775.07, 20135
4778.03, 4778.08, 4778.09, 4779.17, 4779.18, 4781.07, 4781.08, 20136
4781.17, 4783.04, 5123.161, 5123.45, 5126.25, 5902.02, 5903.04, 20137
6109.04, and 6111.46 of the Revised Code are hereby repealed. 20138

Section 4. That sections 921.08, 1322.24, 4707.12, 20139
4740.08, and 4757.25 of the Revised Code are hereby repealed. 20140

Section 5. That the version of section 3319.22 of the 20141
Revised Code that is scheduled to take effect April 12, 2023, be 20142
amended to read as follows: 20143

Sec. 3319.22. (A) (1) The state board of education shall 20144
issue the following educator licenses: 20145

(a) A resident educator license, which shall be valid for 20146
two years and shall be renewable for reasons specified by rules 20147
adopted by the state board pursuant to division (A) (3) of this 20148
section. The state board, on a case-by-case basis, may extend 20149
the license's duration as necessary to enable the license holder 20150
to complete the Ohio teacher residency program established under 20151
section 3319.223 of the Revised Code; 20152

(b) A professional educator license, which shall be valid 20153
for five years and shall be renewable; 20154

(c) A senior professional educator license, which shall be 20155
valid for five years and shall be renewable; 20156

(d) A lead professional educator license, which shall be 20157
valid for five years and shall be renewable. 20158

Licenses issued under division (A) (1) of this section on 20159
and after November 2, 2018, shall specify whether the educator 20160
is licensed to teach grades pre-kindergarten through five, 20161
grades four through nine, or grades seven through twelve. The 20162
changes to the grade band specifications under this amendment 20163
shall not apply to a person who holds a license under division 20164
(A) (1) of this section prior to November 2, 2018. Further, the 20165
changes to the grade band specifications under this amendment 20166
shall not apply to any license issued to teach in the area of 20167
computer information science, bilingual education, dance, drama 20168
or theater, world language, health, library or media, music, 20169
physical education, teaching English to speakers of other 20170
languages, career-technical education, or visual arts or to any 20171
license issued to an intervention specialist, including a gifted 20172
intervention specialist, or to any other license that does not 20173
align to the grade band specifications. 20174

(2) The state board may issue any additional educator 20175
licenses of categories, types, and levels the board elects to 20176
provide. 20177

(3) ~~The~~ Except as provided in division (I) of this 20178
section, the state board shall adopt rules establishing the 20179
standards and requirements for obtaining each educator license 20180
issued under this section. The rules shall also include the 20181

reasons for which a resident educator license may be renewed 20182
under division (A) (1) (a) of this section. 20183

(B) ~~The~~ Except as provided in division (I) of this 20184
section, the rules adopted under this section shall require at 20185
least the following standards and qualifications for the 20186
educator licenses described in division (A) (1) of this section: 20187

(1) An applicant for a resident educator license shall 20188
hold at least a bachelor's degree from an accredited teacher 20189
preparation program or be a participant in the teach for America 20190
program and meet the qualifications required under section 20191
3319.227 of the Revised Code. 20192

(2) An applicant for a professional educator license 20193
shall: 20194

(a) Hold at least a bachelor's degree from an institution 20195
of higher education accredited by a regional accrediting 20196
organization; 20197

(b) Have successfully completed the Ohio teacher residency 20198
program established under section 3319.223 of the Revised Code, 20199
if the applicant's current or most recently issued license is a 20200
resident educator license issued under this section or an 20201
alternative resident educator license issued under section 20202
3319.26 of the Revised Code. 20203

(3) An applicant for a senior professional educator 20204
license shall: 20205

(a) Hold at least a master's degree from an institution of 20206
higher education accredited by a regional accrediting 20207
organization; 20208

(b) Have previously held a professional educator license 20209

issued under this section or section 3319.222 or under former	20210
section 3319.22 of the Revised Code;	20211
(c) Meet the criteria for the accomplished or	20212
distinguished level of performance, as described in the	20213
standards for teachers adopted by the state board under section	20214
3319.61 of the Revised Code.	20215
(4) An applicant for a lead professional educator license	20216
shall:	20217
(a) Hold at least a master's degree from an institution of	20218
higher education accredited by a regional accrediting	20219
organization;	20220
(b) Have previously held a professional educator license	20221
or a senior professional educator license issued under this	20222
section or a professional educator license issued under section	20223
3319.222 or former section 3319.22 of the Revised Code;	20224
(c) Meet the criteria for the distinguished level of	20225
performance, as described in the standards for teachers adopted	20226
by the state board under section 3319.61 of the Revised Code;	20227
(d) Either hold a valid certificate issued by the national	20228
board for professional teaching standards or meet the criteria	20229
for a master teacher or other criteria for a lead teacher	20230
adopted by the educator standards board under division (F) (4) or	20231
(5) of section 3319.61 of the Revised Code.	20232
(C) The state board shall align the standards and	20233
qualifications for obtaining a principal license with the	20234
standards for principals adopted by the state board under	20235
section 3319.61 of the Revised Code.	20236
(D) If the state board requires any examinations for	20237

educator licensure, the department of education shall provide 20238
the results of such examinations received by the department to 20239
the chancellor of higher education, in the manner and to the 20240
extent permitted by state and federal law. 20241

(E) Any rules the state board of education adopts, amends, 20242
or rescinds for educator licenses under this section, division 20243
(D) of section 3301.07 of the Revised Code, or any other law 20244
shall be adopted, amended, or rescinded under Chapter 119. of 20245
the Revised Code except as follows: 20246

(1) Notwithstanding division (E) of section 119.03 and 20247
division (A)(1) of section 119.04 of the Revised Code, in the 20248
case of the adoption of any rule or the amendment or rescission 20249
of any rule that necessitates institutions' offering preparation 20250
programs for educators and other school personnel that are 20251
approved by the chancellor of higher education under section 20252
3333.048 of the Revised Code to revise the curriculum of those 20253
programs, the effective date shall not be as prescribed in 20254
division (E) of section 119.03 and division (A)(1) of section 20255
119.04 of the Revised Code. Instead, the effective date of such 20256
rules, or the amendment or rescission of such rules, shall be 20257
the date prescribed by section 3333.048 of the Revised Code. 20258

(2) Notwithstanding the authority to adopt, amend, or 20259
rescind emergency rules in division (G) of section 119.03 of the 20260
Revised Code, this authority shall not apply to the state board 20261
of education with regard to rules for educator licenses. 20262

(F)(1) The rules adopted under this section establishing 20263
standards requiring additional coursework for the renewal of any 20264
educator license shall require a school district and a chartered 20265
nonpublic school to establish local professional development 20266
committees. In a nonpublic school, the chief administrative 20267

officer shall establish the committees in any manner acceptable 20268
to such officer. The committees established under this division 20269
shall determine whether coursework that a district or chartered 20270
nonpublic school teacher proposes to complete meets the 20271
requirement of the rules. The department of education shall 20272
provide technical assistance and support to committees as the 20273
committees incorporate the professional development standards 20274
adopted by the state board of education pursuant to section 20275
3319.61 of the Revised Code into their review of coursework that 20276
is appropriate for license renewal. The rules shall establish a 20277
procedure by which a teacher may appeal the decision of a local 20278
professional development committee. 20279

(2) In any school district in which there is no exclusive 20280
representative established under Chapter 4117. of the Revised 20281
Code, the professional development committees shall be 20282
established as described in division (F) (2) of this section. 20283

Not later than the effective date of the rules adopted 20284
under this section, the board of education of each school 20285
district shall establish the structure for one or more local 20286
professional development committees to be operated by such 20287
school district. The committee structure so established by a 20288
district board shall remain in effect unless within thirty days 20289
prior to an anniversary of the date upon which the current 20290
committee structure was established, the board provides notice 20291
to all affected district employees that the committee structure 20292
is to be modified. Professional development committees may have 20293
a district-level or building-level scope of operations, and may 20294
be established with regard to particular grade or age levels for 20295
which an educator license is designated. 20296

Each professional development committee shall consist of 20297

at least three classroom teachers employed by the district, one 20298
principal employed by the district, and one other employee of 20299
the district appointed by the district superintendent. For 20300
committees with a building-level scope, the teacher and 20301
principal members shall be assigned to that building, and the 20302
teacher members shall be elected by majority vote of the 20303
classroom teachers assigned to that building. For committees 20304
with a district-level scope, the teacher members shall be 20305
elected by majority vote of the classroom teachers of the 20306
district, and the principal member shall be elected by a 20307
majority vote of the principals of the district, unless there 20308
are two or fewer principals employed by the district, in which 20309
case the one or two principals employed shall serve on the 20310
committee. If a committee has a particular grade or age level 20311
scope, the teacher members shall be licensed to teach such grade 20312
or age levels, and shall be elected by majority vote of the 20313
classroom teachers holding such a license and the principal 20314
shall be elected by all principals serving in buildings where 20315
any such teachers serve. The district superintendent shall 20316
appoint a replacement to fill any vacancy that occurs on a 20317
professional development committee, except in the case of 20318
vacancies among the elected classroom teacher members, which 20319
shall be filled by vote of the remaining members of the 20320
committee so selected. 20321

Terms of office on professional development committees 20322
shall be prescribed by the district board establishing the 20323
committees. The conduct of elections for members of professional 20324
development committees shall be prescribed by the district board 20325
establishing the committees. A professional development 20326
committee may include additional members, except that the 20327
majority of members on each such committee shall be classroom 20328

teachers employed by the district. Any member appointed to fill 20329
a vacancy occurring prior to the expiration date of the term for 20330
which a predecessor was appointed shall hold office as a member 20331
for the remainder of that term. 20332

The initial meeting of any professional development 20333
committee, upon election and appointment of all committee 20334
members, shall be called by a member designated by the district 20335
superintendent. At this initial meeting, the committee shall 20336
select a chairperson and such other officers the committee deems 20337
necessary, and shall adopt rules for the conduct of its 20338
meetings. Thereafter, the committee shall meet at the call of 20339
the chairperson or upon the filing of a petition with the 20340
district superintendent signed by a majority of the committee 20341
members calling for the committee to meet. 20342

(3) In the case of a school district in which an exclusive 20343
representative has been established pursuant to Chapter 4117. of 20344
the Revised Code, professional development committees shall be 20345
established in accordance with any collective bargaining 20346
agreement in effect in the district that includes provisions for 20347
such committees. 20348

If the collective bargaining agreement does not specify a 20349
different method for the selection of teacher members of the 20350
committees, the exclusive representative of the district's 20351
teachers shall select the teacher members. 20352

If the collective bargaining agreement does not specify a 20353
different structure for the committees, the board of education 20354
of the school district shall establish the structure, including 20355
the number of committees and the number of teacher and 20356
administrative members on each committee; the specific 20357
administrative members to be part of each committee; whether the 20358

scope of the committees will be district levels, building 20359
levels, or by type of grade or age levels for which educator 20360
licenses are designated; the lengths of terms for members; the 20361
manner of filling vacancies on the committees; and the frequency 20362
and time and place of meetings. However, in all cases, except as 20363
provided in division (F)(4) of this section, there shall be a 20364
majority of teacher members of any professional development 20365
committee, there shall be at least five total members of any 20366
professional development committee, and the exclusive 20367
representative shall designate replacement members in the case 20368
of vacancies among teacher members, unless the collective 20369
bargaining agreement specifies a different method of selecting 20370
such replacements. 20371

(4) Whenever an administrator's coursework plan is being 20372
discussed or voted upon, the local professional development 20373
committee shall, at the request of one of its administrative 20374
members, cause a majority of the committee to consist of 20375
administrative members by reducing the number of teacher members 20376
voting on the plan. 20377

(G)(1) The department of education, educational service 20378
centers, county boards of developmental disabilities, college 20379
and university departments of education, head start programs, 20380
and the Ohio education computer network may establish local 20381
professional development committees to determine whether the 20382
coursework proposed by their employees who are licensed or 20383
certificated under this section or section 3319.222 of the 20384
Revised Code, or under the former version of either section as 20385
it existed prior to October 16, 2009, meet the requirements of 20386
the rules adopted under this section. They may establish local 20387
professional development committees on their own or in 20388
collaboration with a school district or other agency having 20389

authority to establish them. 20390

Local professional development committees established by 20391
county boards of developmental disabilities shall be structured 20392
in a manner comparable to the structures prescribed for school 20393
districts in divisions (F) (2) and (3) of this section, as shall 20394
the committees established by any other entity specified in 20395
division (G) (1) of this section that provides educational 20396
services by employing or contracting for services of classroom 20397
teachers licensed or certificated under this section or section 20398
3319.222 of the Revised Code, or under the former version of 20399
either section as it existed prior to October 16, 2009. All 20400
other entities specified in division (G) (1) of this section 20401
shall structure their committees in accordance with guidelines 20402
which shall be issued by the state board. 20403

(2) Educational service centers may establish local 20404
professional development committees to serve educators who are 20405
not employed in schools in this state, including pupil services 20406
personnel who are licensed under this section. Local 20407
professional development committees shall be structured in a 20408
manner comparable to the structures prescribed for school 20409
districts in divisions (F) (2) and (3) of this section. 20410

These committees may agree to review the coursework, 20411
continuing education units, or other equivalent activities 20412
related to classroom teaching or the area of licensure that is 20413
proposed by an individual who satisfies both of the following 20414
conditions: 20415

(a) The individual is licensed or certificated under this 20416
section or under the former version of this section as it 20417
existed prior to October 16, 2009. 20418

(b) The individual is not currently employed as an 20419
educator or is not currently employed by an entity that operates 20420
a local professional development committee under this section. 20421

Any committee that agrees to work with such an individual 20422
shall work to determine whether the proposed coursework, 20423
continuing education units, or other equivalent activities meet 20424
the requirements of the rules adopted by the state board under 20425
this section. 20426

(3) Any public agency that is not specified in division 20427
(G) (1) or (2) of this section but provides educational services 20428
and employs or contracts for services of classroom teachers 20429
licensed or certificated under this section or section 3319.222 20430
of the Revised Code, or under the former version of either 20431
section as it existed prior to October 16, 2009, may establish a 20432
local professional development committee, subject to the 20433
approval of the department of education. The committee shall be 20434
structured in accordance with guidelines issued by the state 20435
board. 20436

(H) Not later than July 1, 2016, the state board, in 20437
accordance with Chapter 119. of the Revised Code, shall adopt 20438
rules pursuant to division (A) (3) of this section that do both 20439
of the following: 20440

(1) Exempt consistently high-performing teachers from the 20441
requirement to complete any additional coursework for the 20442
renewal of an educator license issued under this section or 20443
section 3319.26 of the Revised Code. The rules also shall 20444
specify that such teachers are exempt from any requirements 20445
prescribed by professional development committees established 20446
under divisions (F) and (G) of this section. 20447

(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.

Section 6. That the existing version of section 3319.22 of the Revised Code that is scheduled to take effect April 12, 2023, is hereby repealed.

Section 7. Sections 1, 2, 3, and 4 of this act, except for the enactment of section 4796.30 of the Revised Code in Section 1 of this act, take effect two hundred seventy days after the effective date of this section.

Sections 5 and 6 of this act take effect April 12, 2023.

Section 8. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the section

in effect prior to the effective date of the sections as	20477
presented in this act:	20478
Section 109.73 of the Revised Code as amended by both H.B.	20479
24 and S.B. 68 of the 133rd General Assembly.	20480
Section 3319.22 of the Revised Code as amended by both	20481
H.B. 438 and S.B. 216 of the 132nd General Assembly.	20482
Section 4701.06 of the Revised Code as amended by both	20483
H.B. 263 and H.B. 442 of the 133rd General Assembly.	20484
Section 4715.09 of the Revised Code as amended by both	20485
H.B. 541 and S.B. 259 of the 132nd General Assembly.	20486
Section 4731.19 of the Revised Code as amended by both	20487
H.B. 263 and H.B. 442 of the 133rd General Assembly.	20488
Section 4779.18 of the Revised Code as amended by both	20489
H.B. 263 and S.B. 68 of the 133rd General Assembly.	20490
Section 5123.45 of the Revised Code as amended by both	20491
H.B. 158 and H.B. 483 of the 131st General Assembly.	20492