

As Introduced

134th General Assembly

Regular Session

2021-2022

S. B. No. 131

Senators Roegner, McColley

Cosponsors: Senators Cirino, Hackett, Lang, Romanchuk



A BILL

To amend sections 109.73, 109.77, 109.771, 109.78, 1
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5903.04, 6109.04, and 6111.46; to enact sections 56
3746.041, 4796.01, 4796.02, 4796.03, 4796.04, 57
4796.05, 4796.08, 4796.10, 4796.11, 4796.12, 58
4796.13, 4796.20, 4796.21, 4796.22, 4796.23, 59
4796.25, 4796.30, and 4796.35; and to repeal 60
sections 921.08, 1322.24, 4707.12, 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, 4796.25, 4796.30, and 74
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 81

activity over which the licensing authority has jurisdiction. 82

(B) "Licensing authority" means a state agency or 83
political subdivision that issues licenses or government 84
certifications. 85

(C) "State agency" has the same meaning as in section 1.60 86
of the Revised Code. 87

(D) "Political subdivision" means a county, township, 88
municipal corporation, or any other body corporate and politic 89
that is responsible for government activities in a geographic 90
area smaller than that of the state. 91

(E) "Out-of-state occupational license" means a license, 92
certificate, registration, permit, card, or other authority that 93
is issued or conferred by one of the uniformed services or the 94
government of another state to an individual by which the 95
individual has or claims the privilege to engage in a 96
profession, occupation, or occupational activity over which that 97
service or state has jurisdiction. 98

(F)(1) "Government certification" means authorization from 99
a licensing authority, one of the uniformed services, or the 100
government of another state to an individual who meets 101
qualifications related to a profession, occupation, or 102
occupational activity to which both of the following apply: 103

(a) Only an individual holding the authorization may use a 104
specific title or titles when advertising or holding the 105
individual's self out to engage in the profession, occupation, 106
or occupational activity. 107

(b) An individual is not required to have the 108
authorization to engage in the profession, occupation, or 109
occupational activity in the respective jurisdiction. 110

(2) "Government certification" does not include a license 111
or an out-of-state occupational license. 112

(G) "Private certification" means authorization from a 113
private organization to an individual who meets qualifications 114
determined by the organization related to the performance of a 115
profession, occupation, or occupational activity and by which 116
the individual may hold the individual's self out as certified 117
by the organization. 118

(H) "National standard" means a standard declared by a 119
national organization to be the preferred standard for licensure 120
of a profession if both of the following apply: 121

(1) The standard is required by at least forty-five 122
states, including this state, to receive a license or government 123
certification for the respective profession, occupation, or 124
occupational activity. 125

(2) The standard includes both of the following: 126

(a) A uniform quantitative minimum education or experience 127
requirement; 128

(b) A requirement to pass a national examination. 129

(I) "Uniform quantitative minimum education or experience 130
requirement" means a quantitative minimum education or 131
experience requirement that is identical in all states that 132
adopt a national standard. 133

(J) "National examination" means an examination that is 134
substantially similar in all states that adopt a national 135
standard. 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
applicant is applying in this state. 196

(D) (1) Except as provided in division (D) (2) of this 197
section, the applicant was required to satisfy minimum 198
education, training, or experience requirements or pass an 199
examination to receive the out-of-state occupational license or 200
government certification. 201

(2) Division (D) (1) of this section does not apply if the 202
applicable law governing the license or government certification 203
for which the applicant is applying in this state does not 204
require an applicant to do at least one of the following to 205
receive the license or government certification: 206

(a) Satisfy minimum education, training, or experience 207
requirements; 208

(b) Pass an examination. 209

(E) The applicant has not surrendered or had revoked a 210
license, out-of-state occupational license, or government 211
certification because of negligence or intentional misconduct 212
related to the applicant's work in the same profession, 213
occupation, or occupational activity for which the applicant is 214
applying in this state. 215

(F) The applicant pays a fee to the licensing authority 216
that is equal to one of the following, as determined by the 217
licensing authority: 218

(1) The renewal fee for license or government 219
certification holders under the applicable law; 220

(2) The initial licensure fee for applicants to be issued 221
the license or government certification under the applicable 222
law; 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. 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 both of the following apply: 265

(A)(1) Except as provided in division (A)(2) of this 266
section, the applicant has been actively engaged in the same 267
profession, occupation, or occupational activity as the license 268
or government certification for which the applicant is applying 269
in this state in a state that does not issue an out-of-state 270
occupational license or government certification for the 271
respective profession, occupation, or occupational activity for 272
at least three of the five years immediately preceding the date 273
the application is submitted. 274

(2) A licensing authority may waive the requirement that 275
an applicant has been actively engaged in the practice of the 276
profession, occupation, or occupational activity for three of 277
the five years immediately preceding the date the application is 278
submitted. 279

(B) The applicant meets the requirements under divisions 280
(E) to (G) of section 4796.03 of the Revised Code. 281

Sec. 4796.08. (A) If a licensing authority requires an 282
applicant to pass an examination on this state's laws and rules 283

governing the applicable profession, occupation, or occupational 284
activity to receive a license or government certification under 285
the applicable law, a licensing authority may require an 286
applicant to pass the examination to receive a license or 287
government certification under this chapter. 288

(B) If a licensing authority requires an applicant under 289
the law governing the applicable profession, occupation, or 290
occupational activity to submit to a criminal records check to 291
receive a license or government certification, the licensing 292
authority shall require an applicant to submit to the criminal 293
records check to receive a license or government certification 294
under this chapter. 295

(C) If a licensing authority requires an applicant under 296
the law governing the applicable profession, occupation, or 297
occupational activity to satisfy a financial responsibility 298
requirement to receive a license or government certification, 299
the licensing authority shall require an applicant to satisfy 300
the requirement to receive a license or government certification 301
under this chapter. 302

Sec. 4796.10. If an applicant would be disqualified from 303
obtaining a license or government certification under this 304
chapter because of a conviction, judicial finding of guilt, or 305
plea of guilty to a disqualifying criminal offense as described 306
in division (G) of section 4796.03 of the Revised Code, the 307
licensing authority may, in accordance with rules adopted under 308
section 4796.30 of the Revised Code, issue a restricted or 309
limited license or government certification to the applicant, 310
provided the limitation or restriction is relevant to the 311
offense. 312

Sec. 4796.11. If the law governing the applicable 313

profession, occupation, or occupational activity allows or 314
requires a licensing authority to take disciplinary action 315
against an applicant, including but not limited to refusing to 316
issue, limiting, or restricting a license or government 317
certification for a reason that is not related to minimum 318
education, training, or experience requirements or an 319
examination requirement, the licensing authority may apply the 320
applicable provision of law to an applicant under this chapter 321
in the same manner as to an applicant for an initial license 322
under the applicable law. 323

Sec. 4796.12. If the law governing the applicable 324
profession, occupation, or occupational activity allows a 325
licensing authority to determine the fitness to practice of an 326
applicant who has not been engaged in the practice of the 327
profession, occupation, or occupational activity for a period of 328
time specified in that law and to impose terms and conditions on 329
the applicant to receive a license or government certification, 330
the licensing authority may apply the requirements of that law 331
to an applicant under this chapter. 332

Sec. 4796.13. If the law governing the applicable 333
profession, occupation, or occupational activity allows or 334
requires a licensing authority to deny an applicant a license or 335
government certification if the applicant was subject to 336
discipline by an entity that regulates a license, out-of-state 337
occupational license, or government certification, the licensing 338
authority may apply the applicable provision of law to an 339
applicant under this chapter. 340

Sec. 4796.20. (A) Except as provided in division (B) of 341
this section, a licensing authority shall provide an applicant 342
with a written decision to issue or reject a license or 343

government certification under this chapter or take any other 344
action under this chapter within sixty days after receiving a 345
complete application. For purposes of this division, an 346
application shall not be considered complete until any required 347
examination or criminal records check under divisions (A) and 348
(B) of section 4796.08 of the Revised Code is complete. 349

(B) If an applicant is the subject of a complaint, 350
allegation, or investigation that relates to information 351
provided in the application, unprofessional conduct, a violation 352
of a law regulating a profession, occupation, or occupational 353
activity, or an alleged crime pending before a court, 354
administrative agency, licensing authority, or other entity that 355
regulates a license, out-of-state occupational license, or 356
government certification, a licensing authority shall not issue 357
or deny a license or government certification to the applicant 358
under this chapter until the complaint, allegation, or 359
investigation is resolved to the satisfaction of the licensing 360
authority. A licensing authority shall provide the applicant 361
with a written decision to issue or reject a license or 362
government certification under this chapter or take any other 363
action under this chapter within sixty days after the complaint, 364
allegation, or investigation is resolved to the satisfaction of 365
the licensing authority. 366

Sec. 4796.21. An applicant who is issued a license or 367
government certification under this chapter is subject to the 368
laws regulating the practice of the applicable occupation or 369
profession in this state and is subject to the licensing 370
authority's jurisdiction. 371

An applicant who is issued a license or government 372
certification under this chapter may practice the applicable 373

occupation or profession in this state only within the scope and 374
practice that is permitted under Ohio law and that does not 375
exceed the applicant's training. 376

Sec. 4796.22. (A) Except as provided in division (B) of 377
this section, a license or government certification issued under 378
this chapter shall be considered a license or government 379
certification issued under the laws regulating the practice of 380
the applicable occupation or profession in this state. 381
Provisions of law applicable to a license or government 382
certification issued to an applicant who does not obtain a 383
license or government certification under this chapter apply in 384
the same manner to licenses and government certifications issued 385
under this chapter. 386

(B) A licensing authority may, for purposes of verifying 387
licensure status in this state with an entity that licenses the 388
same profession, occupation, or occupational activity in another 389
state, require an applicant issued a license or government 390
certification under this chapter to satisfy a national standard 391
to have that license or government certification verified as a 392
license or government certification issued by this state. A 393
licensing authority may require satisfaction of a national 394
standard under this division only if both of the following 395
apply: 396

(1) An applicant for a license or government certification 397
under the laws of this state governing the profession, 398
occupation, or occupational activity is required to satisfy the 399
national standard to receive the license or government 400
certification. 401

(2) The licensing authority posts notice of the 402
requirement to satisfy the national standard on the web site 403

maintained by the licensing authority. 404

(C) If a licensing authority elects to require 405
satisfaction of a national standard under division (B) of this 406
section and the law governing the license or government 407
certification in effect immediately before the effective date of 408
this section required an applicant who holds an out-of-state 409
occupational license or government certification to satisfy a 410
requirement that is less restrictive than a requirement 411
described in division (B), (C), (D), (E), or (F) of section 412
4796.03 of the Revised Code to receive the license or government 413
certification, the licensing authority shall do the following: 414

(1) Apply the less restrictive requirement to an applicant 415
who satisfied the national standard; 416

(2) Apply the requirements of section 4796.03, 4796.04, or 417
4796.05 of the Revised Code to an applicant who did not satisfy 418
the national standard. 419

Sec. 4796.23. A licensing authority may prohibit an 420
individual who is issued a license or government certification 421
under this chapter from using the license or government 422
certification to obtain a substantially similar license or 423
government certification in another state if the licensing 424
authority determines that allowing the individual to do so would 425
jeopardize any reciprocal licensing agreement with the other 426
state that is in effect on the effective date of this section. 427

Sec. 4796.25. This chapter does not apply to any of the 428
following: 429

(A) Licenses issued under Chapter 3796. of the Revised 430
Code; 431

(B) Licenses issued pursuant to rules prescribed under 432

<u>Section 5 of Article IV, Ohio Constitution;</u>	433
<u>(C) Commercial fishing licenses issued under section</u>	434
<u>1533.342 of the Revised Code;</u>	435
<u>(D) Licenses issued under Chapter 4506. of the Revised</u>	436
<u>Code;</u>	437
<u>(E) Physician certificates to recommend treatment with</u>	438
<u>medical marijuana issued under section 4731.30 of the Revised</u>	439
<u>Code;</u>	440
<u>(F) Money transmitter licenses issued under section</u>	441
<u>1315.04 of the Revised Code;</u>	442
<u>(G) Lottery sales agent licenses issued under section</u>	443
<u>3770.05 of the Revised Code;</u>	444
<u>(H) Licenses issued under Chapter 3905. of the Revised</u>	445
<u>Code;</u>	446
<u>(I) Fantasy contest operator licenses issued under section</u>	447
<u>3774.02 of the Revised Code;</u>	448
<u>(J) Teledentistry permits issued under section 4715.43 of</u>	449
<u>the Revised Code;</u>	450
<u>(K) Physician training certificates issued under section</u>	451
<u>4731.291 of the Revised Code;</u>	452
<u>(L) Podiatrist training certificates issued under section</u>	453
<u>4731.573 of the Revised Code.</u>	454
<u>Sec. 4796.30. Each licensing authority shall adopt rules</u>	455
<u>as necessary to implement this chapter, including rules</u>	456
<u>regarding issuing restricted or limited licenses or government</u>	457
<u>certifications under section 4796.10 of the Revised Code.</u>	458
<u>Sec. 4796.35. A political subdivision shall not prohibit</u>	459

an individual who holds a license or government certification 460
issued by a state agency under this chapter from engaging in the 461
respective profession, occupation, or occupational activity in 462
the political subdivision's jurisdiction. 463

Section 2. That sections 109.73, 109.77, 109.771, 109.78, 464
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4781.17, 4783.04, 5123.161, 5123.45, 5126.25, 5902.02, 5903.04, 504
6109.04, and 6111.46 be amended and section 3746.041 of the 505
Revised Code be enacted to read as follows: 506

Sec. 109.73. (A) The Ohio peace officer training 507
commission shall recommend rules to the attorney general with 508
respect to all of the following: 509

(1) The approval, or revocation of approval, of peace 510
officer training schools administered by the state, counties, 511
municipal corporations, public school districts, technical 512
college districts, and the department of natural resources; 513

(2) Minimum courses of study, attendance requirements, and 514
equipment and facilities to be required at approved state, 515
county, municipal, and department of natural resources peace 516
officer training schools; 517

(3) Minimum qualifications for instructors at approved 518
state, county, municipal, and department of natural resources 519
peace officer training schools; 520

(4) The requirements of minimum basic training that peace officers appointed to probationary terms shall complete before being eligible for permanent appointment, which requirements shall include training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code; crisis intervention training; and training in the handling of missing children and child abuse and neglect cases; and training in handling violations of section 2905.32 of the Revised Code; and the time within which such basic training shall be completed following appointment to a probationary term;

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

(6) Categories or classifications of advanced in-service training programs for peace officers, including programs in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section

2919.26 or 3113.31 of the Revised Code, in crisis intervention, 552
and in the handling of missing children and child abuse and 553
neglect cases, and in handling violations of section 2905.32 of 554
the Revised Code, and minimum courses of study and attendance 555
requirements with respect to such categories or classifications; 556

(7) Permitting persons, who are employed as members of a 557
campus police department appointed under section 1713.50 of the 558
Revised Code; who are employed as police officers by a qualified 559
nonprofit corporation police department pursuant to section 560
1702.80 of the Revised Code; who are appointed and commissioned 561
as bank, savings and loan association, savings bank, credit 562
union, or association of banks, savings and loan associations, 563
savings banks, or credit unions police officers, as railroad 564
police officers, or as hospital police officers pursuant to 565
sections 4973.17 to 4973.22 of the Revised Code; or who are 566
appointed and commissioned as amusement park police officers 567
pursuant to section 4973.17 of the Revised Code, to attend 568
approved peace officer training schools, including the Ohio 569
peace officer training academy, and to receive certificates of 570
satisfactory completion of basic training programs, if the 571
private college or university that established the campus police 572
department; qualified nonprofit corporation police department; 573
bank, savings and loan association, savings bank, credit union, 574
or association of banks, savings and loan associations, savings 575
banks, or credit unions; railroad company; hospital; or 576
amusement park sponsoring the police officers pays the entire 577
cost of the training and certification and if trainee vacancies 578
are available; 579

(8) Permitting undercover drug agents to attend approved 580
peace officer training schools, other than the Ohio peace 581
officer training academy, and to receive certificates of 582

satisfactory completion of basic training programs, if, for each 583
undercover drug agent, the county, township, or municipal 584
corporation that employs that undercover drug agent pays the 585
entire cost of the training and certification; 586

(9) (a) The requirements for basic training programs for 587
bailiffs and deputy bailiffs of courts of record of this state 588
and for criminal investigators employed by the state public 589
defender that those persons shall complete before they may carry 590
a firearm while on duty; 591

(b) The requirements for any training received by a 592
bailiff or deputy bailiff of a court of record of this state or 593
by a criminal investigator employed by the state public defender 594
prior to June 6, 1986, that is to be considered equivalent to 595
the training described in division (A) (9) (a) of this section. 596

(10) Establishing minimum qualifications and requirements 597
for certification for dogs utilized by law enforcement agencies; 598

(11) Establishing minimum requirements for certification 599
of persons who are employed as correction officers in a full- 600
service jail, five-day facility, or eight-hour holding facility 601
or who provide correction services in such a jail or facility; 602

(12) Establishing requirements for the training of humane 603
society agents under section 1717.061 of the Revised Code, 604
including, without limitation, a requirement that the agents 605
receive instruction on traditional animal husbandry methods and 606
training techniques, including customary owner-performed 607
practices; 608

(13) Permitting tactical medical professionals to attend 609
approved peace officer training schools, including the Ohio 610
peace officer training academy, to receive training of the type 611

described in division (A) (14) of this section and to receive 612
certificates of satisfactory completion of training programs 613
described in that division; 614

(14) The requirements for training programs that tactical 615
medical professionals shall complete to qualify them to carry 616
firearms while on duty under section 109.771 of the Revised 617
Code, which requirements shall include at least the firearms 618
training specified in division (A) of section 109.748 of the 619
Revised Code; 620

(15) Procedures and requirements for a portion of basic 621
training that peace officers complete in proper interactions 622
with civilians during traffic stops and other in-person 623
encounters as specified in division (B) (4) of section 109.803 of 624
the Revised Code and including the topics of instruction listed 625
for active duty peace officers under divisions (B) (4) (a) to (d) 626
of that section. 627

(B) The commission shall appoint an executive director, 628
with the approval of the attorney general, who shall hold office 629
during the pleasure of the commission. The executive director 630
shall perform such duties assigned by the commission. The 631
executive director shall receive a salary fixed pursuant to 632
Chapter 124. of the Revised Code and reimbursement for expenses 633
within the amounts available by appropriation. The executive 634
director may appoint officers, employees, agents, and 635
consultants as the executive director considers necessary, 636
prescribe their duties, and provide for reimbursement of their 637
expenses within the amounts available for reimbursement by 638
appropriation and with the approval of the commission. 639

(C) The commission may do all of the following: 640

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

(2) Visit and inspect any peace officer training school that has been approved by the executive director or for which application for approval has been made;

(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;

(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;

(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;

(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.

(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. 670

(E) (1) As used in this division, "license" has the same 671
meaning as in section 4796.01 of the Revised Code, except that 672
it includes a certificate of completion of a training program 673
required under sections 109.71 to 109.804 of the Revised Code. 674
"License" does not include a certificate of completion of a 675
firearm basic training program under division (B) (1) of section 676
109.78 of the Revised Code or a certificate of completion of any 677
firearm requalification training program. 678

(2) Notwithstanding any requirement for a license issued 679
by the commission, the commission shall issue a license in 680
accordance with Chapter 4796. of the Revised Code to an 681
individual if either of the following applies: 682

(a) The individual holds a license in another state. 683

(b) The individual has satisfactory work experience, a 684
government certification, or a private certification as 685
described in that chapter in the same profession, occupation, or 686
occupational activity as the profession, occupation, or 687
occupational activity for which the license is required in this 688
state in a state that does not require such a license. 689

Sec. 109.77. (A) As used in this section: 690

(1) "Felony" has the same meaning as in section 109.511 of 691
the Revised Code. 692

(2) "Companion animal" has the same meaning as in section 693
959.131 of the Revised Code. 694

(B) (1) Notwithstanding any general, special, or local law 695
or charter to the contrary, and except as otherwise provided in 696
this section, no person shall receive an original appointment on 697

a permanent basis as any of the following unless the person 698
previously has been awarded a certificate by the executive 699
director of the Ohio peace officer training commission attesting 700
to the person's satisfactory completion of an approved state, 701
county, municipal, or department of natural resources peace 702
officer basic training program: 703

(a) A peace officer of any county, township, municipal 704
corporation, regional transit authority, or metropolitan housing 705
authority; 706

(b) A natural resources law enforcement staff officer, 707
forest-fire investigator, wildlife officer, or natural resources 708
officer of the department of natural resources; 709

(c) An employee of a park district under section 511.232 710
or 1545.13 of the Revised Code; 711

(d) An employee of a conservancy district who is 712
designated pursuant to section 6101.75 of the Revised Code; 713

(e) A state university law enforcement officer; 714

(f) A special police officer employed by the department of 715
mental health and addiction services pursuant to section 5119.08 716
of the Revised Code or the department of developmental 717
disabilities pursuant to section 5123.13 of the Revised Code; 718

(g) An enforcement agent of the department of public 719
safety whom the director of public safety designates under 720
section 5502.14 of the Revised Code; 721

(h) A special police officer employed by a port authority 722
under section 4582.04 or 4582.28 of the Revised Code; 723

(i) A special police officer employed by a municipal 724
corporation at a municipal airport, or other municipal air 725

navigation facility, that has scheduled operations, as defined 726
in section 119.3 of Title 14 of the Code of Federal Regulations, 727
14 C.F.R. 119.3, as amended, and that is required to be under a 728
security program and is governed by aviation security rules of 729
the transportation security administration of the United States 730
department of transportation as provided in Parts 1542. and 731
1544. of Title 49 of the Code of Federal Regulations, as 732
amended; 733

(j) A gaming agent employed under section 3772.03 of the 734
Revised Code. 735

(2) Every person who is appointed on a temporary basis or 736
for a probationary term or on other than a permanent basis as 737
any of the following shall forfeit the appointed position unless 738
the person previously has completed satisfactorily or, within 739
the time prescribed by rules adopted by the attorney general 740
pursuant to section 109.74 of the Revised Code, satisfactorily 741
completes a state, county, municipal, or department of natural 742
resources peace officer basic training program for temporary or 743
probationary officers and is awarded a certificate by the 744
director attesting to the satisfactory completion of the 745
program: 746

(a) A peace officer of any county, township, municipal 747
corporation, regional transit authority, or metropolitan housing 748
authority; 749

(b) A natural resources law enforcement staff officer, 750
park officer, forest officer, preserve officer, wildlife 751
officer, or state watercraft officer of the department of 752
natural resources; 753

(c) An employee of a park district under section 511.232 754

or 1545.13 of the Revised Code;	755
(d) An employee of a conservancy district who is	756
designated pursuant to section 6101.75 of the Revised Code;	757
(e) A special police officer employed by the department of	758
mental health and addiction services pursuant to section 5119.08	759
of the Revised Code or the department of developmental	760
disabilities pursuant to section 5123.13 of the Revised Code;	761
(f) An enforcement agent of the department of public	762
safety whom the director of public safety designates under	763
section 5502.14 of the Revised Code;	764
(g) A special police officer employed by a port authority	765
under section 4582.04 or 4582.28 of the Revised Code;	766
(h) A special police officer employed by a municipal	767
corporation at a municipal airport, or other municipal air	768
navigation facility, that has scheduled operations, as defined	769
in section 119.3 of Title 14 of the Code of Federal Regulations,	770
14 C.F.R. 119.3, as amended, and that is required to be under a	771
security program and is governed by aviation security rules of	772
the transportation security administration of the United States	773
department of transportation as provided in Parts 1542. and	774
1544. of Title 49 of the Code of Federal Regulations, as	775
amended.	776
(3) For purposes of division (B) of this section, a state,	777
county, municipal, or department of natural resources peace	778
officer basic training program, regardless of whether the	779
program is to be completed by peace officers appointed on a	780
permanent or temporary, probationary, or other nonpermanent	781
basis, shall include training in the handling of the offense of	782
domestic violence, other types of domestic violence-related	783

offenses and incidents, protection orders and consent agreements 784
issued or approved under section 2919.26 or 3113.31 of the 785
Revised Code, crisis intervention training, and training on 786
companion animal encounters and companion animal behavior. The 787
requirement to complete training in the handling of the offense 788
of domestic violence, other types of domestic violence-related 789
offenses and incidents, and protection orders and consent 790
agreements issued or approved under section 2919.26 or 3113.31 791
of the Revised Code does not apply to any person serving as a 792
peace officer on March 27, 1979, and the requirement to complete 793
training in crisis intervention does not apply to any person 794
serving as a peace officer on April 4, 1985. Any person who is 795
serving as a peace officer on April 4, 1985, who terminates that 796
employment after that date, and who subsequently is hired as a 797
peace officer by the same or another law enforcement agency 798
shall complete training in crisis intervention as prescribed by 799
rules adopted by the attorney general pursuant to section 800
109.742 of the Revised Code. No peace officer shall have 801
employment as a peace officer terminated and then be reinstated 802
with intent to circumvent this section. 803

(4) Division (B) of this section does not apply to any 804
person serving on a permanent basis on March 28, 1985, as a park 805
officer, forest officer, preserve officer, wildlife officer, or 806
state watercraft officer of the department of natural resources 807
or as an employee of a park district under section 511.232 or 808
1545.13 of the Revised Code, to any person serving on a 809
permanent basis on March 6, 1986, as an employee of a 810
conservancy district designated pursuant to section 6101.75 of 811
the Revised Code, to any person serving on a permanent basis on 812
January 10, 1991, as a preserve officer of the department of 813
natural resources, to any person employed on a permanent basis 814

on July 2, 1992, as a special police officer by the department 815
of mental health and addiction services pursuant to section 816
5119.08 of the Revised Code or by the department of 817
developmental disabilities pursuant to section 5123.13 of the 818
Revised Code, to any person serving on a permanent basis on May 819
17, 2000, as a special police officer employed by a port 820
authority under section 4582.04 or 4582.28 of the Revised Code, 821
to any person serving on a permanent basis on March 19, 2003, as 822
a special police officer employed by a municipal corporation at 823
a municipal airport or other municipal air navigation facility 824
described in division (A) (19) of section 109.71 of the Revised 825
Code, to any person serving on a permanent basis on June 19, 826
1978, as a state university law enforcement officer pursuant to 827
section 3345.04 of the Revised Code and who, immediately prior 828
to June 19, 1978, was serving as a special police officer 829
designated under authority of that section, or to any person 830
serving on a permanent basis on September 20, 1984, as a liquor 831
control investigator, known after June 30, 1999, as an 832
enforcement agent of the department of public safety, engaged in 833
the enforcement of Chapters 4301. and 4303. of the Revised Code. 834

(5) Division (B) of this section does not apply to any 835
person who is appointed as a regional transit authority police 836
officer pursuant to division (Y) of section 306.35 of the 837
Revised Code if, on or before July 1, 1996, the person has 838
completed satisfactorily an approved state, county, municipal, 839
or department of natural resources peace officer basic training 840
program and has been awarded a certificate by the executive 841
director of the Ohio peace officer training commission attesting 842
to the person's satisfactory completion of such an approved 843
program and if, on July 1, 1996, the person is performing peace 844
officer functions for a regional transit authority. 845

(C) No person, after September 20, 1984, shall receive an original appointment on a permanent basis as a veterans' home police officer designated under section 5907.02 of the Revised Code unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved police officer basic training program. Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as a veterans' home police officer designated under section 5907.02 of the Revised Code shall forfeit that position unless the person previously has completed satisfactorily or, within one year from the time of appointment, satisfactorily completes an approved police officer basic training program.

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

(1) 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 for bailiffs and deputy bailiffs of courts of record and for criminal investigators employed by the state public defender that has been recommended by the Ohio peace officer training commission;

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

investigator; 876

(3) Prior to June 6, 1986, was authorized to carry a 877
firearm by the court that employed the bailiff or deputy bailiff 878
or, in the case of a criminal investigator, by the state public 879
defender and has received training in the use of firearms that 880
the Ohio peace officer training commission determines is 881
equivalent to the training that otherwise is required by 882
division (D) of this section. 883

(E) (1) Before a person seeking a certificate completes an 884
approved peace officer basic training program, the executive 885
director of the Ohio peace officer training commission shall 886
request the person to disclose, and the person shall disclose, 887
any previous criminal conviction of or plea of guilty of that 888
person to a felony. 889

(2) Before a person seeking a certificate completes an 890
approved peace officer basic training program, the executive 891
director shall request a criminal history records check on the 892
person. The executive director shall submit the person's 893
fingerprints to the bureau of criminal identification and 894
investigation, which shall submit the fingerprints to the 895
federal bureau of investigation for a national criminal history 896
records check. 897

Upon receipt of the executive director's request, the 898
bureau of criminal identification and investigation and the 899
federal bureau of investigation shall conduct a criminal history 900
records check on the person and, upon completion of the check, 901
shall provide a copy of the criminal history records check to 902
the executive director. The executive director shall not award 903
any certificate prescribed in this section unless the executive 904
director has received a copy of the criminal history records 905

check on the person to whom the certificate is to be awarded. 906

(3) The executive director of the commission shall not 907
award a certificate prescribed in this section to a person who 908
has been convicted of or has pleaded guilty to a felony or who 909
fails to disclose any previous criminal conviction of or plea of 910
guilty to a felony as required under division (E)(1) of this 911
section. 912

(4) The executive director of the commission shall revoke 913
the certificate awarded to a person as prescribed in this 914
section, and that person shall forfeit all of the benefits 915
derived from being certified as a peace officer under this 916
section, if the person, before completion of an approved peace 917
officer basic training program, failed to disclose any previous 918
criminal conviction of or plea of guilty to a felony as required 919
under division (E)(1) of this section. 920

(F)(1) Regardless of whether the person has been awarded 921
the certificate or has been classified as a peace officer prior 922
to, on, or after October 16, 1996, the executive director of the 923
Ohio peace officer training commission shall revoke any 924
certificate that has been awarded to a person as prescribed in 925
this section if the person does either of the following: 926

(a) Pleads guilty to a felony committed on or after 927
January 1, 1997; 928

(b) Pleads guilty to a misdemeanor committed on or after 929
January 1, 1997, pursuant to a negotiated plea agreement as 930
provided in division (D) of section 2929.43 of the Revised Code 931
in which the person agrees to surrender the certificate awarded 932
to the person under this section. 933

(2) The executive director of the commission shall suspend 934

any certificate that has been awarded to a person as prescribed 935
in this section if the person is convicted, after trial, of a 936
felony committed on or after January 1, 1997. The executive 937
director shall suspend the certificate pursuant to division (F) 938
(2) of this section pending the outcome of an appeal by the 939
person from that conviction to the highest court to which the 940
appeal is taken or until the expiration of the period in which 941
an appeal is required to be filed. If the person files an appeal 942
that results in that person's acquittal of the felony or 943
conviction of a misdemeanor, or in the dismissal of the felony 944
charge against that person, the executive director shall 945
reinstate the certificate awarded to the person under this 946
section. If the person files an appeal from that person's 947
conviction of the felony and the conviction is upheld by the 948
highest court to which the appeal is taken or if the person does 949
not file a timely appeal, the executive director shall revoke 950
the certificate awarded to the person under this section. 951

(G) (1) If a person is awarded a certificate under this 952
section and the certificate is revoked pursuant to division (E) 953
(4) or (F) of this section, the person shall not be eligible to 954
receive, at any time, a certificate attesting to the person's 955
satisfactory completion of a peace officer basic training 956
program. 957

(2) The revocation or suspension of a certificate under 958
division (E) (4) or (F) of this section shall be in accordance 959
with Chapter 119. of the Revised Code. 960

(H) (1) A person who was employed as a peace officer of a 961
county, township, or municipal corporation of the state on 962
January 1, 1966, and who has completed at least sixteen years of 963
full-time active service as such a peace officer, or equivalent 964

service as determined by the executive director of the Ohio 965
peace officer training commission, may receive an original 966
appointment on a permanent basis and serve as a peace officer of 967
a county, township, or municipal corporation, or as a state 968
university law enforcement officer, without complying with the 969
requirements of division (B) of this section. 970

(2) Any person who held an appointment as a state highway 971
trooper on January 1, 1966, may receive an original appointment 972
on a permanent basis and serve as a peace officer of a county, 973
township, or municipal corporation, or as a state university law 974
enforcement officer, without complying with the requirements of 975
division (B) of this section. 976

(I) No person who is appointed as a peace officer of a 977
county, township, or municipal corporation on or after April 9, 978
1985, shall serve as a peace officer of that county, township, 979
or municipal corporation unless the person has received training 980
in the handling of missing children and child abuse and neglect 981
cases from an approved state, county, township, or municipal 982
police officer basic training program or receives the training 983
within the time prescribed by rules adopted by the attorney 984
general pursuant to section 109.741 of the Revised Code. 985

(J) No part of any approved state, county, or municipal 986
basic training program for bailiffs and deputy bailiffs of 987
courts of record and no part of any approved state, county, or 988
municipal basic training program for criminal investigators 989
employed by the state public defender shall be used as credit 990
toward the completion by a peace officer of any part of the 991
approved state, county, or municipal peace officer basic 992
training program that the peace officer is required by this 993
section to complete satisfactorily. 994

(K) This section does not apply to any member of the 995
police department of a municipal corporation in an adjoining 996
state serving in this state under a contract pursuant to section 997
737.04 of the Revised Code. 998

(L) The executive director of the commission shall issue a 999
certificate of completion of a training program required under 1000
this section in accordance with Chapter 4796. of the Revised 1001
Code to an individual if either of the following applies: 1002

(1) The individual holds a certificate of completion of 1003
such a program in another state. 1004

(2) The individual has satisfactory work experience, a 1005
government certification, or a private certification as 1006
described in that chapter in the same profession, occupation, or 1007
occupational activity as the profession, occupation, or 1008
occupational activity for which the certificate is required in 1009
this state in a state that does not require completion of such a 1010
training program. 1011

Sec. 109.771. (A) A tactical medical professional may 1012
carry firearms while on duty in the same manner, to the same 1013
extent, and in the same areas as a law enforcement officer of 1014
the law enforcement agency the professional is serving, if all 1015
of the following apply: 1016

(1) The law enforcement agency that the tactical medical 1017
professional is serving has specifically authorized the 1018
professional to carry firearms while on duty. 1019

(2) The tactical medical professional has done or received 1020
one of the following: 1021

(a) The professional has been awarded a certificate by the 1022
executive director of the Ohio peace officer training 1023

commission, which certificate attests to satisfactory completion 1024
of an approved state, county, or municipal basic training 1025
program or a program at the Ohio peace officer training academy 1026
that qualifies the professional to carry firearms while on duty 1027
and that conforms to the rules adopted under section 109.748 of 1028
the Revised Code. 1029

(b) Prior to or during employment as a tactical medical 1030
professional and prior to ~~the effective date of this section~~ 1031
June 1, 2018, the professional has successfully completed a 1032
firearms training program, other than one described in division 1033
(A)(2)(a) of this section, that was approved by the Ohio peace 1034
officer training commission. 1035

(B) A tactical medical professional to whom division (A) 1036
of this section applies and who is carrying one or more firearms 1037
under authority of that division has protection from potential 1038
civil or criminal liability for any conduct occurring while 1039
carrying the firearm or firearms to the same extent as a law 1040
enforcement officer of the law enforcement agency the 1041
professional is serving has such protection. 1042

(C) The executive director of the commission shall issue a 1043
certificate of completion of a training program required under 1044
this section in accordance with Chapter 4796. of the Revised 1045
Code to an individual if either of the following applies: 1046

(1) The individual holds a certificate of completion of 1047
such a program in another state. 1048

(2) The individual has satisfactory work experience, a 1049
government certification, or a private certification as 1050
described in that chapter as a tactical medical professional who 1051
carries a firearm while on duty in a state that does not require 1052

completion of such a training program. 1053

Sec. 109.78. (A) The executive director of the Ohio peace 1054
officer training commission, on behalf of the commission and in 1055
accordance with rules promulgated by the attorney general, shall 1056
certify persons who have satisfactorily completed approved 1057
training programs designed to qualify persons for positions as 1058
special police, security guards, or persons otherwise privately 1059
employed in a police capacity and issue appropriate certificates 1060
to such persons. Application for approval of a training program 1061
designed to qualify persons for such positions shall be made to 1062
the commission. An application for approval shall be submitted 1063
to the commission with a fee of one hundred twenty-five dollars, 1064
which fee shall be refunded if the application is denied. Such 1065
programs shall cover only duties and jurisdiction of such 1066
security guards and special police privately employed in a 1067
police capacity when such officers do not qualify for training 1068
under section 109.71 of the Revised Code. A person attending an 1069
approved basic training program administered by the state shall 1070
pay to the agency administering the program the cost of the 1071
person's participation in the program as determined by the 1072
agency. A person attending an approved basic training program 1073
administered by a county or municipal corporation shall pay the 1074
cost of the person's participation in the program, as determined 1075
by the administering subdivision, to the county or the municipal 1076
corporation. A person who is issued a certificate for 1077
satisfactory completion of an approved basic training program 1078
shall pay to the commission a fee of fifteen dollars. A 1079
duplicate of a lost, spoliated, or destroyed certificate may be 1080
issued upon application and payment of a fee of fifteen dollars. 1081
Such certificate or the completion of twenty years of active 1082
duty as a peace officer shall satisfy the educational 1083

requirements for appointment or commission as a special police officer or special deputy of a political subdivision of this state. 1084
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(B) (1) The executive director of the Ohio peace officer training commission, on behalf of the commission and in accordance with rules promulgated by the attorney general, shall certify basic firearms training programs, and shall issue certificates to class A, B, or C licensees or prospective class A, B, or C licensees under Chapter 4749. of the Revised Code and to registered or prospective employees of such class A, B, or C licensees who have satisfactorily completed a basic firearms training program of the type described in division (A) (1) of section 4749.10 of the Revised Code. 1087
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Application for approval of a basic firearms training program shall be made to the commission. An application shall be submitted to the commission with a fee of one hundred dollars, which fee shall be refunded if the application is denied. 1097
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A person who is issued a certificate for satisfactory completion of an approved basic firearms training program shall pay a fee of ten dollars to the commission. A duplicate of a lost, spoliated, or destroyed certificate may be issued upon application and payment of a fee of five dollars. 1101
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(2) The executive director, on behalf of the commission and in accordance with rules promulgated by the attorney general, also shall certify firearms requalification training programs and instructors for the annual requalification of class A, B, or C licensees under Chapter 4749. of the Revised Code and registered or prospective employees of such class A, B, or C licensees who are authorized to carry a firearm under section 4749.10 of the Revised Code. Application for approval of a 1106
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training program or instructor for such purpose shall be made to 1114
the commission. Such an application shall be submitted to the 1115
commission with a fee of fifty dollars, which fee shall be 1116
refunded if the application is denied. 1117

(3) The executive director, upon request, also shall 1118
review firearms training received within three years prior to 1119
November 23, 1985, by any class A, B, or C licensee or 1120
prospective class A, B, or C licensee, or by any registered or 1121
prospective employee of any class A, B, or C licensee under 1122
Chapter 4749. of the Revised Code to determine if the training 1123
received is equivalent to a basic firearms training program that 1124
includes twenty hours of handgun training and five hours of 1125
training in the use of other firearms, if any other firearm is 1126
to be used. If the executive director determines the training 1127
was received within the three-year period and that it is 1128
equivalent to such a program, the executive director shall issue 1129
written evidence of approval of the equivalency training to the 1130
licensee or employee. 1131

(C) There is hereby established in the state treasury the 1132
peace officer private security fund, which shall be used by the 1133
Ohio peace officer training commission to administer the 1134
training program to qualify persons for positions as special 1135
police, security guards, or other private employment in a police 1136
capacity, as described in division (A) of this section, and the 1137
training program in basic firearms and the training program for 1138
firearms requalification, both as described in division (B) of 1139
this section. All fees paid to the commission by applicants for 1140
approval of a training program designed to qualify persons for 1141
such private police positions, basic firearms training program, 1142
or a firearms requalification training program or instructor, as 1143
required by division (A) or (B) of this section, by persons who 1144

satisfactorily complete a private police training program or a 1145
basic firearms training program, as required by division (A) or 1146
(B) of this section, or by persons who satisfactorily requalify 1147
in firearms use, as required by division (B) (2) of section 1148
4749.10 of the Revised Code, shall be transmitted to the 1149
treasurer of state for deposit in the fund. The fund shall be 1150
used only for the purpose set forth in this division. 1151

(D) No public or private educational institution or 1152
superintendent of the state highway patrol shall employ a person 1153
as a special police officer, security guard, or other position 1154
in which such person goes armed while on duty, who has not 1155
received a certificate of having satisfactorily completed an 1156
approved basic peace officer training program, unless the person 1157
has completed twenty years of active duty as a peace officer. 1158

(E) The executive director of the commission shall issue a 1159
certificate of completion of a training program required under 1160
division (A) of this section in accordance with Chapter 4796. of 1161
the Revised Code to an individual if either of the following 1162
applies: 1163

(1) The individual holds a certificate of completion of 1164
such a program in another state. 1165

(2) The individual has satisfactory work experience, a 1166
government certification, or a private certification as 1167
described in that chapter in the same profession, occupation, or 1168
occupational activity as the profession, occupation, or 1169
occupational activity for which the certificate is required in 1170
this state in a state that does not require completion of such a 1171
training program. 1172

Sec. 109.804. (A) (1) The Ohio peace officer training 1173

commission shall develop and conduct a chief of police training 1174
course lasting forty hours for newly appointed chiefs of police 1175
appointed on or after January 1, 2018. The commission shall 1176
determine the course topics, which shall include diversity 1177
training with an emphasis on historical perspectives and 1178
community-police relations, and shall establish criteria for 1179
what constitutes successful completion of the course. The 1180
commission shall conduct the course at the Ohio peace officer 1181
training academy and shall offer the course at least 1182
semiannually. 1183

(2) The executive director of the commission shall issue a 1184
certificate of completion of a training program required under 1185
this section in accordance with Chapter 4796. of the Revised 1186
Code to a newly appointed chief of police if either of the 1187
following applies: 1188

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

(b) The person has satisfactory work experience, a 1191
government certification, or a private certification as 1192
described in that chapter as a chief of police in a state that 1193
does not require completion of such a training program. 1194

(B) A newly appointed chief of police may request an 1195
equivalency exemption from a portion of the forty hours of the 1196
chief of police training course by submitting to the Ohio peace 1197
officer training commission, not more than ten calendar days 1198
following the person's appointment as a chief of police, 1199
evidence of training or qualification in the subject area of the 1200
exempted portion. 1201

(C) Upon presentation of evidence by a newly appointed 1202

chief of police that because of a medical disability or other 1203
good cause the newly appointed chief of police is unable to 1204
complete the chief of police training course, the Ohio peace 1205
officer training commission may defer the requirement for the 1206
newly appointed chief of police to complete the chief of police 1207
training course until the disability or cause terminates. 1208

(D) A newly appointed chief of police appointed on or 1209
after January 1, 2018, shall attend a chief of police training 1210
course conducted by the Ohio peace officer training commission 1211
pursuant to division (A) of this section not later than six 1212
months after the person's appointment as a chief of police. 1213
While attending the chief of police training course, a newly 1214
appointed chief of police shall receive compensation in the same 1215
manner and amounts as if carrying out the powers and duties of 1216
the office of chief of police. The costs of conducting the chief 1217
of police training course shall be paid from state funds 1218
appropriated to the attorney general. The cost of meals, 1219
lodging, and travel of a newly appointed chief of police 1220
attending the chief of police training course shall be paid from 1221
the budget of the entity for which the newly appointed chief of 1222
police was appointed. 1223

(E) As used in this section: 1224

"Newly appointed chief of police" means a person appointed 1225
chief of police under section 505.49, 737.05, or 737.15 of the 1226
Revised Code or any administrative official that is responsible 1227
for the daily administration and supervision of peace officers 1228
in a law enforcement agency who did not hold the office of chief 1229
of police on the date the person was appointed chief of police. 1230

"Law enforcement agency" means a municipal or township 1231
police department, or any other entity authorized by statute to 1232

appoint peace officers to enforce criminal laws and who have the 1233
statutory power of arrest. "Law enforcement agency" does not 1234
include a county sheriff's office, the state highway patrol, or 1235
the bureau of criminal identification and investigation. 1236

Sec. 147.01. (A) The secretary of state may appoint and 1237
commission as notaries public as many persons who meet the 1238
qualifications of division (B) of this section as the secretary 1239
of state considers necessary. 1240

(B) In order for a person to qualify to be appointed and 1241
commissioned as a notary public, except as provided in division 1242
(F) of this section, the person shall demonstrate to the 1243
secretary of state that the person satisfies all of the 1244
following: 1245

(1) The person has attained the age of eighteen years. 1246

(2) (a) Except as provided in division (B) (2) (b) of this 1247
section, the person is a legal resident of this state. 1248

(b) The person is not a legal resident of this state, but 1249
is an attorney admitted to the practice of law in this state by 1250
the Ohio supreme court, and has the person's principal place of 1251
business or the person's primary practice in this state. 1252

(3) (a) Except as provided in division (B) (3) (b) of this 1253
section, the person has submitted a criminal records check 1254
report completed within the preceding six months in accordance 1255
with section 147.022 of the Revised Code demonstrating that the 1256
applicant has not been convicted of or pleaded guilty or no 1257
contest to a disqualifying offense as determined in accordance 1258
with section 9.79 of the Revised Code. 1259

(b) An attorney admitted to the practice of law in this 1260
state shall not be required to submit a criminal records check 1261

when applying to be appointed a notary public. 1262

(4) (a) Except as provided in divisions (B) (4) (b) and (c) 1263
of this section, the person has successfully completed an 1264
educational program and passed a test administered by the 1265
entities authorized by the secretary of state as required under 1266
section 147.021 of the Revised Code. 1267

(b) An attorney who is commissioned as a notary public in 1268
this state prior to September 20, 2019, shall not be required to 1269
complete an education program or pass a test as required in 1270
division (B) (4) (a) of this section. 1271

(c) Any attorney who applies to become commissioned as a 1272
notary public in this state after September 20, 2019, shall not 1273
be required to pass a test as required in division (B) (4) (a) of 1274
this section, but shall be required to complete an education 1275
program required by that division. 1276

(C) A notary public shall be appointed and commissioned as 1277
a notary public for the state. The secretary of state may revoke 1278
a commission issued to a notary public upon presentation of 1279
satisfactory evidence of official misconduct or incapacity. 1280

(D) The secretary of state shall oversee the processing of 1281
notary public applications and shall issue all notary public 1282
commissions. The secretary of state shall oversee the creation 1283
and maintenance of the online database of notaries public 1284
commissioned in this state pursuant to section 147.051 of the 1285
Revised Code. The secretary of state may perform all other 1286
duties as required by this section. The entities authorized by 1287
the secretary of state pursuant to section 147.021 or 147.63 of 1288
the Revised Code shall administer the educational program and 1289
required test or course of instruction and examination, as 1290

applicable. 1291

(E) All submissions to the secretary of state for 1292
receiving and renewing commissions, or notifications made under 1293
section 147.05 of the Revised Code, shall be done 1294
electronically. 1295

(F) The secretary of state shall appoint and commission as 1296
a notary public for the state an applicant who is commissioned 1297
or licensed as a notary public in another state in accordance 1298
with Chapter 4796. of the Revised Code. 1299

Sec. 147.63. (A) A notary public who has been duly 1300
appointed and commissioned under section 147.01 of the Revised 1301
Code, and who is a resident of this state, may apply to the 1302
secretary of state to be authorized to act as an online notary 1303
public during the term of that notary public's commission. A 1304
state resident commissioned as a notary public qualifies to be 1305
an online notary public by paying the fee described in section 1306
147.631 of the Revised Code and submitting to the secretary of 1307
state an application in the form prescribed by the secretary 1308
that demonstrates to the satisfaction of the secretary that the 1309
applicant will comply with the standards adopted in rules under 1310
section 147.62 of the Revised Code and that the applicant is 1311
otherwise qualified to be an online notary. 1312

(B) (1) Before an individual may be authorized to act as an 1313
online notary public, that individual shall successfully 1314
complete a course of instruction approved by the secretary of 1315
state and pass an examination based on the course. The content 1316
of the course shall include notarial rules, procedures, and 1317
ethical obligations pertaining to online notarization contained 1318
in sections 147.60 to 147.66 of the Revised Code or in any other 1319
law or rules of this state. The course may be taken in 1320

conjunction with the educational program required under section 1321
147.021 of the Revised Code for a notary public commission. 1322

(2) The secretary of state shall approve one business 1323
entity comprised of bar associations with statewide scope and 1324
regional presence that have expertise and experience in notary 1325
laws and processes to provide the course and administer the 1326
examination to become an online notary. 1327

(C) The application required under division (A) of this 1328
section shall be transmitted electronically to the secretary of 1329
state and shall include all of the following information: 1330

(1) The applicant's full legal name and official notary 1331
public name to be used in acting as an online notary public; 1332

(2) A description of the technology the applicant intends 1333
to use in performing online notarizations; 1334

(3) A certification that the applicant will comply with 1335
the rules adopted under section 147.62 of the Revised Code; 1336

(4) An electronic mail address of the applicant; 1337

(5) Any decrypting instructions, keys, codes, or software 1338
necessary to enable the application to be read; 1339

(6) Proof of successful completion of the course and 1340
passage of the examination required under division (B) of this 1341
section; 1342

(7) A disclosure of any and all license or commission 1343
revocations or other professional disciplinary actions taken 1344
against the applicant; 1345

(8) Any other information that the secretary of state may 1346
require. 1347

(D) (1) If the secretary of state is satisfied that an applicant meets the standards adopted in rules under section 147.62 of the Revised Code, and that the applicant is otherwise qualified to be an online notary public, then the secretary shall issue to the applicant a written authorization to perform online notarizations.

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

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

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

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

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

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

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

(c) If a notary public's online notarization authorization 1377
expires before the notary submits the application for renewal, 1378
the secretary of state shall not renew that expired 1379
authorization but shall permit that person to apply for a new 1380
online notarization authorization. 1381

(4) An authorization to perform online notarizations 1382
granted to an attorney admitted to the practice of law in this 1383
state by the Ohio supreme court shall expire on the earlier of 1384
five years after the date the authorization is granted or when 1385
the attorney's term of office as a notary public ends. 1386

(5) An attorney authorized to perform online notarizations 1387
may apply to renew the attorney's authorization three months 1388
prior to the authorization's expiration date. 1389

(6) (a) The secretary may deny an application for an online 1390
notary public if any of the required information is missing or 1391
incorrect on the application form. 1392

(b) The secretary may also deny an application if the 1393
technology the applicant identifies pursuant to division (C) (2) 1394
of this section does not conform to the standards developed by 1395
the secretary pursuant to section 147.62 of the Revised Code. 1396

(E) Nothing in this section shall be construed as 1397
prohibiting an online notary public from receiving, installing, 1398
and utilizing a software update to the technology that the 1399
online notary public disclosed pursuant to division (C) (2) of 1400
this section if that software update does not result in a 1401
technology that is materially different from the technology that 1402
the online notary public disclosed pursuant to division (C) (2) 1403
of this section. 1404

(F) (1) If a notary public changes either the hardware or 1405

the software that the notary intends to use to carry out online 1406
notarizations, then the notary shall inform the secretary of 1407
this intent on a form prescribed by the secretary. 1408

(2) If the secretary determines that the new hardware or 1409
software does not meet the standards prescribed in rules under 1410
section 147.62 of the Revised Code, then the secretary may 1411
suspend or revoke the notary's authority to perform online 1412
notarizations. 1413

(G) (1) The secretary of state shall not renew an online 1414
notarization authorization unless the applicant has completed 1415
continuing education as required under rules adopted pursuant to 1416
division (G) (2) of this section. 1417

(2) The secretary shall adopt rules in accordance with 1418
Chapter 119. of the Revised Code related to continuing education 1419
requirements for an online notarization authorization. The rules 1420
shall specify the number of hours of continuing education a 1421
notary must complete over the duration of the notary's license 1422
and may specify content to be included in the continuing 1423
education. 1424

Sec. 169.16. (A) No person, on behalf of any other person, 1425
shall engage in any activity for the purpose of locating, 1426
delivering, recovering, or assisting in the recovery of 1427
unclaimed funds or contents of a safe deposit box, and receive a 1428
fee, compensation, commission, or other remuneration for such 1429
activity, without first having obtained a certificate of 1430
registration from the director of commerce in accordance with 1431
this section. 1432

(B) An application for a certificate of registration shall 1433
be in writing and in the form prescribed by the director. The 1434

application shall be accompanied by a recent full-face color 1435
photograph of the applicant and notarized reference letters from 1436
two reputable witnesses. The application shall, at a minimum, 1437
provide all of the following: 1438

(1) The applicant's full name, home address, and work 1439
address; 1440

(2) The name, address, and telephone number of the two 1441
witnesses who have provided the reference letters; 1442

(3) A statement that the applicant has not, during the 1443
five-year period immediately preceding the submission of the 1444
application, violated division (A) of this section on or after 1445
the effective date of this section, or division (C) of section 1446
169.13 of the Revised Code; 1447

(4) A statement that the applicant has not been convicted 1448
of, or pleaded guilty to, any disqualifying offense as 1449
determined in accordance with section 9.79 of the Revised Code; 1450

(5) The notarized signature of the applicant immediately 1451
following an acknowledgment that any false or perjured statement 1452
subjects the applicant to criminal liability under section 1453
2921.13 of the Revised Code. 1454

(C) Upon the filing of the application with the division 1455
of unclaimed funds, the division may investigate the applicant 1456
to verify the information provided in the application and to 1457
determine the applicant's eligibility for a certificate of 1458
registration under this section. False information on an 1459
application is grounds for the denial or revocation of the 1460
applicant's certificate of registration. 1461

~~(D) The~~ (1) Except as provided in division (D) (2) of this 1462
section, the director shall issue a certificate of registration 1463

to an applicant if the director finds that the following 1464
conditions are met: 1465

~~(1)~~ (a) The applicant has not, during the five-year period 1466
immediately preceding the submission of the application, 1467
violated division (A) of this section on or after the effective 1468
date of this section, or division (C) of section 169.13 of the 1469
Revised Code; 1470

~~(2)~~ (b) The applicant has not been convicted of, or 1471
pleaded guilty to, any disqualifying offense as determined in 1472
accordance with section 9.79 of the Revised Code. 1473

~~(3)~~ (c) The applicant's general fitness command the 1474
confidence of the public and warrant the belief that the 1475
applicant's business will be conducted honestly and fairly. 1476

(2) The director shall issue a certificate of registration 1477
in accordance with Chapter 4796. of the Revised Code to an 1478
applicant if either of the following applies: 1479

(a) The applicant holds a license or certificate of 1480
registration in another state. 1481

(b) The applicant has satisfactory work experience, a 1482
government certification, or a private certification as 1483
described in that chapter in the same profession, occupation, or 1484
occupational activity as the profession, occupation, or 1485
occupational activity for which the certificate of registration 1486
is required in this state in a state that does not issue such a 1487
license or certificate of registration. 1488

~~(E) The A certificate of registration issued pursuant to 1489
division (D) of this section may be renewed annually if the 1490
director finds that the following conditions are met: 1491~~

(1) The applicant submits a renewal application form	1492
prescribed by the director.	1493
(2) The applicant meets the conditions set forth in	1494
divisions (D) (1) <u>(a)</u> and (3) <u>(c)</u> of this section.	1495
(3) The applicant has not, during the ten-year period	1496
immediately preceding the submission of the renewal application	1497
but excluding any time before the initial issuance of the	1498
certificate of registration, been convicted of, or pleaded	1499
guilty to, any felony or any offense involving moral turpitude,	1500
including theft, attempted theft, falsification, tampering with	1501
records, securing writings by deception, fraud, forgery, and	1502
perjury.	1503
(4) The applicant's certificate of registration is not	1504
subject to an order of revocation by the director.	1505
Sec. 173.21. (A) The office of the state long-term care	1506
ombudsman program, through the state long-term care ombudsman	1507
and the regional long-term care ombudsman programs, shall	1508
require each representative of the office to complete a training	1509
and certification program in accordance with this section and to	1510
meet the continuing education requirements established under	1511
this section.	1512
(B) The department of aging shall adopt rules in	1513
accordance with Chapter 119. of the Revised Code specifying the	1514
content of training programs for representatives of the office	1515
of the state long-term care ombudsman program. Training for	1516
representatives other than those who are volunteers providing	1517
services through regional long-term care ombudsman programs	1518
shall include instruction regarding federal, state, and local	1519
laws, rules, and policies on long-term care facilities and	1520

community-based long-term care services; investigative 1521
techniques; and other topics considered relevant by the 1522
department and shall consist of the following: 1523

(1) A minimum of forty clock hours of basic instruction, 1524
which shall be completed before the trainee is permitted to 1525
handle complaints without the supervision of a representative of 1526
the office certified under this section; 1527

(2) An additional sixty clock hours of instruction, which 1528
shall be completed within the first fifteen months of 1529
employment; 1530

(3) An internship of twenty clock hours, which shall be 1531
completed within the first twenty-four months of employment, 1532
including instruction in, and observation of, basic nursing care 1533
and long-term care provider operations and procedures. The 1534
internship shall be performed at a site that has been approved 1535
as an internship site by the state long-term care ombudsman. 1536

(4) One of the following, which shall be completed within 1537
the first twenty-four months of employment: 1538

(a) Observation of a survey conducted by the director of 1539
health to certify a nursing facility to participate in the 1540
medicaid program; 1541

(b) Observation of an inspection conducted by the director 1542
of mental health and addiction services to license a residential 1543
facility under section 5119.34 of the Revised Code that provides 1544
accommodations, supervision, and personal care services for 1545
three to sixteen unrelated adults. 1546

(5) Any other training considered appropriate by the 1547
department. 1548

(C) Any person who for a period of at least six months 1549
prior to June 11, 1990, served as an ombudsman through the long- 1550
term care ombudsman program established by the department of 1551
aging under section 173.01 of the Revised Code shall not be 1552
required to complete a training program. Such a person and 1553
persons who complete a training program shall take an 1554
examination administered by the department of aging. On 1555
attainment of a passing score, the person shall be certified by 1556
the department as a representative of the office. The department 1557
shall issue the person an identification card, which the 1558
representative shall show at the request of any person with whom 1559
the representative deals while performing the representative's 1560
duties and which shall be surrendered at the time the 1561
representative separates from the office. 1562

(D) The state ombudsman and each regional program shall 1563
conduct training programs for volunteers on their respective 1564
staffs in accordance with the rules of the department of aging 1565
adopted under division (B) of this section. Training programs 1566
may be conducted that train volunteers to complete some, but not 1567
all, of the duties of a representative of the office. Each 1568
regional office shall bear the cost of training its 1569
representatives who are volunteers. On completion of a training 1570
program, the representative shall take an examination 1571
administered by the department of aging. On attainment of a 1572
passing score, a volunteer shall be certified by the department 1573
as a representative authorized to perform services specified in 1574
the certification. The department shall issue an identification 1575
card, which the representative shall show at the request of any 1576
person with whom the representative deals while performing the 1577
representative's duties and which shall be surrendered at the 1578
time the representative separates from the office. Except as a 1579

supervised part of a training program, no volunteer shall 1580
perform any duty unless the volunteer is certified as a 1581
representative having received appropriate training for that 1582
duty. 1583

(E) The state ombudsman shall provide technical assistance 1584
to regional programs conducting training programs for volunteers 1585
and shall monitor the training programs. 1586

(F) Prior to scheduling an observation of a certification 1587
survey or licensing inspection for purposes of division (B) (4) 1588
of this section, the state ombudsman shall obtain permission to 1589
have the survey or inspection observed from both the long-term 1590
care facility at which the survey or inspection is to take place 1591
and, as the case may be, the director of health or director of 1592
mental health and addiction services. 1593

(G) Notwithstanding the requirements for a certification 1594
under this section, the department shall issue a certificate as 1595
a representative of the office of the state long-term care 1596
ombudsman program in accordance with Chapter 4796. of the 1597
Revised Code to a person if either of the following applies: 1598

(1) The person holds a license or certificate in another 1599
state. 1600

(2) The person has satisfactory work experience, a 1601
government certification, or a private certification as 1602
described in that chapter as a representative of a state long- 1603
term care ombudsman program in a state that does not issue that 1604
license or certificate. 1605

(H) The department of aging shall establish continuing 1606
education requirements for representatives of the office. 1607

Sec. 173.391. (A) Subject to section 173.381 of the 1608

Revised Code and except as provided in division (I) of this 1609
section, the department of aging or its designee shall do all of 1610
the following in accordance with Chapter 119. of the Revised 1611
Code: 1612

(1) Certify a provider to provide community-based long- 1613
term care services under a program the department administers if 1614
the provider satisfies the requirements for certification 1615
established by rules adopted under division (B) of this section 1616
and pays the fee, if any, established by rules adopted under 1617
division (G) of this section; 1618

(2) When required to do so by rules adopted under division 1619
(B) of this section, take one or more of the following 1620
disciplinary actions against a provider certified under division 1621
(A) (1) of this section: 1622

(a) Issue a written warning; 1623

(b) Require the submission of a plan of correction or 1624
evidence of compliance with requirements identified by the 1625
department; 1626

(c) Suspend referrals; 1627

(d) Remove clients; 1628

(e) Impose a fiscal sanction such as a civil monetary 1629
penalty or an order that unearned funds be repaid; 1630

(f) Suspend the certification; 1631

(g) Revoke the certification; 1632

(h) Impose another sanction. 1633

(3) Except as provided in division (E) of this section, 1634
hold hearings when there is a dispute between the department or 1635

its designee and a provider concerning actions the department or 1636
its designee takes regarding a decision not to certify the 1637
provider under division (A) (1) of this section or a disciplinary 1638
action under divisions (A) (2) (e) to (h) of this section. 1639

(B) The director of aging shall adopt rules in accordance 1640
with Chapter 119. of the Revised Code establishing certification 1641
requirements and standards for determining which type of 1642
disciplinary action to take under division (A) (2) of this 1643
section in individual situations. The rules shall establish 1644
procedures for all of the following: 1645

(1) Ensuring that providers comply with sections 173.38 1646
and 173.381 of the Revised Code; 1647

(2) Evaluating the services provided by the providers to 1648
ensure that the services are provided in a quality manner 1649
advantageous to the individual receiving the services; 1650

(3) In a manner consistent with section 173.381 of the 1651
Revised Code, determining when to take disciplinary action under 1652
division (A) (2) of this section and which disciplinary action to 1653
take; 1654

(4) Determining what constitutes another sanction for 1655
purposes of division (A) (2) (h) of this section. 1656

(C) The procedures established in rules adopted under 1657
division (B) (2) of this section shall require that all of the 1658
following be considered as part of an evaluation described in 1659
division (B) (2) of this section: 1660

(1) The provider's experience and financial 1661
responsibility; 1662

(2) The provider's ability to comply with standards for 1663

the community-based long-term care services that the provider 1664
provides under a program the department administers; 1665

(3) The provider's ability to meet the needs of the 1666
individuals served; 1667

(4) Any other factor the director considers relevant. 1668

(D) The rules adopted under division (B)(3) of this 1669
section shall specify that the reasons disciplinary action may 1670
be taken under division (A)(2) of this section include good 1671
cause, including misfeasance, malfeasance, nonfeasance, 1672
confirmed abuse or neglect, financial irresponsibility, or other 1673
conduct the director determines is injurious, or poses a threat, 1674
to the health or safety of individuals being served. 1675

(E) Subject to division (F) of this section, the 1676
department is not required to hold hearings under division (A) 1677
(3) of this section if any of the following conditions apply: 1678

(1) Rules adopted by the director of aging pursuant to 1679
this chapter require the provider to be a party to a provider 1680
agreement; hold a license, certificate, or permit; or maintain a 1681
certification, any of which is required or issued by a state or 1682
federal government entity other than the department of aging, 1683
and either of the following is the case: 1684

(a) The provider agreement has not been entered into or 1685
the license, certificate, permit, or certification has not been 1686
obtained or maintained. 1687

(b) The provider agreement, license, certificate, permit, 1688
or certification has been denied, revoked, not renewed, or 1689
suspended or has been otherwise restricted. 1690

(2) The provider's certification under this section has 1691

been denied, suspended, or revoked for any of the following 1692
reasons: 1693

(a) A government entity of this state, other than the 1694
department of aging, has terminated or refused to renew any of 1695
the following held by, or has denied any of the following sought 1696
by, a provider: a provider agreement, license, certificate, 1697
permit, or certification. Division (E) (2) (a) of this section 1698
applies regardless of whether the provider has entered into a 1699
provider agreement in, or holds a license, certificate, permit, 1700
or certification issued by, another state. 1701

(b) The provider or a principal owner or manager of the 1702
provider who provides direct care has entered a guilty plea for, 1703
or has been convicted of, an offense materially related to the 1704
medicaid program. 1705

(c) A principal owner or manager of the provider who 1706
provides direct care has entered a guilty plea for, been 1707
convicted of, or been found eligible for intervention in lieu of 1708
conviction for an offense listed or described in divisions (A) 1709
(3) (a) to (e) of section 109.572 of the Revised Code, but only 1710
if the provider, principal owner, or manager does not meet 1711
standards specified by the director in rules adopted under 1712
section 173.38 of the Revised Code. 1713

(d) The department or its designee is required by section 1714
173.381 of the Revised Code to deny or revoke the provider's 1715
certification. 1716

(e) The United States department of health and human 1717
services has taken adverse action against the provider and that 1718
action impacts the provider's participation in the medicaid 1719
program. 1720

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

(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.

(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.

(i) The provider has ceased doing business.

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

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

(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.

(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 1750
under divisions (A) (2) (e) to (h) of this section. The notice 1751
shall be sent to the provider's address that is on record with 1752
the department and may be sent by regular mail. 1753

(G) The director of aging may adopt rules in accordance 1754
with Chapter 119. of the Revised Code establishing a fee to be 1755
charged by the department of aging or its designee for 1756
certification issued under division (A) of this section. 1757

(H) Any amounts collected by the department or its 1758
designee under this section shall be deposited in the state 1759
treasury to the credit of the provider certification fund, which 1760
is hereby created. Money credited to the fund shall be used to 1761
pay for community-based long-term care services, administrative 1762
costs associated with provider certification under this section, 1763
and administrative costs related to the publication of the Ohio 1764
long-term care consumer guide. 1765

(I) The director shall certify a provider in accordance 1766
with Chapter 4796. of the Revised Code if either of the 1767
following applies: 1768

(1) The provider is licensed or certified in another 1769
state. 1770

(2) The provider has satisfactory work experience, a 1771
government certification, or a private certification as 1772
described in that chapter as a provider of community-based long- 1773
term care services under a state program in a state that does 1774
not issue that license or certificate. 1775

Sec. 173.422. (A) The department of aging shall certify 1776
individuals who meet certification requirements established by 1777
rule to provide long-term care consultations for purposes of 1778

sections 173.42 and 173.421 of the Revised Code. The director of 1779
aging shall adopt rules in accordance with Chapter 119. of the 1780
Revised Code governing the certification process and 1781
requirements. The rules shall specify the education, experience, 1782
or training in long-term care a person must have to qualify for 1783
certification. 1784

(B) Notwithstanding the requirements for a certification 1785
under division (A) of this section, the department shall issue a 1786
certification to provide long-term care consultations in 1787
accordance with Chapter 4796. of the Revised Code to a person if 1788
either of the following applies: 1789

(1) The person holds a license or certification in another 1790
state. 1791

(2) The person has satisfactory work experience, a 1792
government certification, or a private certification as 1793
described in that chapter as a provider of long-term care 1794
consultations in a state that does not issue that license or 1795
certification. 1796

Sec. 503.41. (A) A board of township trustees, by 1797
resolution, may regulate and require the registration of massage 1798
establishments and their employees within the unincorporated 1799
territory of the township. In accordance with sections 503.40 to 1800
503.49 of the Revised Code, for that purpose, the board, by a 1801
majority vote of all members, may adopt, amend, administer, and 1802
enforce regulations within the unincorporated territory of the 1803
township. 1804

(B) A board may adopt regulations and amendments under 1805
this section only after public hearing at not fewer than two 1806
regular sessions of the board. The board shall cause to be 1807

published in a newspaper of general circulation in the township, 1808
or as provided in section 7.16 of the Revised Code, notice of 1809
the public hearings, including the time, date, and place, once a 1810
week for two weeks immediately preceding the hearings. The board 1811
shall make available proposed regulations or amendments to the 1812
public at the office of the board. 1813

(C) Regulations or amendments adopted by the board are 1814
effective thirty days after the date of adoption unless, within 1815
thirty days after the adoption of the regulations or amendments, 1816
the township fiscal officer receives a petition, signed by a 1817
number of qualified electors residing in the unincorporated area 1818
of the township equal to not less than ten per cent of the total 1819
vote cast for all candidates for governor in the area at the 1820
most recent general election at which a governor was elected, 1821
requesting the board to submit the regulations or amendments to 1822
the electors of the area for approval or rejection at the next 1823
primary or general election occurring at least ninety days after 1824
the board receives the petition. 1825

No regulation or amendment for which the referendum vote 1826
has been requested is effective unless a majority of the votes 1827
cast on the issue is in favor of the regulation or amendment. 1828
Upon certification by the board of elections that a majority of 1829
the votes cast on the issue was in favor of the regulation or 1830
amendment, the regulation or amendment takes immediate effect. 1831

(D) The board shall make available regulations it adopts 1832
or amends to the public at the office of the board and shall 1833
cause to be published once a notice of the availability of the 1834
regulations in a newspaper of general circulation in the 1835
township within ten days after their adoption or amendment. 1836

(E) Nothing in sections 503.40 to 503.49 of the Revised 1837

Code shall be construed to allow a board of township trustees to 1838
regulate the practice of any limited branch of medicine 1839
specified in section 4731.15 of the Revised Code or the practice 1840
of providing therapeutic massage by a licensed physician, a 1841
licensed chiropractor, a licensed podiatrist, a licensed nurse, 1842
or any other licensed health professional. As used in this 1843
division, "licensed" means licensed, certified, or registered to 1844
practice in this state. 1845

(F) If a township adopts regulations to require the 1846
registration of massage establishments and their employees, the 1847
township shall comply with Chapter 4796. of the Revised Code. 1848

Sec. 715.27. (A) Any municipal corporation may: 1849

(1) Regulate the erection of fences, billboards, signs, 1850
and other structures, within the municipal corporation, and 1851
provide for the removal and repair of insecure billboards, 1852
signs, and other structures; 1853

(2) Regulate the construction and repair of wires, poles, 1854
plants, and all equipment to be used for the generation and 1855
application of electricity; 1856

(3) Provide for the licensing of house movers; plumbers; 1857
sewer tappers; vault cleaners; and specialty contractors who are 1858
not required to hold a valid license issued pursuant to Chapter 1859
4740. of the Revised Code; 1860

(4) Require all specialty contractors other than those who 1861
hold a valid license issued pursuant to Chapter 4740. of the 1862
Revised Code, to successfully complete an examination, test, or 1863
demonstration of technical skills, and may impose a fee and 1864
additional requirements for a license or registration to engage 1865
in their respective occupations within the jurisdiction of the 1866

municipal corporation. 1867

(B) No municipal corporation shall require any specialty 1868
contractor who holds a valid license issued pursuant to Chapter 1869
4740. of the Revised Code to complete an examination, test, or 1870
demonstration of technical skills to engage in the type of 1871
contracting for which the license is held, within the municipal 1872
corporation. 1873

(C) A municipal corporation may require a specialty 1874
contractor who holds a valid license issued pursuant to Chapter 1875
4740. of the Revised Code to register with the municipal 1876
corporation and pay any fee the municipal corporation imposes 1877
before that specialty contractor may engage within the municipal 1878
corporation in the type of contracting for which the license is 1879
held. Any fee shall be the same for all specialty contractors 1880
who engage in the same type of contracting. A municipal 1881
corporation may require a bond and proof of all of the 1882
following: 1883

(1) Insurance pursuant to division (B)(4) of section 1884
4740.06 of the Revised Code; 1885

(2) Compliance with Chapters 4121. and 4123. of the 1886
Revised Code; 1887

(3) Registration with the tax department of the municipal 1888
corporation. 1889

If a municipal corporation requires registration, imposes 1890
such a fee, or requires a bond or proof of the items listed in 1891
divisions (C)(1), (2), and (3) of this section, the municipal 1892
corporation immediately shall permit a contractor who presents 1893
proof of holding a valid license issued pursuant to Chapter 1894
4740. of the Revised Code, who registers, pays the fee, obtains 1895

a bond, and submits the proof described under divisions (C) (1), 1896
(2), and (3) of this section, as required, to engage in the type 1897
of contracting for which the license is held, within the 1898
municipal corporation. 1899

(D) A municipal corporation may revoke the registration of 1900
a contractor registered with that municipal corporation for good 1901
cause shown. Good cause shown includes the failure of a 1902
contractor to maintain a bond or the items listed in divisions 1903
(C) (1), (2), and (3) of this section, if the municipal 1904
corporation requires those. 1905

(E) A municipal corporation that licenses specialty 1906
contractors pursuant to division (A) (3) of this section may 1907
accept, for purposes of satisfying its licensing requirements, a 1908
valid license issued pursuant to Chapter 4740. of the Revised 1909
Code that a specialty contractor holds, for the construction, 1910
replacement, maintenance, or repair of one-family, two-family, 1911
or three-family dwelling houses or accessory structures 1912
incidental to those dwelling houses. 1913

(F) A municipal corporation shall not register a specialty 1914
contractor who is required to hold a license under Chapter 4740. 1915
of the Revised Code but does not hold a valid license issued 1916
under that chapter. 1917

(G) If a municipal corporation regulates a profession, 1918
occupation, or occupational activity under this section, the 1919
municipal corporation shall comply with Chapter 4796. of the 1920
Revised Code. 1921

(H) As used in this section, "specialty contractor" means 1922
a heating, ventilating, and air conditioning contractor, 1923
refrigeration contractor, electrical contractor, plumbing 1924

contractor, or hydronics contractor, as those contractors are 1925
described in Chapter 4740. of the Revised Code. 1926

Sec. 903.07. (A) On and after the date that is established 1927
in rules by the director of agriculture, both of the following 1928
apply: 1929

(1) The management and handling of manure at a major 1930
concentrated animal feeding facility, including the land 1931
application of manure or the removal of manure from a manure 1932
storage or treatment facility, shall be conducted only by or 1933
under the supervision of a person holding a livestock manager 1934
certification issued under this section. A person managing or 1935
handling manure who is acting under the instructions and control 1936
of a person holding a livestock manager certification is 1937
considered to be under the supervision of the certificate holder 1938
if the certificate holder is responsible for the actions of the 1939
person and is available when needed even though the certificate 1940
holder is not physically present at the time of the manure 1941
management or handling. 1942

(2) No person shall transport and land apply annually or 1943
buy, sell, or land apply annually the volume of manure 1944
established in rules adopted by the director under division (D) 1945
(5) of section 903.10 of the Revised Code unless the person 1946
holds a livestock manager certification issued under this 1947
section. 1948

(B) ~~The~~ Except as provided in division (D) of this 1949
section, the director shall issue a livestock manager 1950
certification to a person who has submitted a complete 1951
application for certification on a form prescribed and provided 1952
by the director, together with the appropriate application fee, 1953
and who has completed successfully the required training and has 1954

passed the required examination. The director may suspend or 1955
revoke a livestock manager certification and may reinstate a 1956
suspended or revoked livestock manager certification in 1957
accordance with rules. 1958

(C) Information required to be included in an application 1959
for a livestock manager certification, the amount of the 1960
application fee, requirements regarding training and the 1961
examination, requirements governing the management and handling 1962
of manure, including the land application of manure, and 1963
requirements governing the keeping of records regarding the 1964
handling of manure, including the land application of manure, 1965
shall be established in rules. 1966

(D) The director shall issue a livestock manager 1967
certification in accordance with Chapter 4796. of the Revised 1968
Code to an individual if either of the following applies: 1969

(1) The individual holds a certification in another state. 1970

(2) The individual has satisfactory work experience, a 1971
government certification, or a private certification as 1972
described in that chapter as a livestock manager in a state that 1973
does not issue that license. 1974

Sec. 905.321. (A) Beginning September thirtieth of the 1975
third year after ~~the effective date of this section~~ August 21, 1976
2014, no person shall apply fertilizer for the purposes of 1977
agricultural production unless that person has been certified to 1978
do so by the director of agriculture under this section and 1979
rules or is acting under the instructions and control of a 1980
person who is so certified. 1981

(B) A-Except as otherwise provided in this division, a 1982
person shall be certified to apply fertilizer for purposes of 1983

agricultural production in accordance with rules. A person that 1984
has been so certified shall comply with requirements and 1985
procedures established in those rules. 1986

The director shall issue a certification to apply 1987
fertilizer for purposes of agricultural production in accordance 1988
with Chapter 4796. of the Revised Code to an individual if 1989
either of the following applies: 1990

(1) The individual holds a license or certification in 1991
another state. 1992

(2) The individual has satisfactory work experience, a 1993
government certification, or a private certification as 1994
described in that chapter as a fertilizer applicator in a state 1995
that does not issue that license or certification. 1996

(C) A person that has been licensed as a commercial 1997
applicator under section 921.06 of the Revised Code or as a 1998
private applicator under section 921.11 of the Revised Code may 1999
apply to be certified under this section, but shall not be 2000
required to pay the application fee for certification 2001
established in rules adopted under section 905.322 of the 2002
Revised Code. 2003

Sec. 917.09. (A) The director of agriculture may issue the 2004
following types of licenses: 2005

(1) Producer; 2006

(2) Processor; 2007

(3) Milk dealer; 2008

(4) Raw milk retailer; 2009

(5) Weigher, sampler, or tester; 2010

(6) Milk hauler.	2011
(B) The director may adopt rules establishing categories for each type of license that are based on the grade or type of dairy product with which the licensee is involved.	2012 2013 2014
(C) Except as provided in section 917.091 of the Revised Code and division (J) of this section, no person shall act as or hold the person's self out as a producer; processor; milk dealer; raw milk retailer; weigher, sampler, or tester; or milk hauler unless the person holds a valid license issued by the director under this section.	2015 2016 2017 2018 2019 2020
(D) Each person desiring a license shall submit to the director a license application on a form prescribed by the director, accompanied by a license fee in an amount specified in rules adopted under section 917.02 of the Revised Code. The applicant shall specify on the application the type of license and category requested and shall include any other information required by rules adopted under section 917.02 of the Revised Code.	2021 2022 2023 2024 2025 2026 2027 2028
(E) Each applicant for a weigher, sampler, or tester license or registration, prior to issuance of the license or registration, shall pass an examination that is given in accordance with section 917.08 of the Revised Code and rules adopted under section 917.02 of the Revised Code.	2029 2030 2031 2032 2033
Each applicant for any other type of license issued under this section, prior to issuance of the license, shall pass an inspection that is made in accordance with rules adopted under section 917.02 of the Revised Code.	2034 2035 2036 2037
(F) The director shall not issue a license to an applicant unless the director determines, through an inspection or	2038 2039

otherwise, that the applicant is in compliance with the 2040
requirements set forth in this chapter and the rules adopted 2041
under it. 2042

(G) Examinations that must be passed prior to issuance of 2043
a weigher, sampler, or tester license, inspections that must be 2044
passed prior to issuance of any other type of license issued 2045
under this section, procedures for issuing and renewing 2046
licenses, and license terms and renewal periods shall comply 2047
with rules adopted under section 917.02 of the Revised Code. 2048

(H) Suspension and revocation of licenses shall comply 2049
with section 917.22 of the Revised Code and rules adopted under 2050
section 917.02 of the Revised Code. 2051

(I) Each licensed weigher, sampler, and tester annually 2052
shall meet the continuing education requirements established in 2053
rules adopted under division (B) of section 917.02 of the 2054
Revised Code. 2055

(J) A person whose religion prohibits the person from 2056
obtaining a license under this section, in place of a license, 2057
shall register with the director as a producer; processor; milk 2058
dealer; raw milk retailer; weigher, sampler, or tester; or milk 2059
hauler. 2060

The person claiming the exemption from licensure shall 2061
register on a form prescribed by the director and shall meet any 2062
other registration requirements contained in rules adopted under 2063
section 917.02 of the Revised Code. Upon receiving the person's 2064
registration form and determining that the person has satisfied 2065
all requirements for registration, the director shall notify the 2066
person that the person is registered to lawfully operate as a 2067
producer; processor; milk dealer; raw milk retailer; weigher, 2068

sampler, or tester; or milk hauler. 2069

A registrant is subject to all provisions governing 2070
licensees, such as provisions concerning testing, sampling, and 2071
inspection of dairy products. A registrant is subject to 2072
provisions governing issuance of a temporary weigher, sampler, 2073
or tester license under section 917.091 of the Revised Code. A 2074
registration shall be renewed, suspended, and revoked under the 2075
same terms as a license. 2076

(K) Notwithstanding the requirements for a license or 2077
registration under this section, the director shall issue a 2078
license or registration to operate as a producer; processor; 2079
milk dealer; raw milk retailer; weigher, sampler, or tester; or 2080
milk hauler, as applicable, in accordance with Chapter 4796. of 2081
the Revised Code to an individual if either of the following 2082
applies: 2083

(1) The individual holds a license or registration in 2084
another state. 2085

(2) The individual has satisfactory work experience, a 2086
government certification, or a private certification as 2087
described in that chapter as a producer; processor; milk dealer; 2088
raw milk retailer; weigher, sampler, or tester; or milk hauler, 2089
as applicable, in a state that does not issue the applicable 2090
license or registration. 2091

Sec. 917.091. The director of agriculture may issue a 2092
temporary weigher, sampler, or tester license to an applicant 2093
upon determining that the applicant has met all qualifications 2094
for licensure under section 917.09 of the Revised Code except 2095
successful completion of an examination. A temporary weigher, 2096
sampler, or tester license is effective for ninety days from the 2097

date of issuance. An applicant who has not taken an examination 2098
for licensure may receive no more than three temporary weigher, 2099
sampler, or tester licenses. An applicant who takes and fails an 2100
examination for licensure may receive no more than two temporary 2101
weigher, sampler, or tester licenses. Chapter 4796. of the 2102
Revised Code does not apply to a temporary license issued under 2103
this section. 2104

Sec. 921.06. (A) (1) No individual shall do any of the 2105
following without having a commercial applicator license issued 2106
by the director of agriculture: 2107

(a) Apply pesticides for a pesticide business without 2108
direct supervision; 2109

(b) Apply pesticides as part of the individual's duties 2110
while acting as an employee of the United States government, a 2111
state, county, township, or municipal corporation, or a park 2112
district, port authority, or sanitary district created under 2113
Chapter 1545., 4582., or 6115. of the Revised Code, 2114
respectively; 2115

(c) Apply restricted use pesticides. Division (A) (1) (c) of 2116
this section does not apply to a private applicator or an 2117
immediate family member or a subordinate employee of a private 2118
applicator who is acting under the direct supervision of that 2119
private applicator. 2120

(d) If the individual is the owner of a business other 2121
than a pesticide business or an employee of such an owner, apply 2122
pesticides at any of the following publicly accessible sites 2123
that are located on the property: 2124

(i) Food service operations that are licensed under 2125
Chapter 3717. of the Revised Code; 2126

(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;	2127 2128
(iii) Golf courses;	2129
(iv) Rental properties of more than four apartment units at one location;	2130 2131
(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;	2132 2133
(vi) Child day-care centers or school child day-care centers as defined in section 5104.01 of the Revised Code;	2134 2135
(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;	2136 2137 2138 2139 2140 2141
(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;	2142 2143 2144 2145 2146 2147 2148 2149 2150 2151
(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;	2152 2153
(x) Any other site designated by rule.	2154

(e) Conduct authorized diagnostic inspections. 2155

(2) Divisions (A) (1) (a) to (d) of this section do not 2156
apply to an individual who is acting as a trained serviceperson 2157
under the direct supervision of a commercial applicator. 2158

(3) Licenses shall be issued for a period of time 2159
established by rule and shall be renewed in accordance with 2160
deadlines established by rule. The fee for each such license 2161
shall be established by rule. If a license is not issued or 2162
renewed, the application fee shall be retained by the state as 2163
payment for the reasonable expense of processing the 2164
application. The director shall by rule classify by pesticide- 2165
use category licenses to be issued under this section. A single 2166
license may include more than one pesticide-use category. No 2167
individual shall be required to pay an additional license fee if 2168
the individual is licensed for more than one category. 2169

The fee for each license or renewal does not apply to an 2170
applicant who is an employee of the department of agriculture 2171
whose job duties require licensure as a commercial applicator as 2172
a condition of employment. 2173

(B) Application for a commercial applicator license shall 2174
be made on a form prescribed by the director. Each application 2175
for a license shall state the pesticide-use category or 2176
categories of license for which the applicant is applying and 2177
other information that the director determines essential to the 2178
administration of this chapter. 2179

(C) ~~If (1) Except as provided in division (C) (2) of this~~ 2180
section, if the director finds that the applicant is competent 2181
to apply pesticides and conduct diagnostic inspections and that 2182
the applicant has passed both the general examination and each 2183

applicable pesticide-use category examination as required under 2184
division (A) of section 921.12 of the Revised Code, the director 2185
shall issue a commercial applicator license limited to the 2186
pesticide-use category or categories for which the applicant is 2187
found to be competent. If the director rejects an application, 2188
the director may explain why the application was rejected, 2189
describe the additional requirements necessary for the applicant 2190
to obtain a license, and return the application. The applicant 2191
may resubmit the application without payment of any additional 2192
fee. 2193

(2) The director shall issue a commercial applicator 2194
license in accordance with Chapter 4796. of the Revised Code to 2195
an individual if either of the following applies: 2196

(a) The individual holds a commercial applicator license 2197
in another state. 2198

(b) The individual has satisfactory work experience, a 2199
government certification, or a private certification as 2200
described in that chapter as a commercial applicator in a state 2201
that does not issue that license. 2202

A license issued under this division shall be limited to 2203
the pesticide-use category or categories for which the applicant 2204
is licensed in another state or has satisfactory work 2205
experience, a government certification, or a private 2206
certification in that state. 2207

(D) (1) A person who is a commercial applicator shall be 2208
deemed to hold a private applicator's license for purposes of 2209
applying pesticides on agricultural commodities that are 2210
produced by the commercial applicator. 2211

(2) A commercial applicator shall apply pesticides only in 2212

the pesticide-use category or categories in which the applicator 2213
is licensed under this chapter. 2214

(E) All money collected under this section shall be 2215
credited to the pesticide, fertilizer, and lime program fund 2216
created in section 921.22 of the Revised Code. 2217

Sec. 921.11. (A) (1) No individual shall apply restricted 2218
use pesticides unless the individual is one of the following: 2219

(a) Licensed under section 921.06 of the Revised Code; 2220

(b) Licensed under division (B) of this section; 2221

(c) A trained serviceperson who is acting under the direct 2222
supervision of a commercial applicator; 2223

(d) An immediate family member or a subordinate employee 2224
of a private applicator who is acting under the direct 2225
supervision of that private applicator. 2226

(2) No individual shall directly supervise the application 2227
of a restricted use pesticide unless the individual is one of 2228
the following: 2229

(a) Licensed under section 921.06 of the Revised Code; 2230

(b) Licensed under division (B) of this section. 2231

(B) ~~The~~ (1) Subject to division (B) (2) of this section, 2232
the director of agriculture shall adopt rules to establish 2233
standards and procedures for the licensure of private 2234
applicators. An individual shall apply for a private applicator 2235
license to the director, on forms prescribed by the director. 2236
The individual shall include in the application the pesticide- 2237
use category or categories of the license for which the 2238
individual is applying and any other information that the 2239

director determines is essential to the administration of this 2240
chapter. The fee for each license shall be established by rule. 2241
Licenses shall be issued for a period of time established by 2242
rule and shall be renewed in accordance with deadlines 2243
established by rule. If a license is not issued or renewed, the 2244
state shall retain any fee submitted as payment for reasonable 2245
expenses of processing the application. 2246

(2) The director shall issue a private applicator license 2247
in accordance with Chapter 4796. of the Revised Code to an 2248
individual if either of the following applies: 2249

(a) The individual holds a private applicator license in 2250
another state. 2251

(b) The individual has satisfactory work experience, a 2252
government certification, or a private certification as 2253
described in that chapter as a private applicator in a state 2254
that does not issue that license. 2255

A license issued under this division shall be limited to 2256
the pesticide-use category or categories for which the applicant 2257
is licensed in another state or has satisfactory work 2258
experience, a government certification, or a private 2259
certification in that state. 2260

(C) An individual who is licensed under this section shall 2261
use or directly supervise the use of a restricted use pesticide 2262
only for the purpose of producing agricultural commodities on 2263
property that is owned or rented by the individual or the 2264
individual's employer. 2265

(D) All money collected under this section shall be 2266
credited to the pesticide, fertilizer, and lime program fund 2267
created in section 921.22 of the Revised Code. 2268

Sec. 921.12. (A) The director of agriculture shall require 2269
each applicant for a license by examination under section 921.06 2270
or 921.11 of the Revised Code to be examined on the applicant's 2271
knowledge and competency in each of the following: 2272

(1) This chapter and rules adopted under it; 2273

(2) The proper use, handling, and application of 2274
pesticides and, if the applicant is applying for a license under 2275
section 921.06 of the Revised Code, in the conducting of 2276
diagnostic inspections in the pesticide-use categories for which 2277
the applicant has applied. 2278

(B) Each application for renewal of a license provided for 2279
in section 921.06 of the Revised Code shall be filed prior to 2280
the deadline established by rule. If filed after the deadline, a 2281
penalty of fifty per cent shall be assessed and added to the 2282
original fee and shall be paid by the applicant before the 2283
renewal license is issued. However, if a license issued under 2284
section 921.06 or 921.11 of the Revised Code is not renewed 2285
within one hundred eighty days after the date of expiration, the 2286
licensee shall be required to take another examination on this 2287
chapter and rules adopted under it and on the proper use, 2288
handling, and application of pesticides and, if applicable, the 2289
proper conducting of diagnostic inspections in the pesticide-use 2290
categories for which the licensee has been licensed. 2291

(C) A person who fails to pass an examination under 2292
division (A) or (B) of this section is not entitled to an 2293
adjudication under Chapter 119. of the Revised Code for that 2294
failure. 2295

(D) The holder of a commercial applicator license may 2296
renew the license within one hundred eighty days after the date 2297

of expiration without re-examination unless the director 2298
determines that a new examination is necessary to insure that 2299
the holder continues to meet the requirements of changing 2300
technology and to assure a continuing level of competence and 2301
ability to use pesticides safely and properly. 2302

(E) The holder of a private applicator license may renew 2303
the license within one hundred eighty days after the date of 2304
expiration without re-examination unless the director determines 2305
that a new examination is necessary to insure that the holder 2306
continues to meet the requirements of changing technology and to 2307
assure a continuing level of competence and ability to use 2308
pesticides safely and properly. 2309

(F) Instead of requiring a commercial applicator or 2310
private applicator to complete re-examination successfully under 2311
division (D) or (E) of this section, the director may require, 2312
in accordance with criteria established by rule, the commercial 2313
applicator or private applicator to participate in training 2314
programs that are designed to foster knowledge of new technology 2315
and to ensure a continuing level of competence and ability to 2316
use pesticides safely and properly. The director or the 2317
director's representative may provide the training or may 2318
authorize a third party to do so. In order for such 2319
authorization to occur, the third party and its training program 2320
shall comply with standards and requirements established by 2321
rule. 2322

Sec. 921.24. No person shall do any of the following: 2323

(A) Apply, use, directly supervise such application or 2324
use, or recommend a pesticide for use inconsistent with the 2325
pesticide's labeling, treatment standards, or other restrictions 2326
imposed by the director of agriculture; 2327

(B) Act as a commercial applicator without being licensed	2328
to do so;	2329
(C) Use any restricted use pesticide, unless the person is	2330
licensed to do so, is a trained serviceperson acting under the	2331
direct supervision of a commercial applicator, or is an	2332
immediate family member or a subordinate employee of a private	2333
applicator under the direct supervision of that private	2334
applicator;	2335
(D) Refuse or fail to keep or maintain records required by	2336
the director in rules adopted under this chapter, or to make	2337
reports when and as required by the director in rules adopted	2338
under this chapter;	2339
(E) Falsely or fraudulently represent the effect of	2340
pesticides or methods to be utilized;	2341
(F) Apply known ineffective or improper materials;	2342
(G) Operate in a negligent manner, which includes the	2343
operation of faulty or unsafe equipment;	2344
(H) Impersonate any federal, state, county, or municipal	2345
official;	2346
(I) Make false or fraudulent records, invoices, or	2347
reports;	2348
(J) Fail to provide training to trained servicepersons in	2349
the application of pesticides;	2350
(K) Fail to provide direct supervision as specified in	2351
rules adopted under division (C) of section 921.16 of the	2352
Revised Code;	2353
(L) Distribute a misbranded or adulterated pesticide;	2354

(M) Use fraud or misrepresentation in making application for a license or registration or renewal of a license or registration;	2355 2356 2357
(N) Refuse, fail, or neglect to comply with any limitation or restriction of a license or registration issued under this chapter or rules adopted thereunder;	2358 2359 2360
(O) Aid or abet a licensee or another person in violating this chapter or rules adopted thereunder;	2361 2362
(P) Make a false or misleading statement in an inspection concerning any infestation of pests or the use of pesticides;	2363 2364
(Q) Refuse or fail to comply with this chapter, the rules adopted thereunder, or any lawful order of the director;	2365 2366
(R) Distribute restricted use pesticides to the ultimate user without a pesticide dealer's license;	2367 2368
(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;	2369 2370 2371 2372 2373
(T) Use any pesticide that is under an experimental use permit contrary to the provisions of the permit;	2374 2375
(U) Engage in fraudulent business practices;	2376
(V) Dispose of any pesticide product or container in such a manner as to have unreasonable adverse effects on the environment;	2377 2378 2379
(W) Display any pesticide in any manner to produce unreasonable adverse effects on the environment, or to	2380 2381

contaminate adjacent food, feed, or other products;	2382
(X) Apply any pesticide by aircraft without being licensed	2383
as a commercial applicator;	2384
(Y) Distribute a pesticide that is not registered with the	2385
director;	2386
(Z) Fail to properly supervise a trained serviceperson.	2387
Sec. 921.26. (A) The penalties provided for violations of	2388
this chapter do not apply to any of the following:	2389
(1) Any carrier while lawfully engaged in transporting a	2390
pesticide or device within this state, if that carrier, upon	2391
request, permits the director of agriculture to copy all records	2392
showing the transactions in the movement of the pesticides or	2393
devices;	2394
(2) Public officials of this state and the federal	2395
government, other than commercial applicators employed by the	2396
federal government, the state, or a political subdivision, while	2397
engaged in the performance of their official duties in	2398
administering state or federal pesticide laws or rules, or while	2399
engaged in pesticide research;	2400
(3) The manufacturer or shipper of a pesticide for	2401
experimental use only by or under supervision of an agency of	2402
this state or of the federal government authorized by law to	2403
conduct research in the field of pesticides, provided that the	2404
manufacturer or shipper is not required to obtain an	2405
experimental use permit from the United States environmental	2406
protection agency;	2407
(4) The manufacturer or shipper of a substance being	2408
tested in which its purpose only is to determine its value for	2409

pesticide purposes or to determine its toxicity or other 2410
properties, and from which the user does not expect to receive 2411
any benefit in pest control from its use; 2412

(5) Persons conducting laboratory research involving 2413
pesticides; 2414

(6) Persons who incidentally use pesticides. The 2415
incidental use shall involve only the application of general use 2416
pesticides. If a person incidentally uses a pesticide, the 2417
pesticide shall be applied in strict accordance with the 2418
manufacturer's label for general use purposes. If further 2419
applications are necessary following the incidental use 2420
application, a pesticide applicator shall apply the pesticide. 2421

(B) No pesticide or device shall be considered in 2422
violation of this chapter when intended solely for export to a 2423
foreign country, and when prepared or packed according to the 2424
specifications or directions of the purchaser. If the pesticide 2425
or device is not so exported, this chapter applies. 2426

(C) No person who is licensed, regulated, or registered 2427
under section 921.02, 921.03, 921.06, ~~921.08~~, 921.09, 921.11, or 2428
921.13 of the Revised Code shall be required to obtain a license 2429
or permit to operate or to be otherwise regulated in such 2430
capacity by any local ordinance, or to meet any other condition 2431
except as otherwise provided by statute or rule of the United 2432
States or of this state. 2433

(D) Section 921.09 of the Revised Code does not apply to 2434
an individual who uses only ground equipment for the individual 2435
or for the individual's neighbors, provided that the individual 2436
meets all of the following requirements: 2437

(1) Is licensed under section 921.11 of the Revised Code; 2438

(2) Operates farm property and operates and maintains 2439
pesticide application equipment primarily for the individual's 2440
own use; 2441

(3) Is not regularly engaged in the business of applying 2442
pesticides for hire or does not publicly hold oneself out as a 2443
pesticide applicator; 2444

(4) Meets any other requirement established by rule. 2445

(E) Section 921.06 of the Revised Code relating to 2446
licenses and requirements for their issuance does not apply to 2447
licensed physicians or veterinarians applying pesticides to 2448
human beings or other animals during the normal course of their 2449
practice, provided that they are not regularly engaged in the 2450
business of applying pesticides for hire amounting to a 2451
principal or regular occupation or do not publicly hold 2452
themselves out as commercial applicators. 2453

(F) Division (S) of section 921.24 of the Revised Code 2454
does not apply to a pesticide dealer who distributes restricted 2455
use pesticides to a nonresident who is licensed in another state 2456
having a state plan approved by the United States environmental 2457
protection agency. 2458

Sec. 926.30. (A) No licensed handler or employee of a 2459
licensed handler who receives an agricultural commodity from a 2460
producer, either for sale or for storage under a bailment 2461
agreement, shall perform a quality test on the commodity for the 2462
purpose of applying a premium, discount, or conditioning charge 2463
unless the person making the test has passed an examination on 2464
the subject that is approved by the director of agriculture. 2465
~~Upon~~ Except as provided in division (D) of this section, upon 2466
application by a person who has passed the examination, the 2467

director shall issue to the person an agricultural commodity 2468
tester certificate that shall be valid for a period of three 2469
years. Except as otherwise provided in this division, an 2470
agricultural commodity tester shall pass an examination on 2471
agricultural commodity testing approved by the director prior to 2472
each renewal of a certificate. The director may exempt from the 2473
examination requirement for certificate renewal an agricultural 2474
commodity tester who, during the year prior to expiration of the 2475
certificate, successfully completes training on agricultural 2476
commodity testing that has been approved by the director. The 2477
director shall establish by rule standards that such training 2478
must meet in order to be approved by the director. The rules 2479
shall require the training to include instructions in the use of 2480
the official grain standards of the United States as a basis for 2481
determining the quality of the commodities tested by an 2482
agricultural commodity tester. An agricultural commodity tester 2483
certificate issued prior to ~~the effective date of this amendment~~ 2484
July 29, 1998, shall be considered to be valid until the date on 2485
which, at the time of issuance, it was scheduled to expire. Upon 2486
expiration of the certificate, the examination requirement for 2487
renewal shall apply. 2488

(B) The director may determine that retraining or review 2489
is necessary for the tester as a result of changes in or 2490
amendments to the official grain standards of the United States, 2491
or if the director has reason to believe that retraining is 2492
necessary as a result of complaints relating to the tester's 2493
inability to accurately test commodities according to the 2494
official grain standards. A fee to cover the cost of issuing 2495
certificates and administering the educational program shall be 2496
established by rule of the director adopted under Chapter 119. 2497
of the Revised Code and shall be deposited into the commodity 2498

handler regulatory program fund created in section 926.19 of the Revised Code. 2499
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(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. 2501
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(D) The director shall issue an agricultural commodity tester certificate in accordance with Chapter 4796. of the Revised Code to an individual if either of the following applies: 2506
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(1) The individual holds a license or certificate in another state. 2510
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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 agricultural commodity tester in a state that does not issue that license. 2512
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Sec. 928.02. (A) (1) The director of agriculture shall establish a program to monitor and regulate hemp cultivation and processing in this state. Under the program, the director shall issue hemp cultivation licenses and hemp processing licenses in accordance with rules adopted under section 928.03 of the Revised Code. 2516
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(2) As authorized by the director, the department of agriculture or a university may cultivate or process hemp without a hemp cultivation license or hemp processing license for research purposes. 2522
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(B) Except as authorized under division (A) (2) or (E) of this section, any person that wishes to cultivate hemp shall 2526
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apply for and obtain a hemp cultivation license from the 2528
director in accordance with rules adopted under section 928.03 2529
of the Revised Code. Except as authorized under division (A) (2) 2530
or (E) of this section, any person that wishes to process hemp 2531
shall apply for and obtain a hemp processing license from the 2532
director in accordance with those rules. Such licenses are valid 2533
for three years unless earlier suspended or revoked by the 2534
director. 2535

(C) The department, a university, or any person may, 2536
without a hemp cultivation license or hemp processing license, 2537
possess, buy, or sell hemp or a hemp product. 2538

(D) Notwithstanding any other provision of the Revised 2539
Code to the contrary, the addition of hemp or a hemp product to 2540
any other product does not adulterate that other product. 2541

(E) The director shall issue a hemp cultivation license or 2542
hemp processing license in accordance with Chapter 4796. of the 2543
Revised Code to an individual if either of the following 2544
applies: 2545

(1) The individual holds the applicable license in another 2546
state. 2547

(2) The individual has satisfactory work experience, a 2548
government certification, or a private certification as 2549
described in that chapter as a hemp cultivator or hemp processor 2550
in a state that does not issue the applicable license. 2551

Sec. 943.09. Licenses (A) Except as provided in division 2552
(B) of this section, licenses shall be issued by the department 2553
of agriculture to weighers under such rules and regulations as 2554
the department shall prescribe. Each weigher shall display ~~his~~ 2555
the weigher's license in a conspicuous place on or adjacent to 2556

the weighing facility operated by such weigher. A weigher's 2557
license may be revoked for a violation of section 943.11 of the 2558
Revised Code or of the rules and regulations of the department 2559
relating thereto. The license of any weigher convicted of a 2560
violation of such section shall be promptly revoked. A weigher's 2561
license, unless revoked, shall expire on the thirty-first day of 2562
March of each year and shall be renewed according to the 2563
standard renewal procedure of sections 4745.01 to 4745.03, 2564
inclusive, of the Revised Code. 2565

(B) The director of agriculture shall issue a weigher's 2566
license in accordance with Chapter 4796. of the Revised Code to 2567
an individual if either of the following applies: 2568

(1) The individual holds a license in another state. 2569

(2) The individual has satisfactory work experience, a 2570
government certification, or a private certification as 2571
described in that chapter as a weigher in a state that does not 2572
issue that license. 2573

Sec. 956.05. (A) (1) No person shall act as or perform the 2574
functions of a dog broker in this state without a dog broker 2575
license issued by the director of agriculture in accordance with 2576
this section and rules adopted under section 956.03 of the 2577
Revised Code. 2578

(2) The director shall not issue a license under this 2579
section unless the director determines that the applicant will 2580
act as or perform the functions of a dog broker in accordance 2581
with this chapter and rules adopted under it. 2582

(B) A person who is proposing to act as or perform the 2583
functions of a dog broker shall submit an application for a 2584
license to the director. During the month of December, but 2585

before the first day of January of the next year, a person who 2586
is proposing to continue to act as or perform the functions of a 2587
dog broker shall obtain a license from the director for the 2588
following year. 2589

(C) The director shall issue a dog broker license in 2590
accordance with Chapter 4796. of the Revised Code to a person if 2591
either of the following applies: 2592

(1) The person holds a license in another state. 2593

(2) The person has satisfactory work experience, a 2594
government certification, or a private certification as 2595
described in that chapter as a dog broker in a state that does 2596
not issue that license. 2597

Sec. 956.06. (A) (1) No person shall operate an animal 2598
rescue for dogs without first registering with the director of 2599
agriculture in accordance with division (C) of this section or 2600
rules adopted under section 956.03 of the Revised Code, as 2601
applicable. A registration is valid for one year. 2602

(2) A registration may be renewed. An application for 2603
renewal shall be submitted to the director at least ninety days 2604
prior to the expiration of the registration. 2605

(3) The director shall not charge a registration fee to an 2606
animal rescue for dogs. However, if a person fails to renew a 2607
registration prior to its expiration, the director shall charge 2608
the person a late renewal fee of two hundred dollars. 2609

(B) The director shall maintain a database of all persons 2610
that are registered to operate an animal rescue for dogs in this 2611
state. 2612

(C) The director shall issue an animal rescue license for 2613

dogs registration in accordance with Chapter 4796. of the 2614
Revised Code to a person if either of the following applies: 2615

(1) The person holds a license or registration in another 2616
state. 2617

(2) The person has satisfactory work experience, a 2618
government certification, or a private certification as 2619
described in that chapter as an animal rescue for dogs operator 2620
in a state that does not issue that license or registration. 2621

Sec. 1315.23. (A) Upon the filing of an application for an 2622
original license to engage in the business of cashing checks, 2623
and the payment of the fees for investigation and licensure, the 2624
superintendent of financial institutions shall investigate the 2625
financial condition and responsibility and general fitness of 2626
the applicant. As part of that investigation, the superintendent 2627
shall request that the superintendent of the bureau of criminal 2628
identification and investigation investigate and determine, with 2629
respect to the applicant, whether the bureau has any information 2630
gathered under section 109.57 of the Revised Code that pertains 2631
to that applicant. 2632

(B) ~~The~~ (1) Except as provided in division (B) (2) of this 2633
section, the superintendent shall issue a license, which shall 2634
apply to all check-cashing business locations of the applicant, 2635
if the superintendent determines that the applicant meets all 2636
the following requirements: 2637

~~(1)~~ (a) The applicant is financially sound and has a net 2638
worth of at least twenty-five thousand dollars. The applicant's 2639
net worth shall be computed according to generally accepted 2640
accounting principles. The applicant shall maintain a net worth 2641
of at least twenty-five thousand dollars throughout the 2642

licensure period. 2643

~~(2)~~ (b) The applicant has the ability and fitness in the 2644
capacity involved to engage in the business of cashing checks. 2645

~~(3)~~ (c) The applicant has not been convicted of, or has 2646
not pleaded guilty or no contest to, a disqualifying offense 2647
determined in accordance with section 9.79 of the Revised Code. 2648

~~(4)~~ (d) The applicant has never had a check-cashing 2649
license revoked. 2650

(2) The superintendent shall issue a license to engage in 2651
the business of cashing checks in accordance with Chapter 4796. 2652
of the Revised Code to an applicant if either of the following 2653
applies: 2654

(a) The applicant holds a license in another state. 2655

(b) The applicant has satisfactory work experience, a 2656
government certification, or a private certification as 2657
described in that chapter in the business of cashing checks in a 2658
state that does not issue that license. 2659

(C) (1) A license issued to a check-cashing business shall 2660
remain in full force and effect through the thirty-first day of 2661
December following its date of issuance, unless earlier 2662
surrendered, suspended, or revoked. 2663

(2) Each check-cashing business shall conspicuously post 2664
and at all times display in every business location its check- 2665
cashing license. No check-cashing license is transferable or 2666
assignable. 2667

(D) A check-cashing business voluntarily may surrender its 2668
license at any time by giving written notice to the 2669
superintendent and sending, by certified mail, to the 2670

superintendent all license documents issued to it pursuant to 2671
sections 1315.21 to 1315.28 of the Revised Code. 2672

(E) (1) A check-cashing business annually may apply to the 2673
superintendent for a renewal of its license on or after the 2674
first day of December of the year in which its existing license 2675
expires. 2676

(2) If a check-cashing business files an application for a 2677
renewal license with the superintendent before the first day of 2678
January of any year, the license sought to be renewed shall 2679
continue in full force and effect until the issuance by the 2680
superintendent of the renewal license applied for or until ten 2681
days after the superintendent has given the check-cashing 2682
business notice of the superintendent's refusal to issue a 2683
renewal license. 2684

(F) The superintendent may, except as otherwise provided 2685
in this division, suspend, revoke, or refuse an original or 2686
renewal license for failure to comply with this section or for 2687
any violation of section 1315.28 of the Revised Code. If a 2688
suspension, revocation, or refusal of an original or renewal 2689
license is based on a violation of section 1315.28 of the 2690
Revised Code that is committed, without the licensee's 2691
knowledge, at a check-cashing business location of the licensee, 2692
the suspension or revocation applies only to that check-cashing 2693
business location. In all other cases, a suspension, revocation, 2694
or refusal of an original or renewal license applies to all 2695
check-cashing business locations of the licensee. The 2696
superintendent shall not refuse an original license to an 2697
applicant because of a criminal conviction unless the refusal is 2698
in accordance with section 9.79 of the Revised Code. 2699

(G) No original or renewal license shall be suspended, 2700

revoked, or refused except after a hearing in accordance with 2701
Chapter 119. of the Revised Code. In suspending a license under 2702
this division, the superintendent shall establish the length of 2703
the suspension, provided that no suspension may be for a period 2704
exceeding one year. The superintendent's decision to revoke, 2705
suspend, or refuse an original or renewal license may be 2706
appealed pursuant to Chapter 119. of the Revised Code. 2707

(H) Upon revocation of a license, the licensee shall 2708
immediately send, by certified mail, all license documents 2709
issued pursuant to sections 1310.21 to 1310.28 of the Revised 2710
Code to the superintendent. 2711

(I) The superintendent may, in lieu of a suspension or 2712
revocation of a license, impose a fine of not more than one 2713
thousand dollars for each violation. 2714

Sec. 1321.04. ~~Upon (A)~~ Except as otherwise provided in 2715
division (B) of this section, upon the filing of an application 2716
under section 1321.03 of the Revised Code and payment of fees 2717
pursuant to section 1321.20 of the Revised Code, the division of 2718
financial institutions shall investigate the facts concerning 2719
the applicant and the requirements provided for in divisions (A) 2720
(1) and ~~(B)~~ (2) of this section. 2721

The division shall approve the application and issue and 2722
deliver a license to the applicant if the division finds both of 2723
the following: 2724

~~(A)~~ (1) That the financial responsibility, experience, and 2725
general fitness of the applicant and of the members thereof, if 2726
the applicant is a partnership or an association, and of the 2727
officers and directors thereof, if the applicant is a 2728
corporation, are such as to warrant the belief that the business 2729

will be operated lawfully, honestly, and fairly under sections 2730
1321.01 to 1321.19 of the Revised Code and within the purposes 2731
of those sections, that the applicant has fully complied with 2732
those sections, and that the applicant is qualified to act as a 2733
licensed lender; 2734

~~(B)~~ (2) That the applicant has available for the operation 2735
of such business cash or moneys deposited in a readily 2736
accessible fund or account of not less than twenty-five thousand 2737
dollars. 2738

If the division does not so find, it shall enter an order 2739
denying such application and forthwith notify the applicant of 2740
the denial, the grounds for the denial, and the applicant's 2741
reasonable opportunity to be heard on the action in accordance 2742
with Chapter 119. of the Revised Code. In the event of denial, 2743
the division shall return the license fee but shall retain the 2744
investigation fee. 2745

(B) The division shall issue and deliver a license in 2746
accordance with Chapter 4796. of the Revised Code to an 2747
applicant if either of the following applies: 2748

(1) The applicant holds a license in another state. 2749

(2) The applicant has satisfactory work experience, a 2750
government certification, or a private certification as 2751
described in that chapter in the business of lending money, 2752
credit, or choses in action in amounts of five thousand dollars 2753
or less in a state that does not issue that license. 2754

Sec. 1321.37. (A) Application for an original or renewal 2755
license to make short-term loans shall be in writing, under 2756
oath, and in the form prescribed by the superintendent of 2757
financial institutions, and shall contain the name and address 2758

of the applicant, the location where the business of making 2759
loans is to be conducted, and any further information as the 2760
superintendent requires. At the time of making an application 2761
for an original license, the applicant shall pay to the 2762
superintendent a nonrefundable investigation fee of two hundred 2763
dollars. No investigation fee or any portion thereof shall be 2764
refunded after an original license has been issued. The 2765
application for an original or renewal license shall be 2766
accompanied by an original or renewal license fee, for each 2767
business location of one thousand dollars, except that 2768
applications for original licenses issued on or after the first 2769
day of July for any year shall be accompanied by an original 2770
license fee of five hundred dollars, and except that an 2771
application for an original or renewal license, for a nonprofit 2772
corporation that is incorporated under Chapter 1702. of the 2773
Revised Code, shall be accompanied by an original or renewal 2774
license fee, for each business location, that is one-half of the 2775
fee otherwise required. All fees paid to the superintendent 2776
pursuant to this division shall be deposited into the state 2777
treasury to the credit of the consumer finance fund. 2778

(B) Upon the filing of an application for an original 2779
license and, with respect to an application filed for a renewal 2780
license, on a schedule determined by the superintendent by rule 2781
adopted pursuant to section 1321.43 of the Revised Code, and the 2782
payment of fees in accordance with division (A) of this section, 2783
the superintendent shall investigate the facts concerning the 2784
applicant and the requirements provided by this division. The 2785
superintendent shall request the superintendent of the bureau of 2786
criminal identification and investigation, or a vendor approved 2787
by the bureau, to conduct a criminal records check based on the 2788
applicant's fingerprints in accordance with section 109.572 of 2789

the Revised Code. Notwithstanding division (K) of section 121.08 2790
of the Revised Code, the superintendent of financial 2791
institutions shall request that criminal record information from 2792
the federal bureau of investigation be obtained as part of the 2793
criminal records check. The superintendent of financial 2794
institutions shall conduct a civil records check. The 2795
superintendent shall approve an application and issue an 2796
original or renewal license to the applicant if the 2797
superintendent finds all of the following: 2798

(1) The financial responsibility, experience, and general 2799
fitness of the applicant are such as to warrant the belief that 2800
the business of making loans will be operated lawfully, 2801
honestly, and fairly under sections 1321.35 to 1321.48 of the 2802
Revised Code and within the purposes of those sections; that the 2803
applicant has fully complied with those sections and any rule or 2804
order adopted or issued pursuant to section 1321.43 of the 2805
Revised Code; and that the applicant is qualified to engage in 2806
the business of making loans under sections 1321.35 to 1321.48 2807
of the Revised Code. 2808

(2) The applicant is financially sound and has a net worth 2809
of not less than one hundred thousand dollars, or in the case of 2810
a nonprofit corporation that is incorporated under Chapter 1702. 2811
of the Revised Code, a net worth of not less than fifty thousand 2812
dollars. The applicant's net worth shall be computed according 2813
to generally accepted accounting principles. 2814

(3) The applicant has never had revoked a license to make 2815
loans under sections 1321.35 to 1321.48 of the Revised Code, 2816
under former sections 1315.35 to 1315.44 of the Revised Code, or 2817
to do business under sections 1315.21 to 1315.30 of the Revised 2818
Code. 2819

(4) Neither the applicant nor any senior officer, or 2820
partner of the applicant, has pleaded guilty to or been 2821
convicted of a disqualifying offense as determined in accordance 2822
with section 9.79 of the Revised Code. 2823

(5) Neither the applicant nor any senior officer, or 2824
partner of the applicant, has been subject to any adverse 2825
judgment for conversion, embezzlement, misappropriation of 2826
funds, fraud, misfeasance or malfeasance, or breach of fiduciary 2827
duty, or if the applicant or any of those other persons has been 2828
subject to such a judgment, the applicant has proven to the 2829
superintendent, by a preponderance of the evidence, that the 2830
applicant's or other person's activities and employment record 2831
since the judgment show that the applicant or other person is 2832
honest and truthful and there is no basis in fact for believing 2833
that the applicant or other person will be subject to such a 2834
judgment again. 2835

(C) If the superintendent finds that the applicant does 2836
not meet the requirements of division (B) of this section, or 2837
the superintendent finds that the applicant knowingly or 2838
repeatedly contracts with or employs persons to directly engage 2839
in lending activities who have been convicted of a felony crime 2840
listed in division (B) (5) of this section, the superintendent 2841
shall issue an order denying the application for an original or 2842
renewal license and giving the applicant an opportunity for a 2843
hearing on the denial in accordance with Chapter 119. of the 2844
Revised Code. The superintendent shall notify the applicant of 2845
the denial, the grounds for the denial, and the applicant's 2846
opportunity for a hearing. If the application is denied, the 2847
superintendent shall return the annual license fee but shall 2848
retain the investigation fee. 2849

(D) No person licensed under sections 1321.35 to 1321.48 2850
of the Revised Code shall conduct business in this state unless 2851
the licensee has obtained and maintains in effect at all times a 2852
corporate surety bond issued by a bonding company or insurance 2853
company authorized to do business in this state. The bond shall 2854
be in favor of the superintendent and in the penal sum of at 2855
least one hundred thousand dollars, or in the case of a 2856
nonprofit corporation that is incorporated under Chapter 1702. 2857
of the Revised Code, in the amount of fifty thousand dollars. 2858
The term of the bond shall coincide with the term of the 2859
license. The licensee shall file a copy of the bond with the 2860
superintendent. The bond shall be for the exclusive benefit of 2861
any borrower injured by a violation by a licensee or any 2862
employee of a licensee, of any provision of sections 1321.35 to 2863
1321.48 of the Revised Code. 2864

(E) Notwithstanding any provision of this section to the 2865
contrary, the superintendent shall issue an original license in 2866
accordance with Chapter 4796. of the Revised Code to an 2867
applicant if either of the following applies: 2868

(1) The applicant holds a license in another state. 2869

(2) The applicant has satisfactory work experience, a 2870
government certification, or a private certification as 2871
described in that chapter as a short-term lender in a state that 2872
does not issue that license. 2873

Sec. 1321.53. (A) (1) An application for a certificate of 2874
registration under sections 1321.51 to 1321.60 of the Revised 2875
Code shall contain an undertaking by the applicant to abide by 2876
those sections. The application shall be in writing, under oath, 2877
and in the form prescribed by the division of financial 2878
institutions, and shall contain any information that the 2879

division may require. Applicants that are foreign corporations 2880
shall obtain and maintain a license pursuant to Chapter 1703. of 2881
the Revised Code before a certificate is issued or renewed. 2882

(2) Upon the filing of the application and the payment by 2883
the applicant of a nonrefundable two-hundred-dollar 2884
investigation fee and a nonrefundable three-hundred-dollar 2885
annual registration fee, the division shall investigate the 2886
relevant facts. If the application involves investigation 2887
outside this state, the applicant may be required by the 2888
division to advance sufficient funds to pay any of the actual 2889
expenses of such investigation, when it appears that these 2890
expenses will exceed two hundred dollars. An itemized statement 2891
of any of these expenses which the applicant is required to pay 2892
shall be furnished to the applicant by the division. No 2893
certificate shall be issued unless all the required fees have 2894
been submitted to the division. 2895

(3) The investigation undertaken upon application shall 2896
include both a civil and criminal records check of the applicant 2897
including any individual whose identity is required to be 2898
disclosed in the application. Where the applicant is a business 2899
entity the superintendent shall have the authority to require a 2900
civil and criminal background check of those persons that in the 2901
determination of the superintendent have the authority to direct 2902
and control the operations of the applicant. 2903

(4) (a) Notwithstanding division (K) of section 121.08 of 2904
the Revised Code, the superintendent of financial institutions 2905
shall obtain a criminal history records check and, as part of 2906
that records check, request that criminal record information 2907
from the federal bureau of investigation be obtained. To fulfill 2908
this requirement, the superintendent shall request the 2909

superintendent of the bureau of criminal identification and 2910
investigation, or a vendor approved by the bureau, to conduct a 2911
criminal records check based on the applicant's fingerprints or, 2912
if the fingerprints are unreadable, based on the applicant's 2913
social security number, in accordance with section 109.572 of 2914
the Revised Code. 2915

(b) Any fee required under division (C) (3) of section 2916
109.572 of the Revised Code shall be paid by the applicant. 2917

(5) If an application for a certificate of registration 2918
does not contain all of the information required under division 2919
(A) of this section, and if such information is not submitted to 2920
the division within ninety days after the superintendent 2921
requests the information in writing, including by electronic 2922
transmission or facsimile, the superintendent may consider the 2923
application withdrawn. 2924

(6) If the division finds that the financial 2925
responsibility, experience, and general fitness of the applicant 2926
command the confidence of the public and warrant the belief that 2927
the business will be operated honestly and fairly in compliance 2928
with the purposes of sections 1321.51 to 1321.60 of the Revised 2929
Code and the rules adopted thereunder, and that the applicant 2930
has the applicable net worth and assets required by division ~~(B)~~ 2931
(C) of this section, the division shall thereupon issue a 2932
certificate of registration to the applicant. The superintendent 2933
shall not use a credit score as the sole basis for a 2934
registration denial. 2935

(a) (i) Certificates of registration issued on or after 2936
July 1, 2010, shall annually expire on the thirty-first day of 2937
December, unless renewed by the filing of a renewal application 2938
and payment of a three-hundred-dollar nonrefundable annual 2939

registration fee and any assessment as determined by the 2940
superintendent pursuant to division (A) (6) (a) (ii) of this 2941
section on or before the last day of December of each year. No 2942
other fee or assessment shall be required of a registrant by the 2943
state or any political subdivision of this state. 2944

(ii) If the renewal fees billed by the superintendent 2945
pursuant to division (A) (6) (a) (i) of this section are less than 2946
the estimated expenditures of the consumer finance section of 2947
the division of financial institutions, as determined by the 2948
superintendent, for the following fiscal year, the 2949
superintendent may assess each registrant at a rate sufficient 2950
to equal in the aggregate the difference between the renewal 2951
fees billed and the estimated expenditures. Each registrant 2952
shall pay the assessed amount to the superintendent prior to the 2953
last day of June. In no case shall the assessment exceed ten 2954
cents per each one hundred dollars of interest (excluding 2955
charge-off recoveries), points, loan origination charges, and 2956
credit line charges collected by that registrant during the 2957
previous calendar year. If such an assessment is imposed, it 2958
shall not be less than two hundred fifty dollars per registrant 2959
and shall not exceed thirty thousand dollars less the total 2960
renewal fees paid pursuant to division (A) (6) (a) (i) of this 2961
section by each registrant. 2962

(b) Registrants shall timely file renewal applications on 2963
forms prescribed by the division and provide any further 2964
information that the division may require. If a renewal 2965
application does not contain all of the information required 2966
under this section, and if that information is not submitted to 2967
the division within ninety days after the superintendent 2968
requests the information in writing, including by electronic 2969
transmission or facsimile, the superintendent may consider the 2970

application withdrawn. 2971

(c) Renewal shall not be granted if the applicant's 2972
certificate of registration is subject to an order of 2973
suspension, revocation, or an unpaid and past due fine imposed 2974
by the superintendent. 2975

(d) If the division finds the applicant does not meet the 2976
conditions set forth in this section, it shall issue a notice of 2977
intent to deny the application, and forthwith notify the 2978
applicant of the denial, the grounds for the denial, and the 2979
applicant's reasonable opportunity to be heard on the action in 2980
accordance with Chapter 119. of the Revised Code. 2981

(7) If there is a change of five per cent or more in the 2982
ownership of a registrant, the division may make any 2983
investigation necessary to determine whether any fact or 2984
condition exists that, if it had existed at the time of the 2985
original application for a certificate of registration, the fact 2986
or condition would have warranted the division to deny the 2987
application under division (A) (6) of this section. If such a 2988
fact or condition is found, the division may, in accordance with 2989
Chapter 119. of the Revised Code, revoke the registrant's 2990
certificate. 2991

(B) Notwithstanding division (A) of this section, the 2992
division shall issue a certificate of registration in accordance 2993
with Chapter 4796. of the Revised Code to an applicant if either 2994
of the following applies: 2995

(1) The applicant holds a license or certificate in 2996
another state. 2997

(2) The applicant has satisfactory work experience, a 2998
government certification, or a private certification as 2999

described in that chapter as a general loan lender in a state 3000
that does not issue that license. 3001

(C) Each registrant that engages in lending under sections 3002
1321.51 to 1321.60 of the Revised Code shall maintain both of 3003
the following: 3004

(1) A net worth of at least fifty thousand dollars; 3005

(2) For each certificate of registration, assets of at 3006
least fifty thousand dollars either in use or readily available 3007
for use in the conduct of the business. 3008

~~(C)~~ (D) Not more than one place of business shall be 3009
maintained under the same certificate, but the division may 3010
issue additional certificates to the same registrant upon 3011
compliance with sections 1321.51 to 1321.60 of the Revised Code, 3012
governing the issuance of a single certificate. No change in the 3013
place of business of a registrant to a location outside the 3014
original municipal corporation shall be permitted under the same 3015
certificate without the approval of a new application, the 3016
payment of the registration fee and, if required by the 3017
superintendent, the payment of an investigation fee of two 3018
hundred dollars. When a registrant wishes to change its place of 3019
business within the same municipal corporation, it shall give 3020
written notice of the change in advance to the division, which 3021
shall provide a certificate for the new address without cost. If 3022
a registrant changes its name, prior to making loans under the 3023
new name it shall give written notice of the change to the 3024
division, which shall provide a certificate in the new name 3025
without cost. Sections 1321.51 to 1321.60 of the Revised Code do 3026
not limit the loans of any registrant to residents of the 3027
community in which the registrant's place of business is 3028
situated. Each certificate shall be kept conspicuously posted in 3029

the place of business of the registrant and is not transferable 3030
or assignable. 3031

~~(D)~~ (E) Sections 1321.51 to 1321.60 of the Revised Code do 3032
not apply to any of the following: 3033

(1) Entities chartered and lawfully doing business under 3034
the authority of any law of this state, another state, or the 3035
United States as a bank, savings bank, trust company, savings 3036
and loan association, or credit union, or a subsidiary of any 3037
such entity, which subsidiary is regulated by a federal banking 3038
agency and is owned and controlled by such a depository 3039
institution; 3040

(2) Life, property, or casualty insurance companies 3041
licensed to do business in this state; 3042

(3) Any person that is a lender making a loan pursuant to 3043
sections 1321.01 to 1321.19 or sections 1321.62 to 1321.701 of 3044
the Revised Code or a business loan as described in division (B) 3045
(6) of section 1343.01 of the Revised Code; 3046

(4) Any political subdivision, or any governmental or 3047
other public entity, corporation, instrumentality, or agency, in 3048
or of the United States or any state of the United States, or 3049
any entity described in division (B) (3) of section 1343.01 of 3050
the Revised Code; 3051

(5) A college or university, or controlled entity of a 3052
college or university, as those terms are defined in section 3053
1713.05 of the Revised Code. 3054

~~(E)~~ (F) No person engaged in the business of selling 3055
tangible goods or services related to tangible goods may receive 3056
or retain a certificate under sections 1321.51 to 1321.60 of the 3057
Revised Code for such place of business. 3058

Sec. 1321.64. (A) An application for a license shall 3059
contain an undertaking by the applicant to abide by those 3060
sections. The application shall be in writing, under oath, and 3061
in the form prescribed by the superintendent of financial 3062
institutions, and shall contain any information that the 3063
superintendent may require. Applicants that are foreign 3064
corporations shall obtain and maintain a license pursuant to 3065
Chapter 1703. of the Revised Code before a license is issued or 3066
renewed. 3067

(B) Upon the filing of the application and the payment by 3068
the applicant of a nonrefundable investigation fee of two 3069
hundred dollars, a nonrefundable annual registration fee of 3070
three hundred dollars, and any additional fee required by the 3071
NMLSR, the division of financial institutions shall investigate 3072
the relevant facts. If the application involves investigation 3073
outside this state, the applicant may be required by the 3074
division to advance sufficient funds to pay any of the actual 3075
expenses of the investigation when it appears that these 3076
expenses will exceed two hundred dollars. An itemized statement 3077
of any of these expenses which the applicant is required to pay 3078
shall be furnished to the applicant by the division. A license 3079
shall not be issued unless all the required fees have been 3080
submitted to the division. 3081

(C) (1) The investigation undertaken upon receipt of an 3082
application shall include both a civil and criminal records 3083
check of any control person. 3084

(2) (a) Notwithstanding division (K) of section 121.08 of 3085
the Revised Code, the superintendent shall obtain a criminal 3086
records check on each control person and, as part of that 3087
records check, request that criminal records information from 3088

the federal bureau of investigation be obtained. To fulfill this 3089
requirement, the superintendent shall do either of the 3090
following: 3091

(i) Request the superintendent of the bureau of criminal 3092
identification and investigation, or a vendor approved by the 3093
bureau, to conduct a criminal records check based on the control 3094
person's fingerprints or, if the fingerprints are unreadable, 3095
based on the control person's social security number, in 3096
accordance with section 109.572 of the Revised Code; 3097

(ii) Authorize the NMLSR to request a criminal records 3098
check of the control person. 3099

(b) Any fee required under division (C) (3) of section 3100
109.572 of the Revised Code or by the NMLSR shall be paid by the 3101
applicant. 3102

(D) If an application for a license does not contain all 3103
of the information required under division (A) of this section, 3104
and if such information is not submitted to the division or to 3105
the NMLSR within ninety days after the superintendent or the 3106
NMLSR requests the information in writing, including by 3107
electronic transmission or facsimile, the superintendent may 3108
consider the application withdrawn. 3109

(E) If the superintendent of financial institutions finds 3110
that the financial responsibility, experience, and general 3111
fitness of the applicant command the confidence of the public 3112
and warrant the belief that the business will be operated 3113
honestly and fairly in compliance with the purposes of sections 3114
1321.62 to 1321.702 of the Revised Code and the rules adopted 3115
thereunder, and that the applicant has the requisite net worth 3116
and assets required under section 1321.65 of the Revised Code, 3117

the superintendent shall issue a license to the applicant. The 3118
license shall be valid until the thirty-first day of December of 3119
the year in which it is issued. A person may be licensed under 3120
both sections 1321.51 to 1321.60 and sections 1321.62 to 3121
1321.702 of the Revised Code. 3122

(F) If the superintendent finds that the applicant does 3123
not meet the conditions set forth in this section, the 3124
superintendent shall issue a notice of intent to deny the 3125
application, and promptly notify the applicant of the denial, 3126
the grounds for the denial, and the applicant's reasonable 3127
opportunity to be heard on the action in accordance with Chapter 3128
119. of the Revised Code. 3129

(G) Notwithstanding any provision of this section to the 3130
contrary, the superintendent shall issue a license in accordance 3131
with Chapter 4796. of the Revised Code to an applicant if either 3132
of the following applies: 3133

(1) The applicant holds a license in another state. 3134

(2) The applicant has satisfactory work experience, a 3135
government certification, or a private certification as 3136
described in that chapter as a consumer installment loan lender 3137
in a state that does not issue that license. 3138

Sec. 1321.74. (A) Application for a license as a premium 3139
finance company shall be in writing, under oath, in the form 3140
prescribed by the division of financial institutions. An 3141
applicant also shall provide the form of premium finance 3142
agreement it intends to use in doing business under sections 3143
1321.71 to 1321.83 of the Revised Code. Upon the filing of an 3144
application and the payment of the license fee, and upon deposit 3145
of an investigation fee not to exceed three hundred dollars if 3146

the investigation can be conducted in this state or the 3147
estimated costs of the investigation if it must be conducted 3148
outside this state, the division shall make an investigation of 3149
each applicant and shall issue a license if the applicant is 3150
qualified in accordance with sections 1321.71 to 1321.83 of the 3151
Revised Code. An itemized statement of any investigation 3152
expenses incurred which the applicant is required to pay shall 3153
be furnished the applicant by the division, and only the actual 3154
cost of such investigation shall be paid by the applicant, but 3155
at no time shall the investigation fee be less than two hundred 3156
dollars. If the division does not so find, it shall, within a 3157
reasonable period of time after it has received the application, 3158
at the request of the applicant, give the applicant opportunity 3159
for a hearing conducted in accordance with Chapter 119. of the 3160
Revised Code. 3161

(B) (1) The division shall, except as provided in division 3162
(B) (2) of this section, issue or renew a license when it is 3163
satisfied that the applicant: 3164

(a) Is competent and trustworthy and intends to act in 3165
good faith in the capacity involved by the license applied for; 3166

(b) Has a good business reputation and has had experience, 3167
training, or education so as to be qualified in the business for 3168
which the license is applied for; 3169

(c) If a corporation, is a corporation incorporated under 3170
the laws of this state or is a foreign corporation authorized to 3171
transact business in this state; 3172

(d) Has a net worth of at least fifty thousand dollars, as 3173
determined in accordance with generally accepted accounting 3174
principles; 3175

(e) With respect to the issuance of a license, has filed 3176
with the division a form of premium finance agreement that 3177
complies with sections 1321.71 to 1321.83 of the Revised Code. 3178

(2) The division shall not refuse to issue a license to an 3179
applicant because of a criminal conviction unless the refusal is 3180
in accordance with section 9.79 of the Revised Code. 3181

(C) Not more than one place of business shall be 3182
maintained under the same license, but the division may issue 3183
additional licenses to the same licensee upon compliance with 3184
sections 1321.71 to 1321.83 of the Revised Code. 3185

No change in the place of business of a licensee to a 3186
location outside the original municipal corporation shall be 3187
permitted under the same license without the approval of a new 3188
application, the payment of the license fee as determined by the 3189
superintendent of financial institutions pursuant to section 3190
1321.20 of the Revised Code, and, if required by the 3191
superintendent, the payment of an investigation fee of two 3192
hundred dollars. If a licensee wishes to change its place of 3193
business within the same municipal corporation, it shall give 3194
written notice of the change in advance to the division, which 3195
shall provide a license for the new address without cost. If a 3196
licensee changes its name, it shall give, prior to entering into 3197
or otherwise acquiring premium finance agreements under the new 3198
name, written notice of the change to the division, which shall 3199
provide a license in the new name, without cost. 3200

Each license shall be kept conspicuously posted in the 3201
place of business of the licensee and is not transferable or 3202
assignable. 3203

Notwithstanding any other provision of this section to the 3204

contrary, the division shall issue a license to act as a premium 3205
finance company in accordance with Chapter 4796. of the Revised 3206
Code to an applicant if either of the following applies: 3207

(1) The applicant is licensed in another state. 3208

(2) The applicant has satisfactory work experience, a 3209
government certification, or a private certification as 3210
described in that chapter as an operator of a premium finance 3211
company in a state that does not issue that license. 3212

Sec. 1322.07. (A) No person, on the person's own behalf or 3213
on behalf of any other person, shall act as a mortgage lender, 3214
mortgage servicer, or mortgage broker without first having 3215
obtained a certificate of registration from the superintendent 3216
of financial institutions for the principal office and every 3217
branch office to be maintained by the person for the transaction 3218
of business as a mortgage lender, mortgage servicer, or mortgage 3219
broker in this state. A registrant shall maintain an office 3220
location for the transaction of business as a mortgage lender, 3221
mortgage servicer, or mortgage broker in this state. 3222

(B) (1) No individual shall act as a mortgage loan 3223
originator without first having obtained a license from the 3224
superintendent. A mortgage loan originator shall be employed by 3225
or associated with a mortgage lender, mortgage broker, or entity 3226
holding a valid letter of exemption under division (B) (1) of 3227
section 1322.05 of the Revised Code, but shall not be employed 3228
by or associated with more than one registrant or entity holding 3229
a valid letter of exemption under division (B) (1) of section 3230
1322.05 of the Revised Code at any one time. 3231

(2) An individual acting under the individual's authority 3232
as a registered mortgage loan originator shall not be required 3233

to be licensed under division (B) (1) of this section. 3234

~~(3) An individual who holds a valid temporary mortgage
loan originator license issued pursuant to section 1322.24 of
the Revised Code may engage in the business of a mortgage loan
originator in accordance with this chapter during the term of
the temporary license.~~ 3235
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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. 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 or mortgage broker is not 3276
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 five 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. 3336

(2) The operations manager designated under section 3337
1322.12 of the Revised Code has completed at least eight hours 3338
of continuing education as required under section 1322.28 of the 3339
Revised Code. 3340

(3) The applicant meets the conditions set forth in 3341
divisions (A) (2), (3), (4), (5), (7), and (8) of this section. 3342

(4) Neither the applicant nor any person whose identity is 3343
required to be disclosed on the renewal application has had a 3344
certificate of registration or mortgage loan originator license, 3345
or any comparable authority, revoked in any governmental 3346
jurisdiction or has pleaded guilty or nolo contendere to or been 3347
convicted of any of the following in a domestic, foreign, or 3348
military court: 3349

(a) During the seven-year period immediately preceding the 3350
date of the renewal application but excluding any time before 3351

the certificate of registration was issued, a misdemeanor 3352
involving theft or any felony; 3353

(b) At any time between the date of the original 3354
certificate of registration and the date of the renewal 3355
application, a felony involving an act of fraud, dishonesty, a 3356
breach of trust, theft, or money laundering. 3357

(5) The applicant's certificate of registration is not 3358
subject to an order of suspension or an unpaid and past due fine 3359
imposed by the superintendent. 3360

(D) (1) Subject to division (D) (2) of this section, if a 3361
renewal fee or additional fee required by the nationwide 3362
mortgage licensing system and registry is received by the 3363
superintendent after the thirty-first day of December, the 3364
certificate of registration shall not be considered renewed, and 3365
the applicant shall cease activity as a mortgage lender or 3366
mortgage broker. 3367

(2) Division (D) (1) of this section shall not apply if the 3368
applicant, not later than forty-five days after the renewal 3369
deadline, submits the renewal fee or additional fee and a one- 3370
hundred-dollar penalty to the superintendent. 3371

(E) Certificates of registration issued under this chapter 3372
annually expire on the thirty-first day of December. 3373

(F) The pardon or expungement of a conviction shall not be 3374
considered a conviction for purposes of this section. 3375

(G) Notwithstanding any provision of this chapter to the 3376
contrary, the superintendent shall issue a certificate of 3377
registration in accordance with Chapter 4796. of the Revised 3378
Code to an applicant if either of the following applies: 3379

(1) The applicant holds a license or certificate of registration in another state. 3380
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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 mortgage broker or mortgage lender in a state that does not issue that license or certificate of registration. 3382
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Sec. 1322.21. (A) Upon the conclusion of the investigation 3387
required under division (C) of section 1322.20 of the Revised 3388
Code, the superintendent of financial institutions shall issue a 3389
mortgage loan originator license to the applicant if the 3390
superintendent finds that the following conditions are met: 3391

(1) The application is accompanied by the application fee 3392
and any fee required by the nationwide mortgage licensing system 3393
and registry. 3394

(a) If a check or other draft instrument is returned to 3395
the superintendent for insufficient funds, the superintendent 3396
shall notify the applicant by certified mail, return receipt 3397
requested, that the application will be withdrawn unless the 3398
applicant, within thirty days after receipt of the notice, 3399
submits the application fee and a one-hundred-dollar penalty to 3400
the superintendent. If the applicant does not submit the 3401
application fee and penalty within that time period, or if any 3402
check or other draft instrument used to pay the fee or penalty 3403
is returned to the superintendent for insufficient funds, the 3404
application shall be withdrawn. 3405

(b) If a check or other draft instrument is returned to 3406
the superintendent for insufficient funds after the license has 3407
been issued, the superintendent shall notify the licensee by 3408

certified mail, return receipt requested, that the license 3409
issued in reliance on the check or other draft instrument will 3410
be canceled unless the licensee, within thirty days after 3411
receipt of the notice, submits the application fee and a one- 3412
hundred-dollar penalty to the superintendent. If the licensee 3413
does not submit the application fee and penalty within that time 3414
period, or if any check or other draft instrument used to pay 3415
the fee or penalty is returned to the superintendent for 3416
insufficient funds, the license shall be canceled immediately 3417
without a hearing, and the licensee shall cease activity as a 3418
loan originator. 3419

(2) The applicant has not made a material misstatement of 3420
fact or material omission of fact in the application. 3421

(3) The applicant has not been convicted of or pleaded 3422
guilty or nolo contendere to a disqualifying offense as 3423
determined in accordance with section 9.79 of the Revised Code. 3424

(4) The applicant completed the prelicensing instruction 3425
set forth in division (B) of section 1322.20 of the Revised 3426
Code. 3427

(5) The applicant's financial responsibility and general 3428
fitness command the confidence of the public and warrant the 3429
belief that the business will be operated honestly and fairly in 3430
compliance with the purposes of this chapter. The superintendent 3431
shall not use a credit score or bankruptcy as the sole basis for 3432
a license denial. 3433

(6) The applicant is in compliance with the surety bond 3434
requirements of section 1322.32 of the Revised Code. 3435

(7) The applicant has not had a mortgage loan originator 3436
license, or comparable authority, revoked in any governmental 3437

jurisdiction. 3438

(B) The license issued under division (A) of this section 3439
may be renewed annually on or before the thirty-first day of 3440
December if the superintendent finds that all of the following 3441
conditions are met: 3442

(1) The renewal application is accompanied by a 3443
nonrefundable renewal fee of one hundred fifty dollars and any 3444
fee required by the nationwide mortgage licensing system and 3445
registry. If a check or other draft instrument is returned to 3446
the superintendent for insufficient funds, the superintendent 3447
shall notify the licensee by certified mail, return receipt 3448
requested, that the license renewed in reliance on the check or 3449
other draft instrument will be canceled unless the licensee, 3450
within thirty days after receipt of the notice, submits the 3451
renewal fee and a one-hundred-dollar penalty to the 3452
superintendent. If the licensee does not submit the renewal fee 3453
and penalty within that time period, or if any check or other 3454
draft instrument used to pay the fee or penalty is returned to 3455
the superintendent for insufficient funds, the license shall be 3456
canceled immediately without a hearing, and the licensee shall 3457
cease activity as a loan originator. 3458

(2) The applicant has completed at least eight hours of 3459
continuing education as required under section 1322.28 of the 3460
Revised Code. 3461

(3) The applicant meets the conditions set forth in 3462
divisions (A) (2), (4), (5), (6), and (7) of this section. 3463

(4) The applicant has not been convicted of or pleaded 3464
guilty or nolo contendere to any of the following in a domestic, 3465
foreign, or military court: 3466

(a) During the seven-year period immediately preceding the 3467
date of the renewal application but excluding any time before 3468
the license was issued, a misdemeanor involving theft or any 3469
felony; 3470

(b) At any time between the date of the original license 3471
and the date of the renewal application, a felony involving an 3472
act of fraud, dishonesty, a breach of trust, theft, or money 3473
laundering. 3474

(5) The applicant's license is not subject to an order of 3475
suspension or an unpaid and past due fine imposed by the 3476
superintendent. 3477

(C) (1) Subject to division (C) (2) of this section, if a 3478
license renewal application fee, including any fee required by 3479
the nationwide mortgage licensing system and registry, is 3480
received by the superintendent after the thirty-first day of 3481
December, the license shall not be considered renewed, and the 3482
applicant shall cease activity as a mortgage loan originator. 3483

(2) Division (C) (1) of this section shall not apply if the 3484
applicant, not later than forty-five days after the renewal 3485
deadline, submits the renewal application and any other required 3486
fees and a one-hundred-dollar penalty to the superintendent. 3487

(D) Mortgage originator licenses annually expire on the 3488
thirty-first day of December. 3489

(E) The pardon or expungement of a conviction shall not be 3490
considered a conviction for purposes of this section. When 3491
determining the eligibility of an applicant, the superintendent 3492
may consider the underlying crime, facts, or circumstances 3493
connected with a pardoned or expunged conviction. 3494

(F) Notwithstanding any provision of this chapter to the 3495

contrary, the superintendent shall issue a mortgage loan 3496
originator license in accordance with Chapter 4796. of the 3497
Revised Code to an applicant if either of the following applies: 3498

(1) The applicant holds a license in another state. 3499

(2) The applicant has satisfactory work experience, a 3500
government certification, or a private certification as 3501
described in that chapter as a mortgage loan originator in a 3502
state that does not issue that license. 3503

Sec. 1513.07. (A) (1) No operator shall conduct a coal 3504
mining operation without a permit for the operation issued by 3505
the chief of the division of mineral resources management. 3506

(2) All permits issued pursuant to this chapter shall be 3507
issued for a term not to exceed five years, except that, if the 3508
applicant demonstrates that a specified longer term is 3509
reasonably needed to allow the applicant to obtain necessary 3510
financing for equipment and the opening of the operation and if 3511
the application is full and complete for the specified longer 3512
term, the chief may grant a permit for the longer term. A 3513
successor in interest to a permittee who applies for a new 3514
permit within thirty days after succeeding to the interest and 3515
who is able to obtain the performance security of the original 3516
permittee may continue coal mining and reclamation operations 3517
according to the approved mining and reclamation plan of the 3518
original permittee until the successor's application is granted 3519
or denied. 3520

(3) A permit shall terminate if the permittee has not 3521
commenced the coal mining operations covered by the permit 3522
within three years after the issuance of the permit, except that 3523
the chief may grant reasonable extensions of the time upon a 3524

showing that the extensions are necessary by reason of 3525
litigation precluding the commencement or threatening 3526
substantial economic loss to the permittee or by reason of 3527
conditions beyond the control and without the fault or 3528
negligence of the permittee, and except that with respect to 3529
coal to be mined for use in a synthetic fuel facility or 3530
specified major electric generating facility, the permittee 3531
shall be deemed to have commenced coal mining operations at the 3532
time construction of the synthetic fuel or generating facility 3533
is initiated. 3534

(4) (a) Any permit issued pursuant to this chapter shall 3535
carry with it the right of successive renewal upon expiration 3536
with respect to areas within the boundaries of the permit. The 3537
holders of the permit may apply for renewal and the renewal 3538
shall be issued unless the chief determines by written findings, 3539
subsequent to fulfillment of the public notice requirements of 3540
this section and section 1513.071 of the Revised Code through 3541
demonstrations by opponents of renewal or otherwise, that one or 3542
more of the following circumstances exists: 3543

(i) The terms and conditions of the existing permit are 3544
not being satisfactorily met. 3545

(ii) The present coal mining and reclamation operation is 3546
not in compliance with the environmental protection standards of 3547
this chapter. 3548

(iii) The renewal requested substantially jeopardizes the 3549
operator's continuing responsibilities on existing permit areas. 3550

(iv) The applicant has not provided evidence that the 3551
performance security in effect for the operation will continue 3552
in effect for any renewal requested in the application. 3553

(v) Any additional, revised, or updated information 3554
required by the chief has not been provided. Prior to the 3555
approval of any renewal of a permit, the chief shall provide 3556
notice to the appropriate public authorities as prescribed by 3557
rule of the chief. 3558

(b) If an application for renewal of a valid permit 3559
includes a proposal to extend the mining operation beyond the 3560
boundaries authorized in the existing permit, the portion of the 3561
application for renewal of a valid permit that addresses any new 3562
land areas shall be subject to the full standards applicable to 3563
new applications under this chapter. 3564

(c) A permit renewal shall be for a term not to exceed the 3565
period of the original permit established by this chapter. 3566
Application for permit renewal shall be made at least one 3567
hundred twenty days prior to the expiration of the valid permit. 3568

(5) A permit issued pursuant to this chapter does not 3569
eliminate the requirements for obtaining a permit to install or 3570
modify a disposal system or any part thereof or to discharge 3571
sewage, industrial waste, or other wastes into the waters of the 3572
state in accordance with Chapter 6111. of the Revised Code. 3573

(B)(1) The permit application shall be submitted in a 3574
manner satisfactory to the chief and shall contain, among other 3575
things, all of the following: 3576

(a) The names and addresses of all of the following: 3577

(i) The permit applicant; 3578

(ii) Every legal owner of record of the property, surface 3579
and mineral, to be mined; 3580

(iii) The holders of record of any leasehold interest in 3581

the property;	3582
(iv) Any purchaser of record of the property under a real estate contract;	3583 3584
(v) The operator if different from the applicant;	3585
(vi) If any of these are business entities other than a single proprietor, the names and addresses of the principals, officers, and statutory agent for service of process.	3586 3587 3588
(b) The names and addresses of the owners of record of all surface and subsurface areas adjacent to any part of the permit area;	3589 3590 3591
(c) A statement of any current or previous coal mining permits in the United States held by the applicant, the permit identification, and any pending applications;	3592 3593 3594
(d) If the applicant is a partnership, corporation, association, or other business entity, the following where applicable: the names and addresses of every officer, partner, director, or person performing a function similar to a director, of the applicant, the name and address of any person owning, of record, ten per cent or more of any class of voting stock of the applicant, a list of all names under which the applicant, partner, or principal shareholder previously operated a coal mining operation within the United States within the five-year period preceding the date of submission of the application, and a list of the person or persons primarily responsible for ensuring that the applicant complies with the requirements of this chapter and rules adopted pursuant thereto while mining and reclaiming under the permit;	3595 3596 3597 3598 3599 3600 3601 3602 3603 3604 3605 3606 3607 3608
(e) A statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with	3609 3610

the applicant, any partner if the applicant is a partnership, 3611
any officer, principal shareholder, or director if the applicant 3612
is a corporation, or any other person who has a right to control 3613
or in fact controls the management of the applicant or the 3614
selection of officers, directors, or managers of the applicant: 3615

(i) Has ever held a federal or state coal mining permit 3616
that in the five-year period prior to the date of submission of 3617
the application has been suspended or revoked or has had a coal 3618
mining bond, performance security, or similar security deposited 3619
in lieu of bond forfeited and, if so, a brief explanation of the 3620
facts involved; 3621

(ii) Has been an officer, partner, director, principal 3622
shareholder, or person having the right to control or has in 3623
fact controlled the management of or the selection of officers, 3624
directors, or managers of a business entity that has had a coal 3625
mining or surface mining permit that in the five-year period 3626
prior to the date of submission of the application has been 3627
suspended or revoked or has had a coal mining or surface mining 3628
bond, performance security, or similar security deposited in 3629
lieu of bond forfeited and, if so, a brief explanation of the 3630
facts involved. 3631

(f) A copy of the applicant's advertisement to be 3632
published in a newspaper of general circulation in the locality 3633
of the proposed site at least once a week for four successive 3634
weeks, which shall include the ownership of the proposed mine, a 3635
description of the exact location and boundaries of the proposed 3636
site sufficient to make the proposed operation readily 3637
identifiable by local residents, and the location where the 3638
application is available for public inspection; 3639

(g) A description of the type and method of coal mining 3640

operation that exists or is proposed, the engineering techniques 3641
proposed or used, and the equipment used or proposed to be used; 3642

(h) The anticipated or actual starting and termination 3643
dates of each phase of the mining operation and number of acres 3644
of land to be affected; 3645

(i) An accurate map or plan, to an appropriate scale, 3646
clearly showing the land to be affected, the land upon which the 3647
applicant has the legal right to enter and commence coal mining 3648
operations, and the land for which the applicant will acquire 3649
the legal right to enter and commence coal mining operations 3650
during the term of the permit, copies of those documents upon 3651
which is based the applicant's legal right to enter and commence 3652
coal mining operations or a notarized statement describing the 3653
applicant's legal right to enter and commence coal mining 3654
operations, and a statement whether that right is the subject of 3655
pending litigation. This chapter does not authorize the chief to 3656
adjudicate property title disputes. 3657

(j) The name of the watershed and location of the surface 3658
stream or tributary into which drainage from the operation will 3659
be discharged; 3660

(k) A determination of the probable hydrologic 3661
consequences of the mining and reclamation operations, both on 3662
and off the mine site, with respect to the hydrologic regime, 3663
providing information on the quantity and quality of water in 3664
surface and ground water systems including the dissolved and 3665
suspended solids under seasonal flow conditions and the 3666
collection of sufficient data for the mine site and surrounding 3667
areas so that an assessment can be made by the chief of the 3668
probable cumulative impacts of all anticipated mining in the 3669
area upon the hydrology of the area and particularly upon water 3670

availability, but this determination shall not be required until 3671
hydrologic information of the general area prior to mining is 3672
made available from an appropriate federal or state agency; 3673
however, the permit shall not be approved until the information 3674
is available and is incorporated into the application; 3675

(l) When requested by the chief, the climatological 3676
factors that are peculiar to the locality of the land to be 3677
affected, including the average seasonal precipitation, the 3678
average direction and velocity of prevailing winds, and the 3679
seasonal temperature ranges; 3680

(m) Accurate maps prepared by or under the direction of 3681
and certified by a qualified registered professional engineer, 3682
registered surveyor, or licensed landscape architect to an 3683
appropriate scale clearly showing all types of information set 3684
forth on topographical maps of the United States geological 3685
survey of a scale of not more than four hundred feet to the 3686
inch, including all artificial features and significant known 3687
archeological sites. The map, among other things specified by 3688
the chief, shall show all boundaries of the land to be affected, 3689
the boundary lines and names of present owners of record of all 3690
surface areas abutting the permit area, and the location of all 3691
buildings within one thousand feet of the permit area. 3692

(n) (i) Cross-section maps or plans of the land to be 3693
affected including the actual area to be mined, prepared by or 3694
under the direction of and certified by a qualified registered 3695
professional engineer or certified professional geologist with 3696
assistance from experts in related fields such as hydrology, 3697
hydrogeology, geology, and landscape architecture, showing 3698
pertinent elevations and locations of test borings or core 3699
samplings and depicting the following information: the nature 3700

and depth of the various strata of overburden; the nature and 3701
thickness of any coal or rider seam above the coal seam to be 3702
mined; the nature of the stratum immediately beneath the coal 3703
seam to be mined; all mineral crop lines and the strike and dip 3704
of the coal to be mined within the area to be affected; existing 3705
or previous coal mining limits; the location and extent of known 3706
workings of any underground mines, including mine openings to 3707
the surface; the location of spoil, waste, or refuse areas and 3708
topsoil preservation areas; the location of all impoundments for 3709
waste or erosion control; any settling or water treatment 3710
facility; constructed or natural drainways and the location of 3711
any discharges to any surface body of water on the land to be 3712
affected or adjacent thereto; profiles at appropriate cross 3713
sections of the anticipated final surface configuration that 3714
will be achieved pursuant to the operator's proposed reclamation 3715
plan; the location of subsurface water, if encountered; the 3716
location and quality of aquifers; and the estimated elevation of 3717
the water table. Registered surveyors shall be allowed to 3718
perform all plans, maps, and certifications under this chapter 3719
as they are authorized under Chapter 4733. of the Revised Code. 3720

(ii) A statement of the quality and locations of 3721
subsurface water. The chief shall provide by rule the number of 3722
locations to be sampled, frequency of collection, and parameters 3723
to be analyzed to obtain the statement required. 3724

(o) A statement of the results of test borings or core 3725
samplings from the permit area, including logs of the drill 3726
holes, the thickness of the coal seam found, an analysis of the 3727
chemical properties of the coal, the sulfur content of any coal 3728
seam, chemical analysis of potentially acid or toxic forming 3729
sections of the overburden, and chemical analysis of the stratum 3730
lying immediately underneath the coal to be mined, except that 3731

this division may be waived by the chief with respect to the 3732
specific application by a written determination that its 3733
requirements are unnecessary. If the test borings or core 3734
samplings from the permit area indicate the existence of 3735
potentially acid forming or toxic forming quantities of sulfur 3736
in the coal or overburden to be disturbed by mining, the 3737
application also shall include a statement of the acid 3738
generating potential and the acid neutralizing potential of the 3739
rock strata to be disturbed as calculated in accordance with the 3740
calculation method established under section 1513.075 of the 3741
Revised Code or with another calculation method. 3742

(p) For those lands in the permit application that a 3743
reconnaissance inspection suggests may be prime farmlands, a 3744
soil survey shall be made or obtained according to standards 3745
established by the secretary of the United States department of 3746
agriculture in order to confirm the exact location of the prime 3747
farmlands, if any; 3748

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

public liability insurance policy lapses for any reason 3763
including the nonpayment of insurance premiums. Upon the lapse 3764
of the policy, the chief may suspend the permit and all other 3765
outstanding permits until proper insurance coverage is obtained. 3766

(r) The business telephone number of the applicant; 3767

(s) If the applicant seeks an authorization under division 3768
(E) (7) of this section to conduct coal mining and reclamation 3769
operations on areas to be covered by the permit that were 3770
affected by coal mining operations before August 3, 1977, that 3771
have resulted in continuing water pollution from or on the 3772
previously mined areas, such additional information pertaining 3773
to those previously mined areas as may be required by the chief, 3774
including, without limitation, maps, plans, cross sections, data 3775
necessary to determine existing water quality from or on those 3776
areas with respect to pH, iron, and manganese, and a pollution 3777
abatement plan that may improve water quality from or on those 3778
areas with respect to pH, iron, and manganese. 3779

(2) Information pertaining to coal seams, test borings, 3780
core samplings, or soil samples as required by this section 3781
shall be made available by the chief to any person with an 3782
interest that is or may be adversely affected, except that 3783
information that pertains only to the analysis of the chemical 3784
and physical properties of the coal, excluding information 3785
regarding mineral or elemental content that is potentially toxic 3786
in the environment, shall be kept confidential and not made a 3787
matter of public record. 3788

(3) (a) If the chief finds that the probable total annual 3789
production at all locations of any operator will not exceed 3790
three hundred thousand tons, the following activities, upon the 3791
written request of the operator in connection with a permit 3792

application, shall be performed by a qualified public or private 3793
laboratory or another public or private qualified entity 3794
designated by the chief, and the cost of the activities shall be 3795
assumed by the chief, provided that sufficient moneys for such 3796
assistance are available: 3797

(i) The determination of probable hydrologic consequences 3798
required under division (B) (1) (k) of this section; 3799

(ii) The development of cross-section maps and plans 3800
required under division (B) (1) (n) (i) of this section; 3801

(iii) The geologic drilling and statement of results of 3802
test borings and core samplings required under division (B) (1) 3803
(o) of this section; 3804

(iv) The collection of archaeological information required 3805
under division (B) (1) (m) of this section and any other 3806
archaeological and historical information required by the chief, 3807
and the preparation of plans necessitated thereby; 3808

(v) Pre-blast surveys required under division ~~(E)~~ (B) (5) 3809
of section 1513.161 of the Revised Code; 3810

(vi) The collection of site-specific resource information 3811
and production of protection and enhancement plans for fish and 3812
wildlife habitats and other environmental values required by the 3813
chief under this chapter. 3814

(b) A coal operator that has received assistance under 3815
division (B) (3) (a) of this section shall reimburse the chief for 3816
the cost of the services rendered if the chief finds that the 3817
operator's actual and attributed annual production of coal for 3818
all locations exceeds three hundred thousand tons during the 3819
twelve months immediately following the date on which the 3820
operator was issued a coal mining and reclamation permit. 3821

(4) Each applicant for a permit shall submit to the chief 3822
as part of the permit application a reclamation plan that meets 3823
the requirements of this chapter. 3824

(5) Each applicant for a coal mining and reclamation 3825
permit shall file a copy of the application for a permit, 3826
excluding that information pertaining to the coal seam itself, 3827
for public inspection with the county recorder or an appropriate 3828
public office approved by the chief in the county where the 3829
mining is proposed to occur. 3830

(6) Each applicant for a coal mining and reclamation 3831
permit shall submit to the chief as part of the permit 3832
application a blasting plan that describes the procedures and 3833
standards by which the operator will comply with section 3834
1513.161 of the Revised Code. 3835

(C) Each reclamation plan submitted as part of a permit 3836
application shall include, in the detail necessary to 3837
demonstrate that reclamation required by this chapter can be 3838
accomplished and in the detail necessary for the chief to 3839
determine the estimated cost of reclamation if the reclamation 3840
has to be performed by the division of mineral resources 3841
management in the event of forfeiture of the performance 3842
security by the applicant, a statement of: 3843

(1) The identification of the lands subject to coal mining 3844
operations over the estimated life of those operations and the 3845
size, sequence, and timing of the subareas for which it is 3846
anticipated that individual permits for mining will be sought; 3847

(2) The condition of the land to be covered by the permit 3848
prior to any mining, including all of the following: 3849

(a) The uses existing at the time of the application and, 3850

if the land has a history of previous mining, the uses that 3851
preceded any mining; 3852

(b) The capability of the land prior to any mining to 3853
support a variety of uses, giving consideration to soil and 3854
foundation characteristics, topography, and vegetative cover 3855
and, if applicable, a soil survey prepared pursuant to division 3856
(B) (1) (p) of this section; 3857

(c) The productivity of the land prior to mining, 3858
including appropriate classification as prime farmlands as well 3859
as the average yield of food, fiber, forage, or wood products 3860
obtained from the land under high levels of management. 3861

(3) The use that is proposed to be made of the land 3862
following reclamation, including information regarding the 3863
utility and capacity of the reclaimed land to support a variety 3864
of alternative uses, the relationship of the proposed use to 3865
existing land use policies and plans, and the comments of any 3866
owner of the land and state and local governments or agencies 3867
thereof that would have to initiate, implement, approve, or 3868
authorize the proposed use of the land following reclamation; 3869

(4) A detailed description of how the proposed postmining 3870
land use is to be achieved and the necessary support activities 3871
that may be needed to achieve the proposed land use; 3872

(5) The engineering techniques proposed to be used in 3873
mining and reclamation and a description of the major equipment; 3874
a plan for the control of surface water drainage and of water 3875
accumulation; a plan, where appropriate, for backfilling, soil 3876
stabilization, and compacting, grading, and appropriate 3877
revegetation; a plan for soil reconstruction, replacement, and 3878
stabilization, pursuant to the performance standards in section 3879

1513.16 of the Revised Code, for those food, forage, and forest 3880
lands identified in that section; and a statement as to how the 3881
permittee plans to comply with each of the requirements set out 3882
in section 1513.16 of the Revised Code; 3883

(6) A description of the means by which the utilization 3884
and conservation of the solid fuel resource being recovered will 3885
be maximized so that re-affecting the land in the future can be 3886
minimized; 3887

(7) A detailed estimated timetable for the accomplishment 3888
of each major step in the reclamation plan; 3889

(8) A description of the degree to which the coal mining 3890
and reclamation operations are consistent with surface owner 3891
plans and applicable state and local land use plans and 3892
programs; 3893

(9) The steps to be taken to comply with applicable air 3894
and water quality laws and regulations and any applicable health 3895
and safety standards; 3896

(10) A description of the degree to which the reclamation 3897
plan is consistent with local physical, environmental, and 3898
climatological conditions; 3899

(11) A description of all lands, interests in lands, or 3900
options on such interests held by the applicant or pending bids 3901
on interests in lands by the applicant, which lands are 3902
contiguous to the area to be covered by the permit; 3903

(12) The results of test borings that the applicant has 3904
made at the area to be covered by the permit, or other 3905
equivalent information and data in a form satisfactory to the 3906
chief, including the location of subsurface water, and an 3907
analysis of the chemical properties, including acid forming 3908

properties of the mineral and overburden; except that 3909
information that pertains only to the analysis of the chemical 3910
and physical properties of the coal, excluding information 3911
regarding mineral or elemental contents that are potentially 3912
toxic in the environment, shall be kept confidential and not 3913
made a matter of public record; 3914

(13) A detailed description of the measures to be taken 3915
during the mining and reclamation process to ensure the 3916
protection of all of the following: 3917

(a) The quality of surface and ground water systems, both 3918
on- and off-site, from adverse effects of the mining and 3919
reclamation process; 3920

(b) The rights of present users to such water; 3921

(c) The quantity of surface and ground water systems, both 3922
on- and off-site, from adverse effects of the mining and 3923
reclamation process or, where such protection of quantity cannot 3924
be assured, provision of alternative sources of water. 3925

(14) Any other requirements the chief prescribes by rule. 3926

(D) (1) Any information required by division (C) of this 3927
section that is not on public file pursuant to this chapter 3928
shall be held in confidence by the chief. 3929

(2) With regard to requests for an exemption from the 3930
requirements of this chapter for coal extraction incidental to 3931
the extraction of other minerals, as described in division (H) 3932
(1) (a) of section 1513.01 of the Revised Code, confidential 3933
information includes and is limited to information concerning 3934
trade secrets or privileged commercial or financial information 3935
relating to the competitive rights of the persons intending to 3936
conduct the extraction of minerals. 3937

(E) (1) Upon the basis of a complete mining application and 3938
reclamation plan or a revision or renewal thereof, as required 3939
by this chapter, and information obtained as a result of public 3940
notification and public hearing, if any, as provided by section 3941
1513.071 of the Revised Code, the chief shall grant, require 3942
modification of, or deny the application for a permit and notify 3943
the applicant in writing in accordance with division (I) (3) of 3944
this section. An application is deemed to be complete as 3945
submitted to the chief unless the chief, within fourteen days of 3946
the submission, identifies deficiencies in the application in 3947
writing and subsequently submits a copy of a written list of 3948
deficiencies to the applicant. An application shall not be 3949
considered incomplete or denied by reason of right of entry 3950
documentation, provided that the applicant documents the 3951
applicant's legal right to enter and mine at least sixty-seven 3952
per cent of the total area for which coal mining operations are 3953
proposed. 3954

A decision of the chief denying a permit shall state in 3955
writing the specific reasons for the denial. 3956

The applicant for a permit or revision of a permit has the 3957
burden of establishing that the application is in compliance 3958
with all the requirements of this chapter. Within ten days after 3959
the granting of a permit, the chief shall notify the boards of 3960
township trustees and county commissioners, the mayor, and the 3961
legislative authority in the township, county, and municipal 3962
corporation in which the area of land to be affected is located 3963
that a permit has been issued and shall describe the location of 3964
the land. However, failure of the chief to notify the local 3965
officials shall not affect the status of the permit. 3966

(2) No permit application or application for revision of 3967

an existing permit shall be approved unless the application 3968
affirmatively demonstrates and the chief finds in writing on the 3969
basis of the information set forth in the application or from 3970
information otherwise available, which shall be documented in 3971
the approval and made available to the applicant, all of the 3972
following: 3973

(a) The application is accurate and complete and all the 3974
requirements of this chapter have been complied with. 3975

(b) The applicant has demonstrated that the reclamation 3976
required by this chapter can be accomplished under the 3977
reclamation plan contained in the application. 3978

(c) (i) Assessment of the probable cumulative impact of all 3979
anticipated mining in the general and adjacent area on the 3980
hydrologic balance specified in division (B) (1) (k) of this 3981
section has been made by the chief, and the proposed operation 3982
has been designed to prevent material damage to hydrologic 3983
balance outside the permit area. 3984

(ii) There shall be an ongoing process conducted by the 3985
chief in cooperation with other state and federal agencies to 3986
review all assessments of probable cumulative impact of coal 3987
mining in light of post-mining data and any other hydrologic 3988
information as it becomes available to determine if the 3989
assessments were realistic. The chief shall take appropriate 3990
action as indicated in the review process. 3991

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

1513.073 of the Revised Code unless in an area as to which an 3997
administrative proceeding has commenced pursuant to division (A) 3998
(3) (c) or (B) of section 1513.073 of the Revised Code, the 3999
operator making the permit application demonstrates that, prior 4000
to January 1, 1977, the operator made substantial legal and 4001
financial commitments in relation to the operation for which a 4002
permit is sought. 4003

(e) In cases where the private mineral estate has been 4004
severed from the private surface estate and surface disturbance 4005
will result from the applicant's proposed use of a strip mining 4006
method, the applicant has submitted to the chief one of the 4007
following: 4008

(i) The written consent of the surface owner to the 4009
surface disturbance that will result from the extraction of coal 4010
by the applicant's proposed strip mining method; 4011

(ii) A conveyance that expressly grants or reserves the 4012
right to extract the coal by strip mining methods that cause 4013
surface disturbance; 4014

(iii) If the conveyance does not expressly grant the right 4015
to extract coal by strip mining methods that cause surface 4016
disturbance, the surface-subsurface legal relationship 4017
concerning surface disturbance shall be determined under the law 4018
of this state. This chapter does not authorize the chief to 4019
adjudicate property rights disputes. 4020

(3) (a) The applicant shall file with the permit 4021
application a schedule listing all notices of violations of any 4022
law, rule, or regulation of the United States or of any 4023
department or agency thereof or of any state pertaining to air 4024
or water environmental protection incurred by the applicant in 4025

connection with any coal mining operation during the three-year 4026
period prior to the date of application. The schedule also shall 4027
indicate the final resolution of such a notice of violation. 4028
Upon receipt of an application, the chief shall provide a 4029
schedule listing all notices of violations of this chapter 4030
pertaining to air or water environmental protection incurred by 4031
the applicant during the three-year period prior to receipt of 4032
the application and the final resolution of all such notices of 4033
violation. The chief shall provide this schedule to the 4034
applicant for filing by the applicant with the application filed 4035
for public review, as required by division (B) (5) of this 4036
section. When the schedule or other information available to the 4037
chief indicates that any coal mining operation owned or 4038
controlled by the applicant is currently in violation of such 4039
laws, the permit shall not be issued until the applicant submits 4040
proof that the violation has been corrected or is in the process 4041
of being corrected to the satisfaction of the regulatory 4042
authority, department, or agency that has jurisdiction over the 4043
violation and that any civil penalties owed to the state for a 4044
violation and not the subject of an appeal have been paid. No 4045
permit shall be issued to an applicant after a finding by the 4046
chief that the applicant or the operator specified in the 4047
application controls or has controlled mining operations with a 4048
demonstrated pattern of willful violations of this chapter of a 4049
nature and duration to result in irreparable damage to the 4050
environment as to indicate an intent not to comply with or a 4051
disregard of this chapter. 4052

(b) For the purposes of division (E) (3) (a) of this 4053
section, any violation resulting from an unanticipated event or 4054
condition at a surface coal mining operation on lands eligible 4055
for remining under a permit held by the person submitting an 4056

application for a coal mining permit under this section shall 4057
not prevent issuance of that permit. As used in this division, 4058
"unanticipated event or condition" means an event or condition 4059
encountered in a remining operation that was not contemplated by 4060
the applicable surface coal mining and reclamation permit. 4061

(4) (a) In addition to finding the application in 4062
compliance with division (E) (2) of this section, if the area 4063
proposed to be mined contains prime farmland as determined 4064
pursuant to division (B) (1) (p) of this section, the chief, after 4065
consultation with the secretary of the United States department 4066
of agriculture and pursuant to regulations issued by the 4067
secretary of the interior with the concurrence of the secretary 4068
of agriculture, may grant a permit to mine on prime farmland if 4069
the chief finds in writing that the operator has the 4070
technological capability to restore the mined area, within a 4071
reasonable time, to equivalent or higher levels of yield as 4072
nonmined prime farmland in the surrounding area under equivalent 4073
levels of management and can meet the soil reconstruction 4074
standards in section 1513.16 of the Revised Code. 4075

(b) Division (E) (4) (a) of this section does not apply to a 4076
permit issued prior to August 3, 1977, or revisions or renewals 4077
thereof. 4078

(5) The chief shall issue an order denying a permit after 4079
finding that the applicant has misrepresented or omitted any 4080
material fact in the application for the permit. 4081

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

applicant or the selection of officers, directors, or managers 4087
of the applicant has been a sole proprietor or partner, officer, 4088
director, principal shareholder, or person having the right to 4089
control or has in fact controlled the management of or the 4090
selection of officers, directors, or managers of a business 4091
entity that ever has had a coal mining license or permit issued 4092
by this or any other state or the United States suspended or 4093
revoked, ever has forfeited a coal or surface mining bond, 4094
performance security, or similar security deposited in lieu of 4095
bond in this or any other state or with the United States, or 4096
ever has substantially or materially failed to comply with this 4097
chapter. 4098

(7) When issuing a permit under this section, the chief 4099
may authorize an applicant to conduct coal mining and 4100
reclamation operations on areas to be covered by the permit that 4101
were affected by coal mining operations before August 3, 1977, 4102
that have resulted in continuing water pollution from or on the 4103
previously mined areas for the purpose of potentially reducing 4104
the pollution loadings of pH, iron, and manganese from 4105
discharges from or on the previously mined areas. Following the 4106
chief's authorization to conduct such operations on those areas, 4107
the areas shall be designated as pollution abatement areas for 4108
the purposes of this chapter. 4109

The chief shall not grant an authorization under division 4110
(E) (7) of this section to conduct coal mining and reclamation 4111
operations on any such previously mined areas unless the 4112
applicant demonstrates to the chief's satisfaction that all of 4113
the following conditions are met: 4114

(a) The applicant's pollution abatement plan for mining 4115
and reclaiming the previously mined areas represents the best 4116

available technology economically achievable. 4117

(b) Implementation of the plan will potentially reduce 4118
pollutant loadings of pH, iron, and manganese resulting from 4119
discharges of surface waters or ground water from or on the 4120
previously mined areas within the permit area. 4121

(c) Implementation of the plan will not cause any 4122
additional degradation of surface water quality off the permit 4123
area with respect to pH, iron, and manganese. 4124

(d) Implementation of the plan will not cause any 4125
additional degradation of ground water. 4126

(e) The plan meets the requirements governing mining and 4127
reclamation of such previously mined pollution abatement areas 4128
established by the chief in rules adopted under section 1513.02 4129
of the Revised Code. 4130

(f) Neither the applicant; any partner, if the applicant 4131
is a partnership; any officer, principal shareholder, or 4132
director, if the applicant is a corporation; any other person 4133
who has a right to control or in fact controls the management of 4134
the applicant or the selection of officers, directors, or 4135
managers of the applicant; nor any contractor or subcontractor 4136
of the applicant, has any of the following: 4137

(i) Responsibility or liability under this chapter or 4138
rules adopted under it as an operator for treating the 4139
discharges of water pollutants from or on the previously mined 4140
areas for which the authorization is sought; 4141

(ii) Any responsibility or liability under this chapter or 4142
rules adopted under it for reclaiming the previously mined areas 4143
for which the authorization is sought; 4144

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

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

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

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

(2) An application for a revision of a permit shall not be approved unless the chief finds that reclamation required by this chapter can be accomplished under the revised reclamation

plan. The revision shall be approved or disapproved within 4175
ninety days after receipt of a complete revision application. 4176
The chief shall establish, by rule, criteria for determining the 4177
extent to which all permit application information requirements 4178
and procedures, including notice and hearings, shall apply to 4179
the revision request, except that any revisions that propose 4180
significant alterations in the reclamation plan, at a minimum, 4181
shall be subject to notice and hearing requirements. 4182

(3) Any extensions to the area covered by the permit 4183
except incidental boundary revisions shall be made by 4184
application for a permit. 4185

(4) Documents or a notarized statement that form the basis 4186
of the applicant's legal right to enter and commence coal mining 4187
operations on land that is located within an area covered by the 4188
permit and that was legally acquired subsequent to the issuance 4189
of the permit for the area shall be submitted with an 4190
application for a revision of the permit. 4191

(G) No transfer, assignment, or sale of the rights granted 4192
under a permit issued pursuant to this chapter shall be made 4193
without the written approval of the chief. 4194

(H) The chief, within a time limit prescribed in the 4195
chief's rules, shall review outstanding permits and may require 4196
reasonable revision or modification of a permit. A revision or 4197
modification shall be based upon a written finding and subject 4198
to notice and hearing requirements established by rule of the 4199
chief. 4200

(I) (1) If an informal conference has been held pursuant to 4201
section 1513.071 of the Revised Code, the chief shall issue and 4202
furnish the applicant for a permit, persons who participated in 4203

the informal conference, and persons who filed written 4204
objections pursuant to division (B) of section 1513.071 of the 4205
Revised Code, with the written finding of the chief granting or 4206
denying the permit in whole or in part and stating the reasons 4207
therefor within sixty days of the conference, provided that the 4208
chief shall comply with the time frames established in division 4209
(I) (3) of this section. 4210

(2) If there has been no informal conference held pursuant 4211
to section 1513.071 of the Revised Code, the chief shall submit 4212
to the applicant for a permit the written finding of the chief 4213
granting or denying the permit in whole or in part and stating 4214
the reasons therefor within the time frames established in 4215
division (I) (3) of this section. 4216

(3) The chief shall grant or deny a permit not later than 4217
two hundred forty days after the submission of a complete 4218
application for the permit. Any time during which the applicant 4219
is making revisions to an application or providing additional 4220
information requested by the chief regarding an application 4221
shall not be included in the two hundred forty days. If the 4222
chief determines that a permit cannot be granted or denied 4223
within the two-hundred-forty-day time frame, the chief, not 4224
later than two hundred ten days after the submission of a 4225
complete application for the permit, shall provide the applicant 4226
with written notice of the expected delay. 4227

(4) If the application is approved, the permit shall be 4228
issued. However, the permit shall prohibit the commencement of 4229
coal mining operations on any land that is located within an 4230
area covered by the permit if the permittee has not provided to 4231
the chief documents that form the basis of the permittee's legal 4232
right to enter and conduct coal mining operations on that land. 4233

If the application is disapproved, specific reasons therefor 4234
shall be set forth in the notification. Within thirty days after 4235
the applicant is notified of the final decision of the chief on 4236
the permit application, the applicant or any person with an 4237
interest that is or may be adversely affected may appeal the 4238
decision to the reclamation commission pursuant to section 4239
1513.13 of the Revised Code. 4240

(5) Any applicant or any person with an interest that is 4241
or may be adversely affected who has participated in the 4242
administrative proceedings as an objector and is aggrieved by 4243
the decision of the reclamation commission, or if the commission 4244
fails to act within the time limits specified in this chapter, 4245
may appeal in accordance with section 1513.14 of the Revised 4246
Code. 4247

Sec. 1513.161. (A) An operator shall use explosives only 4248
in accordance with Chapter 1567. of the Revised Code and rules 4249
adopted pursuant thereto by the chief of the division of mineral 4250
resources management, and in accordance with this section and 4251
rules adopted pursuant thereto by the chief, and in accordance 4252
with all applicable federal laws and regulations. If, in any 4253
situation involving a coal mining operation, except when 4254
underground coal mining is part or all of the coal mining 4255
operation, a rule adopted pursuant to Chapter 1567. of the 4256
Revised Code is in conflict with a rule adopted pursuant to this 4257
section, the rule adopted pursuant to this section prevails. 4258
When underground coal mining is part or all of the coal mining 4259
operation, the rule adopted pursuant to Chapter 1567. of the 4260
Revised Code prevails. 4261

Before an explosive is set off, sufficient warning shall 4262
be given to allow any person in or approaching the area ample 4263

time to retreat a safe distance. 4264

No blasting shall be done between the hours of sunset and 4265
sunrise. 4266

(B) The chief shall adopt rules to: 4267

~~(A)~~ (1) Provide adequate advance written notice to local 4268
governments and residents who might be affected by the use of 4269
explosives by publication of the planned blasting schedule in a 4270
newspaper of general circulation in the locality of the coal 4271
mining operation, by mailing a copy of the proposed blasting 4272
schedule to every resident living within one-half mile of the 4273
proposed blasting site, and by providing daily notice to 4274
residents or occupants in such areas prior to any blasting; 4275

~~(B)~~ (2) Maintain for a period of at least three years and 4276
make available for public inspection upon request a log 4277
detailing the location of the blasts, the pattern and depth of 4278
the drill holes, the amount of explosives used per hole, and the 4279
order and length of delay in the blasts; 4280

~~(C)~~ (3) Limit the type of explosives and detonating 4281
equipment, the size, and the timing and frequency of blasts 4282
based upon the physical conditions of the site so as to prevent: 4283

~~(1)~~ (a) Injury to persons; 4284

~~(2)~~ (b) Damage to public and private property outside the 4285
permit area; 4286

~~(3)~~ (c) Adverse impacts on any underground mine; 4287

~~(4)~~ (d) Change in the course, channel, or availability of 4288
ground or surface water outside the permit area. 4289

~~(D)~~ (4) Require that all blasting operations be conducted 4290

by trained and competent persons as certified by the chief; 4291

~~(E)~~ (5) Provide that upon the request of a resident or 4292
owner of an artificial dwelling or structure or water supply 4293
within one-half mile of any portion of the permit area, the 4294
applicant or permittee shall conduct a preblasting survey of the 4295
structures or water supply and submit the survey to the chief 4296
and a copy to the resident or owner making the request. The area 4297
of the survey shall be decided by the chief and shall include 4298
such provisions as the chief prescribes. 4299

~~(F)~~ Require (6) Except as provided in division (C) of this 4300
section, require the training, examination, and certification of 4301
persons engaging in or directly responsible for blasting or use 4302
of explosives in coal mining operations. 4303

(C) The chief shall issue a certificate for blasting or 4304
use of explosives in coal mining operations in accordance with 4305
Chapter 4796. of the Revised Code to an applicant if either of 4306
the following applies: 4307

(1) The applicant holds a license or certificate in 4308
another state. 4309

(2) The applicant has satisfactory work experience, a 4310
government certification, or a private certification as 4311
described in that chapter as a blaster or user of explosives in 4312
coal mining operations in a state that does not issue that 4313
license or certificate. 4314

(D) The chief, by rule or order, may prohibit blasting in 4315
specific areas where the safety of the public would be 4316
endangered. 4317

(E) No person shall use explosives in violation of this 4318
section, a rule adopted thereunder, or an order of the chief. 4319

Sec. 1514.12. (A) Explosives shall be used in a manner 4320
that prevents injury to persons and damage to public or private 4321
property that is located outside the area for which a permit was 4322
issued under section 1514.02 or 1514.021 of the Revised Code. 4323

(B) The ground vibration resulting from the use of 4324
explosives when measured at any dwelling, public or commercial 4325
building, school, church, or community or institutional building 4326
that is located outside the area for which a permit was issued 4327
under section 1514.02 or 1514.021 of the Revised Code and that 4328
is not owned by the operator shall not exceed the frequency- 4329
dependent particle velocity limits listed in the "report of 4330
investigations 8507, appendix B -- alternative blasting level 4331
criteria, (1980)," published by the former United States bureau 4332
of mines, or other limits established by rule. 4333

(C) The airblast resulting from the use of explosives when 4334
measured with a two hertz high-pass system at any location 4335
listed in division (B) of this section shall not exceed a level 4336
of one hundred thirty-three decibels. 4337

(D) On and after July 1, 2003, all blasting in surface 4338
mining shall be conducted by persons who are trained and 4339
competent in blasting as certified by the chief of the division 4340
of mineral resources management or a certifying authority 4341
approved by the chief. 4342

(E) ~~The Except as provided in division (G) of this~~ 4343
section, the chief shall adopt, and may amend and rescind, rules 4344
in accordance with Chapter 119. of the Revised Code establishing 4345
requirements and standards governing all of the following: 4346

(1) Seismographic monitoring and alternate methods to 4347
prove compliance with the ground vibration limits established 4348

under division (B) of this section and the airblast limits	4349
established under division (C) of this section;	4350
(2) Protection of any building or structure not listed in	4351
division (B) of this section;	4352
(3) Training, examination, and certification of persons	4353
conducting blasting in surface mining and suspension or	4354
revocation of certifications;	4355
(4) Standard blast warning and all-clear signals;	4356
(5) Blasting records and flyrock reporting requirements;	4357
(6) Safety measures for blasting in surface mining.	4358
(F) The chief may adopt rules under this section that	4359
establish limits on the amount of ground vibration resulting	4360
from the use of explosives that is permissible when measured at	4361
the locations described in division (B) of this section.	4362
<u>(G) The chief shall issue a certificate to conduct</u>	4363
<u>blasting in surface mining in accordance with Chapter 4796. of</u>	4364
<u>the Revised Code to any person if either of the following</u>	4365
<u>applies:</u>	4366
<u>(1) The person holds a license or certificate in another</u>	4367
<u>state.</u>	4368
<u>(2) The person has satisfactory work experience, a</u>	4369
<u>government certification, or a private certification as</u>	4370
<u>described in that chapter as a surface mining blaster in a state</u>	4371
<u>that does not issue that license or certificate.</u>	4372
Sec. 1514.47. (A) (1) The operator of a surface mining	4373
operation shall employ a certified mine foreperson to be in	4374
charge of the conditions and practices at the mine and to be	4375

responsible for conducting examinations of the surface mining 4376
operation under 30 C.F.R. part 56, as amended. 4377

(2) Examinations of surface mining operations for the 4378
purposes of 30 C.F.R. part 56, as amended, shall be conducted by 4379
one of the following: 4380

~~(i)~~(a) A certified mine foreperson; 4381

~~(ii)~~(b) A person who is qualified to conduct such 4382
examinations as provided in division (D) of this section; 4383

~~(iii)~~(c) A person designated by the certified mine 4384
foreperson as a competent person. 4385

(3) For purposes of this section, a competent person is a 4386
person who has been trained in accordance with 30 C.F.R. part 46 4387
and been determined by a certified mine foreperson to have 4388
demonstrated the ability, training, knowledge, or experience 4389
necessary to perform the duty to which the person is assigned. A 4390
person is not a competent person if the chief of the division of 4391
mineral resources management demonstrates, with good cause, that 4392
the person does not have the ability, training, knowledge, or 4393
experience necessary to perform that duty. 4394

(4) The operator of a surface mining operation shall 4395
maintain records demonstrating that a competent person 4396
designated by a certified mine foreperson has the ability, 4397
training, knowledge, or experience to perform the duty to which 4398
the person is assigned as well as records of the competent 4399
person's training in accordance with 30 C.F.R. part 46. The 4400
operator shall make the records available to the chief upon 4401
request. 4402

~~(B)~~The Except as provided in division (E) of this 4403
section, the chief shall conduct examinations for the position 4404

of certified mine foreperson in accordance with rules. In order 4405
to be eligible for examination as a certified mine foreperson, 4406
an applicant shall file with the chief an affidavit establishing 4407
the applicant's qualifications to take the examination. The 4408
chief shall grade examinations and issue certificates. 4409

(C) (1) A certificate issued under this section shall not 4410
expire unless the certificate holder has not been employed in a 4411
surface mining operation for five consecutive years. If the 4412
certificate holder has not been employed in a surface mining 4413
operation for five consecutive years, the certificate holder may 4414
retake the mine foreperson examination or may petition the chief 4415
to accept past employment history in lieu of fulfilling the 4416
employment requirement established in this division. The chief 4417
shall grant or deny the petition by issuance of an order. If the 4418
chief grants the petition, the chief shall reissue the 4419
certificate. 4420

(2) If a certificate issued under this section is 4421
suspended, the certificate shall not be renewed until the 4422
suspension period expires and the person whose certificate is 4423
suspended successfully completes all actions required by the 4424
chief. ~~If an applicant's license, certificate, or similar~~ 4425
~~authority that is issued by another state to perform specified~~ 4426
~~mining duties is suspended or revoked by that state, the~~ 4427
~~applicant shall be ineligible for examination for or renewal of~~ 4428
~~a certificate in this state during that period of suspension or~~ 4429
~~revocation.~~ A certificate that has been revoked shall not be 4430
renewed. 4431

(3) If a person who has been certified by the chief under 4432
this section purposely violates this chapter, the chief may 4433
suspend or revoke the certificate after an investigation and 4434

hearing conducted in accordance with Chapter 119. of the Revised 4435
Code are completed. 4436

(4) If a person holds a certificate issued under this 4437
section that has not expired prior to ~~the effective date of this~~ 4438
~~amendment~~ September 29, 2015, the chief, upon request, shall 4439
reissue to that person a certificate that does not expire as 4440
provided in division (C) (1) of this section. 4441

(5) If a person holds a certificate issued under this 4442
section that expired on or after April 7, 2012, and has not been 4443
issued a new certificate prior to ~~the effective date of this~~ 4444
~~amendment~~ September 29, 2015, the chief, upon request, shall 4445
issue to that person a certificate that does not expire as 4446
provided in division (C) (1) of this section, provided that the 4447
person is in compliance with all other applicable requirements 4448
established in this chapter and rules adopted under it. 4449

(D) In lieu of employing a certified mine foreperson, the 4450
operator of a surface mining operation may submit to the chief a 4451
detailed training plan under which persons who qualify under the 4452
plan may conduct and document examinations at the surface mining 4453
operation for purposes of 30 C.F.R. part 56, as amended. The 4454
chief shall review the plan and determine if the plan complies 4455
with the requirements established in rules. The chief shall 4456
approve or deny the plan and notify in writing the operator who 4457
submitted the plan of the chief's decision. 4458

(E) The chief shall issue a mine foreperson certificate in 4459
accordance with Chapter 4796. of the Revised Code to any person 4460
if either of the following applies: 4461

(1) The person holds a license or certificate in another 4462
state. 4463

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

Sec. 1531.40. (A) As used in this section: 4468

(1) "Nuisance wild animal" means a wild animal that interferes with the use or enjoyment of property, is causing a threat to public safety, or may cause damage or harm to a structure, property, or person. 4469
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(2) "Commercial nuisance wild animal control operator" means an individual or business that provides nuisance wild animal removal or control services for hire to the owner, the operator, or the owner's or operator's authorized agent of property or a structure. 4473
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(B) (1) No person shall provide nuisance wild animal removal or control services for hire without obtaining a license under this section from the chief of the division of wildlife. 4478
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(2) An applicant shall pay a license fee of forty dollars for the license. The license shall be renewed annually prior to the first day of March and shall expire on the last day of February. All money collected under this division shall be deposited in the state treasury to the credit of the wildlife fund created in section 1531.17 of the Revised Code. 4481
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(3) An individual who is providing nuisance wild animal removal or control services for hire under a license issued under this section is exempt from obtaining a hunting license under section 1533.10 of the Revised Code, a fur taker permit under section 1533.111 of the Revised Code, or a fishing license under section 1533.32 of the Revised Code for the purposes of 4487
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performing those services. 4493

(4) An individual who is employed by the state, a county, 4494
or a municipal corporation and who performs nuisance wild animal 4495
removal or control services on land that is owned by the state, 4496
county, or municipal corporation, as applicable, as part of the 4497
individual's employment is exempt from obtaining a license under 4498
this section. 4499

(C) (1) Unless otherwise specified by division rule, a 4500
commercial nuisance wild animal control operator and any 4501
individual who is employed by an operator that is engaged in 4502
activities that are part of or related to the removal or control 4503
of nuisance wild animals, including setting or maintaining 4504
traps, shall obtain a certification of completion of a course of 4505
instruction that complies with rules adopted under division (F) 4506
of this section. A certification shall be renewed every three 4507
years. 4508

(2) ~~An~~ Except as provided in division (H) of this section, 4509
an individual who provides nuisance wild animal removal or 4510
control services under a license issued under this section shall 4511
comply with division (C) (1) of this section. 4512

(D) An operator that holds a license issued under this 4513
section is responsible for the acts of each of the operator's 4514
employees in the removal or control of a nuisance wild animal. 4515

(E) If an individual who is licensed under this section 4516
uses a pesticide in the removal or control of a nuisance wild 4517
animal, the individual shall obtain the appropriate license 4518
under Chapter 921. of the Revised Code. 4519

(F) ~~The~~ Except as provided in division (H) of this 4520
section, the chief shall adopt rules under section 1531.10 of 4521

the Revised Code establishing all of the following: 4522

(1) Appropriate methods for trapping, capturing, removing, 4523
relocating, and controlling nuisance wild animals by operators 4524
licensed under this section; 4525

(2) Procedures for issuing, denying, suspending, and 4526
revoking a license under this section; 4527

(3) Requirements governing the certification course 4528
required by division (C)(1) of this section. The rules shall 4529
specify the minimum contents of such a course, including public 4530
safety and health, animal life history, the use of nuisance wild 4531
animal removal and control devices, and the laws and rules 4532
governing those activities. The rules also shall specify who may 4533
conduct such a course. The rules shall require that, in order 4534
for an operator to receive a certification of completion, the 4535
operator shall pass an examination. 4536

(4) Any other requirements and procedures necessary to 4537
administer and enforce this section. 4538

Rules shall be adopted under division (F) of this section 4539
only with the approval of the director of natural resources. 4540

(G) In accordance with Chapter 119. of the Revised Code 4541
and with rules adopted under this section, the chief may suspend 4542
or revoke a license issued under this section if the chief finds 4543
that the holder of the license is violating or has violated this 4544
chapter, Chapter 1533. of the Revised Code, or rules adopted 4545
under those chapters. 4546

(H) The chief shall issue a license to provide nuisance 4547
wild animal removal or control services in accordance with 4548
Chapter 4796. of the Revised Code to an applicant if either of 4549
the following applies: 4550

(1) The applicant holds a license in another state. 4551

(2) The applicant has satisfactory work experience, a 4552
government certification, or a private certification as 4553
described in that chapter as an individual who provides nuisance 4554
wild animal removal or control services in a state that does not 4555
issue that license. 4556

Sec. 1533.051. (A) The chief of the division of wildlife 4557
may authorize commercial and noncommercial propagation of 4558
raptors by rules adopted pursuant to section 1531.08 of the 4559
Revised Code. The rules shall be consistent with federal 4560
regulations governing raptor propagation. 4561

(B) No person shall propagate raptors without a permit to 4562
do so issued by the chief. The duration of the permit shall be 4563
consistent with applicable federal requirements. 4564

The fees for permits shall be set by the chief in amounts 4565
sufficient to cover the expenses of the division in exercising 4566
its authority under this section and may vary according to the 4567
type of permit. Moneys received from the sale of permits shall 4568
be paid into the state treasury to the credit of the fund 4569
established in section 1533.15 of the Revised Code. 4570

(C) The chief shall issue a commercial raptor propagation 4571
permit in accordance with Chapter 4796. of the Revised Code to 4572
an applicant if either of the following applies: 4573

(1) The applicant holds a license or permit in another 4574
state. 4575

(2) The applicant has satisfactory work experience, a 4576
government certification, or a private certification as 4577
described in that chapter as a person who propogates raptors in 4578
a state that does not issue that license or permit. 4579

(D) A permittee may use a raptor possessed for propagation 4580
in the sport of falconry only if the permittee is in compliance 4581
with section 1533.05 of the Revised Code and the raptor is 4582
reported under permits issued under both that section and this 4583
section. 4584

~~(D)~~ (E) This section does not apply to propagation of 4585
raptors by the state, any agency of the state, the United 4586
States, any agency or instrumentality thereof, or any zoological 4587
park. 4588

Sec. 1533.51. (A) No person shall be or serve as a fishing 4589
guide in the Lake Erie fishing district without a license from 4590
the chief of the division of wildlife. The application for a 4591
license, and the license, shall be in such form as the chief 4592
prescribes. 4593

(B) The chief, with the approval of the wildlife council, 4594
may establish the qualifications for such a license and the 4595
terms, conditions, and restrictions thereof. Such qualifications 4596
when applicable shall include that the applicant possesses a 4597
power boat operator's license from a department, agency, 4598
commission, or instrumentality of the United States. 4599

(C) The chief shall issue a fishing guide license in 4600
accordance with Chapter 4796. of the Revised Code to an 4601
applicant if either of the following applies: 4602

(1) The applicant holds a license in another state. 4603

(2) The applicant has satisfactory work experience, a 4604
government certification, or a private certification as 4605
described in that chapter as a fishing guide in a state that 4606
does not issue that license. 4607

(D) Fishing guide licenses shall expire each year on the 4608

fifteenth day of April. Such a license shall be carried ~~by~~ on 4609
the person or the person in command of the boat or person in 4610
charge, ~~upon his person,~~ when such service is being performed, 4611
and shall be exhibited upon demand to any wildlife officer or 4612
other law enforcement officer who has authority to enforce the 4613
wildlife, hunting, and fishing laws. 4614

(E) The license fee for a fishing guide license is fifty 4615
dollars per person. 4616

(F) The license fee for other services or devices, as 4617
approved by the chief, not mentioned in this section shall be an 4618
amount set by the chief with the approval of the wildlife 4619
council, not to exceed twenty-five dollars. 4620

(G) All license fees collected from fishing guides shall 4621
be deposited in the state treasury pursuant to section 1533.33 4622
of the Revised Code. 4623

(H) No person shall fail to comply with any provision of 4624
this section or division rule adopted pursuant to it. 4625

Sec. 1561.14. ~~A~~ (A) Except as provided in division (B) of 4626
this section, a person who applies for a certificate as a mine 4627
electrician shall be able to read and write the English 4628
language, and prior to the date of the application for 4629
examination either shall have had at least one year's experience 4630
in performing electrical work underground in a coal mine, in the 4631
surface work area of an underground coal mine, in a surface coal 4632
mine, or in a noncoal mine, or shall have had such experience as 4633
the chief of the division of mineral resources management 4634
determines to be equivalent. Each applicant for examination 4635
shall pay a fee of ten dollars to the chief on the first day of 4636
the examination. Any money collected under this section shall be 4637

paid into the state treasury to the credit of the mining 4638
regulation and safety fund created in section 1513.30 of the 4639
Revised Code. 4640

(B) The chief shall issue a mine electrician certificate 4641
in accordance with Chapter 4796. of the Revised Code to an 4642
applicant if either of the following applies: 4643

(1) The applicant holds a license or certificate in 4644
another state. 4645

(2) The applicant has satisfactory work experience, a 4646
government certification, or a private certification as 4647
described in that chapter as a mine electrician in a state that 4648
does not issue that license or certificate. 4649

Sec. 1561.15. ~~An~~ (A) Except as provided in division (B) of 4650
this section, an applicant for a certificate as mine foreperson, 4651
foreperson, mine electrician, shot firer, surface mine blaster, 4652
or fire boss shall apply to the chief of the division of mineral 4653
resources management for examination and shall be examined by 4654
the chief. This shall be a practical examination, a substantial 4655
part of which shall be oral, to determine the competency of the 4656
applicant, based on experience and practical knowledge of the 4657
dangers incident to coal mining, and not upon technical 4658
education, but consideration shall be given such technical 4659
education as the applicant possesses. This examination shall be 4660
held as soon after application is made as practicable in the 4661
district from which the applicant makes application. 4662

(B) The chief may require an applicant for a certificate 4663
as mine foreperson, foreperson, mine electrician, shot firer, 4664
surface mine blaster, or fire boss to pass an examination in 4665
accordance with Chapter 4796. of the Revised Code. 4666

Sec. 1561.16. (A) As used in this section and sections 4667
1561.17 to 1561.21 of the Revised Code, "actual practical 4668
experience" means previous employment that involved a person's 4669
regular presence in the type of mining operation in which the 4670
experience is required to exist; participation in functions 4671
relating to the hazards involved in and the utilization of 4672
equipment, tools, and work crews and individuals for that type 4673
of mining; and regular exposure to the methods, procedures, and 4674
safety laws applicable to that type of mining. Credit of up to 4675
one year for a portion of the required experience time may be 4676
given upon documentation to the chief of the division of mineral 4677
resources management of an educational degree in a field related 4678
to mining. Credit of up to two years of the required experience 4679
time may be given upon presentation to the chief of proof of 4680
graduation from an accredited school of mines or mining after a 4681
four-year course of study with employment in the mining industry 4682
during interim breaks during the school years. 4683

(B) ~~A-Except as provided in division (G) of this section,~~ 4684
a person who applies for a certificate as a mine foreperson of 4685
gaseous mines shall be able to read and write the English 4686
language; shall have had at least five years' actual practical 4687
experience in the underground workings of a gaseous mine or the 4688
equivalent thereof in the judgment of the chief; and shall have 4689
had practical experience obtained by actual contact with gas in 4690
mines and have knowledge of the dangers and nature of noxious 4691
and explosive gases and ventilation of gaseous mines. An 4692
applicant for a certificate as a foreperson of gaseous mines 4693
shall meet the same requirements, except that the applicant 4694
shall have had at least three years' actual practical experience 4695
in the underground workings of a gaseous mine or the equivalent 4696
thereof in the judgment of the chief. Each applicant for 4697

examination shall pay a fee established in rules adopted under 4698
this section to the chief on the first day of such examination. 4699

(C) A person who has been issued a certificate as a mine 4700
foreperson or a foreperson of a gaseous mine and who has not 4701
worked in an underground coal mine for a period of more than two 4702
calendar years shall apply for and obtain recertification from 4703
the chief in accordance with rules adopted under this section 4704
before performing the duties of a mine foreperson or a 4705
foreperson of a gaseous mine. An applicant for recertification 4706
shall pay a fee established in rules adopted under this section 4707
at the time of application for recertification. 4708

(D) A person who has been issued a certificate as a mine 4709
foreperson or a foreperson of a gaseous mine and who has not 4710
worked in an underground coal mine for a period of one or more 4711
calendar years shall successfully complete a retraining course 4712
in accordance with rules adopted under this section before 4713
performing the duties of a mine foreperson or a foreperson of a 4714
gaseous mine. 4715

(E) The chief, in consultation with a statewide 4716
association representing the coal mining industry and a 4717
statewide association representing employees of coal mines, 4718
shall adopt rules in accordance with Chapter 119. of the Revised 4719
Code that do all of the following: 4720

(1) Prescribe requirements, criteria, and procedures for 4721
the recertification of a mine foreperson or a foreperson of a 4722
gaseous mine who has not worked in an underground coal mine for 4723
a period of more than two calendar years; 4724

(2) Prescribe requirements, criteria, and procedures for 4725
the retraining of a mine foreperson or a foreperson of a gaseous 4726

mine who has not worked in an underground coal mine for a period 4727
of one or more calendar years; 4728

(3) Establish fees for the examination and recertification 4729
of mine forepersons or forepersons of gaseous mines under this 4730
section; 4731

(4) Prescribe any other requirements, criteria, and 4732
procedures that the chief determines are necessary to administer 4733
this section. 4734

(F) Any money collected under this section shall be paid 4735
into the state treasury to the credit of the mining regulation 4736
and safety fund created in section 1513.30 of the Revised Code. 4737

(G) The chief shall issue a certificate as a foreperson of 4738
gaseous mines in accordance with Chapter 4796. of the Revised 4739
Code to an applicant if either of the following applies: 4740

(1) The applicant holds a license or certificate in 4741
another state. 4742

(2) The applicant has satisfactory work experience, a 4743
government certification, or a private certification as 4744
described in that chapter as a foreperson of gaseous mines in a 4745
state that does not issue that license or certificate. 4746

Sec. 1561.17. (A) A Except as provided in division (F) of 4747
this section, a person who applies for a certificate as mine 4748
foreperson or foreperson of nongaseous mines shall be able to 4749
read and write the English language; shall have had at least 4750
three years' actual practical experience in mines, or the 4751
equivalent thereof in the judgment of the chief of the division 4752
of mineral resources management; and shall have knowledge of the 4753
dangers and nature of noxious gases. Each applicant for 4754
examination shall pay a fee established in rules adopted under 4755

this section to the chief on the first day of the examination. 4756

(B) A person who has been issued a certificate as a mine 4757
foreperson or a foreperson of a nongaseous coal mine and who has 4758
not worked in an underground coal mine for a period of more than 4759
two calendar years shall apply for and obtain recertification 4760
from the chief in accordance with rules adopted under this 4761
section before performing the duties of a mine foreperson or a 4762
foreperson of a nongaseous coal mine. An applicant for 4763
recertification shall pay a fee established in rules adopted 4764
under this section at the time of application for 4765
recertification. 4766

(C) A person who has been issued a certificate as a mine 4767
foreperson or a foreperson of a nongaseous coal mine and who has 4768
not worked in an underground coal mine for a period of one or 4769
more calendar years shall successfully complete a retraining 4770
course in accordance with rules adopted under this section 4771
before performing the duties of a mine foreperson or a 4772
foreperson of a nongaseous coal mine. 4773

(D) The chief, in consultation with a statewide 4774
association representing the coal mining industry and a 4775
statewide association representing employees of coal mines, 4776
shall adopt rules in accordance with Chapter 119. of the Revised 4777
Code that do all of the following: 4778

(1) Prescribe requirements, criteria, and procedures for 4779
the recertification of a mine foreperson or a foreperson of a 4780
nongaseous coal mine who has not worked in an underground coal 4781
mine for a period of more than two calendar years; 4782

(2) Prescribe requirements, criteria, and procedures for 4783
the retraining of a mine foreperson or a foreperson of a 4784

nongaseous coal mine who has not worked in an underground coal 4785
mine for a period of one or more calendar years; 4786

(3) Establish fees for the examination and recertification 4787
of mine forepersons or forepersons of nongaseous coal mines 4788
under this section; 4789

(4) Prescribe any other requirements, criteria, and 4790
procedures that the chief determines are necessary to administer 4791
this section. 4792

(E) Any money collected under this section shall be paid 4793
into the state treasury to the credit of the mining regulation 4794
and safety fund created in section 1513.30 of the Revised Code. 4795

(F) The chief shall issue a certificate as a foreperson of 4796
nongaseous mines in accordance with Chapter 4796. of the Revised 4797
Code to an applicant if either of the following applies: 4798

(1) The applicant holds a license or certificate in 4799
another state. 4800

(2) The applicant has satisfactory work experience, a 4801
government certification, or a private certification as 4802
described in that chapter as a foreperson of nongaseous mines in 4803
a state that does not issue that license or certificate. 4804

Sec. 1561.18. A—(A) Except as provided in division (B) of 4805
this section, a person who applies for a certificate as a 4806
foreperson of surface maintenance facilities at underground or 4807
surface mines shall be able to read and write the English 4808
language and shall have had at least three years' actual 4809
practical experience in or around the surface maintenance 4810
facilities of underground or surface mines or the equivalent 4811
thereof in the judgment of the chief of the division of mineral 4812
resources management. Each applicant for examination shall pay a 4813

fee of ten dollars to the chief on the first day of the 4814
examination. 4815

(B) The chief shall issue a certificate as a foreperson of 4816
surface maintenance facilities at underground or surface mines 4817
in accordance with Chapter 4796. of the Revised Code to an 4818
applicant if either of the following applies: 4819

(1) The applicant holds a license or certificate in 4820
another state. 4821

(2) The applicant has satisfactory work experience, a 4822
government certification, or a private certification as 4823
described in that chapter as a foreperson of surface maintenance 4824
facilities at underground or surface mines in a state that does 4825
not issue that license or certificate. 4826

(C) Any money collected under this section shall be paid 4827
into the state treasury to the credit of the mining regulation 4828
and safety fund created in section 1513.30 of the Revised Code. 4829

Sec. 1561.19. A—(A) Except as provided in division (B) of 4830
this section, a person who applies for a certificate as a mine 4831
foreperson of surface mines shall be able to read and write the 4832
English language and shall have had at least five years' actual 4833
practical experience in surface mines. An applicant for a 4834
certificate as a foreperson of surface mines shall meet the same 4835
requirements, except that the applicant shall have had at least 4836
three years' actual practical experience in surface mines or the 4837
equivalent thereof in the judgment of the chief of the division 4838
of mineral resources management. Each applicant for examination 4839
shall pay a fee of ten dollars to the chief on the first day of 4840
the examination. 4841

(B) The chief shall issue a certificate as a foreperson of 4842

surface mines in accordance with Chapter 4796. of the Revised 4843
Code to an applicant if either of the following applies: 4844

(1) The applicant holds a license or certificate in 4845
another state. 4846

(2) The applicant has satisfactory work experience, a 4847
government certification, or a private certification as 4848
described in that chapter as a foreperson of surface mines in a 4849
state that does not issue that license or certificate. 4850

(C) Any money collected under this section shall be paid 4851
into the state treasury to the credit of the mining regulation 4852
and safety fund created in section 1513.30 of the Revised Code. 4853

Sec. 1561.20. A—(A) Except as provided in division (B) of 4854
this section, a person who applies for a certificate as a 4855
surface mine blaster shall be able to read and write the English 4856
language; shall have had at least one year's actual practical 4857
experience in surface mines or the equivalent thereof in the 4858
judgment of the chief of the division of mineral resources 4859
management; shall have knowledge of the dangers and nature of 4860
the use of explosives, related equipment, and blasting 4861
techniques; and shall have knowledge of safety laws and rules, 4862
including those related to the storage, use, and transportation 4863
of explosives. Each applicant for examination shall pay a fee of 4864
ten dollars to the chief on the first day of the examination. 4865

(B) The chief shall issue a surface mine blaster 4866
certificate in accordance with Chapter 4796. of the Revised Code 4867
to an applicant if either of the following applies: 4868

(1) The applicant holds a license or certificate in 4869
another state. 4870

(2) The applicant has satisfactory work experience, a 4871

government certification, or a private certification as 4872
described in that chapter as a surface mine blaster in a state 4873
that does not issue that license or certificate. 4874

(C) Any money collected under this section shall be paid 4875
into the state treasury to the credit of the mining regulation 4876
and safety fund created in section 1513.30 of the Revised Code. 4877

Sec. 1561.21. A—(A) Except as provided in division (B) of 4878
this section, a person who applies for a certificate as a shot 4879
firer shall be able to read and write the English language; 4880
shall have had at least one year's actual practical experience 4881
in the underground workings of mines or the equivalent thereof 4882
in the judgment of the chief of the division of mineral 4883
resources management; shall have knowledge of the dangers and 4884
nature of noxious and explosive gases; shall have knowledge of 4885
the dangers and nature of the use of explosives, related 4886
equipment, and blasting techniques; and shall have knowledge of 4887
safety laws and rules, including those related to the 4888
underground storage, use, and transportation of explosives. Each 4889
applicant for examination shall pay a fee of ten dollars to the 4890
chief on the first day of the examination. 4891

(B) The chief shall issue a shot firer certificate in 4892
accordance with Chapter 4796. of the Revised Code to an 4893
applicant if either of the following applies: 4894

(1) The applicant holds a license or certificate in 4895
another state. 4896

(2) The applicant has satisfactory work experience, a 4897
government certification, or a private certification as 4898
described in that chapter as a shot firer in a state that does 4899
not issue that license or certificate. 4900

(C) Any money collected under this section shall be paid 4901
into the state treasury to the credit of the mining regulation 4902
and safety fund created in section 1513.30 of the Revised Code. 4903

(D) Any person who possesses a mine foreperson or 4904
foreperson certificate issued by the chief shall be considered 4905
certified as a shot firer. 4906

Sec. 1561.22. A—(A) Except as provided in division (B) of 4907
this section, a person who applies for a certificate as fire 4908
boss shall be able to read and write the English language; shall 4909
have had at least three years' actual practical experience in 4910
the underground workings of a gaseous mine or the equivalent 4911
thereof in the judgment of the chief of the division of mineral 4912
resources management; and shall have knowledge of the dangers 4913
and nature of noxious and explosive gases gained by actual 4914
contact with gas in mines and ventilation of gaseous mines. Each 4915
applicant for examination shall pay a fee of ten dollars to the 4916
chief on the first day of the examination. 4917

(B) The chief shall issue a fire boss certificate in 4918
accordance with Chapter 4796. of the Revised Code to an 4919
applicant if either of the following applies: 4920

(1) The applicant holds a license or certificate in 4921
another state. 4922

(2) The applicant has satisfactory work experience, a 4923
government certification, or a private certification as 4924
described in that chapter as a fire boss in a state that does 4925
not issue that license or certificate. 4926

(C) Any money collected under this section shall be paid 4927
into the state treasury to the credit of the mining regulation 4928
and safety fund created in section 1513.30 of the Revised Code. 4929

Sec. 1565.06. (A) In emergencies arising at a mine because 4930
of accident, death, illness, or any other cause, an operator may 4931
appoint noncertificate persons as forepersons and fire bosses to 4932
act until certified forepersons and fire bosses satisfactory to 4933
the operator can be secured. Such appointee may not serve in 4934
such capacity for a period longer than six months or until such 4935
time thereafter as an examination is held for such certified 4936
persons under section 1561.13 of the Revised Code. The employer 4937
of such noncertificate person shall, upon appointment of such 4938
noncertificate person in this capacity, forward the name of such 4939
noncertificate person to the chief of the division of mineral 4940
resources management. 4941

(B) An operator may appoint as a temporary foreperson or 4942
fire boss a noncertificate person who is within six months of 4943
possessing the necessary actual practical experience to qualify 4944
to take the examination for certification for the position to 4945
which the person is temporarily appointed. Upon appointment of a 4946
noncertificate person, the operator shall forward the name, 4947
social security number, and brief summary of the person's actual 4948
practical experience to the chief, and the chief shall issue the 4949
person a temporary certificate for the position to which the 4950
person has been temporarily appointed. A temporary certificate 4951
issued under this division is valid for six months or until such 4952
time thereafter as an examination is held under section 1561.13 4953
of the Revised Code for the position to which the person has 4954
been temporarily appointed. 4955

(C) A nonresident person who possesses a valid certificate 4956
issued by another state for a position for which the chief 4957
issues a certificate shall be eligible for a temporary 4958
certificate from the chief upon presentation to the chief of a 4959
copy of the certificate from that other state. Chapter 4796. of 4960

the Revised Code does not apply to a certificate issued under 4961
this section. A temporary certificate issued under this division 4962
shall be valid for six months. 4963

No operator of a mine shall violate or fail to comply with 4964
this section. 4965

Sec. 1565.15. (A) As used in this section: 4966

(1) "EMT-basic," "EMT-I," "paramedic," and "emergency 4967
medical service organization" have the same meanings as in 4968
section 4765.01 of the Revised Code. 4969

(2) "First aid provider" includes a mine medical 4970
responder, an EMT-basic, an EMT-I, a paramedic, or an employee 4971
at a surface coal mine who has satisfied the training 4972
requirements established in division (D)(1) of this section. 4973

(3) "Mine medical responder" means a person who has 4974
satisfied the requirements established in rules adopted under 4975
division (E)(1) of this section or has been issued a certificate 4976
under division (E)(2) of this section. 4977

(B) The operator of an underground coal mine where twenty 4978
or more persons are employed on a shift, including all persons 4979
working at different locations at the mine within a ten-mile 4980
radius, shall provide at least one mine medical responder, EMT- 4981
basic, or EMT-I on duty at the underground coal mine whenever 4982
employees at the mine are actively engaged in the extraction, 4983
production, or preparation of coal. The operator shall provide 4984
mine medical responders, EMTs-basic, or EMTs-I on duty at the 4985
underground coal mine at times and in numbers sufficient to 4986
ensure that no miner works in a mine location that cannot be 4987
reached within a reasonable time by a mine medical responder, an 4988
EMT-basic, or an EMT-I. Mine medical responders, EMTs-basic, and 4989

EMTs-I shall be employed on their regular coal mining duties at 4990
locations convenient for quick response to emergencies in order 4991
to provide emergency medical services inside the underground 4992
coal mine and transportation of injured or sick employees to the 4993
entrance of the mine. The operator shall provide for the 4994
services of at least one emergency medical service organization 4995
to be available on call to reach the entrance of the underground 4996
coal mine within thirty minutes at any time that employees are 4997
engaged in the extraction, production, or preparation of coal in 4998
order to provide emergency medical services and transportation 4999
to a hospital. 5000

The operator shall make available to mine medical 5001
responders, EMTs-basic, and EMTs-I all of the equipment for 5002
first aid and emergency medical services that is necessary for 5003
those personnel to function and to comply with the regulations 5004
pertaining to first aid and emergency medical services that are 5005
adopted under the "Federal Mine Safety and Health Act of 1977," 5006
91 Stat. 1290, 30 U.S.C.A. 801, and amendments to it. The 5007
operator of the underground coal mine shall install telephone 5008
service or equivalent facilities that enable two-way voice 5009
communication between the mine medical responders, EMTs-basic, 5010
or EMTs-I in the mine and the emergency medical service 5011
organization outside the mine that provides emergency medical 5012
services on a regular basis. 5013

(C) The operator of a surface coal mine shall provide at 5014
least one first aid provider on duty at the mine whenever 5015
employees at the mine are actively engaged in the extraction, 5016
production, or preparation of coal. The operator shall provide 5017
first aid providers on duty at the surface coal mine at times 5018
and in numbers sufficient to ensure that no miner works in a 5019
mine location that cannot be reached within a reasonable time by 5020

a first aid provider. First aid providers shall be employed on 5021
their regular coal mining duties at locations convenient for 5022
quick response to emergencies in order to provide emergency 5023
medical services and transportation of injured or sick employees 5024
to the entrance of the surface coal mine. The operator shall 5025
provide for the services of at least one emergency medical 5026
service organization to be available on call to reach the 5027
entrance of the surface coal mine within thirty minutes at any 5028
time that employees are engaged in the extraction, production, 5029
or preparation of coal in order to provide emergency medical 5030
services and transportation to a hospital. 5031

The operator shall provide at the mine site all of the 5032
equipment for first aid and emergency medical services that is 5033
necessary for those personnel to function and to comply with the 5034
regulations pertaining to first aid and emergency medical 5035
services that are adopted under the "Federal Mine Safety and 5036
Health Act of 1977," 91 Stat. 1290, 30 U.S.C.A. 801, and 5037
amendments to it. 5038

(D) (1) An employee at a surface coal mine shall be 5039
considered to be a first aid provider for the purposes of this 5040
section if the employee has received from an instructor approved 5041
by the chief of the division of mineral resources management ten 5042
hours of initial first aid training as a selected supervisory 5043
employee under 30 C.F.R. 77.1703 and receives five hours of 5044
refresher first aid training as a selected supervisory employee 5045
under 30 C.F.R. 77.1705 in each subsequent calendar year. 5046

(2) Each miner employed at a surface coal mine who is not 5047
a first aid provider shall receive from an instructor approved 5048
by the chief three hours of initial first aid training and two 5049
hours of refresher first aid training in each subsequent 5050

calendar year. 5051

(3) The training received in accordance with division (D) 5052
of this section shall consist of a course of instruction 5053
established in the manual issued by the mine safety and health 5054
administration in the United States department of labor entitled 5055
"first aid, a bureau of mines instruction manual" or its 5056
successor or any other curriculum approved by the chief. The 5057
training shall be included in the hours of instruction provided 5058
to miners in accordance with training requirements established 5059
under 30 C.F.R. part 48, subpart (B), as amended, and 30 C.F.R. 5060
part 77, as amended. 5061

~~(E) The~~ (1) Except as provided in division (E) (2) of this 5062
section, the chief, in consultation with persons certified under 5063
Chapter 4765. of the Revised Code to teach in an emergency 5064
medical services training program, shall adopt rules in 5065
accordance with Chapter 119. of the Revised Code that do all of 5066
the following: 5067

~~(1) (a)~~ Prescribe training requirements for a mine medical 5068
responder that specifically focus on treating injuries and 5069
illnesses associated with underground coal mining; 5070

~~(2) (b)~~ Prescribe an examination for a mine medical 5071
responder; 5072

~~(3) (c)~~ Prescribe continuing training requirements for a 5073
mine medical responder; 5074

~~(4) (d)~~ Establish the fee for examination for a mine 5075
medical responder; 5076

~~(5) (e)~~ Prescribe any other requirements, criteria, and 5077
procedures that the chief determines are necessary regarding the 5078
training, examination, and continuing training of mine medical 5079

responders. 5080

~~If a person qualifies as a mine medical responder or 5081
similar classification in another state, the person may provide 5082
emergency medical services as a mine medical responder in this 5083
state without completing the training or passing the examination 5084
that is required in rules adopted under this division, provided 5085
that the chief determines that the person's qualifications from 5086
the other state satisfy all of the applicable requirements that 5087
are established in rules adopted under this division. 5088~~

(2) The chief shall issue a mine medical responder 5089
certificate in accordance with Chapter 4796. of the Revised Code 5090
to an applicant if either of the following applies: 5091

(a) The applicant holds a certificate in another state. 5092

(b) The applicant has satisfactory work experience, a 5093
government certification, or a private certification as 5094
described in that chapter as a mine medical responder in a state 5095
that does not issue that certificate. 5096

(F) Each operator of a surface coal mine shall establish, 5097
keep current, and make available for inspection an emergency 5098
medical plan that includes the telephone numbers of the division 5099
of mineral resources management and of an emergency medical 5100
services organization the services of which are required to be 5101
retained under division (C) of this section. The chief shall 5102
adopt rules in accordance with Chapter 119. of the Revised Code 5103
that establish any additional information required to be 5104
included in an emergency medical plan. 5105

(G) Each operator of an underground coal mine or surface 5106
coal mine shall provide or contract to obtain emergency medical 5107
services training or first aid training, as applicable, at the 5108

operator's expense, that is sufficient to train and maintain the 5109
certification of the number of employees necessary to comply 5110
with division (B) of this section and that is sufficient to 5111
train employees as required under division (D) of this section 5112
and to comply with division (C) of this section. 5113

(H) The division may provide emergency medical services 5114
training for coal mine employees by operating an emergency 5115
medical services training program accredited under section 5116
4765.17 of the Revised Code or by contracting with the operator 5117
of an emergency medical services training program accredited 5118
under that section to provide that training. The division may 5119
charge coal mine operators a uniform part of the unit cost per 5120
trainee. 5121

(I) No coal mine operator shall violate or fail to comply 5122
with this section. 5123

Sec. 1707.15. (A) Application for a dealer's license shall 5124
be made in accordance with this section and by filing with the 5125
division of securities the information, materials, and forms 5126
specified in rules adopted by the division, along with all of 5127
the following information: 5128

(1) The name and address of the applicant; 5129

(2) The location and addresses of the principal office and 5130
all other offices of the applicant; 5131

(3) A general description of the business of the applicant 5132
done prior to the application, including a list of states in 5133
which the applicant is a licensed dealer. 5134

(B) (1) The division may investigate any applicant for a 5135
license, and may require such additional information as it deems 5136
necessary to determine the applicant's business repute and 5137

qualifications to act as a dealer in securities. 5138

(2) If the application for any license involves 5139
investigation outside of this state, the applicant may be 5140
required by the division to advance sufficient funds to pay any 5141
of the actual expenses of such examination. An itemized 5142
statement of any such expenses which the applicant is required 5143
to pay shall be furnished the applicant by the division. 5144

(C) The division shall by rule require one natural person 5145
who is a principal, officer, director, general partner, manager, 5146
or employee of a dealer to pass an examination designated by the 5147
division. Each dealer that is not a natural person shall notify 5148
the division of the name and relationship to the dealer of the 5149
natural person who has passed the examination on behalf of the 5150
dealer and who will serve as the designated principal on behalf 5151
of the dealer. 5152

(D) Dealers shall employ as salespersons only those 5153
salespersons who are licensed under this chapter. If at any time 5154
a salesperson resigns or is discharged or a new salesperson is 5155
added, the dealer shall promptly notify the division. 5156

(E) If (1) Except as provided in division (E) (2) of this 5157
section, if the division finds that the applicant is of good 5158
business repute, appears qualified to act as a dealer in 5159
securities, and has fully complied with this chapter and rules 5160
adopted under this chapter by the division, the division, upon 5161
payment of the fees prescribed by division (B) of section 5162
1707.17 of the Revised Code, shall issue to the applicant a 5163
license authorizing the applicant to act as a dealer. 5164

(2) The division shall issue a license to act as a dealer 5165
in accordance with Chapter 4796. of the Revised Code to an 5166

<u>applicant if either of the following applies:</u>	5167
<u>(a) The applicant holds a license in another state;</u>	5168
<u>(b) The applicant has satisfactory work experience, a</u>	5169
<u>government certification, or a private certification as</u>	5170
<u>described in that chapter as a dealer in a state that does not</u>	5171
<u>issue that license.</u>	5172
Sec. 1707.151. (A) Application for an investment adviser's	5173
license shall be made in accordance with this section and by	5174
filing with the division of securities the information,	5175
materials, and forms specified in rules adopted by the division.	5176
(B) (1) The division may investigate any applicant for a	5177
license and may require any additional information as it	5178
considers necessary to determine the applicant's business repute	5179
and qualifications to act as an investment adviser.	5180
(2) If the application for any license involves	5181
investigation outside of this state, the applicant may be	5182
required by the division to advance sufficient funds to pay any	5183
of the actual expenses of the examination. The division shall	5184
furnish the applicant with an itemized statement of such	5185
expenses that the applicant is required to pay.	5186
(C) The division shall by rule require a natural person	5187
who is an applicant for an investment adviser's license to pass	5188
an examination designated by the division or achieve a specified	5189
professional designation.	5190
(D) An investment adviser licensed under section 1707.141	5191
of the Revised Code shall employ only investment adviser	5192
representatives licensed, or exempted from licensure, under	5193
section 1707.161 of the Revised Code.	5194

(E) ~~If~~ (1) Except as provided in division (E) (2) of this 5195
section, if the division finds that the applicant is of good 5196
business repute, appears to be qualified to act as an investment 5197
adviser, and has complied with this chapter and rules adopted 5198
under this chapter by the division, the division, upon payment 5199
of the fees prescribed by division (B) of section 1707.17 of the 5200
Revised Code, shall issue to the applicant a license authorizing 5201
the applicant to act as an investment adviser. 5202

(2) The division shall issue a license to act as an 5203
investment adviser in accordance with Chapter 4796. of the 5204
Revised Code to an applicant if either of the following applies: 5205

(a) The applicant holds a license in another state. 5206

(b) The applicant has satisfactory work experience, a 5207
government certification, or a private certification as 5208
described in that chapter as an investment adviser in a state 5209
that does not issue that license. 5210

Sec. 1707.16. (A) Every salesperson of securities must be 5211
licensed by the division of securities and shall be employed, 5212
authorized, or appointed only by the licensed dealer specified 5213
in the salesperson's license. If the relationship between the 5214
salesperson and the dealer is severed, the salesperson's license 5215
shall be void. 5216

(B) Application for a salesperson's license shall be made 5217
in accordance with this section and by filing with the division 5218
the information, materials, and forms specified in rules adopted 5219
by the division, along with all of the following information: 5220

(1) The name and complete residence and business addresses 5221
of the applicant; 5222

(2) The name of the dealer who is employing the applicant 5223

or who intends to employ the applicant; 5224

(3) The applicant's age and education, and the applicant's 5225
experience in the sale of securities; whether the applicant has 5226
ever been licensed by the division, and if so, when; whether the 5227
applicant has ever been refused a license by the division; and 5228
whether the applicant has ever been licensed or refused a 5229
license or any similar permit by any division or commissioner of 5230
securities, whatsoever name known or designated, anywhere. 5231

(C) The division shall by rule require an applicant to 5232
pass an examination designated by the division. 5233

~~(D) If~~ (1) Except as provided in division (D) (2) of this 5234
section, if the division finds that the applicant is of good 5235
business repute, appears to be qualified to act as a salesperson 5236
of securities, and has fully complied with this chapter, and 5237
that the dealer named in the application is a licensed dealer, 5238
the division shall, upon payment of the fees prescribed by 5239
section 1707.17 of the Revised Code, issue a license to the 5240
applicant authorizing the applicant to act as salesperson for 5241
the dealer named in the application. 5242

(2) The division shall issue a license to act as a 5243
salesperson of securities in accordance with Chapter 4796. of 5244
the Revised Code to an applicant if either of the following 5245
applies: 5246

(a) The applicant holds a license in another state. 5247

(b) The applicant has satisfactory work experience, a 5248
government certification, or a private certification as 5249
described in that chapter as a salesperson of securities in a 5250
state that does not issue that license. 5251

Sec. 1707.161. (A) No person shall act as an investment 5252

adviser representative, unless one of the following applies:	5253
(1) The person is licensed as an investment adviser	5254
representative by the division of securities.	5255
(2) The person is a natural person who is licensed as an	5256
investment adviser by the division, and does not act as an	5257
investment adviser representative for another investment	5258
adviser; however, a natural person who is licensed as an	5259
investment adviser by the division may act as an investment	5260
adviser representative for another investment adviser if the	5261
natural person also is licensed by the division, or is properly	5262
excepted from licensure, as an investment adviser representative	5263
of the other investment adviser.	5264
(3) The person is employed by or associated with an	5265
investment adviser registered under section 203 of the	5266
"Investment Advisers Act of 1940," 15 U.S.C. 80b-3, and does not	5267
have a place of business in this state.	5268
(4) The person is employed by or associated with an	5269
investment adviser that is excepted from licensure pursuant to	5270
division (A) (3), (4), (5), or (6) of section 1707.141 of the	5271
Revised Code or excepted from notice filing pursuant to division	5272
(B) (3) of section 1707.141 of the Revised Code.	5273
(B) (1) No investment adviser representative required to be	5274
licensed under this section shall act as an investment adviser	5275
representative for more than two investment advisers. An	5276
investment adviser representative that acts as an investment	5277
adviser representative for two investment advisers shall do so	5278
only after the occurrence of both of the following:	5279
(a) Being properly licensed, or properly excepted from	5280
licensure under this section, as an investment adviser	5281

representative for both investment advisers; 5282

(b) Complying with the requirements set forth in rules 5283
adopted by the division regarding consent of both investment 5284
advisers and notice. 5285

(2) Nothing in this section shall be construed to prohibit 5286
a natural person from being licensed by the division as both an 5287
investment adviser and an investment adviser representative. 5288

(3) Nothing in this section shall be construed to prohibit 5289
a natural person from being licensed by the division as both a 5290
salesperson and an investment adviser representative. 5291

(4) Nothing in this section shall be construed to prohibit 5292
a natural person from being licensed by the division as both a 5293
dealer and an investment adviser representative. 5294

(C) An investment adviser representative's license issued 5295
under this section shall not be effective during any period when 5296
the investment adviser representative is not employed by or 5297
associated with an investment adviser that is licensed by the 5298
division or that is in compliance with the notice filing 5299
requirements of division (B) of section 1707.141 of the Revised 5300
Code. Notice of the commencement and termination of the 5301
employment or association of an investment adviser 5302
representative licensed under this section shall be given to the 5303
division within thirty days after the commencement or 5304
termination by either of the following: 5305

(1) The investment adviser, in the case of an investment 5306
adviser representative licensed under this section and employed 5307
by or associated with, or formerly employed by or associated 5308
with, an investment adviser licensed under section 1707.141 of 5309
the Revised Code; 5310

(2) The investment adviser representative, in the case of 5311
an investment adviser representative licensed under this section 5312
and employed by or associated with, or formerly employed by or 5313
associated with, an investment adviser that is subject to the 5314
notice filings requirements of division (B) of section 1707.141 5315
of the Revised Code. 5316

(D) (1) Application for an investment adviser 5317
representative license shall be made in accordance with this 5318
section and by filing with the division the information, 5319
materials, and forms specified in rules adopted by the division. 5320

(2) The division shall by rule require an applicant to 5321
pass an examination designated by the division or achieve a 5322
specified professional designation. 5323

(3) Prior to issuing the investment adviser representative 5324
license, the division may require the applicant to reimburse the 5325
division for the actual expenses incurred in investigating the 5326
applicant. An itemized statement of any such expenses that the 5327
applicant is required to pay shall be furnished to the applicant 5328
by the division. 5329

~~(E) If (1) Except as provided in division (E) (2) of this~~ 5330
~~section, if~~ the division finds that the applicant is of good 5331
business repute, appears to be qualified to act as an investment 5332
adviser representative, and has complied with sections 1707.01 5333
to 1707.50 of the Revised Code and the rules adopted under those 5334
sections by the division, the division, upon payment of the fees 5335
prescribed by division (B) of section 1707.17 of the Revised 5336
Code, shall issue to the applicant a license authorizing the 5337
applicant to act as an investment adviser representative for the 5338
investment adviser, or investment advisers that are under common 5339
ownership or control, named in the application. 5340

(2) The division shall issue a license to act as an investment adviser representative in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

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

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an investment adviser representative in a state that does not issue that license.

Sec. 1707.163. (A) Application for a state retirement system investment officer's license shall be made in accordance with this section by filing with the division of securities the information, materials, and forms specified in rules adopted by the division.

(B) (1) The division may investigate any applicant for a license and may require any additional information as it considers necessary to determine the applicant's business repute and qualifications to act as an investment officer.

(2) If the application for a state retirement system investment officer's license involves investigation outside of this state, the applicant may be required by the division to advance sufficient funds to pay any of the actual expenses of the investigation. The division shall furnish the applicant with an itemized statement of the expenses the applicant is required to pay.

(C) The division shall by rule require an applicant for a state retirement system investment officer's license to pass an examination designated by the division or achieve a specified professional designation unless the applicant meets both of the

following requirements: 5370

(1) Acts as a state retirement system investment officer 5371
~~on the effective date of this section~~ September 15, 2004; 5372

(2) Has experience or equivalent education acceptable to 5373
the division. 5374

~~(D) If~~ (1) Except as provided in division (D) (2) of this 5375
section, if the division finds that the applicant is of good 5376
business repute, appears to be qualified to act as a state 5377
retirement system investment officer, and has complied with this 5378
chapter and rules adopted under this chapter by the division, 5379
the division, on payment of the fees prescribed by division (B) 5380
of section 1707.17 of the Revised Code, shall issue to the 5381
applicant a license authorizing the applicant to act as a state 5382
retirement system investment officer. 5383

(2) The division shall issue a license authorizing an 5384
applicant to act as a state retirement system investment officer 5385
in accordance with Chapter 4796. of the Revised Code to an 5386
applicant if either of the following applies: 5387

(a) The applicant holds a license in another state. 5388

(b) The applicant has satisfactory work experience, a 5389
government certification, or a private certification as 5390
described in that chapter as a state retirement system 5391
investment officer in a state that does not issue that license. 5392

Sec. 1707.165. (A) Application for a bureau of workers' 5393
compensation chief investment officer's license shall be made in 5394
accordance with this section by filing with the division of 5395
securities the information, materials, and forms specified in 5396
rules adopted by the division. 5397

(B) The division may investigate any applicant for a 5398
license and may require any additional information as it 5399
considers necessary to determine the applicant's business repute 5400
and qualifications to act as a chief investment officer. If the 5401
application for a bureau of workers' compensation chief 5402
investment officer's license involves investigation outside of 5403
this state, the applicant may be required by the division to 5404
advance sufficient funds to pay any of the actual expenses of 5405
the investigation. The division shall furnish the applicant with 5406
an itemized statement of the expenses the applicant is required 5407
to pay. 5408

(C) The division shall by rule require an applicant for a 5409
bureau of workers' compensation chief investment officer's 5410
license to pass an examination designated by the division or 5411
achieve a specified professional designation unless the 5412
applicant meets both of the following requirements: 5413

(1) Acts as a bureau of workers' compensation chief 5414
investment officer ~~on the effective date of this section~~ 5415
September 29, 2005; 5416

(2) Has experience or education acceptable to the 5417
division. 5418

~~(D) If (1) Except as provided in division (D) (2) of this~~ 5419
section, if the division finds that the applicant is of good 5420
business repute, appears to be qualified to act as a bureau of 5421
workers' compensation chief investment officer, and has complied 5422
with this chapter and rules adopted by the division under this 5423
chapter, the division, upon receipt of the fees prescribed by 5424
division (B) of section 1707.17 of the Revised Code, shall issue 5425
to the applicant a license authorizing the applicant to act as a 5426
bureau of workers' compensation chief investment officer. 5427

(2) The division shall issue a license to act as a bureau of workers' compensation chief investment officer in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 5428
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(a) The applicant holds a license in another state. 5432

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a bureau of workers' compensation chief investment officer in a state that does not issue that license. 5433
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Sec. 1717.06. (A) A county humane society organized under section 1717.05 of the Revised Code may appoint humane society agents for the purpose of prosecuting any person guilty of an act of cruelty to animals. Such agents may arrest any person found violating this chapter or any other law for protecting animals or preventing acts of cruelty thereto. Upon making an arrest, the humane society agent shall convey the person arrested before a court or magistrate having jurisdiction of the offense, and there make complaint against the person on oath or affirmation of the offense. 5438
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(B) A humane society agent that was appointed prior to ~~the effective date of this amendment~~ March 31, 2021, by a branch of the Ohio humane society is considered to be a humane society agent appointed under this section for purposes of this chapter and any other laws regarding humane society agents. 5448
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(C) (1) The appointment of an agent under this section is subject to the requirements of section 1717.061 of the Revised Code, and is not final until the appointment has been approved under division (C) (2) of this section. 5453
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(2) The appointment of an agent under this section does 5457
not take effect unless it has been approved by the mayor of the 5458
municipal corporation for which it is made. If the society 5459
operates outside a municipal corporation, the appointment does 5460
not take effect until it has been approved by the probate judge 5461
of the county for which it is made. The mayor or probate judge 5462
shall keep a record of the appointments and shall maintain as a 5463
public record a copy of the proof of successful completion of 5464
training for each humane society agent acting within the 5465
approving authority's jurisdiction. 5466

(D) The approving authority shall notify the appropriate 5467
county sheriff and the board of county commissioners when the 5468
appointment of a humane society agent has been approved and, not 5469
later than two business days after the appointment has been 5470
approved, shall file a copy of the proof of successful 5471
completion of training with the sheriff. The county sheriff 5472
shall maintain as a public record a copy of the proof for each 5473
humane society agent that is operating in the county. 5474

(E) A humane society shall notify the county sheriff and 5475
the approving authority when all approved humane society agents 5476
have ceased to perform the duties of the appointment and there 5477
are no humane society agents operating in the county. 5478

(F) A humane society agent only has the specific authority 5479
granted to the agent under the Revised Code. 5480

(G) The Ohio peace officer training commission shall issue 5481
a certificate of completion of the training program required for 5482
appointment as a humane society agent under this section in 5483
accordance with Chapter 4796. of the Revised Code to an 5484
individual if either of the following applies: 5485

(1) The individual holds a certificate of completion of 5486
such a program in another state. 5487

(2) The individual has satisfactory work experience, a 5488
government certification, or a private certification as 5489
described in that chapter as a humane society agent in a state 5490
that does not require a certificate of completion of such a 5491
program. 5492

Sec. 3101.10. A minister upon producing to the secretary 5493
of state, credentials of the minister's being a regularly 5494
ordained or licensed minister of any religious society or 5495
congregation, shall be entitled to receive from the secretary of 5496
state a license authorizing the minister to solemnize marriages 5497
in this state so long as the minister continues as a regular 5498
minister in that society or congregation. A minister shall 5499
produce for inspection the minister's license to solemnize 5500
marriages upon demand of any party to a marriage at which the 5501
minister officiates or proposes to officiate or upon demand of 5502
any probate judge. The secretary of state shall issue a license 5503
to solemnize marriages in this state in accordance with Chapter 5504
4796. of the Revised Code to a minister if either of the 5505
following applies: 5506

(A) The minister holds a license in another state. 5507

(B) The minister has satisfactory work experience, a 5508
government certification, or a private certification as 5509
described in that chapter as a minister who solemnizes marriages 5510
in a state that does not issue a license to solemnize marriages. 5511

Sec. 3301.071. (A) (1) ~~In~~ Except as provided in division 5512
(E) of this section, in the case of nontax-supported schools, 5513
standards for teacher certification prescribed under section 5514

3301.07 of the Revised Code shall provide for certification, 5515
without further educational requirements, of any administrator, 5516
supervisor, or teacher who has attended and received a 5517
bachelor's degree from a college or university accredited by a 5518
national or regional association in the United States except 5519
that, at the discretion of the state board of education, this 5520
requirement may be met by having an equivalent degree from a 5521
foreign college or university of comparable standing. 5522

(2) ~~In~~ Except as provided in division (E) of this section, 5523
in the case of nonchartered, nontax-supported schools, the 5524
standards for teacher certification prescribed under section 5525
3301.07 of the Revised Code shall provide for certification, 5526
without further educational requirements, of any administrator, 5527
supervisor, or teacher who has attended and received a diploma 5528
from a "bible college" or "bible institute" described in 5529
division (E) of section 1713.02 of the Revised Code. 5530

(3) A certificate issued under division (A) (3) of this 5531
section shall be valid only for teaching foreign language, 5532
music, religion, computer technology, or fine arts. 5533

Notwithstanding division (A) (1) of this section and except 5534
as provided in division (E) of this section, the standards for 5535
teacher certification prescribed under section 3301.07 of the 5536
Revised Code shall provide for certification of a person as a 5537
teacher upon receipt by the state board of an affidavit signed 5538
by the chief administrative officer of a chartered nonpublic 5539
school seeking to employ the person, stating that the person 5540
meets one of the following conditions: 5541

(a) The person has specialized knowledge, skills, or 5542
expertise that qualifies the person to provide instruction. 5543

(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:

<u>(1) The applicant holds a certificate in another state.</u>	5573
<u>(2) The applicant has satisfactory work experience, a</u>	5574
<u>government certification, or a private certification as</u>	5575
<u>described in that chapter as a nonpublic school administrator,</u>	5576
<u>supervisor, or teacher in a state that does not issue one or</u>	5577
<u>more of those certificates.</u>	5578
Sec. 3301.074. (A) <u>The</u> Except as provided in division (E)	5579
<u>of this section, the</u> state board of education shall, by rule	5580
adopted in accordance with Chapter 119. of the Revised Code,	5581
establish standards for licensing school district treasurers and	5582
business managers, for the renewal of such licenses, and for the	5583
issuance of duplicate copies of licenses. Licenses of the	5584
following types shall be issued or renewed by the board to	5585
applicants who meet the standards for the license or the renewal	5586
of the license for which application is made:	5587
(1) Treasurer, valid for serving as treasurer of a school	5588
district in accordance with section 3313.22 of the Revised Code;	5589
(2) Business manager, valid for serving as business	5590
manager of a school district in accordance with section 3319.03	5591
of the Revised Code.	5592
(B) Each application for a license or renewal or duplicate	5593
copy of a license shall be accompanied by the payment of a fee	5594
in the amount established under division (A) of section 3319.51	5595
of the Revised Code. Any fees received under this section shall	5596
be paid into the state treasury to the credit of the state board	5597
of education licensure fund established under division (B) of	5598
section 3319.51 of the Revised Code.	5599
(C) Any person employed under section 3313.22 of the	5600
Revised Code as a treasurer on July 1, 1983, shall be considered	5601

to meet the standards for licensure as a treasurer and for 5602
renewal of such license. Any person employed under section 5603
3319.03 of the Revised Code as a business manager on July 1, 5604
1983, shall be considered to meet the standards for licensure as 5605
a business manager and for renewal of such license. 5606

(D) Any person applying for or holding any license 5607
pursuant to this section is subject to sections 3123.41 to 5608
3123.50 of the Revised Code and any applicable rules adopted 5609
under section 3123.63 of the Revised Code and sections 3319.31 5610
and 3319.311 of the Revised Code. 5611

(E) The state board shall issue a license to act as a 5612
school district treasurer or business manager in accordance with 5613
Chapter 4796. of the Revised Code to an applicant if either of 5614
the following applies: 5615

(1) The applicant holds a license in another state. 5616

(2) The applicant has satisfactory work experience, a 5617
government certification, or a private certification as 5618
described in that chapter as a school district treasurer or 5619
business manager in a state that does not issue one of those 5620
licenses or both. 5621

Sec. 3319.088. As used in this section, "educational 5622
assistant" means any nonteaching employee in a school district 5623
who directly assists a teacher as defined in section 3319.09 of 5624
the Revised Code, by performing duties for which a license 5625
issued pursuant to sections 3319.22 to 3319.30 of the Revised 5626
Code is not required. 5627

(A) The Except as provided in division (G) of this 5628
section, the state board of education shall issue educational 5629
aide permits and educational paraprofessional licenses for 5630

educational assistants and shall adopt rules for the issuance 5631
and renewal of such permits and licenses which shall be 5632
consistent with the provisions of this section. Educational aide 5633
permits and educational paraprofessional licenses may be of 5634
several types and the rules shall prescribe the minimum 5635
qualifications of education and health for the service to be 5636
authorized under each type. The prescribed minimum 5637
qualifications may require special training or educational 5638
courses designed to qualify a person to perform effectively the 5639
duties authorized under an educational aide permit or 5640
educational paraprofessional license. 5641

(B) (1) ~~Any~~ Except as provided in division (G) of this 5642
section, any application for a permit or license, or a renewal 5643
or duplicate of a permit or license, under this section shall be 5644
accompanied by the payment of a fee in the amount established 5645
under division (A) of section 3319.51 of the Revised Code. Any 5646
fees received under this division shall be paid into the state 5647
treasury to the credit of the state board of education licensure 5648
fund established under division (B) of section 3319.51 of the 5649
Revised Code. 5650

(2) Any person applying for or holding a permit or license 5651
pursuant to this section is subject to sections 3123.41 to 5652
3123.50 of the Revised Code and any applicable rules adopted 5653
under section 3123.63 of the Revised Code and sections 3319.31 5654
and 3319.311 of the Revised Code. 5655

(C) Educational assistants shall at all times while in the 5656
performance of their duties be under the supervision and 5657
direction of a teacher as defined in section 3319.09 of the 5658
Revised Code. Educational assistants may assist a teacher to 5659
whom assigned in the supervision of pupils, in assisting with 5660

instructional tasks, and in the performance of duties which, in 5661
the judgment of the teacher to whom the assistant is assigned, 5662
may be performed by a person not licensed pursuant to sections 5663
3319.22 to 3319.30 of the Revised Code and for which a teaching 5664
license, issued pursuant to sections 3319.22 to 3319.30 of the 5665
Revised Code is not required. The duties of an educational 5666
assistant shall not include the assignment of grades to pupils. 5667
The duties of an educational assistant need not be performed in 5668
the physical presence of the teacher to whom assigned, but the 5669
activity of an educational assistant shall at all times be under 5670
the direction of the teacher to whom assigned. The assignment of 5671
an educational assistant need not be limited to assisting a 5672
single teacher. In the event an educational assistant is 5673
assigned to assist more than one teacher the assignments shall 5674
be clearly delineated and so arranged that the educational 5675
assistant shall never be subject to simultaneous supervision or 5676
direction by more than one teacher. 5677

Educational assistants assigned to supervise children 5678
shall, when the teacher to whom assigned is not physically 5679
present, maintain the degree of control and discipline that 5680
would be maintained by the teacher. 5681

Educational assistants may not be used in place of 5682
classroom teachers or other employees and any payment of 5683
compensation by boards of education to educational assistants 5684
for such services is prohibited. The ratio between the number of 5685
licensed teachers and the pupils in a school district may not be 5686
decreased by utilization of educational assistants and no 5687
grouping, or other organization of pupils, for utilization of 5688
educational assistants shall be established which is 5689
inconsistent with sound educational practices and procedures. A 5690
school district may employ up to one full time equivalent 5691

educational assistant for each six full time equivalent licensed 5692
employees of the district. Educational assistants shall not be 5693
counted as licensed employees for purposes of state support in 5694
the school foundation program and no grouping or regrouping of 5695
pupils with educational assistants may be counted as a class or 5696
unit for school foundation program purposes. Neither special 5697
courses required by the regulations of the state board of 5698
education, prescribing minimum qualifications of education for 5699
an educational assistant, nor years of service as an educational 5700
assistant shall be counted in any way toward qualifying for a 5701
teacher license, for a teacher contract of any type, or for 5702
determining placement on a salary schedule in a school district 5703
as a teacher. 5704

(D) Educational assistants employed by a board of 5705
education shall have all rights, benefits, and legal protection 5706
available to other nonteaching employees in the school district, 5707
except that provisions of Chapter 124. of the Revised Code shall 5708
not apply to any person employed as an educational assistant, 5709
and shall be members of the school employees retirement system. 5710
Educational assistants shall be compensated according to a 5711
salary plan adopted annually by the board. 5712

Except as provided in this section nonteaching employees 5713
shall not serve as educational assistants without first 5714
obtaining an appropriate educational aide permit or educational 5715
paraprofessional license from the state board of education. A 5716
nonteaching employee who is the holder of a valid educational 5717
aide permit or educational paraprofessional license shall 5718
neither render nor be required to render services inconsistent 5719
with the type of services authorized by the permit or license 5720
held. No person shall receive compensation from a board of 5721
education for services rendered as an educational assistant in 5722

violation of this provision. 5723

Nonteaching employees whose functions are solely 5724
secretarial-clerical and who do not perform any other duties as 5725
educational assistants, even though they assist a teacher and 5726
work under the direction of a teacher shall not be required to 5727
hold a permit or license issued pursuant to this section. 5728
Students preparing to become licensed teachers or educational 5729
assistants shall not be required to hold an educational aide 5730
permit or paraprofessional license for such periods of time as 5731
such students are assigned, as part of their training program, 5732
to work with a teacher in a school district. Such students shall 5733
not be compensated for such services. 5734

Following the determination of the assignment and general 5735
job description of an educational assistant and subject to 5736
supervision by the teacher's immediate administrative officer, a 5737
teacher to whom an educational assistant is assigned shall make 5738
all final determinations of the duties to be assigned to such 5739
assistant. Teachers shall not be required to hold a license 5740
designated for being a supervisor or administrator in order to 5741
perform the necessary supervision of educational assistants. 5742

(E) No person who is, or who has been employed as an 5743
educational assistant shall divulge, except to the teacher to 5744
whom assigned, or the administrator of the school in the absence 5745
of the teacher to whom assigned, or when required to testify in 5746
a court or proceedings, any personal information concerning any 5747
pupil in the school district which was obtained or obtainable by 5748
the educational assistant while so employed. Violation of this 5749
provision is grounds for disciplinary action or dismissal, or 5750
both. 5751

(F) Notwithstanding anything to the contrary in this 5752

section, the superintendent of a school district may allow an 5753
employee who does not hold a permit or license issued under this 5754
section to work as a substitute for an educational assistant who 5755
is absent on account of illness or on a leave of absence, or to 5756
fill a temporary position created by an emergency, provided that 5757
the superintendent believes the employee's application materials 5758
indicate that the employee is qualified to obtain a permit or 5759
license under this section. 5760

An employee shall begin work as a substitute under this 5761
division not earlier than on the date on which the employee 5762
files an application with the state board for a permit or 5763
license under this section. An employee shall cease working as a 5764
substitute under this division on the earliest of the following: 5765

(1) The date on which the employee files a valid permit or 5766
license issued under this section with the superintendent; 5767

(2) The date on which the employee is denied a permit or 5768
license under this section; 5769

(3) Sixty days following the date on which the employee 5770
began work as a substitute under this division. 5771

The superintendent shall ensure that an employee assigned 5772
to work as a substitute under division (F) of this section has 5773
undergone a criminal records check in accordance with section 5774
3319.391 of the Revised Code. 5775

(G) The state board shall issue an educational aide permit 5776
or educational paraprofessional license in accordance with 5777
Chapter 4796. of the Revised Code to an applicant if either of 5778
the following applies: 5779

(1) The applicant holds a permit or license in another 5780
state. 5781

(2) The applicant has satisfactory work experience, a 5782
government certification, or a private certification as 5783
described in that chapter as an educational aide or educational 5784
paraprofessional in a state that does not issue that permit or 5785
license or both. 5786

Sec. 3319.22. (A) (1) The state board of education shall 5787
issue the following educator licenses: 5788

(a) A resident educator license, which shall be valid for 5789
four years and shall be renewable for reasons specified by rules 5790
adopted by the state board pursuant to division (A) (3) of this 5791
section. The state board, on a case-by-case basis, may extend 5792
the license's duration as necessary to enable the license holder 5793
to complete the Ohio teacher residency program established under 5794
section 3319.223 of the Revised Code; 5795

(b) A professional educator license, which shall be valid 5796
for five years and shall be renewable; 5797

(c) A senior professional educator license, which shall be 5798
valid for five years and shall be renewable; 5799

(d) A lead professional educator license, which shall be 5800
valid for five years and shall be renewable. 5801

Licenses issued under division (A) (1) of this section on 5802
and after ~~the effective date of this amendment~~ November 2, 2018, 5803
shall specify whether the educator is licensed to teach grades 5804
pre-kindergarten through five, grades four through nine, or 5805
grades seven through twelve. The changes to the grade band 5806
specifications under this amendment shall not apply to a person 5807
who holds a license under division (A) (1) of this section prior 5808
to ~~the effective date of this amendment~~ November 2, 2018. 5809
Further, the changes to the grade band specifications under this 5810

amendment shall not apply to any license issued to teach in the 5811
area of computer information science, bilingual education, 5812
dance, drama or theater, world language, health, library or 5813
media, music, physical education, teaching English to speakers 5814
of other languages, career-technical education, or visual arts 5815
or to any license issued to an intervention specialist, 5816
including a gifted intervention specialist, or to any other 5817
license that does not align to the grade band specifications. 5818

(2) The state board may issue any additional educator 5819
licenses of categories, types, and levels the board elects to 5820
provide. 5821

(3) ~~The Except as provided in division (I) of this~~ 5822
section, the state board shall adopt rules establishing the 5823
standards and requirements for obtaining each educator license 5824
issued under this section. The rules shall also include the 5825
reasons for which a resident educator license may be renewed 5826
under division (A) (1) (a) of this section. 5827

(B) ~~The Except as provided in division (I) of this~~ 5828
section, the rules adopted under this section shall require at 5829
least the following standards and qualifications for the 5830
educator licenses described in division (A) (1) of this section: 5831

(1) An applicant for a resident educator license shall 5832
hold at least a bachelor's degree from an accredited teacher 5833
preparation program or be a participant in the teach for America 5834
program and meet the qualifications required under section 5835
3319.227 of the Revised Code. 5836

(2) An applicant for a professional educator license 5837
shall: 5838

(a) Hold at least a bachelor's degree from an institution 5839

of higher education accredited by a regional accrediting organization; 5840
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(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code. 5842
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(3) An applicant for a senior professional educator license shall: 5848
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(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization; 5850
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(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code; 5853
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(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code. 5856
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(4) An applicant for a lead professional educator license shall: 5860
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(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization; 5862
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(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 5865
5866
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3319.222 or former section 3319.22 of the Revised Code; 5868

(c) Meet the criteria for the distinguished level of 5869
performance, as described in the standards for teachers adopted 5870
by the state board under section 3319.61 of the Revised Code; 5871

(d) Either hold a valid certificate issued by the national 5872
board for professional teaching standards or meet the criteria 5873
for a master teacher or other criteria for a lead teacher 5874
adopted by the educator standards board under division (F) (4) or 5875
(5) of section 3319.61 of the Revised Code. 5876

(C) The state board shall align the standards and 5877
qualifications for obtaining a principal license with the 5878
standards for principals adopted by the state board under 5879
section 3319.61 of the Revised Code. 5880

(D) If the state board requires any examinations for 5881
educator licensure, the department of education shall provide 5882
the results of such examinations received by the department to 5883
the chancellor of higher education, in the manner and to the 5884
extent permitted by state and federal law. 5885

(E) Any rules the state board of education adopts, amends, 5886
or rescinds for educator licenses under this section, division 5887
(D) of section 3301.07 of the Revised Code, or any other law 5888
shall be adopted, amended, or rescinded under Chapter 119. of 5889
the Revised Code except as follows: 5890

(1) Notwithstanding division (E) of section 119.03 and 5891
division (A)(1) of section 119.04 of the Revised Code, in the 5892
case of the adoption of any rule or the amendment or rescission 5893
of any rule that necessitates institutions' offering preparation 5894
programs for educators and other school personnel that are 5895
approved by the chancellor of higher education under section 5896

3333.048 of the Revised Code to revise the curriculum of those programs, the effective date shall not be as prescribed in division (E) of section 119.03 and division (A) (1) of section 119.04 of the Revised Code. Instead, the effective date of such rules, or the amendment or rescission of such rules, shall be the date prescribed by section 3333.048 of the Revised Code.

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

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

(2) In any school district in which there is no exclusive representative established under Chapter 4117. of the Revised Code, the professional development committees shall be

established as described in division (F) (2) of this section. 5927

Not later than the effective date of the rules adopted 5928
under this section, the board of education of each school 5929
district shall establish the structure for one or more local 5930
professional development committees to be operated by such 5931
school district. The committee structure so established by a 5932
district board shall remain in effect unless within thirty days 5933
prior to an anniversary of the date upon which the current 5934
committee structure was established, the board provides notice 5935
to all affected district employees that the committee structure 5936
is to be modified. Professional development committees may have 5937
a district-level or building-level scope of operations, and may 5938
be established with regard to particular grade or age levels for 5939
which an educator license is designated. 5940

Each professional development committee shall consist of 5941
at least three classroom teachers employed by the district, one 5942
principal employed by the district, and one other employee of 5943
the district appointed by the district superintendent. For 5944
committees with a building-level scope, the teacher and 5945
principal members shall be assigned to that building, and the 5946
teacher members shall be elected by majority vote of the 5947
classroom teachers assigned to that building. For committees 5948
with a district-level scope, the teacher members shall be 5949
elected by majority vote of the classroom teachers of the 5950
district, and the principal member shall be elected by a 5951
majority vote of the principals of the district, unless there 5952
are two or fewer principals employed by the district, in which 5953
case the one or two principals employed shall serve on the 5954
committee. If a committee has a particular grade or age level 5955
scope, the teacher members shall be licensed to teach such grade 5956
or age levels, and shall be elected by majority vote of the 5957

classroom teachers holding such a license and the principal 5958
shall be elected by all principals serving in buildings where 5959
any such teachers serve. The district superintendent shall 5960
appoint a replacement to fill any vacancy that occurs on a 5961
professional development committee, except in the case of 5962
vacancies among the elected classroom teacher members, which 5963
shall be filled by vote of the remaining members of the 5964
committee so selected. 5965

Terms of office on professional development committees 5966
shall be prescribed by the district board establishing the 5967
committees. The conduct of elections for members of professional 5968
development committees shall be prescribed by the district board 5969
establishing the committees. A professional development 5970
committee may include additional members, except that the 5971
majority of members on each such committee shall be classroom 5972
teachers employed by the district. Any member appointed to fill 5973
a vacancy occurring prior to the expiration date of the term for 5974
which a predecessor was appointed shall hold office as a member 5975
for the remainder of that term. 5976

The initial meeting of any professional development 5977
committee, upon election and appointment of all committee 5978
members, shall be called by a member designated by the district 5979
superintendent. At this initial meeting, the committee shall 5980
select a chairperson and such other officers the committee deems 5981
necessary, and shall adopt rules for the conduct of its 5982
meetings. Thereafter, the committee shall meet at the call of 5983
the chairperson or upon the filing of a petition with the 5984
district superintendent signed by a majority of the committee 5985
members calling for the committee to meet. 5986

(3) In the case of a school district in which an exclusive 5987

representative has been established pursuant to Chapter 4117. of 5988
the Revised Code, professional development committees shall be 5989
established in accordance with any collective bargaining 5990
agreement in effect in the district that includes provisions for 5991
such committees. 5992

If the collective bargaining agreement does not specify a 5993
different method for the selection of teacher members of the 5994
committees, the exclusive representative of the district's 5995
teachers shall select the teacher members. 5996

If the collective bargaining agreement does not specify a 5997
different structure for the committees, the board of education 5998
of the school district shall establish the structure, including 5999
the number of committees and the number of teacher and 6000
administrative members on each committee; the specific 6001
administrative members to be part of each committee; whether the 6002
scope of the committees will be district levels, building 6003
levels, or by type of grade or age levels for which educator 6004
licenses are designated; the lengths of terms for members; the 6005
manner of filling vacancies on the committees; and the frequency 6006
and time and place of meetings. However, in all cases, except as 6007
provided in division (F) (4) of this section, there shall be a 6008
majority of teacher members of any professional development 6009
committee, there shall be at least five total members of any 6010
professional development committee, and the exclusive 6011
representative shall designate replacement members in the case 6012
of vacancies among teacher members, unless the collective 6013
bargaining agreement specifies a different method of selecting 6014
such replacements. 6015

(4) Whenever an administrator's coursework plan is being 6016
discussed or voted upon, the local professional development 6017

committee shall, at the request of one of its administrative 6018
members, cause a majority of the committee to consist of 6019
administrative members by reducing the number of teacher members 6020
voting on the plan. 6021

(G) (1) The department of education, educational service 6022
centers, county boards of developmental disabilities, college 6023
and university departments of education, head start programs, 6024
and the Ohio education computer network may establish local 6025
professional development committees to determine whether the 6026
coursework proposed by their employees who are licensed or 6027
certificated under this section or section 3319.222 of the 6028
Revised Code, or under the former version of either section as 6029
it existed prior to October 16, 2009, meet the requirements of 6030
the rules adopted under this section. They may establish local 6031
professional development committees on their own or in 6032
collaboration with a school district or other agency having 6033
authority to establish them. 6034

Local professional development committees established by 6035
county boards of developmental disabilities shall be structured 6036
in a manner comparable to the structures prescribed for school 6037
districts in divisions (F) (2) and (3) of this section, as shall 6038
the committees established by any other entity specified in 6039
division (G) (1) of this section that provides educational 6040
services by employing or contracting for services of classroom 6041
teachers licensed or certificated under this section or section 6042
3319.222 of the Revised Code, or under the former version of 6043
either section as it existed prior to October 16, 2009. All 6044
other entities specified in division (G) (1) of this section 6045
shall structure their committees in accordance with guidelines 6046
which shall be issued by the state board. 6047

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

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

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

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

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

(3) Any public agency that is not specified in ~~divisions~~ division (G) (1) or (2) of this section but provides educational services and employs or contracts for services of classroom teachers licensed or certificated under this section or section 3319.222 of the Revised Code, or under the former version of either section as it existed prior to October 16, 2009, may

establish a local professional development committee, subject to 6077
the approval of the department of education. The committee shall 6078
be structured in accordance with guidelines issued by the state 6079
board. 6080

(H) Not later than July 1, 2016, the state board, in 6081
accordance with Chapter 119. of the Revised Code, shall adopt 6082
rules pursuant to division (A) (3) of this section that do both 6083
of the following: 6084

(1) Exempt consistently high-performing teachers from the 6085
requirement to complete any additional coursework for the 6086
renewal of an educator license issued under this section or 6087
section 3319.26 of the Revised Code. The rules also shall 6088
specify that such teachers are exempt from any requirements 6089
prescribed by professional development committees established 6090
under divisions (F) and (G) of this section. 6091

(2) For purposes of division (H) (1) of this section, the 6092
state board shall define the term "consistently high-performing 6093
teacher." 6094

(I) The state board shall issue a resident educator 6095
license, professional educator license, senior professional 6096
educator license, lead professional educator license, or any 6097
other educator license in accordance with Chapter 4796. of the 6098
Revised Code to an applicant if either of the following applies: 6099

(1) The applicant holds a license in another state. 6100

(2) The applicant has satisfactory work experience, a 6101
government certification, or a private certification as 6102
described in that chapter as a resident educator, professional 6103
educator, senior professional educator, lead professional 6104
educator, or any other type of educator in a state that does not 6105

issue one or more of those licenses. 6106

Sec. 3319.226. (A) Beginning July 1, 2019, the state board 6107
of education shall issue educator licenses for substitute 6108
teaching only under this section. 6109

(B) ~~The~~ Except as provided in division (E) of this 6110
section, the state board shall adopt rules establishing 6111
standards and requirements for obtaining a license under this 6112
section and for renewal of the license. Except as provided in 6113
division (F) of section 3319.229 of the Revised Code, the rules 6114
shall require an applicant to hold a post-secondary degree, but 6115
not in any specified subject area. The rules also shall allow 6116
the holder of a license issued under this section to work: 6117

(1) For an unlimited number of school days if the license 6118
holder has a post-secondary degree in either education or a 6119
subject area directly related to the subject of the class the 6120
license holder will teach; 6121

(2) For one full semester, subject to the approval of the 6122
employing school district board of education, if the license 6123
holder has a post-secondary degree in a subject area that is not 6124
directly related to the subject of the class that the license 6125
holder will teach. 6126

The district superintendent may request that the board 6127
approve one or more additional subsequent semester-long periods 6128
of teaching for the license holder. 6129

(C) The rules adopted under division (B) of this section 6130
shall permit a substitute career-technical teaching license 6131
holder to teach outside the license holder's certified career 6132
field for up to one semester, subject to approval of the 6133
employing school district superintendent. 6134

(D) Any license issued or renewed under former section 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 ~~this act~~ 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. 6164
However, nothing in this division shall be construed to prohibit 6165
the individual from applying to the state board for a career- 6166
technical workforce development educator license under this 6167
section. 6168

(3) An individual who, on July 1, 2019, holds an 6169
alternative resident educator license for teaching career- 6170
technical education issued under section 3319.26 of the Revised 6171
Code may, upon the expiration of the license, apply for a 6172
professional career-technical teaching license issued under the 6173
rules described in former section 3319.229 of the Revised Code. 6174
Such an individual may continue to renew the professional 6175
license in accordance with those rules for the remainder of the 6176
individual's teaching career. However, nothing in this division 6177
shall be construed to prohibit the individual from applying to 6178
the state board for a career-technical workforce development 6179
educator license under this section. 6180

(B) ~~The~~ Except as provided in division (G) of this 6181
section, the state board, in collaboration with the chancellor 6182
of higher education, shall adopt rules establishing standards 6183
and requirements for obtaining a two-year initial career- 6184
technical workforce development educator license and a five-year 6185
advanced career-technical workforce development educator 6186
license. Each license shall be valid for teaching career- 6187
technical education or workforce development programs in grades 6188
four through twelve. The rules shall require applicants for 6189
either license to have a high school diploma. 6190

(C) (1) ~~The~~ Except as provided in division (G) of this 6191
section, the state board shall issue an initial career-technical 6192
workforce development educator license to an applicant upon 6193

request from the superintendent of a school district that has 6194
agreed to employ the applicant. In making the request, the 6195
superintendent shall provide documentation, in accordance with 6196
procedures prescribed by the department of education, showing 6197
that the applicant has at least five years of work experience, 6198
or the equivalent, in the subject area in which the applicant 6199
will teach. The license shall be valid for teaching only in the 6200
requesting district. The superintendent also shall provide 6201
documentation, in accordance with procedures prescribed by the 6202
department, that the applicant is enrolled in a career-technical 6203
workforce development educator preparation program offered by an 6204
institution of higher education that has an existing teacher 6205
preparatory program in place that meets all of the following 6206
criteria: 6207

(a) Is approved by the chancellor of higher education to 6208
provide instruction in teaching methods and principles; 6209

(b) Provides classroom support to the license holder; 6210

(c) Includes at least three semester hours of coursework 6211
in the teaching of reading in the subject area; 6212

(d) Is aligned with career-technical education and 6213
workforce development competencies developed by the department; 6214

(e) Uses a summative performance-based assessment 6215
developed by the program and aligned to the competencies 6216
described in division (C) (1) (d) of this section to evaluate the 6217
license holder's knowledge and skills; 6218

(f) Consists of not less than twenty-four semester hours 6219
of coursework, or the equivalent. 6220

(2) As a condition of continuing to hold the initial 6221
career-technical workforce development license, the holder of 6222

the license shall be participating in a career-technical 6223
workforce development educator preparation program described in 6224
division (C) (1) of this section. 6225

(3) The state board shall renew an initial career- 6226
technical workforce development educator license if the 6227
supervisor of the program described in division (C) (1) of this 6228
section and the superintendent of the employing school district 6229
indicate that the applicant is making sufficient progress in 6230
both the program and the teaching position. 6231

(D) ~~The~~ Except as provided in division (G) of this 6232
section, the state board shall issue an advanced career- 6233
technical workforce development educator license to an applicant 6234
who has successfully completed the program described in division 6235
(C) (1) of this section, as indicated by the supervisor of the 6236
program, and who demonstrates mastery of the applicable career- 6237
technical education and workforce development competencies 6238
described in division (C) (1) (d) of this section in the teaching 6239
position, as indicated by the superintendent of the employing 6240
school district. 6241

(E) The holder of an advanced career-technical workforce 6242
development educator license shall work with a local 6243
professional development committee established under section 6244
3319.22 of the Revised Code in meeting requirements for renewal 6245
of the license. 6246

(F) Notwithstanding the provisions of section 3319.226 of 6247
the Revised Code, the state board shall not require any 6248
applicant for an educator license for substitute teaching who 6249
holds a license issued under this section to hold a post- 6250
secondary degree in order to be issued a license under section 6251
3319.226 of the Revised Code to work as a substitute teacher for 6252

career-technical education classes. 6253

(G) The state board shall issue a license to practice as 6254
an initial career-technical workforce development educator or 6255
advanced career-technical workforce development educator in 6256
accordance with Chapter 4796. of the Revised Code to an 6257
applicant if either of the following applies: 6258

(1) The applicant holds a license in another state. 6259

(2) The applicant has satisfactory work experience, a 6260
government certification, or a private certification as 6261
described in that chapter as a career-technical workforce 6262
development educator in a state that does not issue one or both 6263
of those licenses. 6264

Sec. 3319.26. (A) The ~~Except as provided in division (H)~~ 6265
of this section, the state board of education shall adopt rules 6266
establishing the standards and requirements for obtaining an 6267
alternative resident educator license for teaching in grades 6268
kindergarten to twelve, or the equivalent, in a designated 6269
subject area or in the area of intervention specialist, as 6270
defined by rule of the state board. The rules shall also include 6271
the reasons for which an alternative resident educator license 6272
may be renewed under division (D) of this section. 6273

(B) The superintendent of public instruction and the 6274
chancellor of higher education jointly shall develop an 6275
intensive pedagogical training institute to provide instruction 6276
in the principles and practices of teaching for individuals 6277
seeking an alternative resident educator license. The 6278
instruction shall cover such topics as student development and 6279
learning, pupil assessment procedures, curriculum development, 6280
classroom management, and teaching methodology. 6281

(C) ~~The Except as provided in division (H) of this~~ 6282
~~section, the~~ rules adopted under this section shall require 6283
applicants for the alternative resident educator license to 6284
satisfy the following conditions prior to issuance of the 6285
license, but they shall not require applicants to have completed 6286
a major or coursework in the subject area for which application 6287
is being made: 6288

(1) Hold a minimum of a baccalaureate degree; 6289

(2) Successfully complete the pedagogical training 6290
institute described in division (B) of this section or the 6291
preservice training provided to participants of a teacher 6292
preparation program that has been approved by the chancellor. 6293
The chancellor may approve any such program that requires 6294
participants to hold a bachelor's degree; have either a 6295
cumulative undergraduate grade point average of at least 2.5 out 6296
of 4.0, or its equivalent or a cumulative graduate school grade 6297
point average of at least 3.0 out of 4.0; and successfully 6298
complete the program's preservice training. 6299

(3) Pass an examination in the subject area for which 6300
application is being made. 6301

(D) An alternative resident educator license shall be 6302
valid for four years and shall be renewable for reasons 6303
specified by rules adopted by the state board pursuant to 6304
division (A) of this section. The state board, on a case-by-case 6305
basis, may extend the license's duration as necessary to enable 6306
the license holder to complete the Ohio teacher residency 6307
program established under section 3319.223 of the Revised Code. 6308

(E) The rules shall require the holder of an alternative 6309
resident educator license, as a condition of continuing to hold 6310

the license, to do all of the following: 6311

(1) Participate in the Ohio teacher residency program; 6312

(2) Show satisfactory progress in taking and successfully 6313
completing one of the following: 6314

(a) At least twelve additional semester hours, or the 6315
equivalent, of college coursework in the principles and 6316
practices of teaching in such topics as student development and 6317
learning, pupil assessment procedures, curriculum development, 6318
classroom management, and teaching methodology; 6319

(b) Professional development provided by a teacher 6320
preparation program that has been approved by the chancellor 6321
under division (C) (2) of this section. 6322

(3) Take an assessment of professional knowledge in the 6323
second year of teaching under the license. 6324

(F) The rules shall provide for the granting of a 6325
professional educator license to a holder of an alternative 6326
resident educator license upon successfully completing all of 6327
the following: 6328

(1) Four years of teaching under the alternative license; 6329

(2) The additional college coursework or professional 6330
development described in division (E) (2) of this section; 6331

(3) The assessment of professional knowledge described in 6332
division (E) (3) of this section. The standards for successfully 6333
completing this assessment and the manner of conducting the 6334
assessment shall be the same as for any other individual who is 6335
required to take the assessment pursuant to rules adopted by the 6336
state board under section 3319.22 of the Revised Code. 6337

- (4) The Ohio teacher residency program; 6338
- (5) All other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code. 6339
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- (G) A person who is assigned to teach in this state as a participant in the teach for America program or who has completed two years of teaching in another state as a participant in that program shall be eligible for a license only under section 3319.227 of the Revised Code and shall not be eligible for a license under this section. 6342
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- (H) The board shall issue an alternative resident educator license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 6348
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- (1) The applicant holds a license in another state. 6351
- (2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an educator for grades kindergarten through twelve in a state that does not issue that license. 6352
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- Sec. 3319.261.** (A) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board of education to the contrary and except as provided in division (C) of this section, the state board shall issue an alternative resident educator license under division (C) of section 3319.26 of the Revised Code to each applicant who meets the following conditions: 6356
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- (1) Holds a bachelor's degree from an accredited institution of higher education; 6363
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- (2) Has successfully completed a teacher education program 6365

offered by one of the following entities: 6366

(a) The American Montessori society; 6367

(b) The association Montessori internationale; 6368

(c) An institution accredited by the Montessori 6369
accreditation council for teacher education. 6370

(3) Is employed in a school that operates a program that 6371
uses the Montessori method endorsed by the American Montessori 6372
society, the Montessori accreditation council for teacher 6373
education, or the association Montessori internationale as its 6374
primary method of instruction. 6375

(B) The holder of an alternative resident educator license 6376
issued under this section shall be subject to divisions (A), 6377
(B), (D), and (E) of section 3319.26 of the Revised Code and 6378
shall be granted a professional educator license upon successful 6379
completion of the requirements described in division (F) of 6380
section 3319.26 of the Revised Code. 6381

(C) The state board shall issue an alternative resident 6382
educator license under this section in accordance with Chapter 6383
4796. of the Revised Code to an applicant if either of the 6384
following applies: 6385

(1) The applicant holds a license in another state. 6386

(2) The applicant has satisfactory work experience, a 6387
government certification, or a private certification as 6388
described in that chapter as an educator providing instruction 6389
in a Montessori-method school in a state that does not issue 6390
that license. 6391

Sec. 3319.262. (A) Notwithstanding any other provision of 6392
the Revised Code or any rule adopted by the state board of 6393

education to the contrary and except as provided in division (C) 6394
of this section, the state board shall adopt rules establishing 6395
standards and requirements for obtaining a nonrenewable four- 6396
year initial early college high school educator license for 6397
teaching grades seven through twelve at an early college high 6398
school described in section 3313.6013 of the Revised Code to any 6399
applicant who meets the following conditions: 6400

(1) Has a graduate or terminal degree from an accredited 6401
institution of higher education in a field related to the 6402
subject area to be taught, as determined by the department of 6403
education; 6404

(2) Has obtained a passing score on an examination in the 6405
subject area to be taught, as prescribed by the state board; 6406

(3) Has experience teaching students at any grade level, 6407
including post-secondary students; 6408

(4) Has proof that an early college high school intends to 6409
employ the applicant pending a valid license under this section. 6410

An individual licensed under this section shall be subject 6411
to sections 3319.291 and 3319.39 of the Revised Code. An initial 6412
educator license issued under division (A) of this section shall 6413
be valid for teaching only at the employing school described in 6414
division (A) (4) of this section. 6415

(B) After four years of teaching under an initial early 6416
college high school educator license issued under this section, 6417
an individual may apply for a renewable five-year professional 6418
educator license in the same subject area named in the initial 6419
license. The state board shall issue the applicant a 6420
professional educator license if the applicant attains a passing 6421
score on an assessment of professional knowledge prescribed by 6422

the state board. Nothing in division (B) of this section shall 6423
be construed to prohibit an individual from applying for a 6424
professional-~~education~~ educator license under section 3319.22 of 6425
the Revised Code. 6426

(C) The state board shall issue an initial early college 6427
high school educator license in accordance with Chapter 4796. of 6428
the Revised Code to an applicant if either of the following 6429
applies: 6430

(1) The applicant holds a license in another state. 6431

(2) The applicant has satisfactory work experience, a 6432
government certification, or a private certification as 6433
described in that chapter as an early college high school 6434
educator in a state that does not issue that license. 6435

Sec. 3319.27. (A) The ~~Except as provided in division (C)~~ 6436
of this section, the state board of education shall adopt rules 6437
that establish an alternative principal license. The rules 6438
establishing an alternative principal license shall include a 6439
requirement that an applicant have obtained classroom teaching 6440
experience. Beginning on the effective date of the rules, the 6441
state board shall cease to issue temporary educator licenses 6442
pursuant to section 3319.225 of the Revised Code for employment 6443
as a principal. Any person who on the effective date of the 6444
rules holds a valid temporary educator license issued under that 6445
section and is employed as a principal shall be allowed to 6446
continue employment as a principal until the expiration of the 6447
license. Employment of any such person as a principal by a 6448
school district after the expiration of the temporary educator 6449
license shall be contingent upon the state board issuing the 6450
person an alternative principal license in accordance with the 6451
rules adopted under this division. 6452

(B) The Except as provided in division (C) of this 6453
section, the state board shall adopt rules that establish an 6454
alternative administrator license, which shall be valid for 6455
employment as a superintendent or in any other administrative 6456
position except principal. Beginning on the effective date of 6457
the rules, the state board shall cease to issue temporary 6458
educator licenses pursuant to section 3319.225 of the Revised 6459
Code for employment as a superintendent or in any other 6460
administrative position except principal. Any person who on the 6461
effective date of the rules holds a valid temporary educator 6462
license issued under that section and is employed as a 6463
superintendent or in any other administrative position except 6464
principal shall be allowed to continue employment in that 6465
position until the expiration of the license. Employment of any 6466
such person as a superintendent or in any other administrative 6467
position except principal by a school district after the 6468
expiration of the temporary educator license shall be contingent 6469
upon the state board issuing the person an alternative 6470
administrator license in accordance with the rules adopted under 6471
this division. 6472

(C) The state board shall issue an alternative principal 6473
or alternative administrator license in accordance with Chapter 6474
4796. of the Revised Code to an applicant if either of the 6475
following applies: 6476

(1) The applicant holds a license in another state. 6477

(2) The applicant has satisfactory work experience, a 6478
government certification, or a private certification as 6479
described in that chapter as a school principal or school 6480
administrator in a state that does not issue one or both of 6481
those licenses. 6482

Sec. 3319.28. (A) As used in this section, "STEM school" 6483
means a science, technology, engineering, and mathematics school 6484
established under Chapter 3326. of the Revised Code. 6485

(B) Notwithstanding any other provision of the Revised 6486
Code or any rule adopted by the state board of education to the 6487
contrary and except as provided in division (F) of this section, 6488
the state board shall issue a two-year provisional educator 6489
license for teaching science, technology, engineering, or 6490
mathematics in grades six through twelve in a STEM school to any 6491
applicant who meets the following conditions: 6492

(1) Holds a bachelor's degree from an accredited 6493
institution of higher education in a field related to the 6494
subject area to be taught; 6495

(2) Has passed an examination prescribed by the state 6496
board in the subject area to be taught. 6497

(C) The holder of a provisional educator license issued 6498
under this section shall complete a structured apprenticeship 6499
program provided by an educational service center or a teacher 6500
preparation program approved under section 3333.048 of the 6501
Revised Code, in partnership with the STEM school that employs 6502
the license holder. The apprenticeship program shall include the 6503
following: 6504

(1) Mentoring by a teacher or administrator who regularly 6505
observes the license holder's classroom instruction, provides 6506
feedback on the license holder's teaching strategies and 6507
classroom management, and engages the license holder in 6508
discussions about methods for fostering and measuring student 6509
learning; 6510

(2) Regularly scheduled seminars or meetings that address 6511

the following topics:	6512
(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;	6513 6514 6515
(b) The achievement assessments prescribed by section 3301.0710 of the Revised Code;	6516 6517
(c) The school district and building accountability system established under Chapter 3302. of the Revised Code;	6518 6519
(d) Instructional methods and strategies;	6520
(e) Student development;	6521
(f) Assessing student progress and providing remediation and intervention, as necessary, to meet students' special needs;	6522 6523
(g) Classroom management and record keeping.	6524
(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:	6525 6526 6527 6528 6529 6530
(1) The applicant completed the apprenticeship program described in division (C) of this section.	6531 6532
(2) The applicant receives a positive recommendation indicating that the applicant is an effective teacher from both of the following:	6533 6534 6535
(a) The chief administrative officer of the STEM school that most recently employed the applicant as a classroom teacher;	6536 6537 6538

(b) The educational service center or teacher preparation program administrator in charge of the apprenticeship program completed by the applicant. 6539
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6541

(3) The applicant meets all other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code. 6542
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(E) The department of education shall evaluate the experiences of STEM schools with classroom teachers holding provisional educator licenses issued under this section. The evaluation shall cover the first two school years for which licenses are issued and shall consider at least the schools' satisfaction with the teachers and the operation of the apprenticeship programs. 6545
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(F) The state board shall issue a provisional educator license for teaching in a STEM school in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 6552
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(1) The applicant holds a license in another state. 6556

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a STEM educator in a state that does not issue that license. 6557
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Sec. 3319.301. (A) As used in this section: 6561

(1) "Dropout recovery community school" means a community school established under Chapter 3314. of the Revised Code in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school. 6562
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(2) "Industry-recognized credential program" means a 6566

career-technical course in which a student may earn an industry- 6567
recognized credential approved under section 3313.6113 of the 6568
Revised Code. 6569

(3) "STEM school" means a science, technology, 6570
engineering, and mathematics school established under Chapter 6571
3326. of the Revised Code. 6572

(B) The state board of education shall issue permits to 6573
individuals who are not licensed as required by sections 3319.22 6574
to 3319.30 of the Revised Code, but who are otherwise qualified, 6575
to teach classes for not more than a total of twelve hours a 6576
week, except that an individual teaching in a STEM school or an 6577
individual teaching an industry-recognized credential program 6578
offered at a dropout recovery community school may teach classes 6579
for not more than a total of forty hours a week. The state 6580
board, by rule, shall set forth the qualifications, other than 6581
licensure under sections 3319.22 to 3319.30 of the Revised Code, 6582
to be met by individuals in order to be issued a permit as 6583
provided in this section. Such qualifications shall include the 6584
possession of a baccalaureate, master's, or doctoral degree in, 6585
or significant experience related to, the subject the individual 6586
is to teach. For an individual assigned to teach a career- 6587
technical class, significant experience related to a subject 6588
shall include career-technical experience. Applications for 6589
permits pursuant to this section shall be made in accordance 6590
with section 3319.29 of the Revised Code. A permit issued under 6591
this section shall be renewable. 6592

The state board, by rule, shall authorize the board of 6593
education of each school district and each STEM school to engage 6594
individuals holding permits issued under this section to teach 6595
classes for not more than the total number of hours a week 6596

specified in the permit. The rules shall include provisions with 6597
regard to each of the following: 6598

(1) That a board of education or STEM school shall engage 6599
a nonlicensed individual to teach pursuant to this section on a 6600
volunteer basis, or by entering into a contract with the 6601
individual or the individual's employer on such terms and 6602
conditions as are agreed to between the board or school and the 6603
individual or the individual's employer; 6604

(2) That an employee of the board of education or STEM 6605
school who is licensed under sections 3319.22 to 3319.30 of the 6606
Revised Code shall directly supervise a nonlicensed individual 6607
who is engaged to teach pursuant to this section until the 6608
superintendent of the school district or the chief 6609
administrative officer of the STEM school is satisfied that the 6610
nonlicensed individual has sufficient understanding of, and 6611
experience in, effective teaching methods to teach without 6612
supervision. 6613

(C) A nonlicensed individual engaged to teach pursuant to 6614
this section is a teacher for the purposes of Title XXXIII of 6615
the Revised Code except for the purposes of Chapters 3307. and 6616
3317. and sections 3319.07 to 3319.31 of the Revised Code. Such 6617
an individual is not an employee of the board of education or 6618
STEM school for the purpose of Titles I or XLI or Chapter 3309. 6619
of the Revised Code. 6620

(D) Students enrolled in a class taught by a nonlicensed 6621
individual pursuant to this section and rules adopted thereunder 6622
shall receive the same credit as if the class had been taught by 6623
an employee licensed pursuant to sections 3319.22 to 3319.30 of 6624
the Revised Code. 6625

(E) No board of education of any school district shall 6626
engage any one or more nonlicensed individuals if such 6627
employment displaces from employment an existing licensed 6628
employee of the district. 6629

(F) Chapter 4796. of the Revised Code does not apply to 6630
permits issued under this section. 6631

Sec. 3319.303. (A) ~~The~~ Except as provided in division (D) 6632
of this section, the state board of education shall adopt rules 6633
establishing standards and requirements for obtaining a pupil- 6634
activity program permit for any individual who does not hold a 6635
valid educator license, certificate, or permit issued by the 6636
state board under section 3319.22, 3319.26, or 3319.27 of the 6637
Revised Code. The permit issued under this section shall be 6638
valid for coaching, supervising, or directing a pupil-activity 6639
program under section 3313.53 of the Revised Code. Subject to 6640
the provisions of section 3319.31 of the Revised Code, a permit 6641
issued under this division shall be valid for three years and 6642
shall be renewable. 6643

(B) The state board shall adopt rules applicable to 6644
individuals who hold valid educator licenses, certificates, or 6645
permits issued by the state board under section 3319.22, 6646
3319.26, or 3319.27 of the Revised Code setting forth standards 6647
to assure any such individual's competence to direct, supervise, 6648
or coach a pupil-activity program described in section 3313.53 6649
of the Revised Code. The rules adopted under this division shall 6650
not be more stringent than the standards set forth in rules 6651
applicable to individuals who do not hold such licenses, 6652
certificates, or permits adopted under division (A) of this 6653
section. Subject to the provisions of section 3319.31 of the 6654
Revised Code, a permit issued to an individual under this 6655

division shall be valid for the same number of years as the 6656
individual's educator license, certificate, or permit issued 6657
under section 3319.22, 3319.26, or 3319.27 of the Revised Code 6658
and shall be renewable. 6659

~~(C) As a condition to issuing or renewing a pupil-activity-~~ 6660
~~program permit to coach interscholastic athletics:~~ 6661

(1) ~~The~~ Except as provided in division (D) of this 6662
section, as a condition to issuing a pupil-activity program 6663
permit to coach interscholastic athletics, the state board shall 6664
require each individual applying for a first permit on or after 6665
April 26, 2013, to successfully complete a training program that 6666
is specifically focused on brain trauma and brain injury 6667
management. 6668

(2) The state board shall require, as a condition to 6669
renewing a pupil-activity program permit to coach 6670
interscholastic athletics, each individual applying for a permit 6671
renewal on or after that date to present evidence that the 6672
individual has successfully completed, within the previous three 6673
years, a training program in recognizing the symptoms of 6674
concussions and head injuries to which the department of health 6675
has provided a link on its internet web site under section 6676
3707.52 of the Revised Code or a training program authorized and 6677
required by an organization that regulates interscholastic 6678
athletic competition and conducts interscholastic athletic 6679
events. 6680

(D) The state board shall issue a permit for coaching, 6681
supervising, or directing a pupil-activity program in accordance 6682
with Chapter 4796. of the Revised Code to an applicant if either 6683
of the following applies: 6684

(1) The applicant holds a license or permit in another state. 6685
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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 coach, supervisor, or pupil-activity program director in a state that does not issue that permit. 6687
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Sec. 3319.361. (A) The Except as provided in division (F) of this section, the state board of education shall establish rules for the issuance of a supplemental teaching license. This license shall be issued at the request of the superintendent of a city, local, exempted village, or joint vocational school district, educational service center, or the governing authority of a STEM school, chartered nonpublic school, or community school to an individual who meets all of the following criteria: 6692
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(1) Holds a current professional or permanent Ohio teaching certificate or resident educator license, professional educator license, senior professional educator license, or lead professional educator license, as issued under section 3319.22 or 3319.26 of the Revised Code; 6700
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(2) Is of good moral character; 6705

(3) Is employed in a supplemental licensure area or teaching field, as defined by the state board; 6706
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(4) Completes an examination prescribed by the state board in the licensure area; 6708
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(5) Completes, while employed under the supplemental teaching license and subsequent renewals thereof, additional coursework, if applicable, and testing requirements for full licensure in the supplemental area as a condition of holding and 6710
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teaching under a supplemental teaching license. 6714

(B) The employing school district, service center, or 6715
school shall assign a mentor to the individual holding a 6716
supplemental teaching license. The assigned mentor shall be an 6717
experienced teacher who currently holds a license in the same, 6718
or a related, content area as the supplemental license. 6719

(C) Before the department of education will issue an 6720
individual a supplemental teaching license in another area, the 6721
supplemental licensee must complete the supplemental licensure 6722
program, or its equivalent, and be issued a standard teaching 6723
license in the area of the currently held supplemental license. 6724

(D) An individual may advance from a supplemental teaching 6725
license to a standard teaching license upon: 6726

(1) Verification from the employing superintendent or 6727
governing authority that the individual holding the supplemental 6728
teaching license has taught successfully in the licensure area 6729
for a minimum of two years; and 6730

(2) Completing requirements as applicable to the licensure 6731
area or teaching field as established by the state board. 6732

(E) A licensee who has filed an application under this 6733
section may work in the supplemental licensure area for up to 6734
sixty school days while completing the requirements in division 6735
(A) (4) of this section. If the requirements are not completed 6736
within sixty days, the application shall be declined. 6737

(F) The state board shall issue a supplemental teaching 6738
license in accordance with Chapter 4796. of the Revised Code to 6739
an applicant if either of the following applies: 6740

(1) The applicant holds a license in another state. 6741

(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 6771
federal motor carrier safety administration in accordance with 6772
49 C.F.R. part 390. 6773

Any certificate may be revoked by the authority granting 6774
the same on proof that the holder has been guilty of failing to 6775
comply with division (D)(1) of this section, or upon a 6776
conviction or a guilty plea for a violation, or any other 6777
action, that results in a loss or suspension of driving rights. 6778
Failure to comply with such division may be cause for 6779
disciplinary action or termination of employment under division 6780
(C) of section 3319.081, or section 124.34 of the Revised Code. 6781

(B) ~~No~~ Except as provided in division (L) of this section, 6782
no person shall be employed as driver of a school bus or motor 6783
van not subject to the rules of the department of education 6784
pursuant to division (A) of this section who has not received a 6785
certificate from the school administrator or contractor 6786
certifying that such person is at least eighteen years of age 6787
and is qualified physically and otherwise for such position. 6788
Each driver shall have an annual physical examination which 6789
conforms to the state highway patrol rules, ascertaining the 6790
driver's physical fitness for such employment. The examination 6791
shall be performed by one of the following: 6792

(1) A person licensed under Chapter 4731. or 4734. of the 6793
Revised Code or by another state to practice medicine and 6794
surgery, osteopathic medicine and surgery, or chiropractic; 6795

(2) A physician assistant; 6796

(3) A certified nurse practitioner; 6797

(4) A clinical nurse specialist; 6798

(5) A certified nurse-midwife; 6799

(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. 6829

(E) In addition to resulting in possible revocation of a 6830
certificate as authorized by divisions (A) and (B) of this 6831
section, violation of division (D) of this section is a minor 6832
misdemeanor. 6833

(F) (1) Not later than thirty days after June 30, 2007, 6834
each owner of a school bus or motor van shall obtain the 6835
complete driving record for each person who is currently 6836
employed or otherwise authorized to drive the school bus or 6837
motor van. An owner of a school bus or motor van shall not 6838
permit a person to operate the school bus or motor van for the 6839
first time before the owner has obtained the person's complete 6840
driving record. Thereafter, the owner of a school bus or motor 6841
van shall obtain the person's driving record not less frequently 6842
than semiannually if the person remains employed or otherwise 6843
authorized to drive the school bus or motor van. An owner of a 6844
school bus or motor van shall not permit a person to resume 6845
operating a school bus or motor van, after an interruption of 6846
one year or longer, before the owner has obtained the person's 6847
complete driving record. 6848

(2) The owner of a school bus or motor van shall not 6849
permit a person to operate the school bus or motor van for ten 6850
years after the date on which the person pleads guilty to or is 6851
convicted of a violation of section 4511.19 of the Revised Code 6852
or a substantially equivalent municipal ordinance. 6853

(3) An owner of a school bus or motor van shall not permit 6854
any person to operate such a vehicle unless the person meets all 6855
other requirements contained in rules adopted by the state board 6856
of education prescribing qualifications of drivers of school 6857
buses and other student transportation. 6858

(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 6888
district, educational service center, community school, 6889
chartered nonpublic school, or science, technology, engineering, 6890
and mathematics school established under Chapter 3326. of the 6891
Revised Code to operate a vehicle used for pupil transportation. 6892

For each person to whom this division applies who is hired 6893
on or after November 14, 2007, the employer shall request a 6894
criminal records check in accordance with section 3319.39 of the 6895
Revised Code and every six years thereafter. For each person to 6896
whom this division applies who is hired prior to that date, the 6897
employer shall request a criminal records check by a date 6898
prescribed by the department of education and every six years 6899
thereafter. 6900

(2) This division applies to persons hired by a public or 6901
private employer not described in division (J) (1) of this 6902
section to operate a vehicle used for pupil transportation. 6903

For each person to whom this division applies who is hired 6904
on or after November 14, 2007, the employer shall request a 6905
criminal records check prior to the person's hiring and every 6906
six years thereafter. For each person to whom this division 6907
applies who is hired prior to that date, the employer shall 6908
request a criminal records check by a date prescribed by the 6909
department and every six years thereafter. 6910

(3) Each request for a criminal records check under 6911
division (J) of this section shall be made to the superintendent 6912
of the bureau of criminal identification and investigation in 6913
the manner prescribed in section 3319.39 of the Revised Code, 6914
except that if both of the following conditions apply to the 6915
person subject to the records check, the employer shall request 6916
the superintendent only to obtain any criminal records that the 6917

federal bureau of investigation has on the person: 6918

(a) The employer previously requested the superintendent 6919
to determine whether the bureau of criminal identification and 6920
investigation has any information, gathered pursuant to division 6921
(A) of section 109.57 of the Revised Code, on the person in 6922
conjunction with a criminal records check requested under 6923
section 3319.39 of the Revised Code or under division (J) of 6924
this section. 6925

(b) The person presents proof that the person has been a 6926
resident of this state for the five-year period immediately 6927
prior to the date upon which the person becomes subject to a 6928
criminal records check under this section. 6929

Upon receipt of a request, the superintendent shall 6930
conduct the criminal records check in accordance with section 6931
109.572 of the Revised Code as if the request had been made 6932
under section 3319.39 of the Revised Code. However, as specified 6933
in division (B)(2) of section 109.572 of the Revised Code, if 6934
the employer requests the superintendent only to obtain any 6935
criminal records that the federal bureau of investigation has on 6936
the person for whom the request is made, the superintendent 6937
shall not conduct the review prescribed by division (B)(1) of 6938
that section. 6939

(K)(1) Until the effective date of the amendments to rule 6940
3301-83-23 of the Ohio Administrative Code required by the 6941
second paragraph of division (E) of section 3319.39 of the 6942
Revised Code, any person who is the subject of a criminal 6943
records check under division (J) of this section and has been 6944
convicted of or pleaded guilty to any offense described in 6945
division (B)(1) of section 3319.39 of the Revised Code shall not 6946
be hired or shall be released from employment, as applicable, 6947

unless the person meets the rehabilitation standards prescribed 6948
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 6949
Administrative Code. 6950

(2) Beginning on the effective date of the amendments to 6951
rule 3301-83-23 of the Ohio Administrative Code required by the 6952
second paragraph of division (E) of section 3319.39 of the 6953
Revised Code, any person who is the subject of a criminal 6954
records check under division (J) of this section and has been 6955
convicted of or pleaded guilty to any offense that, under the 6956
rule, disqualifies a person for employment to operate a vehicle 6957
used for pupil transportation shall not be hired or shall be 6958
released from employment, as applicable, unless the person meets 6959
the rehabilitation standards prescribed by the rule. 6960

(L) The superintendent of a school district or an 6961
educational service center governing board shall issue a 6962
certificate as a driver of a school bus or motor van or a 6963
certificate to operate a vehicle used for pupil transportation 6964
in accordance with Chapter 4796. of the Revised Code to an 6965
applicant if either of the following applies: 6966

(1) The applicant holds a certificate in another state. 6967

(2) The applicant has satisfactory work experience, a 6968
government certification, or a private certification as 6969
described in that chapter as a school bus or motor van driver or 6970
a pupil transportation vehicle operator in a state that does not 6971
issue one or both of those certificates. 6972

Sec. 3703.01. (A) Except as otherwise provided in this 6973
section, the division of industrial compliance in the department 6974
of commerce shall do all of the following: 6975

(1) Inspect all nonresidential buildings within the 6976

meaning of section 3781.06 of the Revised Code; 6977

(2) Condemn all unsanitary or defective plumbing that is 6978
found in connection with those places; 6979

(3) Order changes in plumbing necessary to insure the 6980
safety of the public health. 6981

(B) (1) (a) The division of industrial compliance, boards of 6982
health of city and general health districts, and county building 6983
departments shall not inspect plumbing or collect fees for 6984
inspecting plumbing in particular types of buildings in any 6985
municipal corporation that is certified by the board of building 6986
standards under section 3781.10 of the Revised Code to exercise 6987
enforcement authority for plumbing in those types of buildings. 6988

(b) The division shall not inspect plumbing or collect 6989
fees for inspecting plumbing in particular types of buildings in 6990
any health district that employs one or more plumbing inspectors 6991
certified pursuant to division (D) of this section to enforce 6992
Chapters 3781. and 3791. of the Revised Code and the rules 6993
adopted pursuant to those chapters relating to plumbing in those 6994
types of buildings. 6995

(c) The division shall not inspect plumbing or collect 6996
fees for inspecting plumbing in particular types of buildings in 6997
any health district where the county building department is 6998
authorized to inspect those types of buildings pursuant to a 6999
contract described in division (C) (1) of this section. 7000

(d) The division shall not inspect plumbing or collect 7001
fees for inspecting plumbing in particular types of buildings in 7002
any health district where the board of health has entered into a 7003
contract with the board of health of another district to conduct 7004
inspections pursuant to division (C) (2) of this section. 7005

(2) No county building department shall inspect plumbing 7006
or collect fees for inspecting plumbing in any type of building 7007
in a health district unless the department is authorized to 7008
inspect that type of building pursuant to a contract described 7009
in division (C) (1) of this section. 7010

(3) No municipal corporation shall inspect plumbing or 7011
collect fees for inspecting plumbing in types of buildings for 7012
which it is not certified by the board of building standards 7013
under section 3781.10 of the Revised Code to exercise 7014
enforcement authority. 7015

(4) No board of health of a health district shall inspect 7016
plumbing or collect fees for inspecting plumbing in types of 7017
buildings for which it does not have a plumbing inspector 7018
certified pursuant to division (D) of this section. 7019

(C) (1) The board of health of a health district may enter 7020
into a contract with a board of county commissioners to 7021
authorize the county building department to inspect plumbing in 7022
buildings within the health district. The contract may designate 7023
that the department inspect either residential or nonresidential 7024
buildings, as those terms are defined in section 3781.06 of the 7025
Revised Code, or both types of buildings, so long as the 7026
department employs or contracts with a plumbing inspector 7027
certified pursuant to division (D) of this section to inspect 7028
the types of buildings the contract designates. The board of 7029
health may enter into a contract regardless of whether the 7030
health district employs any certified plumbing inspectors to 7031
enforce Chapters 3781. and 3791. of the Revised Code. 7032

(2) The board of health of a health district, regardless 7033
of whether it employs any certified plumbing inspectors to 7034
enforce Chapters 3781. and 3791. of the Revised Code, may enter 7035

into a contract with the board of health of another health 7036
district to authorize that board to inspect plumbing in 7037
buildings within the contracting board's district. The contract 7038
may designate the inspection of either residential or 7039
nonresidential buildings as defined in section 3781.06 of the 7040
Revised Code, or both types of buildings, so long as the board 7041
that performs the inspections employs a plumbing inspector 7042
certified pursuant to division (D) of this section to inspect 7043
the types of buildings the contract designates. 7044

(D) The superintendent of industrial compliance shall 7045
adopt rules prescribing minimum qualifications based on 7046
education, training, experience, or demonstrated ability, that 7047
the superintendent shall use in certifying or recertifying 7048
plumbing inspectors to do plumbing inspections for health 7049
districts and county building departments that are authorized to 7050
perform inspections pursuant to a contract under division (C) (1) 7051
of this section, and for continuing education of plumbing 7052
inspectors. Those minimum qualifications shall be related to the 7053
types of buildings for which a person seeks certification. 7054

(E) (1) The superintendent may enter into reciprocal 7055
registration, licensure, or certification agreements with ~~other-~~ 7056
~~states and~~ other agencies of this state relative to plumbing 7057
inspectors if both of the following apply: 7058

~~(1)~~ (a) The requirements for registration, licensure, or 7059
certification of plumbing inspectors under the ~~laws of the other-~~ 7060
~~state or~~ laws administered by the other agency are substantially 7061
equal to the requirements the superintendent adopts under 7062
division (D) of this section for certifying plumbing inspectors. 7063

~~(2)~~ (b) The other ~~state or~~ agency extends similar 7064
reciprocity to persons certified under this chapter. 7065

(2) The superintendent shall certify a plumbing inspector in accordance with Chapter 4796. of the Revised Code if either of the following applies: 7066
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(a) The applicant holds a license or certification in another state. 7069
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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 plumbing inspector in a state that does not issue that certification. 7071
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(F) The superintendent may select and contract with one or more persons to do all of the following regarding examinations for certification of plumbing inspectors: 7075
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(1) Prepare, administer, score, and maintain the confidentiality of the examination; 7078
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(2) Maintain responsibility for all expenses required to comply with division (F) (1) of this section; 7080
7081

(3) Charge each applicant a fee for administering the examination in an amount the superintendent authorizes; 7082
7083

(4) Design the examination for certification of plumbing inspectors to determine an applicant's competence to inspect plumbing. 7084
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7086

(G) Standards and methods prescribed in local plumbing regulations shall not be less than those prescribed in Chapters 3781. and 3791. of the Revised Code and the rules adopted pursuant to those chapters. 7087
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(H) Notwithstanding any other provision of this section, the division shall make a plumbing inspection of any building or other place that there is reason to believe is in a condition to 7091
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be a menace to the public health. 7094

Sec. 3703.21. (A) Within ninety days after September 16, 7095
2004, the superintendent of industrial compliance shall appoint 7096
a backflow advisory board consisting of not more than ten 7097
members, who shall serve at the pleasure of the superintendent. 7098
The superintendent shall appoint a representative from the 7099
plumbing section of the division of industrial compliance, three 7100
representatives recommended by the plumbing administrator of the 7101
division of industrial compliance, a representative of the 7102
drinking water program of the Ohio environmental protection 7103
agency, three representatives recommended by the director of 7104
environmental protection, and not more than two members who are 7105
not employed by the plumbing or water industry. 7106

The board shall advise the superintendent on matters 7107
pertaining to the training and certification of backflow 7108
technicians. 7109

(B) The superintendent shall adopt rules in accordance 7110
with Chapter 119. of the Revised Code to provide for the 7111
certification of backflow technicians. The rules shall establish 7112
all of the following requirements, specifications, and 7113
procedures: 7114

(1) Requirements and procedures for the initial 7115
certification of backflow technicians, including eligibility 7116
criteria and application requirements and fees; 7117

(2) Specifications concerning and procedures for taking 7118
examinations required for certification as a backflow 7119
technician, including eligibility criteria to take the 7120
examination and application requirements and fees for taking the 7121
examination; 7122

(3) Specifications concerning and procedures for renewing a certification as a backflow technician, including eligibility criteria, application requirements, and fees for renewal;	7123 7124 7125
(4) Specifications concerning and procedures for both of the following:	7126 7127
(a) Approval of training agencies authorized to teach required courses to candidates for certification as backflow technicians or continuing education courses to certified backflow technicians;	7128 7129 7130 7131
(b) Renewal of the approval described in division (B) (4) (a) of this section.	7132 7133
(5) Education requirements that candidates for initial certification as backflow technicians must satisfy and continuing education requirements that certified backflow technicians must satisfy;	7134 7135 7136 7137
(6) Grounds and procedures for denying, suspending, or revoking certification, or denying the renewal of certification, as a backflow technician;	7138 7139 7140
(7) Procedures for issuing administrative orders for the remedy of any violation of this section or any rule adopted pursuant to division (B) of this section, including, but not limited to, procedures for assessing a civil penalty authorized under division (D) <u>(E)</u> of this section;	7141 7142 7143 7144 7145
(8) Any provision the superintendent determines is necessary to administer or enforce this section.	7146 7147
(C) <u>The superintendent shall certify a backflow technician in accordance with Chapter 4796. of the Revised Code if either of the following applies:</u>	7148 7149 7150

(1) The individual holds a license or certification in another state. 7151
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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 backflow technician in a state that does not issue that certification. 7153
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(D) No individual shall engage in the installation, testing, or repair of any isolation backflow prevention device unless that individual possesses a valid certification as a backflow technician. This division does not apply with respect to the installation, testing, or repair of any containment backflow prevention device. 7157
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~~(D)~~ (E) Whoever violates division ~~(C)~~ (D) of this section or any rule adopted pursuant to division (B) of this section shall pay a civil penalty of not more than five thousand dollars for each day that the violation continues. The superintendent may, by order, assess a civil penalty under this division, or may request the attorney general to bring a civil action to impose the civil penalty in the court of common pleas of the county in which the violation occurred or where the violator resides. 7163
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~~(E)~~ (F) Any action taken under a rule adopted pursuant to division (B) (6) of this section is subject to the appeal process of Chapter 119. of the Revised Code. An administrative order issued pursuant to rules adopted under division (B) (7) of this section and an appeal to that type of administrative order shall be executed in accordance with Chapter 119. of the Revised Code. 7172
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~~(F)~~ (G) As used in this section: 7178

(1) "Isolation backflow prevention device" means a device 7179

for the prevention of the backflow of liquids, solids, or gases 7180
that is regulated by the building code adopted pursuant to 7181
section 3781.10 of the Revised Code and rules adopted pursuant 7182
to this section. 7183

(2) "Containment backflow prevention device" means a 7184
device for the prevention of the backflow of liquids, solids, or 7185
gases that is installed by the supplier of, or as a requirement 7186
of, any public water system as defined in division (A) of 7187
section 6109.01 of the Revised Code. 7188

Sec. 3704.14. (A) (1) If the director of environmental 7189
protection determines that implementation of a motor vehicle 7190
inspection and maintenance program is necessary for the state to 7191
effectively comply with the federal Clean Air Act after June 30, 7192
2019, the director may provide for the implementation of the 7193
program in those counties in this state in which such a program 7194
is federally mandated. Upon making such a determination, the 7195
director of environmental protection may request the director of 7196
administrative services to extend the terms of the contract that 7197
was entered into under the authority of Am. Sub. H.B. 64 of the 7198
131st general assembly. Upon receiving the request, the director 7199
of administrative services shall extend the contract, beginning 7200
on July 1, 2019, in accordance with this section. The contract 7201
shall be extended for a period of up to twenty-four months with 7202
the contractor who conducted the motor vehicle inspection and 7203
maintenance program under that contract. 7204

(2) Prior to the expiration of the contract extension that 7205
is authorized by division (A) (1) of this section, the director 7206
of environmental protection shall request the director of 7207
administrative services to enter into a contract with a vendor 7208
to operate a decentralized motor vehicle inspection and 7209

maintenance program in each county in this state in which such a 7210
program is federally mandated through June 30, 2023, with an 7211
option for the state to renew the contract for a period of up to 7212
twenty-four months through June 30, 2025. The contract shall 7213
ensure that the decentralized motor vehicle inspection and 7214
maintenance program achieves at least the same emission 7215
reductions as achieved by the program operated under the 7216
authority of the contract that was extended under division (A) 7217
(1) of this section. The director of administrative services 7218
shall select a vendor through a competitive selection process in 7219
compliance with Chapter 125. of the Revised Code. 7220

(3) Notwithstanding any law to the contrary, the director 7221
of administrative services shall ensure that a competitive 7222
selection process regarding a contract to operate a 7223
decentralized motor vehicle inspection and maintenance program 7224
in this state incorporates the following, which shall be 7225
included in the contract: 7226

(a) For purposes of expanding the number of testing 7227
locations for consumer convenience, a requirement that the 7228
vendor utilize established local businesses, auto repair 7229
facilities, or leased properties to operate state-approved 7230
inspection and maintenance testing facilities; 7231

(b) A requirement that the vendor selected to operate the 7232
program provide notification of the program's requirements to 7233
each owner of a motor vehicle that is required to be inspected 7234
under the program. The contract shall require the notification 7235
to be provided not later than sixty days prior to the date by 7236
which the owner of the motor vehicle is required to have the 7237
motor vehicle inspected. The director of environmental 7238
protection and the vendor shall jointly agree on the content of 7239

the notice. However, the notice shall include at a minimum the 7240
locations of all inspection facilities within a specified 7241
distance of the address that is listed on the owner's motor 7242
vehicle registration; 7243

(c) A requirement that the vendor comply with testing 7244
methodology and supply the required equipment approved by the 7245
director of environmental protection as specified in the 7246
competitive selection process in compliance with Chapter 125. of 7247
the Revised Code. 7248

(4) A decentralized motor vehicle inspection and 7249
maintenance program operated under this section shall comply 7250
with division (B) of this section. The director of environmental 7251
protection shall administer the decentralized motor vehicle 7252
inspection and maintenance program operated under this section. 7253

(B) The decentralized motor vehicle inspection and 7254
maintenance program authorized by this section, at a minimum, 7255
shall do all of the following: 7256

(1) Comply with the federal Clean Air Act; 7257

(2) Provide for the issuance of inspection certificates; 7258

(3) Provide for a new car exemption for motor vehicles 7259
four years old or newer and provide that a new motor vehicle is 7260
exempt for four years regardless of whether legal title to the 7261
motor vehicle is transferred during that period. 7262

(C) (1) The director of environmental protection shall 7263
adopt rules in accordance with Chapter 119. of the Revised Code 7264
that the director determines are necessary to implement this 7265
section. The director may continue to implement and enforce 7266
rules pertaining to the motor vehicle inspection and maintenance 7267
program previously implemented under former section 3704.14 of 7268

the Revised Code as that section existed prior to its repeal and 7269
reenactment by Am. Sub. H.B. 66 of the 126th general assembly, 7270
provided that the rules do not conflict with this section. 7271

(2) The director of environmental protection shall issue 7272
an inspection certificate provided for under division (B)(2) of 7273
this section in accordance with Chapter 4796. of the Revised 7274
Code to an applicant if either of the following applies: 7275

(a) The individual holds a certificate or license in 7276
another state. 7277

(b) The individual has satisfactory work experience, a 7278
government certification, or a private certification as 7279
described in that chapter as a vehicle inspector in a state that 7280
does not issue that certificate. 7281

(D) There is hereby created in the state treasury the auto 7282
emissions test fund, which shall consist of money received by 7283
the director from any cash transfers, state and local grants, 7284
and other contributions that are received for the purpose of 7285
funding the program established under this section. The director 7286
of environmental protection shall use money in the fund solely 7287
for the implementation, supervision, administration, operation, 7288
and enforcement of the motor vehicle inspection and maintenance 7289
program established under this section. Money in the fund shall 7290
not be used for either of the following: 7291

(1) To pay for the inspection costs incurred by a motor 7292
vehicle dealer so that the dealer may provide inspection 7293
certificates to an individual purchasing a motor vehicle from 7294
the dealer when that individual resides in a county that is 7295
subject to the motor vehicle inspection and maintenance program; 7296

(2) To provide payment for more than one free passing 7297

emissions inspection or a total of three emissions inspections 7298
for a motor vehicle in any three-hundred-sixty-five-day period. 7299
The owner or lessee of a motor vehicle is responsible for 7300
inspection fees that are related to emissions inspections beyond 7301
one free passing emissions inspection or three total emissions 7302
inspections in any three-hundred-sixty-five-day period. 7303
Inspection fees that are charged by a contractor conducting 7304
emissions inspections under a motor vehicle inspection and 7305
maintenance program shall be approved by the director of 7306
environmental protection. 7307

(E) The motor vehicle inspection and maintenance program 7308
established under this section expires upon the termination of 7309
all contracts entered into under this section and shall not be 7310
implemented beyond the final date on which termination occurs. 7311

Sec. 3713.05. (A) Applications to register to import, 7312
manufacture, renovate, wholesale, make, or reupholster stuffed 7313
toys or bedding in this state shall be made in writing on forms 7314
provided by the superintendent of industrial compliance. The 7315
application shall be accompanied by a registration fee of fifty 7316
dollars per person unless the applicant engages only in 7317
renovation, in which case the registration fee shall be thirty- 7318
five dollars- 7319

~~(B)~~ Upon receipt of the application and the appropriate 7320
fee, the superintendent shall register the applicant and assign 7321
a registration number to the registrant. 7322

(B) The superintendent shall register an applicant in 7323
accordance with Chapter 4796. of the Revised Code if either of 7324
the following applies: 7325

(1) The applicant is licensed or registered to import, 7326

manufacture, renovate, wholesale, make, or reupholster stuffed 7327
toys or bedding in another state. 7328

(2) The applicant has satisfactory work experience, a 7329
government certification, or a private certification as 7330
described in that chapter with or for importing, manufacturing, 7331
renovating, wholesaling, making, or reupholstering stuffed toys 7332
or bedding in a state that does not issue that registration. 7333

(C) Notwithstanding section 3713.02 of the Revised Code 7334
and division (A) of this section, the following are exempt from 7335
registration: 7336

(1) An organization described in section 501(c) (3) of the 7337
"Internal Revenue Code of 1986," and exempt from income tax 7338
under section 501(a) of that code and that is operated 7339
exclusively to provide recreation or social services; 7340

(2) A person who is not regularly engaged in the business 7341
of manufacturing, making, wholesaling, or importing stuffed toys 7342
but who manufactures or makes stuffed toys as a leisure pursuit 7343
and who sells one hundred or fewer stuffed toys within one 7344
calendar year; 7345

(3) A person who is not regularly engaged in the business 7346
of manufacturing, making, wholesaling, or importing quilts, 7347
comforters, pillows, or cushions, but who manufactures or makes 7348
these items as a leisure pursuit and who sells five or fewer 7349
quilts, ten or fewer comforters, or twenty or fewer pillows or 7350
cushions within one calendar year. 7351

(D) Notwithstanding division (C) (2) or (3) of this 7352
section, a person exempt under that division must attach a label 7353
to each stuffed toy that contains all of the following 7354
information: 7355

- (1) The person's name and address; 7356
- (2) A statement that the person is not registered by the 7357
state of Ohio; 7358
- (3) A statement that the contents of the product have not 7359
been inspected. 7360

Sec. 3717.09. (A) In accordance with rules adopted under 7361
section 3717.51 of the Revised Code, the director of health 7362
shall approve courses of study for certification in food 7363
protection as it pertains to retail food establishments and as 7364
it pertains to food service operations. ~~The~~ Except as provided 7365
in division (B) of this section, the director shall certify 7366
individuals in food protection who successfully complete a 7367
course of study approved under this section and meet all other 7368
certification requirements specified in rules adopted under 7369
section 3717.51 of the Revised Code. 7370

(B) The director shall issue a certification in food 7371
protection in accordance with Chapter 4796. of the Revised Code 7372
to an applicant if either of the following applies: 7373

(1) The applicant holds a license or certification in 7374
another state. 7375

(2) The applicant has satisfactory work experience, a 7376
government certification, or a private certification as 7377
described in that chapter working in food protection in a state 7378
that does not issue that certification. 7379

Sec. 3723.03. Pursuant to division (B) of section 3723.02 7380
of the Revised Code, an individual, business entity, or 7381
government entity that holds a valid license issued by another 7382
state authorizing practice as a radon tester, mitigation 7383
specialist, or mitigation contractor under the laws of that 7384

state may practice in this state without a license issued under 7385
this chapter for not more than ninety days in any calendar year 7386
as a radon tester, mitigation specialist, or mitigation 7387
contractor, if the director of health finds that the 7388
requirements for licensure in that state are comparable to the 7389
requirements for licensure under this chapter and the rules 7390
adopted under it and the individual, business entity, or 7391
government entity provides notice to the director of health, in 7392
accordance with rules adopted under section 3723.09 of the 7393
Revised Code, prior to commencing practice in this state. 7394
Chapter 4796. of the Revised Code does not apply to a 7395
nonresident individual authorized to practice under this 7396
section. 7397

Sec. 3723.06. (A) The director of health shall license 7398
radon testers, mitigation specialists, and mitigation 7399
contractors. Each applicant for a license shall submit a 7400
completed application to the director on a form the director 7401
shall prescribe and furnish. 7402

(B) ~~In~~ Except as provided in division (F) of this section 7403
and in accordance with rules adopted under section 3723.09 of 7404
the Revised Code, the director shall issue the appropriate 7405
license to each applicant that pays the license fee prescribed 7406
by the director, meets the licensing criteria established by the 7407
director, and complies with any other licensing and training 7408
requirements established by the director. An individual, 7409
business entity, or government entity may hold more than one 7410
license issued under this section, but a separate application is 7411
required for each license. 7412

(C) Notwithstanding division (B) of this section and 7413
except as provided in division (F) of this section, the director 7414

shall issue a radon mitigation contractor license on request to 7415
the holder of a radon mitigation specialist license if the 7416
license holder is the owner or chief stockholder of a business 7417
entity for which the license holder is the only individual who 7418
will work as a radon mitigation specialist. The licensing 7419
criteria and any other licensing and training requirements the 7420
individual was required to meet to qualify for the radon 7421
mitigation specialist license are hereby deemed to satisfy any 7422
and all criteria and requirements for a radon mitigation 7423
contractor license. A license issued under this division shall 7424
expire at the same time as the individual's radon mitigation 7425
specialist license. No license fee shall be imposed for a 7426
license issued under this division. 7427

(D) A license issued under this section expires biennially 7428
and may be renewed by the director in accordance with criteria 7429
and procedures established in rules adopted under section 7430
3723.09 of the Revised Code and on payment of the license 7431
renewal fee prescribed in those rules. 7432

(E) In accordance with Chapter 119. of the Revised Code, 7433
the director may do either of the following: 7434

(1) Refuse to issue a license to an individual, business 7435
entity, or government entity that does not meet the requirements 7436
of this chapter or the rules adopted under it or has been in 7437
violation of those requirements; 7438

(2) Suspend, revoke, or refuse to renew the license of an 7439
individual, business entity, or government entity that is or has 7440
been in violation of the requirements of this chapter or the 7441
rules adopted under it. 7442

(F) The director shall issue a radon tester, mitigation 7443

specialist, or mitigation contractor license in accordance with 7444
Chapter 4796. of the Revised Code to an applicant if either of 7445
the following applies: 7446

(1) The applicant holds a license in another state. 7447

(2) The applicant has satisfactory work experience, a 7448
government certification, or a private certification as 7449
described in that chapter as a radon tester, mitigation 7450
specialist, or mitigation contractor in a state that does not 7451
issue one or more of those licenses. 7452

Sec. 3737.83. The state fire marshal shall, as part of the 7453
state fire code, adopt rules to: 7454

(A) Establish minimum standards of performance for fire 7455
protection equipment and fire fighting equipment; 7456

(B) Establish minimum standards of training, fix minimum 7457
qualifications, and require certificates for all persons who 7458
engage in the business for profit of installing, testing, 7459
repairing, or maintaining fire protection equipment; 7460

(C) Provide for the issuance of certificates required 7461
under division (B) of this section and establish the fees to be 7462
charged for such certificates. A certificate shall be granted, 7463
renewed, or revoked according to rules the state fire marshal 7464
shall adopt, except that the state fire marshal shall grant a 7465
certificate in accordance with Chapter 4796. of the Revised Code 7466
to an applicant if either of the following applies: 7467

(1) The applicant holds a license or certificate in 7468
another state. 7469

(2) The applicant has satisfactory work experience, a 7470
government certification, or a private certification as 7471

described in that chapter as a person engaged in the business of 7472
installing, testing, repairing, or maintaining fire protection 7473
equipment in a state that does not issue that certificate. 7474

(D) Establish minimum standards of flammability for 7475
consumer goods in any case where the federal government or any 7476
department or agency thereof has established, or may from time 7477
to time establish standards of flammability for consumer goods. 7478
The standards established by the state fire marshal shall be 7479
identical to the minimum federal standards. 7480

In any case where the federal government or any department 7481
or agency thereof, establishes standards of flammability for 7482
consumer goods subsequent to the adoption of a flammability 7483
standard by the state fire marshal, standards previously adopted 7484
by the state fire marshal shall not continue in effect to the 7485
extent such standards are not identical to the minimum federal 7486
standards. 7487

With respect to the adoption of minimum standards of 7488
flammability, this division shall supersede any authority 7489
granted a political subdivision by any other section of the 7490
Revised Code. 7491

(E) Establish minimum standards pursuant to section 7492
5104.05 of the Revised Code for fire prevention and fire safety 7493
in child day-care centers and in type A family day-care homes, 7494
as defined in section 5104.01 of the Revised Code. 7495

(F) Establish minimum standards for fire prevention and 7496
safety in a residential facility licensed under section 5119.34 7497
of the Revised Code that provides accommodations, supervision, 7498
and personal care services for three to sixteen unrelated 7499
adults. The state fire marshal shall adopt the rules under this 7500

division in consultation with the director of mental health and 7501
addiction services and interested parties designated by the 7502
director of mental health and addiction services. 7503

Sec. 3737.881. (A) The state fire marshal shall certify 7504
underground storage tank systems installers who meet the 7505
standards for certification established in rules adopted under 7506
division (D)(1) of this section, pass the certification 7507
examination required by this division, and pay the certificate 7508
fee established in rules adopted under division (D)(5) of this 7509
section. Any individual who wishes to obtain certification as an 7510
installer shall apply to the state fire marshal on a form 7511
prescribed by the state fire marshal. The application shall be 7512
accompanied by the application and examination fees established 7513
in rules adopted under division (D)(5) of this section. 7514

The state fire marshal shall prescribe an examination 7515
designed to test the knowledge of applicants for certification 7516
as underground storage tank system installers in the 7517
installation, repair, abandonment, and removal of those systems. 7518
The examination shall also test the applicants' knowledge and 7519
understanding of the requirements and standards established in 7520
rules adopted under sections 3737.88 and 3737.882 of the Revised 7521
Code pertaining to the installation, repair, abandonment, and 7522
removal of those systems. 7523

Installer certifications issued under this division shall 7524
be renewed annually, upon submission of a certification renewal 7525
form prescribed by the state fire marshal, provision of proof of 7526
successful completion of continuing education requirements, and 7527
payment of the certification renewal fee established in rules 7528
adopted under division (D)(5) of this section. In addition, the 7529
fire marshal may from time to time prescribe an examination for 7530

certification renewal and may require applicants to pass the 7531
examination and pay the fee established for it in rules adopted 7532
under division (D) (5) of this section. 7533

The state fire marshal may, in accordance with Chapter 7534
119. of the Revised Code, deny, suspend, revoke, or refuse to 7535
renew an installer's certification or renewal thereof after 7536
finding that any of the following applies: 7537

(1) The applicant for certification or certificate holder 7538
fails to meet the standards for certification or renewal thereof 7539
under this section and rules adopted under it; 7540

(2) The certification was obtained through fraud or 7541
misrepresentation; 7542

(3) The certificate holder recklessly caused or permitted 7543
a person under the certificate holder's supervision to install, 7544
perform major repairs on site to, abandon, or remove an 7545
underground storage tank system in violation of the performance 7546
standards set forth in rules adopted under section 3737.88 or 7547
3737.882 of the Revised Code. 7548

As used in division (A) (3) of this section, "recklessly" 7549
has the same meaning as in section 2901.22 of the Revised Code. 7550

(B) The state fire marshal shall certify persons who 7551
sponsor training programs for underground storage tank system 7552
installers who meet the criteria for certification established 7553
in rules adopted by the state fire marshal under division (D) (4) 7554
of this section and pay the certificate fee established in rules 7555
adopted under division (D) (5) of this section. Any person who 7556
wishes to obtain certification to sponsor such a training 7557
program shall apply to the state fire marshal on a form 7558
prescribed by the state fire marshal. Training program 7559

certificates issued under this division shall expire annually. 7560
Upon submission of a certification renewal application form 7561
prescribed by the state fire marshal and payment of the 7562
application and certification renewal fees established in rules 7563
adopted under division (D) (5) of this section, the state fire 7564
marshal shall issue a training program renewal certificate to 7565
the applicant. 7566

The state fire marshal may, in accordance with Chapter 7567
119. of the Revised Code, deny an application for, suspend, or 7568
revoke a training program certificate or renewal or renewal of a 7569
training program certificate after finding that the training 7570
program does not or will not meet the standards for 7571
certification established in rules adopted under division (D) (4) 7572
of this section. 7573

(C) The state fire marshal may conduct or cause to be 7574
conducted training programs for underground storage tank systems 7575
installers as the fire marshal considers to be necessary or 7576
appropriate. The state fire marshal is not subject to division 7577
(B) of this section with respect to training programs conducted 7578
by employees of the office of the state fire marshal. 7579

(D) The state fire marshal shall adopt, and may amend and 7580
rescind, rules doing all of the following: 7581

(1) Defining the activities that constitute supervision 7582
over the installation, performance of major repairs on site to, 7583
abandonment of, and removal of underground storage tank systems; 7584

(2) Establishing standards and procedures for 7585
certification of underground storage tank systems installers; 7586

(3) Establishing standards and procedures for continuing 7587
education for certification renewal, subject to the provisions 7588

of section 5903.12 of the Revised Code relating to active duty 7589
military service; 7590

(4) Establishing standards and procedures for 7591
certification of training programs for installers; 7592

(5) Establishing fees for applications for certifications 7593
under this section, the examinations prescribed under division 7594
(A) of this section, the issuance and renewal of certificates 7595
under divisions (A) and (B) of this section, and attendance at 7596
training programs conducted by the fire marshal under division 7597
(C) of this section. Fees received under this section shall be 7598
credited to the underground storage tank administration fund 7599
created in section 3737.02 of the Revised Code and shall be used 7600
to defray the costs of implementing, administering, and 7601
enforcing this section and the rules adopted thereunder, 7602
conducting training sessions, and facilitating prevention of 7603
releases. 7604

(6) That are necessary or appropriate for the 7605
implementation, administration, and enforcement of this section. 7606

(E) Nothing in this section or the rules adopted under it 7607
prohibits an owner or operator of an underground storage tank 7608
system from installing, making major repairs on site to, 7609
abandoning, or removing an underground storage tank system under 7610
the supervision of an installer certified under division (A) of 7611
this section who is a full-time or part-time employee of the 7612
owner or operator. 7613

(F) On and after January 7, 1990, no person shall do any 7614
of the following: 7615

(1) Install, make major repairs on site to, abandon, or 7616
remove an underground storage tank system unless the activity is 7617

performed under the supervision of a qualified individual who 7618
holds a valid installer certificate issued under division (A) of 7619
this section; 7620

(2) Act in the capacity of providing supervision for the 7621
installation of, performance of major repairs on site to, 7622
abandonment of, or removal of an underground storage tank system 7623
unless the person holds a valid installer certificate issued 7624
under division (A) of this section; 7625

(3) Except as provided in division (C) of this section, 7626
sponsor a training program for underground storage tank systems 7627
installers unless the person holds a valid training program 7628
certificate issued under division (B) of this section. 7629

(G) Notwithstanding any provision of this section to the 7630
contrary, the state fire marshal shall issue an installer's 7631
certification or a training program certificate in accordance 7632
with Chapter 4796. of the Revised Code to an applicant if either 7633
of the following applies: 7634

(1) The applicant holds an installer's license or 7635
certification or a training program license or certificate in 7636
another state. 7637

(2) The applicant has satisfactory work experience, a 7638
government certification, or a private certification as 7639
described in that chapter as an installer of underground storage 7640
tank systems in a state that does not issue one or both of those 7641
certifications. 7642

Sec. 3742.05. (A) (1) The director of health shall issue 7643
lead inspector, lead abatement contractor, lead risk assessor, 7644
lead abatement project designer, lead abatement worker, and 7645
clearance technician licenses. ~~The~~ Except as provided in 7646

division (C) of this section, the director shall issue a license 7647
to an applicant who meets all of the following requirements: 7648

(a) Submits an application to the director on a form 7649
prescribed by the director; 7650

(b) Meets the licensing and training requirements 7651
established in rules adopted under section 3742.03 of the 7652
Revised Code; 7653

(c) Successfully completes the licensing examination for 7654
the applicant's area of expertise administered under section 7655
3742.08 of the Revised Code and any training required by the 7656
director under that section; 7657

(d) Pays the license fee established in rules adopted 7658
under section 3742.03 of the Revised Code; 7659

(e) Provides the applicant's social security number and 7660
any information the director may require to demonstrate the 7661
applicant's compliance with this chapter and the rules adopted 7662
under it. 7663

(2) An individual may hold more than one license issued 7664
under this section, but a separate application is required for 7665
each license. 7666

(B) A license issued under this section expires two years 7667
after the date of issuance. The director shall renew a license 7668
in accordance with the standard renewal procedure set forth in 7669
Chapter 4745. of the Revised Code, if the licensee does all of 7670
the following: 7671

(1) Continues to meet the requirements of division (A) of 7672
this section; 7673

(2) Demonstrates compliance with procedures to prevent 7674

public exposure to lead hazards and for worker protection during 7675
lead abatement projects established in rules adopted under 7676
section 3742.03 of the Revised Code; 7677

(3) Meets the record-keeping and reporting requirements 7678
for lead abatement projects or clearance examinations 7679
established in rules adopted under section 3742.03 of the 7680
Revised Code; 7681

(4) Pays the license renewal fee established in rules 7682
adopted under section 3742.03 of the Revised Code. 7683

~~(C) An individual licensed, certified, or otherwise 7684
approved under the law of another state to perform functions 7685
substantially similar to those of The director shall issue a 7686
lead inspector, lead abatement contractor, lead risk assessor, 7687
lead abatement project designer, lead abatement worker, or 7688
clearance technician may apply to the director of health for 7689
licensure in accordance with the procedures set forth in 7690
division (A) of this section. The director shall license an 7691
individual under this division on a determination that the 7692
standards for licensure, certification, or approval in that 7693
state are at least substantially equivalent to those established 7694
by this chapter and the rules adopted under it. The director may 7695
require an examination for licensure under this division 7696
license in accordance with Chapter 4796. of the Revised Code to 7697
an applicant if either of the following applies: 7698~~

(1) The applicant holds a license in another state. 7699

(2) The applicant has satisfactory work experience, a 7700
government certification, or a private certification as 7701
described in that chapter as a lead inspector, lead abatement 7702
contractor, lead risk assessor, lead abatement project designer, 7703

lead abatement worker, or clearance technician in a state that 7704
does not issue one or more of those licenses. 7705

Sec. 3743.03. (A) If a person submits an application for 7706
licensure as a manufacturer of fireworks, together with the 7707
license fee, fingerprints, and proof of the insurance coverage, 7708
as required by section 3743.02 of the Revised Code, the state 7709
fire marshal shall review the application and accompanying 7710
matter, request the criminal records check described in division 7711
(E) of this section, inspect the premises of the fireworks plant 7712
described in the application, and determine whether the 7713
applicant will be issued the license. In determining whether to 7714
issue the license, the state fire marshal shall consider the 7715
results of the criminal records check and the inspection, and 7716
the information set forth in the application, and shall decide 7717
whether the applicant and the fireworks plant described in the 7718
application conform to sections 3743.02 to 3743.08 of the 7719
Revised Code and the rules adopted by the state fire marshal 7720
pursuant to section 3743.05 of the Revised Code, and are in full 7721
compliance with Chapters 3781. and 3791. of the Revised Code, 7722
and any applicable building or zoning regulations. 7723

(B) ~~Subject~~ Except as provided in division (F) of this 7724
section and subject to section 3743.70 of the Revised Code, the 7725
state fire marshal shall issue a license in accordance with 7726
Chapter 119. of the Revised Code to an applicant for licensure 7727
as a manufacturer of fireworks only if the applicant and the 7728
fireworks plant described in the application conform to sections 7729
3743.02 to 3743.08 of the Revised Code and the rules adopted by 7730
the state fire marshal pursuant to section 3743.05 of the 7731
Revised Code, only if the fireworks plant described in the 7732
application complies with the Ohio building code adopted under 7733
Chapter 3781. of the Revised Code, if that fireworks plant was 7734

constructed after May 30, 1986, and only if the state fire 7735
marshal is satisfied that the application and accompanying 7736
matter are complete and in conformity with section 3743.02 of 7737
the Revised Code. The requirements of this chapter and of the 7738
rules adopted under this chapter as applicable to the structure 7739
of a building do not apply to a building in a fireworks plant if 7740
the building was inspected and approved by the department of 7741
industrial relations or by any building department certified 7742
pursuant to division (E) of section 3781.10 of the Revised Code 7743
prior to May 30, 1986. 7744

(C) Each license issued pursuant to this section shall 7745
contain a distinct number assigned to the licensed manufacturer 7746
and, if the licensed manufacturer will engage in the processing 7747
of fireworks as any part of its manufacturing of fireworks at 7748
the fireworks plants, a notation indicating that fact. The state 7749
fire marshal shall maintain a list of all licensed manufacturers 7750
of fireworks. In the list next to each manufacturer's name, the 7751
state fire marshal shall insert the period of licensure, the 7752
license number of the manufacturer, and, if applicable, a 7753
notation that the manufacturer will engage in the processing of 7754
fireworks as part of its manufacturing of fireworks. 7755

(D) The holder of a license issued pursuant to this 7756
section may request the state fire marshal to cancel that 7757
license and issue in its place a license to sell fireworks at 7758
wholesale under section 3743.16 of the Revised Code. Upon 7759
receipt of such a request, the state fire marshal shall cancel 7760
the license issued under this section and issue a license under 7761
section 3743.16 of the Revised Code if the applicant meets the 7762
requirements of that section. 7763

(E) Upon receipt of an application and the required 7764

accompanying matter under section 3743.02 of the Revised Code, 7765
the state fire marshal shall forward to the superintendent of 7766
the bureau of criminal identification and investigation a 7767
request that the bureau conduct an investigation of the 7768
applicant and, if applicable, additional individuals who hold, 7769
own, or control a five per cent or greater beneficial or equity 7770
interest in the applicant, to determine whether the applicant or 7771
the additional associated individuals have been convicted of or 7772
pled guilty to a disqualifying offense as determined under 7773
section 9.79 of the Revised Code, under the laws of this state, 7774
another state, or the United States. 7775

If the applicant for initial licensure has resided in this 7776
state for less than five continuous years immediately prior to 7777
the date the applicant submits an initial application, the 7778
superintendent also shall request that the federal bureau of 7779
investigation conduct an investigation of the applicant and, if 7780
applicable, additional individuals who hold, own, or control a 7781
five per cent or greater beneficial or equity interest in the 7782
applicant, to determine whether the applicant or the additional 7783
associated individuals have been convicted of or pled guilty to 7784
a disqualifying offense as determined under section 9.79 of the 7785
Revised Code, under the laws of this state, another state, or 7786
the United States. 7787

The superintendent shall forward the results of an 7788
investigation conducted pursuant to this division to the state 7789
fire marshal and may charge a reasonable fee for providing the 7790
results. The state fire marshal shall assess any fee charged by 7791
the superintendent for the results to the applicant. 7792

(F) The state fire marshal shall issue a license to act as 7793
a manufacturer of fireworks in accordance with Chapter 4796. of 7794

the Revised Code to an applicant if either of the following 7795
applies: 7796

(1) The applicant is licensed in another state. 7797

(2) The applicant has satisfactory work experience, a 7798
government certification, or a private certification as 7799
described in that chapter as a manufacturer of fireworks in a 7800
state that does not issue that license. 7801

Sec. 3743.16. (A) If a person submits an application for 7802
licensure as a wholesaler of fireworks, together with the 7803
license fee, fingerprints, and proof of the insurance coverage, 7804
as required by section 3743.15 of the Revised Code, the state 7805
fire marshal shall review the application and accompanying 7806
matter, request the criminal records check described in division 7807
(D) of this section, inspect the premises on which the fireworks 7808
would be sold, and determine whether the applicant will be 7809
issued the license. In determining whether to issue the license, 7810
the state fire marshal shall consider the results of the 7811
criminal records check and the inspection, and the information 7812
set forth in the application, and shall decide whether the 7813
applicant and the premises on which the fireworks will be sold 7814
conform to sections 3743.15 to 3743.21 of the Revised Code and 7815
the rules adopted by the state fire marshal pursuant to section 7816
3743.18 of the Revised Code, and are in full compliance with 7817
Chapters 3781. and 3791. of the Revised Code, and any applicable 7818
building or zoning regulations. 7819

(B) ~~Subject~~ Except as provided in division (E) of this 7820
section and subject to section 3743.70 of the Revised Code, the 7821
state fire marshal shall issue a license in accordance with 7822
Chapter 119. of the Revised Code to the applicant for licensure 7823
as a wholesaler of fireworks only if the applicant and the 7824

premises on which the fireworks will be sold conform to sections 7825
3743.15 to 3743.21 of the Revised Code and the rules adopted by 7826
the state fire marshal pursuant to section 3743.18 of the 7827
Revised Code, only if the premises on which the fireworks will 7828
be sold complies with the Ohio building code adopted under 7829
Chapter 3781. of the Revised Code, if that premises was 7830
constructed after May 30, 1986, and only if the state fire 7831
marshal is satisfied that the application and accompanying 7832
matter are complete and in conformity with section 3743.15 of 7833
the Revised Code. The requirements of this chapter and of the 7834
rules adopted under this chapter as applicable to the structure 7835
of a building do not apply to a building used by a wholesaler if 7836
the building was inspected and approved by the department of 7837
industrial relations or by any building department certified 7838
pursuant to division (E) of section 3781.10 of the Revised Code 7839
prior to May 30, 1986. 7840

(C) Each license issued pursuant to this section shall 7841
contain a distinct number assigned to the particular wholesaler. 7842
The state fire marshal shall maintain a list of all licensed 7843
wholesalers of fireworks. In this list next to each wholesaler's 7844
name, the state fire marshal shall insert the period of 7845
licensure and the license number of the particular wholesaler. 7846

(D) Upon receipt of an application and the required 7847
accompanying matter under section 3743.15 of the Revised Code, 7848
the state fire marshal shall forward to the superintendent of 7849
the bureau of criminal identification and investigation a 7850
request that the bureau conduct an investigation of the 7851
applicant and, if applicable, additional individuals who hold, 7852
own, or control a five per cent or greater beneficial or equity 7853
interest in the applicant, to determine whether the applicant or 7854
the additional associated individuals have been convicted of or 7855

pled guilty to a disqualifying offense in accordance with 7856
section 9.79 of the Revised Code, under the laws of this state, 7857
another state, or the United States. 7858

If the applicant for initial licensure has resided in this 7859
state for less than five continuous years immediately prior to 7860
the date the applicant submits an initial application, the 7861
superintendent also shall request that the federal bureau of 7862
investigation conduct an investigation of the applicant and, if 7863
applicable, additional individuals who hold, own, or control a 7864
five per cent or greater beneficial or equity interest in the 7865
applicant, to determine whether the applicant or the additional 7866
associated individuals have been convicted of or pled guilty to 7867
a disqualifying offense in accordance with section 9.79 of the 7868
Revised Code, under the laws of this state, another state, or 7869
the United States. 7870

The superintendent shall forward the results of an 7871
investigation conducted pursuant to this division to the state 7872
fire marshal and may charge a reasonable fee for providing the 7873
results. The state fire marshal shall assess any fee charged by 7874
the superintendent for the results to the applicant. 7875

(E) The state fire marshal shall issue a license to act as 7876
a wholesaler of fireworks in accordance with Chapter 4796. of 7877
the Revised Code to an applicant if either of the following 7878
applies: 7879

(1) The applicant is licensed in another state. 7880

(2) The applicant has satisfactory work experience, a 7881
government certification, or a private certification as 7882
described in that chapter as a wholesaler of fireworks in a 7883
state that does not issue that license. 7884

Sec. 3743.40. (A) Any person who resides in another state 7885
and who intends to ship fireworks into this state shall submit 7886
to the state fire marshal an application for a shipping permit. 7887
As used in this section, "fireworks" includes only 1.3G and 1.4G 7888
fireworks. The application shall be submitted prior to shipping 7889
fireworks into this state, shall be on a form prescribed by the 7890
state fire marshal, shall contain the information required by 7891
division (B) of this section and all information requested by 7892
the state fire marshal, and shall be accompanied by the fee and 7893
the documentation described in division (C) of this section. 7894

The state fire marshal shall prescribe a form for 7895
applications for shipping permits and make a copy of the form 7896
available, upon request, to persons who seek such a permit. 7897

(B) In an application for a shipping permit, the applicant 7898
shall specify the types of fireworks to be shipped into this 7899
state. 7900

(C) An application for a shipping permit shall be 7901
accompanied by a fee of two thousand seven hundred fifty 7902
dollars. 7903

An application for a shipping permit shall be accompanied 7904
by a certified copy or other copy acceptable to the state fire 7905
marshal of the applicant's license or permit issued in the 7906
applicant's state of residence and authorizing the applicant to 7907
engage in the manufacture, wholesale sale, or transportation of 7908
fireworks in that state, if that state issues such a license or 7909
permit, and by a statement by the applicant that the applicant 7910
understands and will abide by rules adopted by the state fire 7911
marshal pursuant to section 3743.58 of the Revised Code for 7912
transporting fireworks. 7913

(D) Except as otherwise provided in this division, and 7914
subject to section 3743.70 of the Revised Code, the state fire 7915
marshal shall issue a shipping permit to an applicant only if 7916
the state fire marshal determines that the applicant is a 7917
resident of another state and is the holder of a license or 7918
permit issued by that state authorizing it to engage in the 7919
manufacture, wholesale sale, or transportation of fireworks in 7920
that state, and the state fire marshal is satisfied that the 7921
application and documentation are complete and in conformity 7922
with this section and that the applicant will transport 7923
fireworks into this state in accordance with rules adopted by 7924
the state fire marshal pursuant to section 3743.58 of the 7925
Revised Code. The state fire marshal shall issue a shipping 7926
permit to an applicant if the applicant meets all of the 7927
requirements of this section for the issuance of a shipping 7928
permit except that the applicant does not hold a license or 7929
permit issued by the state of residence authorizing the 7930
applicant to engage in the manufacture, wholesale sale, or 7931
transportation of fireworks in that state because that state 7932
does not issue such a license or permit. 7933

(E) Each permit issued pursuant to this section shall 7934
contain a distinct number assigned to the particular permit 7935
holder, and contain the information described in division (B) of 7936
this section. 7937

The state fire marshal shall maintain a list of all 7938
persons issued shipping permits. In this list next to each 7939
person's name, the state fire marshal shall insert the date upon 7940
which the permit was issued and the information described in 7941
division (B) of this section. 7942

(F) A shipping permit is valid for one year from the date 7943

of issuance by the state fire marshal and only if the permit 7944
holder ships the fireworks directly into this state to the 7945
holder of a license issued under section 3743.03 or 3743.16 of 7946
the Revised Code or a license holder under section 3743.51 of 7947
the Revised Code who possesses a valid exhibition permit issued 7948
in accordance with section 3743.54 of the Revised Code and the 7949
fireworks shipped are to be used at the specifically permitted 7950
exhibition. The permit authorizes the permit holder to ship 7951
fireworks, as described in rules adopted by the state fire 7952
marshal under Chapter 119. of the Revised Code, directly to the 7953
holder of a license issued under section 3743.03 or 3743.16 of 7954
the Revised Code, and to possess the fireworks in this state 7955
while the permit holder is in the course of shipping them 7956
directly into this state. 7957

The holder of a shipping permit shall have the permit in 7958
the holder's possession in this state at all times while in the 7959
course of shipping the fireworks directly into this state. A 7960
shipping permit is not transferable or assignable. 7961

(G) The state fire marshal shall not require a person 7962
holding a shipping permit issued under this section to obtain a 7963
shipping permit pursuant to Chapter 4796. of the Revised Code. 7964

Sec. 3743.51. (A) If a person submits an application for 7965
licensure as an exhibitor of fireworks, together with the fee, 7966
as required by section 3743.50 of the Revised Code, the state 7967
fire marshal shall review the application and determine whether 7968
the applicant satisfies sections 3743.50 to 3743.55 of the 7969
Revised Code and the rules adopted by the state fire marshal 7970
pursuant to division (A) of section 3743.53 of the Revised Code. 7971

(B) ~~Subject~~ Except as provided in division (D) of this 7972
section and subject to section 3743.70 of the Revised Code, the 7973

state fire marshal shall issue a license in accordance with 7974
Chapter 119. of the Revised Code to the applicant for licensure 7975
as an exhibitor of fireworks only if the applicant satisfies 7976
sections 3743.50 to 3743.55 of the Revised Code and the rules 7977
adopted by the state fire marshal pursuant to division (A) of 7978
section 3743.53 of the Revised Code, and only if the state fire 7979
marshal is satisfied that the application is complete and in 7980
conformity with section 3743.50 of the Revised Code. 7981

(C) Each license issued pursuant to this section shall 7982
contain a distinct number assigned to the particular exhibitor. 7983
The state fire marshal shall maintain a list of all licensed 7984
exhibitors of fireworks. In this list next to each exhibitor's 7985
name, the state fire marshal shall insert the period of 7986
licensure and the license number of the particular exhibitor. 7987

(D) The state fire marshal shall issue a license to act as 7988
an exhibitor of fireworks in accordance with Chapter 4796. of 7989
the Revised Code to an applicant if either of the following 7990
applies: 7991

(1) The applicant is licensed in another state. 7992

(2) The applicant has satisfactory work experience, a 7993
government certification, or a private certification as 7994
described in that chapter as an exhibitor of fireworks in a 7995
state that does not issue that license. 7996

Sec. 3746.041. The director of environmental protection 7997
shall issue an environmental professional certification provided 7998
for under division (B)(5) of section 3746.04 of the Revised Code 7999
in accordance with Chapter 4796. of the Revised Code if an 8000
applicant either holds a certification or license in another 8001
state, or the applicant has satisfactory work experience, a 8002

government certification, or a private certification as 8003
described in that chapter as an environmental professional in a 8004
state that does not issue that certification. 8005

Sec. 3748.07. (A) ~~Every~~ Except as provided in division (G) 8006
of this section, every facility that proposes to handle 8007
radioactive material or radiation-generating equipment for which 8008
licensure or registration, respectively, by its handler is 8009
required shall apply in writing to the director of health on 8010
forms prescribed and provided by the director for licensure or 8011
registration. Terms and conditions of licenses and certificates 8012
of registration may be amended in accordance with rules adopted 8013
under section 3748.04 of the Revised Code or orders issued by 8014
the director pursuant to section 3748.05 of the Revised Code. 8015

(B) (1) ~~An~~ Except as provided in division (G) of this 8016
section, an applicant proposing to handle radioactive material 8017
shall pay for a license or renewal of a license the appropriate 8018
fee specified in rules adopted under section 3748.04 of the 8019
Revised Code and listed on an invoice provided by the director. 8020
The applicant shall pay the fee on receipt of the invoice. 8021

(2) (a) Except as provided in division (B) (2) (b) of this 8022
section, until fees are established in rules adopted under 8023
division (A) (8) (b) of section 3748.04 of the Revised Code, an 8024
applicant proposing to handle radiation-generating equipment 8025
shall pay for a certificate of registration or renewal of a 8026
certificate a biennial registration fee of two hundred sixty-two 8027
dollars. 8028

Except as provided in division (B) (2) (b) of this section, 8029
on and after the effective date of the rules in which fees are 8030
established under division (A) (8) (b) of section 3748.04 of the 8031
Revised Code, an applicant proposing to handle radiation- 8032

generating equipment shall pay for a certificate of registration 8033
or renewal of a certificate the appropriate fee established in 8034
those rules. 8035

The applicant shall pay the fees described in division (B) 8036
(2) (a) of this section at the time of applying for a certificate 8037
of registration or renewal of a certificate. 8038

(b) An applicant that is, or is operated by, a medical 8039
practitioner or medical-practitioner group and proposes to 8040
handle radiation-generating equipment shall pay for a 8041
certificate of registration or renewal of a certificate a 8042
biennial registration fee of two hundred sixty-two dollars. The 8043
applicant shall pay the fee at the time of applying for a 8044
certificate of registration or renewal of the certificate. 8045

(C) All fees collected under this section shall be 8046
deposited in the state treasury to the credit of the general 8047
operations fund created in section 3701.83 of the Revised Code. 8048
The fees shall be used solely to administer and enforce this 8049
chapter and rules adopted under it. 8050

(D) Any fee required under this section that remains 8051
unpaid on the ninety-first day after the original invoice date 8052
shall be assessed an additional amount equal to ten per cent of 8053
the original fee. 8054

(E) The director shall grant a license or registration to 8055
any applicant who has paid the required fee and is in compliance 8056
with this chapter and rules adopted under it. 8057

(F) Except as provided in division (B) (2) of this section, 8058
licenses and certificates of registration shall be effective for 8059
the applicable period established in rules adopted under section 8060
3748.04 of the Revised Code. Licenses and certificates of 8061

registration shall be renewed in accordance with the renewal 8062
procedure established in rules adopted under section 3748.04 of 8063
the Revised Code. 8064

(G) The director shall issue a license to handle 8065
radioactive material or a certificate of registration to handle 8066
radiation-generating equipment in accordance with Chapter 4796. 8067
of the Revised Code to an applicant if either of the following 8068
applies: 8069

(1) The applicant holds a license or certificate in 8070
another state. 8071

(2) The applicant has satisfactory work experience, a 8072
government certification, or a private certification as 8073
described in that chapter in handling radioactive material or 8074
radiation-generating equipment in a state that does not issue 8075
that license or certification or both. 8076

Sec. 3748.12. ~~The~~ (A) Except as provided in division (C) 8077
of this section, the director of health shall certify radiation 8078
experts pursuant to rules adopted under division (C) of section 8079
3748.04 of the Revised Code. The director shall issue a 8080
certificate to each person certified under this section. An 8081
individual certified by the director is qualified to develop, 8082
provide periodic review of, and conduct audits of the quality 8083
assurance program for sources of radiation for which such a 8084
program is required under division (A) of section 3748.13 of the 8085
Revised Code. 8086

(B) The director shall establish an application fee for 8087
applying for certification and a biennial certification renewal 8088
fee in rules adopted under division (C) of section 3748.04 of 8089
the Revised Code. A certificate issued under this section shall 8090

expire two years after the date of its issuance. To maintain 8091
certification, a radiation expert shall apply to the director 8092
for renewal of certification in accordance with the standard 8093
renewal procedures established in Chapter 4745. of the Revised 8094
Code. The certification renewal fee is not required for initial 8095
certification, but shall be paid for every renewal of 8096
certification. Fees collected under this section shall be 8097
deposited into the state treasury to the credit of the general 8098
operations fund created in section 3701.83 of the Revised Code. 8099
The fees shall be used solely to administer and enforce this 8100
chapter and rules adopted under it. Any fee required under this 8101
section that remains unpaid on the ninety-first day after the 8102
original invoice date shall be assessed an additional amount 8103
equal to ten per cent of the original fee. 8104

(C) The director shall issue a certificate in accordance 8105
with Chapter 4796. of the Revised Code to an applicant if either 8106
of the following applies: 8107

(1) The applicant holds a license or certificate in 8108
another state. 8109

(2) The applicant has satisfactory work experience, a 8110
government certification, or a private certification as 8111
described in that chapter as a radiation expert in a state that 8112
does not issue that certificate. 8113

Sec. 3769.03. The state racing commission shall prescribe 8114
the rules and conditions under which horse racing may be 8115
conducted and may issue, deny, suspend, diminish, or revoke 8116
permits to conduct horse racing as authorized by sections 8117
3769.01 to 3769.14 of the Revised Code. The commission may 8118
impose, in addition to any other penalty imposed by the 8119
commission, fines in an amount not to exceed ten thousand 8120

dollars on any permit holder or any other person who violates 8121
the rules or orders of the commission. The commission may 8122
prescribe the forms of wagering that are permissible, the number 8123
of races, the procedures on wagering, and the wagering 8124
information to be provided to the public. 8125

The commission may require totalizator equipment to 8126
display the amount of wagering in each wagering pool. The 8127
commission shall initiate safeguards as necessary to account for 8128
the amount of money wagered at each track in each wagering pool. 8129
It may require permit holders to install equipment that will 8130
provide a complete check and analysis of the functioning of any 8131
computers and require safeguards on their performance. The 8132
commission shall require all permit holders, except those 8133
holding state fair, county fair, or other fair permits, to 8134
provide a photographic recording, approved by the commission, of 8135
the entire running of all races conducted by the permit holder. 8136

The state racing commission may issue, deny, suspend, or 8137
revoke licenses to those persons engaged in racing and to those 8138
employees of permit holders as is in the public interest for the 8139
purpose of maintaining a proper control over horse-racing 8140
meetings. The commission, as is in the public interest for the 8141
purpose of maintaining proper control over horse-racing 8142
meetings, also may rule any person off a permit holder's 8143
premises. License fees shall include registration fees and shall 8144
be set by the commission. Each license issued by the commission, 8145
unless revoked for cause, shall be for the period of one year 8146
from the first day of January of the year in which it is issued, 8147
except as otherwise provided in section 3769.07 of the Revised 8148
Code. Applicants for licenses issued by the commission shall 8149
submit their fingerprints to the commission, and the commission 8150
may forward the fingerprints to the federal bureau of 8151

investigation or to any other agency, or to both, for 8152
examination. The commission shall issue a license to a person 8153
engaged in racing or an employee of a permit holder in 8154
accordance with Chapter 4796. of the Revised Code if that person 8155
or employee holds a license in another state, or that person or 8156
employee has satisfactory work experience, a government 8157
certification, or a private certification as described in that 8158
chapter in horse racing in a state that does not issue that 8159
license. 8160

There is hereby created in the state treasury the state 8161
racing commission operating fund. All license fees established 8162
and collected by the commission pursuant to this section, and 8163
the amounts specified in divisions (B) and (C) of section 8164
3769.08 and division (A) (5) of section 3769.087 of the Revised 8165
Code, shall be paid into the state treasury to the credit of the 8166
fund. Moneys in the fund shall be expended by the commission to 8167
defray its operating costs, salaries and expenses, and the cost 8168
of administering and enforcing this chapter. 8169

The commission may deny a permit to any permit holder that 8170
has defaulted in payments to the public, employees, or the 8171
horsemen and may deny a permit to any successor purchaser of a 8172
track for as long as any of those defaults have not been 8173
satisfied by either the seller or purchaser. 8174

The commission shall deny a permit to any permit holder 8175
that has defaulted in payments to the state or has defaulted in 8176
payments required under section 3769.089 or 3769.0810 of the 8177
Revised Code and shall deny a permit to any successor purchaser 8178
of a track for as long as those defaults have not been satisfied 8179
by either the seller or purchaser. 8180

Any violation of this chapter, of any rule of racing 8181

adopted by the commission, or of any law or rule with respect to 8182
racing in any jurisdiction shall be sufficient reason for a 8183
refusal to issue a license, or a suspension or revocation of any 8184
license issued, pursuant to this section. 8185

With respect to the issuance, denial, suspension, or 8186
revocation of a license to a participant in horse racing, the 8187
action of the commission shall be subject to Chapter 119. of the 8188
Revised Code. 8189

The commission may sue and be sued in its own name. Any 8190
action against the commission shall be brought in the court of 8191
common pleas of Franklin county. Any appeal from a determination 8192
or decision of the commission rendered in the exercise of its 8193
powers and duties under this chapter shall be brought in the 8194
court of common pleas of Franklin county. 8195

The commission, biennially, shall make a full report to 8196
the governor of its proceedings for the two-year period ending 8197
with the thirty-first day of December preceding the convening of 8198
the general assembly and shall include its recommendations in 8199
the report. The commission, semiannually, on the thirtieth day 8200
of June and on the thirty-first day of December of each year, 8201
shall make a report and accounting to the governor. 8202

Sec. 3772.13. (A) No person may be employed as a key 8203
employee of a casino operator, management company, or holding 8204
company unless the person is the holder of a valid key employee 8205
license issued by the commission. 8206

(B) No person may be employed as a key employee of a 8207
gaming-related vendor unless that person is either the holder of 8208
a valid key employee license issued by the commission, or the 8209
person, at least five business days prior to the first day of 8210

employment as a key employee, has filed a notification of 8211
employment with the commission and subsequently files a 8212
completed application for a key employee license within the 8213
first thirty days of employment as a key employee. 8214

(C) Each applicant shall, before the issuance of any key 8215
employee license, produce information, documentation, and 8216
assurances as are required by this chapter and rules adopted 8217
thereunder. In addition, each applicant shall, in writing, 8218
authorize the examination of all bank accounts and records as 8219
may be deemed necessary by the commission. 8220

(D) To be eligible for a key employee license, the 8221
applicant shall be at least twenty-one years of age and shall 8222
meet the criteria set forth by rule by the commission. 8223

(E) Each application for a key employee license shall be 8224
on a form prescribed by the commission and shall contain all 8225
information required by the commission. The applicant shall set 8226
forth in the application if the applicant has been issued prior 8227
gambling-related licenses; if the applicant has been licensed in 8228
any other state under any other name, and, if so, the name under 8229
which the license was issued and the applicant's age at the time 8230
the license was issued; any criminal conviction the applicant 8231
has had; and if a permit or license issued to the applicant in 8232
any other state has been suspended, restricted, or revoked, and, 8233
if so, the cause and the duration of each action. The applicant 8234
also shall complete a cover sheet for the application on which 8235
the applicant shall disclose the applicant's name, the business 8236
address of the casino operator, management company, holding 8237
company, or gaming-related vendor employing the applicant, the 8238
business address and telephone number of such employer, and the 8239
county, state, and country in which the applicant's residence is 8240

located. 8241

(F) Each applicant shall submit with each application, on 8242
a form provided by the commission, two sets of fingerprints and 8243
a photograph. The commission shall charge each applicant an 8244
application fee set by the commission to cover all actual costs 8245
generated by each licensee and all background checks under this 8246
section and section 3772.07 of the Revised Code. 8247

(G) (1) The casino operator, management company, or holding 8248
company by whom a person is employed as a key employee shall 8249
terminate the person's employment in any capacity requiring a 8250
license under this chapter and shall not in any manner permit 8251
the person to exercise a significant influence over the 8252
operation of a casino facility if: 8253

(a) The person does not apply for and receive a key 8254
employee license within three months of being issued a 8255
provisional license, as established under commission rule. 8256

(b) The person's application for a key employee license is 8257
denied by the commission. 8258

(c) The person's key employee license is revoked by the 8259
commission. 8260

The commission shall notify the casino operator, 8261
management company, or holding company who employs such a person 8262
by certified mail of any such finding, denial, or revocation. 8263

(2) A casino operator, management company, or holding 8264
company shall not pay to a person whose employment is terminated 8265
under division (G) (1) of this section, any remuneration for any 8266
services performed in any capacity in which the person is 8267
required to be licensed, except for amounts due for services 8268
rendered before notice was received under that division. A 8269

contract or other agreement for personal services or for the 8270
conduct of any casino gaming at a casino facility between a 8271
casino operator, management company, or holding company and a 8272
person whose employment is terminated under division (G) (1) of 8273
this section may be terminated by the casino operator, 8274
management company, or holding company without further liability 8275
on the part of the casino operator, management company, or 8276
holding company. Any such contract or other agreement is deemed 8277
to include a term authorizing its termination without further 8278
liability on the part of the casino operator, management 8279
company, or holding company upon receiving notice under division 8280
(G) (1) of this section. That a contract or other agreement does 8281
not expressly include such a term is not a defense in any action 8282
brought to terminate the contract or other agreement, and is not 8283
grounds for relief in any action brought questioning termination 8284
of the contract or other agreement. 8285

(3) A casino operator, management company, or holding 8286
company, without having obtained the prior approval of the 8287
commission, shall not enter into any contract or other agreement 8288
with a person who has been found unsuitable, who has been denied 8289
a license, or whose license has been revoked under division (G) 8290
(1) of this section, or with any business enterprise under the 8291
control of such a person, after the date on which the casino 8292
operator, management company, or holding company receives notice 8293
under that division. 8294

(H) Notwithstanding the requirements for a license under 8295
this section, the commission shall issue a key employee license 8296
in accordance with Chapter 4796. of the Revised Code to an 8297
applicant if either of the following applies: 8298

(1) The applicant holds a license in another state. 8299

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a key employee of a casino operator, management company, or holding company in a state that does not issue that license.

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

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

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

(3) Individuals involved in operating casino games;

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

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

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

(B) The commission may issue a casino gaming employee license to an applicant after it has determined that the applicant is eligible for a license under rules adopted by the

commission and paid any applicable fee. All applications shall 8328
be made under oath. 8329

(C) To be eligible for a casino gaming employee license, 8330
an applicant shall be at least twenty-one years of age. 8331

(D) Each application for a casino gaming employee license 8332
shall be on a form prescribed by the commission and shall 8333
contain all information required by the commission. The 8334
applicant shall set forth in the application if the applicant 8335
has been issued prior gambling-related licenses; if the 8336
applicant has been licensed in any other state under any other 8337
name, and, if so, the name under which the license was issued 8338
and the applicant's age at the time the license was issued; any 8339
criminal conviction the applicant has had; and if a permit or 8340
license issued to the applicant in any other state has been 8341
suspended, restricted, or revoked, and, if so, the cause and the 8342
duration of each action. 8343

(E) Each applicant shall submit with each application, on 8344
a form provided by the commission, two sets of the applicant's 8345
fingerprints and a photograph. The commission shall charge each 8346
applicant an application fee to cover all actual costs generated 8347
by each licensee and all background checks. 8348

(F) Notwithstanding the requirements for a license under 8349
this section, the commission shall issue a casino gaming 8350
employee license in accordance with Chapter 4796. of the Revised 8351
Code to an applicant if either of the following applies: 8352

(1) The applicant holds a license in another state. 8353

(2) The applicant has satisfactory work experience, a 8354
government certification, or a private certification as 8355
described in that chapter as a casino gaming employee in a state 8356

that does not issue that license. 8357

Sec. 3773.36. (A) Upon the proper filing of an application 8358
to conduct any public or private competition that involves 8359
boxing, mixed martial arts, kick boxing, tough man contests, 8360
tough guy contests, or any other form of boxing or martial arts, 8361
accompanied by the surety bond and the application fee, or upon 8362
the proper filing of an application to conduct any public or 8363
private competition that involves wrestling accompanied by the 8364
application fee, the Ohio athletic commission shall issue a 8365
promoter's license to the applicant if it finds that the 8366
applicant is not in default on any payment, obligation, or debt 8367
payable to the state under sections 3773.31 to 3773.57 of the 8368
Revised Code, is financially responsible, and is knowledgeable 8369
in the proper conduct of such matches or exhibitions. 8370

(B) Notwithstanding the requirements for a license under 8371
division (A) of this section, the commission shall issue a 8372
promoter's license in accordance with Chapter 4796. of the 8373
Revised Code to an applicant if either of the following applies: 8374

(1) The applicant holds a license in another state. 8375

(2) The applicant has satisfactory work experience, a 8376
government certification, or a private certification as 8377
described in that chapter as a promoter in a state that does not 8378
issue that license. 8379

(C) Each license issued pursuant to this section shall 8380
bear the name of the licensee, the post office address of the 8381
licensee, the date of expiration, an identification number 8382
designated by the commission, and the seal of the commission. 8383

(D) A promoter's license shall expire twelve months after 8384
its date of issuance and shall become invalid on that date 8385

unless renewed. A promoter's license may be renewed upon 8386
application to the commission and upon payment of the renewal 8387
fee prescribed in section 3773.43 of the Revised Code. The 8388
commission shall renew the license unless it denies the 8389
application for renewal for one or more reasons stated in 8390
section 3123.47 or 3773.53 of the Revised Code. 8391

Sec. 3773.421. ~~A member of the~~ The Ohio athletic 8392
~~commission may grant~~ shall issue a referee's, judge's, 8393
matchmaker's, timekeeper's, manager's, trainer's, contestant's, 8394
or second's license at any time prior to the beginning of a 8395
public boxing match or exhibition in accordance with Chapter 8396
4796. of the Revised Code to an applicant ~~from~~ if either of the 8397
following applies: 8398

(A) The applicant holds a license in another state ~~who~~ 8399
~~wishes to participate as specified in section 3773.41 of the~~ 8400
~~Revised Code and who furnishes satisfactory proof to the member~~ 8401
~~that the applicant holds a license that is not under suspension,~~ 8402
~~revocation, or other disciplinary action, if the license was~~ 8403
~~issued by an agency that is similar to the commission, is a~~ 8404
~~member of the association of boxing commissions, and has~~ 8405
~~licensing requirements that are at least as stringent as those~~ 8406
~~established by the commission.~~ 8407

(B) The applicant has satisfactory work experience, a 8408
government certification, or a private certification as 8409
described in that chapter as a referee, judge, matchmaker, 8410
timekeeper, manager, trainer, contestant, or second in a state 8411
that does not issue that license. 8412

Sec. 3781.10. (A) (1) The board of building standards shall 8413
formulate and adopt rules governing the erection, construction, 8414
repair, alteration, and maintenance of all buildings or classes 8415

of buildings specified in section 3781.06 of the Revised Code, 8416
including land area incidental to those buildings, the 8417
construction of industrialized units, the installation of 8418
equipment, and the standards or requirements for materials used 8419
in connection with those buildings. The board shall incorporate 8420
those rules into separate residential and nonresidential 8421
building codes. The standards shall relate to the conservation 8422
of energy and the safety and sanitation of those buildings. 8423

(2) The rules governing nonresidential buildings are the 8424
lawful minimum requirements specified for those buildings and 8425
industrialized units, except that no rule other than as provided 8426
in division (C) of section 3781.108 of the Revised Code that 8427
specifies a higher requirement than is imposed by any section of 8428
the Revised Code is enforceable. The rules governing residential 8429
buildings are uniform requirements for residential buildings in 8430
any area with a building department certified to enforce the 8431
state residential building code. In no case shall any local code 8432
or regulation differ from the state residential building code 8433
unless that code or regulation addresses subject matter not 8434
addressed by the state residential building code or is adopted 8435
pursuant to section 3781.01 of the Revised Code. 8436

(3) The rules adopted pursuant to this section are 8437
complete, lawful alternatives to any requirements specified for 8438
buildings or industrialized units in any section of the Revised 8439
Code. Except as otherwise provided in division (I) of this 8440
section, the board shall, on its own motion or on application 8441
made under sections 3781.12 and 3781.13 of the Revised Code, 8442
formulate, propose, adopt, modify, amend, or repeal the rules to 8443
the extent necessary or desirable to effectuate the purposes of 8444
sections 3781.06 to 3781.18 of the Revised Code. 8445

(B) The board shall report to the general assembly 8446
proposals for amendments to existing statutes relating to the 8447
purposes declared in section 3781.06 of the Revised Code that 8448
public health and safety and the development of the arts require 8449
and shall recommend any additional legislation to assist in 8450
carrying out fully, in statutory form, the purposes declared in 8451
that section. The board shall prepare and submit to the general 8452
assembly a summary report of the number, nature, and disposition 8453
of the petitions filed under sections 3781.13 and 3781.14 of the 8454
Revised Code. 8455

(C) On its own motion or on application made under 8456
sections 3781.12 and 3781.13 of the Revised Code, and after 8457
thorough testing and evaluation, the board shall determine by 8458
rule that any particular fixture, device, material, process of 8459
manufacture, manufactured unit or component, method of 8460
manufacture, system, or method of construction complies with 8461
performance standards adopted pursuant to section 3781.11 of the 8462
Revised Code. The board shall make its determination with regard 8463
to adaptability for safe and sanitary erection, use, or 8464
construction, to that described in any section of the Revised 8465
Code, wherever the use of a fixture, device, material, method of 8466
manufacture, system, or method of construction described in that 8467
section of the Revised Code is permitted by law. The board shall 8468
amend or annul any rule or issue an authorization for the use of 8469
a new material or manufactured unit on any like application. No 8470
department, officer, board, or commission of the state other 8471
than the board of building standards or the board of building 8472
appeals shall permit the use of any fixture, device, material, 8473
method of manufacture, newly designed product, system, or method 8474
of construction at variance with what is described in any rule 8475
the board of building standards adopts or issues or that is 8476

authorized by any section of the Revised Code. Nothing in this 8477
section shall be construed as requiring approval, by rule, of 8478
plans for an industrialized unit that conforms with the rules 8479
the board of building standards adopts pursuant to section 8480
3781.11 of the Revised Code. 8481

(D) The board shall recommend rules, codes, and standards 8482
to help carry out the purposes of section 3781.06 of the Revised 8483
Code and to help secure uniformity of state administrative 8484
rulings and local legislation and administrative action to the 8485
bureau of workers' compensation, the director of commerce, any 8486
other department, officer, board, or commission of the state, 8487
and to legislative authorities and building departments of 8488
counties, townships, and municipal corporations, and shall 8489
recommend that they audit those recommended rules, codes, and 8490
standards by any appropriate action that they are allowed 8491
pursuant to law or the constitution. 8492

(E) (1) The board shall certify municipal, township, and 8493
county building departments, the personnel of those building 8494
departments, persons described in division (E) (7) of this 8495
section, and employees of individuals, firms, the state, or 8496
corporations described in division (E) (7) of this section to 8497
exercise enforcement authority, to accept and approve plans and 8498
specifications, and to make inspections, pursuant to sections 8499
3781.03, 3791.04, and 4104.43 of the Revised Code. 8500

(2) The board shall certify departments, personnel, and 8501
persons to enforce the state residential building code, to 8502
enforce the nonresidential building code, or to enforce both the 8503
residential and the nonresidential building codes. Any 8504
department, personnel, or person may enforce only the type of 8505
building code for which certified. 8506

(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, 8538
forfeit certification. 8539

(6) This division does not require or authorize the board 8540
to certify personnel of municipal, township, and county building 8541
departments, and persons and employees of persons, firms, or 8542
corporations as described in this section, whose 8543
responsibilities do not include the exercise of enforcement 8544
authority, the approval of plans and specifications, or making 8545
inspections under the state residential and nonresidential 8546
building codes. 8547

(7) Enforcement authority for approval of plans and 8548
specifications and enforcement authority for inspections may be 8549
exercised, and plans and specifications may be approved and 8550
inspections may be made on behalf of a municipal corporation, 8551
township, or county, by any of the following who the board of 8552
building standards certifies: 8553

(a) Officers or employees of the municipal corporation, 8554
township, or county; 8555

(b) Persons, or employees of persons, firms, or 8556
corporations, pursuant to a contract to furnish architectural, 8557
engineering, or other services to the municipal corporation, 8558
township, or county; 8559

(c) Officers or employees of, and persons under contract 8560
with, a municipal corporation, township, county, health 8561
district, or other political subdivision, pursuant to a contract 8562
to furnish architectural, engineering, or other services; 8563

(d) Officers or employees of the division of industrial 8564
compliance in the department of commerce pursuant to a contract 8565
authorized by division (B) of section 121.083 of the Revised 8566

Code. 8567

(8) Municipal, township, and county building departments 8568
have jurisdiction within the meaning of sections 3781.03, 8569
3791.04, and 4104.43 of the Revised Code, only with respect to 8570
the types of buildings and subject matters for which they are 8571
certified under this section. 8572

(9) A certified municipal, township, or county building 8573
department may exercise enforcement authority, accept and 8574
approve plans and specifications, and make inspections pursuant 8575
to sections 3781.03, 3791.04, and 4104.43 of the Revised Code 8576
for a park district created pursuant to Chapter 1545. of the 8577
Revised Code upon the approval, by resolution, of the board of 8578
park commissioners of the park district requesting the 8579
department to exercise that authority and conduct those 8580
activities, as applicable. 8581

(10) Certification shall be granted upon application by 8582
the municipal corporation, the board of township trustees, or 8583
the board of county commissioners and approval of that 8584
application by the board of building standards. The application 8585
shall set forth: 8586

(a) Whether the certification is requested for residential 8587
or nonresidential buildings, or both; 8588

(b) The number and qualifications of the staff composing 8589
the building department; 8590

(c) The names, addresses, and qualifications of persons, 8591
firms, or corporations contracting to furnish work or services 8592
pursuant to division (E) (7) (b) of this section; 8593

(d) The names of any other municipal corporation, 8594
township, county, health district, or political subdivision 8595

under contract to furnish work or services pursuant to division 8596
(E) (7) of this section; 8597

(e) The proposed budget for the operation of the building 8598
department. 8599

(11) The board of building standards shall adopt rules 8600
governing all of the following: 8601

(a) The certification of building department personnel and 8602
persons and employees of persons, firms, or corporations 8603
exercising authority pursuant to division (E) (7) of this 8604
section. The rules shall disqualify any employee of the 8605
department or person who contracts for services with the 8606
department from performing services for the department when that 8607
employee or person would have to pass upon, inspect, or 8608
otherwise exercise authority over any labor, material, or 8609
equipment the employee or person furnishes for the construction, 8610
alteration, or maintenance of a building or the preparation of 8611
working drawings or specifications for work within the 8612
jurisdictional area of the department. The department shall 8613
provide other similarly qualified personnel to enforce the 8614
residential and nonresidential building codes as they pertain to 8615
that work. 8616

(b) The minimum services to be provided by a certified 8617
building department. 8618

(12) The board of building standards may revoke or suspend 8619
certification to enforce the residential and nonresidential 8620
building codes, on petition to the board by any person affected 8621
by that enforcement or approval of plans, or by the board on its 8622
own motion. Hearings shall be held and appeals permitted on any 8623
proceedings for certification or revocation or suspension of 8624

certification in the same manner as provided in section 3781.101 8625
of the Revised Code for other proceedings of the board of 8626
building standards. 8627

(13) Upon certification, and until that authority is 8628
revoked, any county or township building department shall 8629
enforce the residential and nonresidential building codes for 8630
which it is certified without regard to limitation upon the 8631
authority of boards of county commissioners under Chapter 307. 8632
of the Revised Code or boards of township trustees under Chapter 8633
505. of the Revised Code. 8634

(14) The board shall certify a person to exercise 8635
enforcement authority, to accept and approve plans and 8636
specifications, or to make inspections in this state in 8637
accordance with Chapter 4796. of the Revised Code if either of 8638
the following applies: 8639

(a) The person holds a license or certificate in another 8640
state. 8641

(b) The person has satisfactory work experience, a 8642
government certification, or a private certification as 8643
described in that chapter in the same profession, occupation, or 8644
occupational activity as the profession, occupation, or 8645
occupational activity for which the certificate is required in 8646
this state in a state that does not issue that license or 8647
certificate. 8648

(F) In addition to hearings sections 3781.06 to 3781.18 8649
and 3791.04 of the Revised Code require, the board of building 8650
standards shall make investigations and tests, and require from 8651
other state departments, officers, boards, and commissions 8652
information the board considers necessary or desirable to assist 8653

it in the discharge of any duty or the exercise of any power 8654
mentioned in this section or in sections 3781.06 to 3781.18, 8655
3791.04, and 4104.43 of the Revised Code. 8656

(G) The board shall adopt rules and establish reasonable 8657
fees for the review of all applications submitted where the 8658
applicant applies for authority to use a new material, assembly, 8659
or product of a manufacturing process. The fee shall bear some 8660
reasonable relationship to the cost of the review or testing of 8661
the materials, assembly, or products and for the notification of 8662
approval or disapproval as provided in section 3781.12 of the 8663
Revised Code. 8664

(H) The residential construction advisory committee shall 8665
provide the board with a proposal for a state residential 8666
building code that the committee recommends pursuant to division 8667
(D) (1) of section 4740.14 of the Revised Code. Upon receiving a 8668
recommendation from the committee that is acceptable to the 8669
board, the board shall adopt rules establishing that code as the 8670
state residential building code. 8671

(I) (1) The committee may provide the board with proposed 8672
rules to update or amend the state residential building code 8673
that the committee recommends pursuant to division (E) of 8674
section 4740.14 of the Revised Code. 8675

(2) If the board receives a proposed rule to update or 8676
amend the state residential building code as provided in 8677
division (I) (1) of this section, the board either may accept or 8678
reject the proposed rule for incorporation into the residential 8679
building code. If the board does not act to either accept or 8680
reject the proposed rule within ninety days after receiving the 8681
proposed rule from the committee as described in division (I) (1) 8682
of this section, the proposed rule shall become part of the 8683

residential building code. 8684

(J) The board shall cooperate with the director of job and 8685
family services when the director promulgates rules pursuant to 8686
section 5104.05 of the Revised Code regarding safety and 8687
sanitation in type A family day-care homes. 8688

(K) The board shall adopt rules to implement the 8689
requirements of section 3781.108 of the Revised Code. 8690

Sec. 3781.102. (A) Any county or municipal building 8691
department certified pursuant to division (E) of section 3781.10 8692
of the Revised Code as of September 14, 1970, and that, as of 8693
that date, was inspecting single-family, two-family, and three- 8694
family residences, and any township building department 8695
certified pursuant to division (E) of section 3781.10 of the 8696
Revised Code, is hereby declared to be certified to inspect 8697
single-family, two-family, and three-family residences 8698
containing industrialized units, and shall inspect the buildings 8699
or classes of buildings subject to division (E) of section 8700
3781.10 of the Revised Code. 8701

(B) Each board of county commissioners may adopt, by 8702
resolution, rules establishing standards and providing for the 8703
licensing of electrical and heating, ventilating, and air 8704
conditioning contractors who are not required to hold a valid 8705
and unexpired license pursuant to Chapter 4740. of the Revised 8706
Code. 8707

Rules adopted by a board of county commissioners pursuant 8708
to this division may be enforced within the unincorporated areas 8709
of the county and within any municipal corporation where the 8710
legislative authority of the municipal corporation has 8711
contracted with the board for the enforcement of the county 8712

rules within the municipal corporation pursuant to section 8713
307.15 of the Revised Code. The rules shall not conflict with 8714
rules adopted by the board of building standards pursuant to 8715
section 3781.10 of the Revised Code or by the department of 8716
commerce pursuant to Chapter 3703. of the Revised Code. This 8717
division does not impair or restrict the power of municipal 8718
corporations under Section 3 of Article XVIII, Ohio 8719
Constitution, to adopt rules concerning the erection, 8720
construction, repair, alteration, and maintenance of buildings 8721
and structures or of establishing standards and providing for 8722
the licensing of specialty contractors pursuant to section 8723
715.27 of the Revised Code. 8724

A board of county commissioners, pursuant to this 8725
division, may require all electrical contractors and heating, 8726
ventilating, and air conditioning contractors, other than those 8727
who hold a valid and unexpired license issued pursuant to 8728
Chapter 4740. of the Revised Code, to successfully complete an 8729
examination, test, or demonstration of technical skills, and may 8730
impose a fee and additional requirements for a license to engage 8731
in their respective occupations within the jurisdiction of the 8732
board's rules under this division. 8733

(C) No board of county commissioners shall require any 8734
specialty contractor who holds a valid and unexpired license 8735
issued pursuant to Chapter 4740. of the Revised Code to 8736
successfully complete an examination, test, or demonstration of 8737
technical skills in order to engage in the type of contracting 8738
for which the license is held, within the unincorporated areas 8739
of the county and within any municipal corporation whose 8740
legislative authority has contracted with the board for the 8741
enforcement of county regulations within the municipal 8742
corporation, pursuant to section 307.15 of the Revised Code. 8743

(D) A board may impose a fee for registration of a specialty contractor who holds a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code before that specialty contractor may engage in the type of contracting for which the license is held within the unincorporated areas of the county and within any municipal corporation whose legislative authority has contracted with the board for the enforcement of county regulations within the municipal corporation, pursuant to section 307.15 of the Revised Code, provided that the fee is the same for all specialty contractors who wish to engage in that type of contracting. If a board imposes such a fee, the board immediately shall permit a specialty contractor who presents proof of holding a valid and unexpired license and pays the required fee to engage in the type of contracting for which the license is held within the unincorporated areas of the county and within any municipal corporation whose legislative authority has contracted with the board for the enforcement of county regulations within the municipal corporation, pursuant to section 307.15 of the Revised Code.

(E) The political subdivision associated with each municipal, township, and county building department the board of building standards certifies pursuant to division (E) of section 3781.10 of the Revised Code may prescribe fees to be paid by persons, political subdivisions, or any department, agency, board, commission, or institution of the state, for the acceptance and approval of plans and specifications, and for the making of inspections, pursuant to sections 3781.03 and 3791.04 of the Revised Code.

(F) Each political subdivision that prescribes fees pursuant to division (E) of this section shall collect, on behalf of the board of building standards, fees equal to the

following: 8775

(1) Three per cent of the fees the political subdivision 8776
collects in connection with nonresidential buildings; 8777

(2) One per cent of the fees the political subdivision 8778
collects in connection with residential buildings. 8779

(G) (1) The board shall adopt rules, in accordance with 8780
Chapter 119. of the Revised Code, specifying the manner in which 8781
the fee assessed pursuant to division (F) of this section shall 8782
be collected and remitted monthly to the board. The board shall 8783
pay the fees into the state treasury to the credit of the 8784
industrial compliance operating fund created in section 121.084 8785
of the Revised Code. 8786

(2) All money credited to the industrial compliance 8787
operating fund under this division shall be used exclusively for 8788
the following: 8789

(a) Operating costs of the board; 8790

(b) Providing services, including educational programs, 8791
for the building departments that are certified by the board 8792
pursuant to division (E) of section 3781.10 of the Revised Code; 8793

(c) Paying the expenses of the residential construction 8794
advisory committee, including the expenses of committee members 8795
as provided in section 4740.14 of the Revised Code. 8796

(H) A board of county commissioners that adopts rules 8797
providing for the licensing of electrical and heating, 8798
ventilating, and air conditioning contractors, pursuant to 8799
division (B) of this section, may accept, for purposes of 8800
satisfying the requirements of rules adopted under that 8801
division, a valid and unexpired license issued pursuant to 8802

Chapter 4740. of the Revised Code that is held by an electrical 8803
or heating, ventilating, and air conditioning contractor, for 8804
the construction, replacement, maintenance, or repair of one- 8805
family, two-family, or three-family dwelling houses or accessory 8806
structures incidental to those dwelling houses. 8807

(I) A board of county commissioners shall not register a 8808
specialty contractor who is required to hold a license under 8809
Chapter 4740. of the Revised Code but does not hold a valid 8810
license issued under that chapter. 8811

(J) If a board of county commissioners regulates a 8812
profession, occupation, or occupational activity under this 8813
section, the board shall comply with Chapter 4796. of the 8814
Revised Code. 8815

(K) As used in this section, "specialty contractor" means 8816
a heating, ventilating, and air conditioning contractor, 8817
refrigeration contractor, electrical contractor, plumbing 8818
contractor, or hydronics contractor, as those contractors are 8819
described in Chapter 4740. of the Revised Code. 8820

Sec. 3781.105. (A) The board of building standards shall 8821
certify individuals who design fire protection systems for 8822
buildings and who meet the requirements specified in this 8823
section. The board may establish separate certification 8824
categories for specific types of fire protection systems. 8825

(B) Any individual who wishes to obtain certification 8826
shall make application to the board on a form prescribed by the 8827
board. The application shall be accompanied by an application 8828
fee and an initial certification fee. The initial certification 8829
fee shall be refunded if the applicant fails to obtain 8830
certification. Certification may be renewed annually upon 8831

payment of a renewal fee. 8832

Fees required to be paid under this division shall be 8833
established by rule adopted by the board. The application fee 8834
shall bear a reasonable relationship to processing the 8835
individual's application, the certification fee shall bear a 8836
reasonable relationship to certifying the individual, and the 8837
certification renewal fee shall bear a reasonable relationship 8838
to renewing the individual's certification. 8839

(C) Each applicant shall submit evidence satisfactory to 8840
the board that the applicant has directly engaged in designing 8841
and preparing drawings for the category of the type of fire 8842
protection system for which the applicant seeks certification. 8843

(D) The board shall certify any qualified applicant who 8844
passes an examination prescribed either by the board or by the 8845
national institute for certification in engineering 8846
technologies. The examination shall demonstrate the applicant's 8847
knowledge and understanding of the category of the type of fire 8848
protection system for which the applicant seeks certification. 8849

(E) The board, after a hearing in accordance with Chapter 8850
119. of the Revised Code, may suspend or revoke any category of 8851
certification of any individual who proves at any time to be 8852
incompetent to submit and certify plans and specifications for 8853
that category to the appropriate building department under 8854
section 3791.04 of the Revised Code, and may suspend or revoke 8855
all categories of certification of any individual who engages in 8856
any illegal or fraudulent acts in connection with the design of 8857
fire protection systems. 8858

~~(H)~~ (F) The board may adopt rules in accordance with 8859
Chapter 119. of the Revised Code for the administration and 8860

enforcement of this section. 8861

(G) Notwithstanding any other provision of this section to 8862
the contrary, the board shall certify an applicant in accordance 8863
with Chapter 4796. of the Revised Code if either of the 8864
following applies: 8865

(1) The applicant is licensed or certified in another 8866
state. 8867

(2) The applicant has satisfactory work experience, a 8868
government certification, or a private certification as 8869
described in that chapter as a designer of fire protection 8870
systems in a state that does not issue that license or 8871
certificate. 8872

Sec. 3916.03. (A) An Except as provided in division (H) of 8873
this section, an applicant for a license as a viatical 8874
settlement provider or viatical settlement broker shall submit 8875
an application for the license in a manner prescribed by the 8876
superintendent of insurance. The application shall be 8877
accompanied by a fee established by the superintendent by rule 8878
adopted in accordance with Chapter 119. of the Revised Code. 8879

(B) A license issued under this chapter to a person other 8880
than an individual authorizes all partners, officers, members, 8881
or designated employees of the person to act as viatical 8882
settlement providers or viatical settlement brokers, as 8883
applicable, and all those partners, officers, members, or 8884
designated employees shall be named in the application and any 8885
supplements to the application. 8886

(C) Upon Except as provided in division (H) of this 8887
section, upon the filing of an application under this section 8888
and the payment of the license fee, the superintendent shall 8889

make an investigation of the applicant and issue to the 8890
applicant a license that states in substance that the person is 8891
authorized to act as a viatical settlement provider or viatical 8892
settlement broker, as applicable, if all of the following apply: 8893

(1) Regarding an application for a license as a viatical 8894
settlement provider, the applicant provides all of the 8895
following: 8896

(a) A detailed plan of operation; 8897

(b) Proof of financial responsibility pursuant to division 8898
(D) of this section; 8899

(c) A general description of the method the applicant will 8900
use to determine life expectancies, including a description of 8901
the applicant's intended receipt of life expectancies, the 8902
applicant's intended use of life expectancies, the applicant's 8903
intended use of life expectancy providers, and a written plan of 8904
policies and procedures used to determine life expectancies. 8905

(2) The superintendent finds all of the following: 8906

(a) The applicant is competent and trustworthy and intends 8907
to act in good faith in the capacity of a viatical settlement 8908
provider or viatical settlement broker, as applicable. 8909

(b) The applicant has a good business reputation and has 8910
had experience, training, or education so as to be qualified to 8911
act in the capacity of a viatical settlement provider or 8912
viatical settlement broker, as applicable. 8913

(3) If the applicant is a person other than an individual, 8914
the applicant provides a certificate of good standing from the 8915
state of its organization. 8916

(4) The applicant provides an antifraud plan that meets 8917

the requirements of division (G) of section 3916.18 of the Revised Code. 8918
8919

(D) (1) An applicant for licensure as a viatical settlement provider may provide proof of financial responsibility through one of the following means: 8920
8921
8922

(a) Submitting audited financial statements that show a minimum equity of not less than two hundred fifty thousand dollars in cash or cash equivalents; 8923
8924
8925

(b) Submitting both audited annual financial statements that show positive equity and either of the following: 8926
8927

(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; 8928
8929
8930

(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. 8931
8932
8933

~~(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.~~ 8934
8935
8936
8937

~~(3) The superintendent may request proof of financial responsibility at any time the superintendent considers necessary.~~ 8938
8939
8940

(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 8941
8942
8943
8944
8945

to issue a license to an applicant that is not an individual if 8946
the superintendent is not satisfied that each officer, employee, 8947
shareholder, partner, or member who may materially influence the 8948
applicant's conduct meets the standards set forth in this 8949
chapter. 8950

(F) Except as otherwise provided in this division, a 8951
license as a viatical settlement provider or viatical settlement 8952
broker expires on the last day of March next after its issuance 8953
or continuance. A license as a viatical settlement provider or 8954
viatical settlement broker may, in the discretion of the 8955
superintendent and the payment of an annual renewal fee 8956
established by the superintendent by rule adopted in accordance 8957
with Chapter 119. of the Revised Code, be continued past the 8958
last day of March next after its issue and after the last day of 8959
March in each succeeding year. Failure to pay the renewal fee by 8960
the required date results in the expiration of the license. 8961

(G) Any individual licensed as a viatical settlement 8962
broker shall complete not less than fifteen hours of continuing 8963
education biennially. The superintendent shall approve 8964
continuing education courses that shall be related to viatical 8965
settlements and viatical settlement transactions. The 8966
superintendent shall adopt rules for the enforcement of this 8967
division. 8968

(H) The superintendent shall ~~not~~ issue a license to a 8969
nonresident an applicant who is licensed in another state or has 8970
satisfactory work experience, a government certification, or a 8971
private certification as described in Chapter 4796. of the 8972
Revised Code as a viatical settlement provider or viatical 8973
settlement broker in a state that does not issue that license in 8974
accordance with that chapter, ~~unless~~ if either of the following 8975

applies: 8976

(1) The applicant files and maintains a written 8977
designation of an agent for service of process with the 8978
superintendent. 8979

(2) The applicant has filed with the superintendent the 8980
applicant's written irrevocable consent that any action against 8981
the applicant may be commenced against the applicant by service 8982
of process on the superintendent. 8983

(I) A viatical settlement provider or viatical settlement 8984
broker shall provide to the superintendent new or revised 8985
information regarding any change in its officers, any 8986
shareholder owning ten per cent or more of its voting 8987
securities, or its partners, directors, members, or designated 8988
employees within thirty days of the change. 8989

(J) Any fee collected under this section shall be paid 8990
into the state treasury to the credit of the department of 8991
insurance operating fund created by section 3901.021 of the 8992
Revised Code. 8993

Sec. 3951.03. (A) Before any certificate of authority 8994
shall be issued by the superintendent of insurance there shall 8995
be filed in ~~his~~ the superintendent's office a written 8996
application therefor. Such application shall be in the form or 8997
forms and supplements thereto prescribed by the superintendent 8998
and shall set forth: 8999

~~(A)~~ (1) The name and address of the applicant, and if the 9000
applicant be a firm, association, or partnership, the name and 9001
address of each member thereof, and if the applicant be a 9002
corporation, the name and address of each of its officers and 9003
directors; 9004

~~(B)~~ (2) Whether any license or certificate of authority as 9005
agent, broker, or public insurance adjuster has been issued 9006
previously by the superintendent of this state or by the 9007
insurance department of any state to the individual applicant, 9008
and, if the applicant be an individual, whether any such 9009
certificate has been issued previously to any firm, association, 9010
or partnership of which ~~he~~ the individual was or is an officer 9011
or director, and, if the applicant be a firm, association, or 9012
partnership, whether any such certificate has been issued 9013
previously to any member thereof, and, if the applicant be a 9014
corporation, whether any such certificate has been issued 9015
previously to any officer or director of such corporation; 9016

~~(C)~~ (3) The business or employment in which the applicant 9017
has been engaged for the five years next preceding the date of 9018
the application, and the name and address of such business and 9019
the name or names and addresses of his employer or employers; 9020

~~(D)~~ (4) Such information as the superintendent may require 9021
of applicants in order to determine their trustworthiness and 9022
competency to transact the business of public insurance 9023
adjusters, in such manner as to safeguard the interest of the 9024
public; 9025

~~(E)~~ The (B) Except as provided in division (C) of this 9026
section, the superintendent shall issue a public insurance 9027
adjuster agent certificate to a person, who is a bona fide 9028
employee of a public insurance adjuster without examination, 9029
provided said application is made by a person, partnership, 9030
association, or corporation engaged in the public insurance 9031
adjusting business. The fee to be paid by the applicant for such 9032
a license at the time the application is made, and annually 9033
thereafter for the renewal thereof according to the standard 9034

renewal procedure of sections 4745.01 to 4745.03, inclusive, of 9035
the Revised Code, shall be fifty dollars, and such applicant 9036
shall be bonded in the amount of one thousand dollars as 9037
provided for in division (D) of section 3951.06 of the Revised 9038
Code. 9039

(C) The superintendent shall issue a public insurance 9040
adjuster agent certificate in accordance with Chapter 4796. of 9041
the Revised Code to an applicant if either of the following 9042
applies: 9043

(1) The applicant holds a license or certificate in 9044
another state. 9045

(2) The applicant has satisfactory work experience, a 9046
government certification, or a private certification as 9047
described in that chapter as a public insurance adjuster agent 9048
in a state that does not issue that license or certificate. 9049

(D) An application for any certificate of authority shall 9050
be signed and verified under oath by the applicant and, if made 9051
by a firm, association, partnership, or corporation, by each 9052
member or officer and director thereof to be authorized thereby 9053
to act as a public insurance adjuster. 9054

Sec. 3951.05. The superintendent of insurance shall, in 9055
order to determine the trustworthiness and competency of any 9056
applicant for a certificate of authority to act as a public 9057
insurance adjuster, require such applicant or in the case of a 9058
firm, association, partnership, or corporation, such of its 9059
employees, members, officers, or directors, who are to be 9060
individually authorized to act under its certificate of 9061
authority, to submit to a written examination, ~~except applicants~~ 9062
~~who are granted a waiver of examination in accordance with~~ 9063

~~section 3951.09 of the Revised Code.~~ Examinations shall be held 9064
in such place in this state and at such time as the 9065
superintendent may designate. 9066

Sec. 3951.09. ~~The superintendent may waive the requirement~~ 9067
~~that an applicant submit to an examination to obtain of~~ 9068
insurance shall issue a certificate of authority under this 9069
~~chapter, provided that the applicant is licensed as a public~~ 9070
~~insurance adjuster in another state that required the applicant~~ 9071
~~to submit to an examination as a condition of licensure. Prior~~ 9072
~~to waiving the examination requirement with respect to a public~~ 9073
~~insurance adjuster licensed in another state, the superintendent~~ 9074
~~shall issue a notice at least sixty days prior to the effective~~ 9075
~~date of the waiver identifying the applicant's other state of~~ 9076
~~licensure. The notice shall be issued in a manner deemed~~ 9077
~~appropriate by the superintendent. Once the superintendent has~~ 9078
~~issued a notice under this section identifying an applicant's~~ 9079
~~other state of licensure, the superintendent need not issue~~ 9080
~~subsequent notices as to applicants licensed in the same state~~ 9081
~~in order to waive the examination requirement for those~~ 9082
applicants in accordance with Chapter 4796. of the Revised Code 9083
to an applicant if either of the following applies: 9084

(A) The applicant holds a license or certificate in 9085
another state. 9086

(B) The applicant has satisfactory work experience, a 9087
government certification, or a private certification as 9088
described in Chapter 4796. of the Revised Code as a public 9089
insurance adjuster in a state that does not issue that license 9090
or certificate. 9091

Sec. 4104.07. (A) ~~An~~ Except as provided in division (E) of 9092
this section, an application for examination as an inspector of 9093

boilers and pressure vessels shall be in writing, accompanied by 9094
a fee of one hundred fifty dollars, upon a blank to be furnished 9095
by the superintendent of industrial compliance. Any moneys 9096
collected under this section shall be paid into the state 9097
treasury to the credit of the industrial compliance operating 9098
fund created in section 121.084 of the Revised Code. 9099

(B) The superintendent shall determine if an applicant 9100
meets all the requirements for examination in accordance with 9101
rules adopted by the board of building standards under section 9102
4104.02 of the Revised Code. An application shall be rejected 9103
which contains any willful falsification, or untruthful 9104
statements. 9105

(C) An applicant shall be examined by the superintendent, 9106
by a written examination, prescribed by the board, dealing with 9107
the construction, installation, operation, maintenance, and 9108
repair of boilers and pressure vessels and their appurtenances, 9109
and the applicant shall be accepted or rejected on the merits of 9110
the applicant's application and examination. 9111

(D) Upon a favorable report by the superintendent of the 9112
result of an examination, the superintendent shall immediately 9113
issue to the successful applicant a certificate of competency to 9114
that effect. 9115

(E) The superintendent shall issue a certificate of 9116
competency in accordance with Chapter 4796. of the Revised Code 9117
to an applicant if either of the following applies: 9118

(1) The applicant holds a license or certificate in 9119
another state. 9120

(2) The applicant has satisfactory work experience, a 9121
government certification, or a private certification as 9122

described in that chapter as an inspector of boilers and 9123
pressure vessels in a state that does not issue that license or 9124
certificate. 9125

Sec. 4104.101. (A) No person shall install or make major 9126
repairs or modifications to any boiler without first registering 9127
to do so with the division of industrial compliance. 9128

(B) No person shall make any installation or major repair 9129
or modification of any boiler without first obtaining a permit 9130
to do so from the division. The permit application form shall 9131
provide the name and address of the owner, location of the 9132
boiler, and type of repair or modification that will be made. 9133
The application permit fee shall be one hundred dollars. 9134

(C) The superintendent of industrial compliance shall 9135
require annual registration of all contractors who install, make 9136
major repairs to, or modify any boiler. The board of building 9137
standards shall establish a reasonable fee to cover the cost of 9138
processing registrations. 9139

(D) Notwithstanding any provision of this section to the 9140
contrary, the superintendent shall register a contractor to 9141
install, make major repairs to, or modify boilers in accordance 9142
with Chapter 4796. of the Revised Code if either of the 9143
following applies: 9144

(1) The contractor is licensed or registered in another 9145
state to install, make major repairs to, or modify boilers. 9146

(2) The contractor has satisfactory work experience, a 9147
government certification, or a private certification as 9148
described in that chapter to install, make major repairs to, or 9149
modify boilers in a state that does not issue that license or 9150
registration. 9151

Sec. 4104.19. (A) ~~Any~~ Except as provided in division (H) 9152
of this section, any person seeking a license to operate as a 9153
steam engineer, high pressure boiler operator, or low pressure 9154
boiler operator shall file a written application with the 9155
superintendent of industrial compliance on a form prescribed by 9156
the superintendent with the appropriate application fee as set 9157
forth in section 4104.18 of the Revised Code. The application 9158
shall contain information satisfactory to the superintendent to 9159
demonstrate that the applicant meets the requirements of 9160
division (B) of this section. The application shall be filed 9161
with the superintendent not more than sixty days and not less 9162
than thirty days before the license examination is offered. 9163

(B) To qualify to take the examination required to obtain 9164
a steam engineer, high pressure boiler operator, or low pressure 9165
boiler operator license, a person shall meet both of the 9166
following requirements: 9167

(1) Be at least eighteen years of age; 9168

(2) Have one year of experience in the operation of steam 9169
engines, high pressure boilers, or low pressure boilers as 9170
applicable to the type of license being sought, or a combination 9171
of experience and education for the type of license sought as 9172
determined to be acceptable by the superintendent. 9173

(C) No applicant shall qualify to take an examination or 9174
to renew a license if the applicant has violated this chapter or 9175
if the applicant has obtained or renewed a license issued under 9176
this chapter by fraud, misrepresentation, or deception. 9177

(D) The superintendent shall issue a license to each 9178
applicant who receives a passing score on the examination, as 9179
determined by the superintendent, for the license for which the 9180

applicant applied. 9181

(E) The superintendent may select and contract with one or 9182
more persons to do all of the following relative to the 9183
examinations for a license to operate as a steam engineer, high 9184
pressure boiler operator, or low pressure boiler operator: 9185

(1) Prepare, administer, score, and maintain the 9186
confidentiality of the examination; 9187

(2) Maintain responsibility for all expenses required to 9188
fulfill division (E) (1) of this section; 9189

(3) Charge each applicant a fee for administering the 9190
examination, in an amount authorized by the superintendent; 9191

(4) Design the examination for each type of license to 9192
determine an applicant's competence to operate the equipment for 9193
which the applicant is seeking licensure. 9194

(F) Each license issued under this chapter expires one 9195
year after the date of issue. Each person holding a valid, 9196
unexpired license may renew the license, without reexamination, 9197
by applying to the superintendent not more than ninety days 9198
before the expiration of the license, and submitting with the 9199
application the renewal fee established in section 4104.18 of 9200
the Revised Code. Upon receipt of the renewal information and 9201
fee, the superintendent shall issue the licensee a certificate 9202
of renewal. 9203

(G) The superintendent, in accordance with Chapter 119. of 9204
the Revised Code, may suspend or revoke any license, or may 9205
refuse to issue a license under this chapter upon finding that a 9206
licensee or an applicant for a license has violated or is 9207
violating the requirements of this chapter. The superintendent 9208
shall not refuse to issue a license to an applicant because of a 9209

disqualifying offense unless the refusal is in accordance with 9210
section 9.79 of the Revised Code. 9211

(H) The superintendent shall issue a license in accordance 9212
with Chapter 4796. of the Revised Code to an applicant if either 9213
of the following applies: 9214

(1) The applicant holds a license in another state. 9215

(2) The applicant has satisfactory work experience, a 9216
government certification, or a private certification as 9217
described in that chapter as a steam engineer, high pressure 9218
boiler operator, or low pressure boiler operator in a state that 9219
does not issue that license. 9220

Sec. 4105.02. No person may act, either as a general 9221
inspector or as a special inspector, of elevators, unless the 9222
person holds a certificate of competency from the division of 9223
industrial compliance. 9224

Application for examination as an inspector of elevators 9225
shall be in writing, accompanied by a fee to be established as 9226
provided in section 4105.17 of the Revised Code, and upon a 9227
blank to be furnished by the division, stating the school 9228
education of the applicant, a list of the applicant's employers, 9229
the applicant's period of employment, and the position held with 9230
each. An applicant shall also submit a letter from one or more 9231
of the applicant's previous employers certifying as to the 9232
applicant's character and experience. 9233

Applications shall be rejected which contain any willful 9234
falsification or untruthful statements. An applicant, if the 9235
division considers the applicant's history and experience 9236
sufficient, shall be examined by the superintendent of 9237
industrial compliance by a written examination dealing with the 9238

construction, installation, operation, maintenance, and repair 9239
of elevators and their appurtenances, and the applicant shall be 9240
accepted or rejected on the merits of the applicant's 9241
application and examination. 9242

~~The~~ Except as provided in this section, the superintendent 9243
shall issue a certificate of competency in the inspection of 9244
elevators to any applicant found competent upon examination. A 9245
rejected applicant shall be entitled, after the expiration of 9246
ninety days and upon payment of an examination fee to be 9247
established as provided in section 4105.17 of the Revised Code, 9248
to another examination. Should an applicant fail to pass the 9249
prescribed examination on second trial, the applicant will not 9250
be permitted to be an applicant for another examination for a 9251
period of one year after the second examination. 9252

The superintendent shall issue a certificate of competency 9253
in the inspection of elevators in accordance with Chapter 4796. 9254
of the Revised Code to an applicant if either of the following 9255
applies: 9256

(A) The applicant holds a license or certificate in 9257
another state. 9258

(B) The applicant has satisfactory work experience, a 9259
government certification, or a private certification as 9260
described in that chapter as an inspector of elevators in a 9261
state that does not issue that license or certificate. 9262

Sec. 4169.03. (A) Before a passenger tramway operator may 9263
operate any passenger tramway in the state, the operator shall 9264
apply to the division of industrial compliance in the department 9265
of commerce, on forms prepared by it, for registration by the 9266
division. The application shall contain an inventory of the 9267

passenger tramways that the applicant intends to operate and 9268
other information as the division may reasonably require and 9269
shall be accompanied by the following annual fees: 9270

(1) Each aerial passenger tramway, five hundred dollars; 9271

(2) Each skimobile, two hundred dollars; 9272

(3) Each chair lift, two hundred dollars; 9273

(4) Each J bar, T bar, or platter pull, one hundred 9274
dollars; 9275

(5) Each rope tow, fifty dollars; 9276

(6) Each wire rope tow, seventy-five dollars; 9277

(7) Each conveyor, one hundred dollars. 9278

When an operator operates an aerial passenger tramway, a 9279
skimobile, or a chair lift during both a winter and summer 9280
season, the annual fee shall be one and one-half the above 9281
amount for the respective passenger tramway. 9282

(B) Upon payment of the appropriate annual fees in 9283
accordance with division (A) of this section and successful 9284
completion of the inspection described in section 4169.04 of the 9285
Revised Code, the division shall issue a registration 9286
certificate to the operator. Each certificate shall remain in 9287
force until the thirtieth day of September next ensuing. The 9288
division shall renew an operator's certificate in accordance 9289
with the standard renewal procedure in Chapter 4745. of the 9290
Revised Code upon payment of the appropriate annual fees. 9291

(C) Money received from the registration fees and from the 9292
fines collected pursuant to section 4169.99 of the Revised Code 9293
shall be paid into the state treasury to the credit of the 9294

industrial compliance operating fund created in section 121.084 9295
of the Revised Code. 9296

(D) No person shall operate a passenger tramway in this 9297
state unless the person has been registered by the division. 9298

(E) The division shall issue a registration certificate in 9299
accordance with Chapter 4796. of the Revised Code to an operator 9300
if either of the following applies: 9301

(1) The operator is licensed or registered in another 9302
state. 9303

(2) The operator has satisfactory work experience, a 9304
government certification, or a private certification as 9305
described in that chapter as a passenger tramway operator in a 9306
state that does not issue that license or registration. 9307

Sec. 4301.10. (A) The division of liquor control shall do 9308
all of the following: 9309

(1) Control the traffic in beer and intoxicating liquor in 9310
this state, including the manufacture, importation, and sale of 9311
beer and intoxicating liquor; 9312

(2) Grant or refuse permits for the manufacture, 9313
distribution, transportation, and sale of beer and intoxicating 9314
liquor and the sale of alcohol, as authorized or required by 9315
this chapter and Chapter 4303. of the Revised Code. A 9316
certificate, signed by the superintendent of liquor control and 9317
to which is affixed the official seal of the division, stating 9318
that it appears from the records of the division that no permit 9319
has been issued to the person specified in the certificate, or 9320
that a permit, if issued, has been revoked, canceled, or 9321
suspended, shall be received as prima-facie evidence of the 9322
facts recited in the certificate in any court or before any 9323

officer of this state. 9324

(3) Put into operation, manage, and control a system of 9325
state liquor stores for the sale of spirituous liquor at retail 9326
and to holders of permits authorizing the sale of spirituous 9327
liquor; however, the division shall not establish any drive-in 9328
state liquor stores; and by means of those types of stores, and 9329
any manufacturing plants, distributing and bottling plants, 9330
warehouses, and other facilities that it considers expedient, 9331
establish and maintain a state monopoly of the distribution of 9332
spirituous liquor and its sale in packages or containers; and 9333
for that purpose, manufacture, buy, import, possess, and sell 9334
spirituous liquors as provided in this chapter and Chapter 4303. 9335
of the Revised Code, and in the rules promulgated by the 9336
superintendent of liquor control pursuant to those chapters; 9337
lease or in any manner acquire the use of any land or building 9338
required for any of those purposes; purchase any equipment that 9339
is required; and borrow money to carry on its business, and 9340
issue, sign, endorse, and accept notes, checks, and bills of 9341
exchange; but all obligations of the division created under 9342
authority of this division shall be a charge only upon the 9343
moneys received by the division from the sale of spirituous 9344
liquor and its other business transactions in connection with 9345
the sale of spirituous liquor, and shall not be general 9346
obligations of the state; 9347

(4) Enforce the administrative provisions of this chapter 9348
and Chapter 4303. of the Revised Code, and the rules and orders 9349
of the liquor control commission and the superintendent relating 9350
to the manufacture, importation, transportation, distribution, 9351
and sale of beer or intoxicating liquor. The attorney general, 9352
any prosecuting attorney, and any prosecuting officer of a 9353
municipal corporation or a municipal court shall, at the request 9354

of the division of liquor control or the department of public 9355
safety, prosecute any person charged with the violation of any 9356
provision in those chapters or of any section of the Revised 9357
Code relating to the manufacture, importation, transportation, 9358
distribution, and sale of beer or intoxicating liquor. 9359

(5) Determine the locations of all state liquor stores and 9360
manufacturing, distributing, and bottling plants required in 9361
connection with those stores, subject to this chapter and 9362
Chapter 4303. of the Revised Code; 9363

(6) Conduct inspections of liquor permit premises to 9364
determine compliance with the administrative provisions of this 9365
chapter and Chapter 4303. of the Revised Code and the rules 9366
adopted under those provisions by the liquor control commission. 9367

Except as otherwise provided in division (A) (6) of this 9368
section, those inspections may be conducted only during those 9369
hours in which the permit holder is open for business and only 9370
by authorized agents or employees of the division or by any 9371
peace officer, as defined in section 2935.01 of the Revised 9372
Code. Inspections may be conducted at other hours only to 9373
determine compliance with laws or commission rules that regulate 9374
the hours of sale of beer or intoxicating liquor and only if the 9375
investigator has reasonable cause to believe that those laws or 9376
rules are being violated. Any inspection conducted pursuant to 9377
division (A) (6) of this section is subject to all of the 9378
following requirements: 9379

(a) The only property that may be confiscated is 9380
contraband, as defined in section 2901.01 of the Revised Code, 9381
or property that is otherwise necessary for evidentiary 9382
purposes. 9383

(b) A complete inventory of all property confiscated from 9384
the premises shall be given to the permit holder or the permit 9385
holder's agent or employee by the confiscating agent or officer 9386
at the conclusion of the inspection. At that time, the inventory 9387
shall be signed by the confiscating agent or officer, and the 9388
agent or officer shall give the permit holder or the permit 9389
holder's agent or employee the opportunity to sign the 9390
inventory. 9391

(c) Inspections conducted pursuant to division (A) (6) of 9392
this section shall be conducted in a reasonable manner. A 9393
finding by any court of competent jurisdiction that an 9394
inspection was not conducted in a reasonable manner in 9395
accordance with this section or any rules adopted by the 9396
commission may be considered grounds for suppression of 9397
evidence. A finding by the commission that an inspection was not 9398
conducted in a reasonable manner in accordance with this section 9399
or any rules adopted by it may be considered grounds for 9400
dismissal of the commission case. 9401

If any court of competent jurisdiction finds that property 9402
confiscated as the result of an administrative inspection is not 9403
necessary for evidentiary purposes and is not contraband, as 9404
defined in section 2901.01 of the Revised Code, the court shall 9405
order the immediate return of the confiscated property, provided 9406
that property is not otherwise subject to forfeiture, to the 9407
permit holder. However, the return of this property is not 9408
grounds for dismissal of the case. The commission likewise may 9409
order the return of confiscated property if no criminal 9410
prosecution is pending or anticipated. 9411

(7) Delegate to any of its agents or employees any power 9412
of investigation that the division possesses with respect to the 9413

enforcement of any of the administrative laws relating to beer 9414
or intoxicating liquor, provided that this division does not 9415
authorize the division to designate any agent or employee to 9416
serve as an enforcement agent. The employment and designation of 9417
enforcement agents shall be within the exclusive authority of 9418
the director of public safety pursuant to sections 5502.13 to 9419
5502.19 of the Revised Code. 9420

(8) Collect the following fees: 9421

(a) A biennial fifty-dollar registration fee for each 9422
agent, solicitor, trade marketing professional, or salesperson, 9423
registered pursuant to section 4303.25 of the Revised Code, of a 9424
beer or intoxicating liquor manufacturer, supplier, broker, 9425
trade marketing company, or wholesale distributor doing business 9426
in this state; 9427

(b) A fifty-dollar product registration fee for each new 9428
beer or intoxicating liquor product sold in this state. The 9429
product registration fee also applies to products sold in this 9430
state by B-2a and S permit holders. The product registration fee 9431
shall be accompanied by a copy of the federal label and product 9432
approval for the new product. 9433

(c) An annual three-hundred-dollar supplier registration 9434
fee from each manufacturer or supplier that produces and ships 9435
into this state, or ships into this state, intoxicating liquor 9436
or beer, in addition to an initial application fee of one 9437
hundred dollars. A manufacturer that produces and ships beer or 9438
wine into this state and that holds only an S permit is exempt 9439
from the supplier registration fee. A manufacturer that produces 9440
and ships wine into this state and that holds a B-2a permit 9441
shall pay an annual seventy-six-dollar supplier registration 9442
fee. A manufacturer that produces and ships wine into this state 9443

and that does not hold either an S or a B-2a permit, but that 9444
produces less than two hundred fifty thousand gallons of wine 9445
per year and that is entitled to a tax credit under 27 C.F.R. 9446
24.278 shall pay an annual seventy-six-dollar supplier 9447
registration fee. A B-2a or S permit holder that does not sell 9448
its wine to wholesale distributors of wine in this state and an 9449
S permit holder that does not sell its beer to wholesale 9450
distributors of beer in this state shall not be required to 9451
submit to the division territory designation forms. 9452

Each supplier, agent, solicitor, trade marketing 9453
professional, or salesperson registration issued under this 9454
division shall authorize the person named to carry on the 9455
activity specified in the registration. The division shall 9456
register a supplier, agent, solicitor, trade marketing 9457
professional, or salesperson in accordance with Chapter 4796. of 9458
the Revised Code if either of the following applies: 9459

(i) The supplier, agent, solicitor, trade marketing 9460
professional, or salesperson is licensed or registered in 9461
another state. 9462

(ii) The supplier, agent, solicitor, trade marketing 9463
professional, or salesperson has satisfactory work experience, a 9464
government certification, or a private certification as 9465
described in that chapter as a supplier, agent, solicitor, trade 9466
marketing professional, or salesperson in a state that does not 9467
issue that license or registration. 9468

Each agent, solicitor, trade marketing professional, or 9469
salesperson registration is valid for two years or for the 9470
unexpired portion of a two-year registration period. Each 9471
supplier registration is valid for one year or for the unexpired 9472
portion of a one-year registration period. Registrations shall 9473

end on their respective uniform expiration date, which shall be 9474
designated by the division, and are subject to suspension, 9475
revocation, cancellation, or fine as authorized by this chapter 9476
and Chapter 4303. of the Revised Code. 9477

As used in this division, "trade marketing company" and 9478
"trade marketing professional" have the same meanings as in 9479
section 4301.171 of the Revised Code. 9480

(9) Establish a system of electronic data interchange 9481
within the division and regulate the electronic transfer of 9482
information and funds among persons and governmental entities 9483
engaged in the manufacture, distribution, and retail sale of 9484
alcoholic beverages; 9485

(10) Notify all holders of retail permits of the forms of 9486
permissible identification for purposes of division (A) of 9487
section 4301.639 of the Revised Code; 9488

(11) Exercise all other powers expressly or by necessary 9489
implication conferred upon the division by this chapter and 9490
Chapter 4303. of the Revised Code, and all powers necessary for 9491
the exercise or discharge of any power, duty, or function 9492
expressly conferred or imposed upon the division by those 9493
chapters. 9494

(B) The division may do all of the following: 9495

(1) Sue, but may be sued only in connection with the 9496
execution of leases of real estate and the purchases and 9497
contracts necessary for the operation of the state liquor stores 9498
that are made under this chapter and Chapter 4303. of the 9499
Revised Code; 9500

(2) Enter into leases and contracts of all descriptions 9501
and acquire and transfer title to personal property with regard 9502

to the sale, distribution, and storage of spirituous liquor 9503
within the state; 9504

(3) Terminate at will any lease entered into pursuant to 9505
division (B) (2) of this section upon first giving ninety days' 9506
notice in writing to the lessor of its intention to do so; 9507

(4) Fix the wholesale and retail prices at which the 9508
various classes, varieties, and brands of spirituous liquor 9509
shall be sold by the division. Those retail prices shall be the 9510
same at all state liquor stores, except to the extent that a 9511
price differential is required to collect a county sales tax 9512
levied pursuant to section 5739.021 of the Revised Code and for 9513
which tax the tax commissioner has authorized prepayment 9514
pursuant to section 5739.05 of the Revised Code. In fixing 9515
selling prices, the division shall compute an anticipated gross 9516
profit at least sufficient to provide in each calendar year all 9517
costs and expenses of the division and also an adequate working 9518
capital reserve for the division. The gross profit shall not 9519
exceed forty per cent of the retail selling price based on costs 9520
of the division, and in addition the sum required by section 9521
4301.12 of the Revised Code to be paid into the state treasury. 9522
An amount equal to one and one-half per cent of that gross 9523
profit shall be paid into the statewide treatment and prevention 9524
fund created by section 4301.30 of the Revised Code and be 9525
appropriated by the general assembly from the fund to the 9526
department of mental health and addiction services as provided 9527
in section 4301.30 of the Revised Code. 9528

On spirituous liquor manufactured in this state from the 9529
juice of grapes or fruits grown in this state, the division 9530
shall compute an anticipated gross profit of not to exceed ten 9531
per cent. 9532

The wholesale prices fixed under this division shall be at 9533
a discount of not less than six per cent of the retail selling 9534
prices as determined by the division in accordance with this 9535
section. 9536

(C) The division may approve the expansion or diminution 9537
of a premises to which a liquor permit has been issued and may 9538
adopt standards governing such an expansion or diminution. 9539

Sec. 4508.03. (A) No person shall establish a driver 9540
training school or continue the operation of an existing school 9541
unless the person applies for and obtains from the director of 9542
public safety a license in the manner and form prescribed by the 9543
director. 9544

The director shall adopt rules that establish the 9545
requirements for a school license, including requirements 9546
concerning location, equipment, courses of instruction, 9547
instructors, previous records of the school and instructors, 9548
financial statements, schedule of fees and charges, insurance in 9549
the sum and with those provisions as the director considers 9550
necessary to protect adequately the interests of the public, and 9551
any other matters as the director may prescribe for the 9552
protection of the public. The rules also shall require financial 9553
responsibility information as part of the driver education 9554
curriculum. 9555

(B) Any school that offers a driver training program for 9556
disabled persons shall provide specially trained instructors for 9557
the driver training of such persons. No school shall operate a 9558
driver training program for disabled persons after June 30, 9559
1978, unless it has been licensed for such operation by the 9560
director. No person shall act as a specially trained instructor 9561
in a driver training program for disabled persons operated by a 9562

school after June 30, 1978, unless that person has been licensed 9563
by the director. 9564

(C) The director shall certify instructors to teach driver 9565
training to disabled persons in accordance with training program 9566
requirements established by the department of public safety. 9567

The director shall issue a certificate to teach driver 9568
training to disabled persons in accordance with Chapter 4796. of 9569
the Revised Code to a person if either of the following applies: 9570

(1) The person holds a license or certificate in another 9571
state. 9572

(2) The person has satisfactory work experience, a 9573
government certification, or a private certification as 9574
described in that chapter teaching driver training to disabled 9575
persons in a state that does not issue that license or 9576
certificate. 9577

(D) No person shall operate a driver training school 9578
unless the person has a valid license issued by the director 9579
under this section. 9580

(E) Whoever violates division (D) of this section is 9581
guilty of operating a driver training school without a valid 9582
license, a misdemeanor of the second degree. On a second or 9583
subsequent offense within two years after the first offense, the 9584
person is guilty of a misdemeanor of the first degree. 9585

Sec. 4508.04. (A) No person shall act as a driver training 9586
instructor, and no person shall act as a driver training 9587
instructor for disabled persons, unless such person applies for 9588
and obtains from the director of public safety a license in the 9589
manner and form prescribed by the director. The director shall 9590
provide by rule for instructors' license requirements including 9591

physical condition, knowledge of the courses of instruction, 9592
motor vehicle laws and safety principles, previous personal and 9593
employment records, and such other matters as the director may 9594
prescribe for the protection of the public. Driver training 9595
instructors for disabled persons shall meet such additional 9596
requirements and receive such additional classroom and practical 9597
instruction as the director shall prescribe by rule. 9598

(B) The director may issue a license under this section to 9599
a person convicted of a disqualifying offense as determined in 9600
accordance with section 9.79 of the Revised Code. 9601

(C) No person shall knowingly make a false statement on a 9602
license application submitted under this section. 9603

(D) Upon successful completion of all requirements for an 9604
initial instructor license, the director shall issue an 9605
applicant a probationary license, which expires one hundred 9606
eighty days from the date of issuance. In order to receive a 9607
driver training instructor license, a person issued a 9608
probationary license shall pass an assessment prescribed in 9609
rules adopted by the director pursuant to section 4508.02 of the 9610
Revised Code. The person shall pass the assessment prior to 9611
expiration of the probationary license. If the person fails to 9612
pass the assessment, or fails to meet any standards required for 9613
a driver training instructor license, the director may extend 9614
the expiration date of the person's probationary license. Upon 9615
successful completion of the assessment and approval of the 9616
director, the director shall issue to the person a driver 9617
training instructor license. 9618

(E) ~~(1)~~ Notwithstanding the requirements for a license 9619
issued under this section, the board shall issue a license in 9620
accordance with Chapter 4796. of the Revised Code to a person if 9621

either of the following applies: 9622

(1) The person holds a license in another state. 9623

(2) The person has satisfactory work experience, a
government certification, or a private certification as
described in that chapter as a driver training instructor in a
state that does not issue that license. 9624
9625
9626
9627

(F)(1) Whoever violates division (A) of this section is 9628
guilty of acting as a driver training instructor without a valid 9629
license, a misdemeanor of the first degree. 9630

(2) Whoever violates division (C) of this section may be 9631
charged with falsification under section 2921.13 of the Revised 9632
Code. 9633

Sec. 4508.08. There is hereby created in the department of 9634
public safety the motorcycle safety and education program. The 9635
director of public safety shall administer the program in 9636
accordance with the following guidelines: 9637

(A)(1) The program shall include courses of instruction 9638
conducted at vocational schools, community colleges, or other 9639
suitable locations, by instructors who have obtained 9640
certification in the manner and form prescribed by the director. 9641
The courses shall meet standards established in rules adopted by 9642
the department in accordance with Chapter 119. of the Revised 9643
Code. The courses may include instruction for novice motorcycle 9644
operators, instruction in motorist awareness and alcohol and 9645
drug awareness, and any other kind of instruction the director 9646
considers appropriate. A reasonable tuition fee, as determined 9647
by the director, may be charged. The director may authorize 9648
private organizations or corporations to offer courses without 9649
tuition fee restrictions, but such entities are not eligible for 9650

reimbursement of expenses or subsidies from the motorcycle 9651
safety and education fund created in section 4501.13 of the 9652
Revised Code. 9653

(2) The director shall do both of the following: 9654

(a) Authorize private organizations or corporations to 9655
offer any nationally recognized motorcycle operator training 9656
courses or curriculum and any course established in accordance 9657
with division (A) (1) of this section; 9658

(b) Permit an applicant for a motorcycle operator's 9659
endorsement or a restricted license that permits only the 9660
operation of a motorcycle who has completed any motorcycle 9661
operator training course or curriculum as authorized in division 9662
(A) (2) (a) of this section successfully within the preceding 9663
sixty days to be eligible for the examination waiver as 9664
described in division (B) (1) of section 4507.11 of the Revised 9665
Code. 9666

(B) In addition to courses of instruction, the program may 9667
include provisions for equipment purchases, marketing and 9668
promotion, improving motorcycle license testing procedures, and 9669
any other provisions the director considers appropriate. 9670

(C) The director shall evaluate the program every two 9671
years and shall periodically inspect the facilities, equipment, 9672
and procedures used in the courses of instruction. 9673

(D) The director shall appoint at least one training 9674
specialist who shall oversee the operation of the program, 9675
establish courses of instruction, and supervise instructors. The 9676
training specialist shall be a licensed motorcycle operator and 9677
shall obtain certification in the manner and form prescribed by 9678
the director. 9679

(E) The director may contract with other public agencies 9680
or with private organizations or corporations to assist in 9681
administering the program. 9682

(F) Notwithstanding any provision of Chapter 102. of the 9683
Revised Code, the director, in order to administer the program, 9684
may participate in a motorcycle manufacturer's motorcycle loan 9685
program. 9686

(G) The director shall contract with an insurance company 9687
or companies authorized to do business in this state to purchase 9688
a policy or policies of insurance with respect to the 9689
establishment or administration, or any other aspect of the 9690
operation of the program. 9691

(H) Notwithstanding the requirements for a motorcycle 9692
instructor certificate issued under this section, the director 9693
shall issue a certificate in accordance with Chapter 4796. of 9694
the Revised Code to a person if either of the following applies: 9695

(1) The person holds a license or certificate in another 9696
state. 9697

(2) The person has satisfactory work experience, a 9698
government certification, or a private certification as 9699
described in that chapter as a motorcycle instructor in a state 9700
that does not issue that license or certificate. 9701

Sec. 4511.763. (A) No person, partnership, association, or 9702
corporation shall transport pupils to or from school on a school 9703
bus or enter into a contract with a board of education of any 9704
school district for the transportation of pupils on a school 9705
bus, without being licensed by the department of public safety. 9706

Notwithstanding the requirements for a license issued 9707
under this division, the director shall issue a license in 9708

accordance with Chapter 4796. of the Revised Code to a person if 9709
either of the following applies: 9710

(1) The person holds a license or certificate in another 9711
state. 9712

(2) The person has satisfactory work experience, a 9713
government certification, or a private certification as 9714
described in that chapter transporting pupils on a school bus in 9715
a state that does not issue that license or certificate. 9716

(B) Except as otherwise provided in this division, whoever 9717
violates this section is guilty of a minor misdemeanor. If, 9718
within one year of the offense, the offender previously has been 9719
convicted of or pleaded guilty to one predicate motor vehicle or 9720
traffic offense, whoever violates this section is guilty of a 9721
misdemeanor of the fourth degree. If, within one year of the 9722
offense, the offender previously has been convicted of two or 9723
more predicate motor vehicle or traffic offenses, whoever 9724
violates this section is guilty of a misdemeanor of the third 9725
degree. 9726

Sec. 4701.06. (A) The accountancy board shall grant the 9727
certificate of "certified public accountant" to any person who 9728
satisfies the following requirements: 9729

(1) The person is a resident of this state or has a place 9730
of business in this state or, as an employee, is regularly 9731
employed in this state. The board may determine by rule 9732
circumstances under which the residency requirement may be 9733
waived. 9734

(2) The person has attained the age of eighteen years. 9735

(3) The person meets the following requirements of 9736
education and experience: 9737

(a) Graduation with a baccalaureate or higher degree that 9738
includes successful completion of one hundred fifty semester 9739
hours of undergraduate or graduate education. The board by rule 9740
shall specify graduate degrees that satisfy this requirement and 9741
also by rule shall require any subjects that it considers 9742
appropriate. The total educational program shall include an 9743
accounting concentration with related courses in other areas of 9744
business administration, as defined by board rule. 9745

(b) Acquisition of one year of experience satisfactory to 9746
the board in any of the following: 9747

(i) A public accounting firm; 9748

(ii) Government; 9749

(iii) Business; 9750

(iv) Academia. 9751

(4) The person has passed an examination that is 9752
administered in the manner and that covers the subjects that the 9753
board prescribes by rule. In adopting the relevant rules, the 9754
board shall ensure to the extent possible that the examination, 9755
the examination process, and the examination's passing standard 9756
are uniform with the examinations, examination processes, and 9757
examination passing standards of all other states and may 9758
provide for the use of all or parts of the uniform certified 9759
public accountant examination and advisory grading service of 9760
the American institute of certified public accountants. The 9761
board may contract with third parties to perform administrative 9762
services that relate to the examination and that the board 9763
determines are appropriate in order to assist the board in 9764
performing its duties in relation to the examination. 9765

(B) (1) The experience requirement for a candidate who does 9766

not meet the educational requirements under division (A) (3) (a) 9767
of this section because the board has waived them under division 9768
(B) (2) of this section is four years of the experience described 9769
in division (A) (3) (b) of this section. 9770

(2) The board shall waive the educational requirement set 9771
forth in division (A) (3) (a) of this section for any candidate if 9772
the board finds that the candidate has obtained from an 9773
accredited college or university approved by the board, either 9774
an associate degree or a baccalaureate degree, other than a 9775
baccalaureate degree described in division (A) (3) (a) of this 9776
section, with a concentration in accounting that includes 9777
related courses in other areas of business administration, and 9778
if the board is satisfied from the results of special 9779
examinations that the board gives the candidate to test the 9780
candidate's educational qualification that the candidate is as 9781
well equipped, educationally, as if the candidate met the 9782
applicable educational requirement specified in division (A) (3) 9783
(a) of this section. 9784

The board shall provide by rule for the general scope of 9785
any special examinations for a waiver of the educational 9786
requirements under division (A) (3) (a) of this section and may 9787
obtain any advice and assistance that it considers appropriate 9788
to assist it in preparing and grading those special 9789
examinations. The board may use any existing examinations or may 9790
prepare any number of new examinations to assist in determining 9791
the equivalent training of a candidate. The board by rule shall 9792
prescribe any special examinations for a waiver of the 9793
educational requirements under division (A) (3) (a) of this 9794
section and the passing score required for each examination. 9795

(C) A candidate who has graduated with a baccalaureate 9796

degree or its equivalent or a higher degree that includes 9797
successful completion of at least one hundred twenty semester 9798
hours of undergraduate or graduate education is eligible to take 9799
the examination referred to in division (A) (4) of this section 9800
without waiting until the candidate meets the education or 9801
experience requirements, provided the candidate also meets the 9802
requirement of division (A) (1) of this section. The board by 9803
rule shall specify degrees that make a candidate eligible under 9804
this division and by rule shall require any subjects that it 9805
considers appropriate. 9806

(D) A candidate for the certificate of certified public 9807
accountant who has successfully completed the examination under 9808
division (A) (4) of this section has no status as a certified 9809
public accountant, unless and until the candidate has the 9810
requisite education and experience and has received a 9811
certificate as a certified public accountant. The board shall 9812
determine and charge a fee for issuing the certificate that is 9813
adequate to cover the expense. 9814

(E) The board by rule may prescribe the terms and 9815
conditions under which a candidate who passes part but not all 9816
of the examination may retake the examination. It also may 9817
provide by rule for a reasonable waiting period for a 9818
candidate's reexamination. 9819

The applicable educational and experience requirements 9820
under divisions (A) (3), (B), and (C) of this section shall be 9821
those in effect on the date on which the candidate first sits 9822
for the examination. 9823

(F) The board shall charge a candidate a reasonable fee, 9824
to be determined by the board, that is adequate to cover all 9825
rentals, compensation for proctors, and other administrative 9826

expenses of the board related to examination or reexamination, 9827
including the expenses of procuring and grading the examination 9828
provided for in division (A) (4) of this section and for any 9829
special examinations for a waiver of the educational 9830
requirements under division (A) (3) (a) of this section. Fees for 9831
reexamination under division (E) of this section shall be 9832
charged by the board in amounts determined by it. The applicable 9833
fees shall be paid by the candidate at the time the candidate 9834
applies for examination or reexamination. 9835

(G) Any person who has received from the board a 9836
certificate as a certified public accountant and who holds an 9837
Ohio permit shall be styled and known as a "certified public 9838
accountant" and also may use the abbreviation "CPA." The board 9839
shall maintain a list of certified public accountants. Any 9840
certified public accountant also may be known as a "public 9841
accountant." 9842

(H) Persons who, on the effective date of an amendment of 9843
this section, held certified public accountant certificates 9844
previously issued under the laws of this state shall not be 9845
required to obtain additional certificates under this section 9846
but shall otherwise be subject to all provisions of this 9847
section, and those previously issued certificates, for all 9848
purposes, shall be considered certificates issued under this 9849
section and subject to its provisions. 9850

(I) The board may waive the examination under division (A) 9851
(4) of this section and, upon payment of a fee determined by it, 9852
may issue a certificate as a "certified public accountant" to 9853
any person who possesses the qualifications specified in 9854
divisions (A) (1) and (2) of this section and what the board 9855
determines to be substantially the equivalent of the applicable 9856

qualifications under division (A) (3) of this section and who ~~is~~ 9857
~~the holder of a certificate as a certified public accountant,~~ 9858
~~then in full force and effect, issued under the laws of any~~ 9859
~~state, or~~ is the holder of a certificate, license, or degree in 9860
a foreign country that constitutes a recognized qualification 9861
for the practice of public accounting in that country, that is 9862
comparable to that of a certified public accountant of this 9863
state, and that is then in full force and effect. 9864

(J) The board shall issue a certificate as a "certified 9865
public accountant" in accordance with Chapter 4796. of the 9866
Revised Code to a person if either of the following applies: 9867

(1) The person holds a certificate as a certified public 9868
accountant in another state. 9869

(2) The person has satisfactory work experience, a 9870
government certification, or a private certification as 9871
described in that chapter as a certified public accountant in a 9872
state that does not issue that certificate. 9873

Sec. 4701.07. The accountancy board shall register as a 9874
public accountant any person who meets all the following 9875
requirements: 9876

(A) The person is a resident of this state or has a place 9877
of business in this state. 9878

(B) The person has attained the age of eighteen years. 9879

(C) The person holds a baccalaureate or higher degree 9880
conferred by a college or university recognized by the board, 9881
with a concentration in accounting, or with what the board 9882
determines to be substantially the equivalent of the foregoing; 9883
or with a nonaccounting concentration supplemented by what the 9884
board determines to be substantially the equivalent of an 9885

accounting concentration, including related courses in other 9886
areas of business administration. 9887

The board may waive the educational requirement for any 9888
candidate if it finds that the candidate has attained the 9889
equivalent education by attendance at a business school or two- 9890
year college, by self-study, or otherwise, and if it is 9891
satisfied from the result of a special written examination that 9892
the board gives the candidate to test the candidate's 9893
educational qualifications that the candidate is as well 9894
equipped, educationally, as if the candidate met the applicable 9895
educational requirement specified in this division. The board 9896
may provide by rule for the general scope of these examinations 9897
and may obtain any advice and assistance that it considers 9898
appropriate to assist it in preparing and grading the special 9899
examinations. The board may use any existing examinations or may 9900
prepare any number of new examinations to assist it in 9901
determining the equivalent training of a candidate. The board by 9902
rule may prescribe the special examinations and the passing 9903
score required for each examination. 9904

(D) The person has completed two years of public 9905
accounting experience, satisfactory to the board, in any state 9906
in practice as a public accountant or in any state in employment 9907
as a staff accountant by anyone practicing public accounting, or 9908
other experience in private or governmental accounting that, in 9909
the opinion of the board, will be the equivalent of that public 9910
accounting practice, or any combination of those types of 9911
experience, except that the experience requirement is only one 9912
year of the experience described in this division for any 9913
candidate holding a master's degree in accounting or business 9914
administration from a college or university recognized by the 9915
board, if the candidate has satisfactorily completed the number 9916

of credit hours in accounting, business administration, 9917
economics, and any related subjects that the board determines to 9918
be appropriate and if either of the following applies: 9919

(1) The person has passed the uniform national society of 9920
public accountants examination or a comparable examination 9921
approved by the public accountant members of the accountancy 9922
board. 9923

(2) The person has passed the accounting practice and 9924
auditing sections of the uniform CPA examination. 9925

The examination described in division (D) (1) of this 9926
section shall be held by the board and shall take place as often 9927
as the board determines but shall not be held less frequently 9928
than once each year. The board shall charge a candidate an 9929
application fee, to be determined by the board, that is adequate 9930
to cover all rentals, compensation for proctors, and other 9931
expenses of the board related to examination or reexamination 9932
except the expenses of procuring and grading the examination. In 9933
addition, the board shall charge the candidate an examination 9934
fee to be determined by the board, that is adequate to cover the 9935
expense of procuring and grading the examination. Fees for 9936
reexamination under division (D) of this section also shall be 9937
charged by the board in amounts determined by it to be adequate 9938
to cover the expenses of procuring and grading the examinations. 9939
The applicable fees shall be paid by the candidate at the time 9940
the candidate applies for examination or reexamination. 9941

(E) The person applied, on or before April 16, 1993, for 9942
registration as a public accountant. 9943

The board shall determine and charge a fee for 9944
registration under this section that is adequate to cover the 9945

expense. 9946

The board in each case shall determine whether the 9947
applicant is eligible for registration. Any individual who is so 9948
registered and who holds an Ohio permit shall be styled and 9949
known as a "public accountant" and may use the abbreviation 9950
"PA." 9951

A person who, on the effective date of an amendment of 9952
this section, holds a valid registration as a public accountant 9953
issued under the laws of this state shall not be required to 9954
obtain additional registration under this section but shall 9955
otherwise be subject to all provisions of this section. That 9956
registration, for all purposes, shall be considered a 9957
registration issued under this section and subject to its 9958
provisions. 9959

Chapter 4796. of the Revised Code does not apply to public 9960
accountant registrations issued under this section. 9961

Sec. 4701.10. (A) The accountancy board, upon application, 9962
shall issue Ohio permits to practice public accounting to 9963
holders of the CPA certificate or the PA registration. Subject 9964
to division (H)(1) of this section, there shall be a triennial 9965
Ohio permit fee in an amount to be determined by the board not 9966
to exceed one hundred fifty dollars. All Ohio permits shall 9967
expire on the last day of December of the year assigned by the 9968
board and, subject to division (H)(1) of this section, shall be 9969
renewed triennially for a period of three years by certificate 9970
holders and registrants in good standing upon payment of a 9971
triennial renewal fee not to exceed one hundred fifty dollars. 9972

(B) The accountancy board may issue Ohio registrations to 9973
holders of the CPA certificate and the PA registration who are 9974

not engaged in the practice of public accounting. Such persons 9975
shall not convey to the general public that they are actively 9976
engaged in the practice of public accounting in this state. 9977
Subject to division (H) (1) of this section, there shall be a 9978
triennial Ohio registration fee in an amount to be determined by 9979
the board but not exceeding fifty-five dollars. All Ohio 9980
registrations shall expire on the last day of December of the 9981
year assigned by the board and, subject to division (H) (1) of 9982
this section, shall be renewed triennially for a period of three 9983
years upon payment by certificate holders and registrants in 9984
good standing of a renewal fee not to exceed fifty-five dollars. 9985

(C) Any person who receives a CPA certificate and who 9986
applies for an initial Ohio permit or Ohio registration more 9987
than sixty days after issuance of the CPA certificate may, at 9988
the board's discretion, be subject to a late filing fee not 9989
exceeding one hundred dollars. 9990

(D) Any person to whom the board has issued an Ohio permit 9991
who is engaged in the practice of public accounting and who 9992
fails to renew the permit by the expiration date shall be 9993
subject to a late filing fee not exceeding one hundred dollars 9994
for each full month or part of a month after the expiration date 9995
in which such person did not possess a permit, up to a maximum 9996
of one thousand two hundred dollars. The board may waive or 9997
reduce the late filing fee for just cause upon receipt of a 9998
written request from such person. 9999

(E) Any person to whom the board has issued an Ohio permit 10000
or Ohio registration who is not engaged in the practice of 10001
public accounting and who fails to renew the permit or 10002
registration by the expiration date shall be subject to a late 10003
filing fee not exceeding fifty dollars for each full month or 10004

part of a month after the expiration date in which such person 10005
did not possess a permit or registration, up to a maximum of 10006
three hundred dollars. The board may waive or reduce the late 10007
filing fee for just cause upon receipt of a written request from 10008
such person. 10009

(F) Failure of a CPA certificate holder or PA registration 10010
holder to apply for either an Ohio permit or an Ohio 10011
registration within one year from the expiration date of the 10012
Ohio permit or Ohio registration last obtained or renewed, or 10013
one year from the date upon which the CPA certificate holder was 10014
granted a CPA certificate, shall result in suspension of the CPA 10015
certificate or PA registration until all fees required under 10016
divisions (D) and (E) of this section have been paid, unless the 10017
board determines the failure to have been due to excusable 10018
neglect. In that case, the fee for the issuance or renewal of 10019
the Ohio permit or Ohio registration, as the case may be, shall 10020
be the amount that the board shall determine, but not in excess 10021
of fifty dollars plus the fee for each triennial period or part 10022
of a period the certificate holder or registrant did not have 10023
either an Ohio permit or an Ohio registration. 10024

(G) The board by rule may exempt persons from the 10025
requirement of holding an Ohio permit or Ohio registration for 10026
specified reasons, including, but not limited to, retirement, 10027
health reasons, military service, foreign residency, or other 10028
just cause. 10029

(H) (1) The board by rule: 10030

(a) May provide for the issuance of Ohio permits and Ohio 10031
registrations for less than three years' duration at prorated 10032
fees; 10033

(b) Shall add a surcharge to the Ohio permit and Ohio registration fee imposed pursuant to this section of at least fifteen dollars but no more than thirty dollars for a three-year Ohio permit or Ohio registration, at least ten dollars but no more than twenty dollars for a two-year Ohio permit or Ohio registration, and at least five dollars but no more than ten dollars for a one-year Ohio permit or Ohio registration.

(2) Each quarter, the board, for the purpose provided in section 4743.05 of the Revised Code, shall certify to the director of budget and management the number of Ohio permits and Ohio registrations issued or renewed under this chapter during the preceding quarter and the amount equal to that number times the amount of the surcharge added to each Ohio permit and Ohio registration fee by the board under division (H) (1) of this section.

(I) Chapter 4796. of the Revised Code does not apply to Ohio permits or Ohio registrations issued under this section.

Sec. 4703.08. The architects board shall adopt rules to certify and register an applicant for a certificate of qualification to practice architecture who is licensed or registered as an architect in another ~~state or jurisdiction~~ country, holds a current certificate in good standing issued by the national council of architectural registration boards, and wishes to be registered in this state.

Sec. 4703.10. If the applicant passes the examination under section 4703.09 of the Revised Code or in lieu of the examination is, in the opinion of the architects board, eligible to register as an architect pursuant to rules adopted under section 4703.08 of the Revised Code, the applicant is eligible to receive from the board a certificate of qualification to

practice architecture. The certificate shall be signed by the 10064
president and secretary of the board and shall bear the name of 10065
the successful applicant, the serial number of the certificate, 10066
the seal of the board, and the words, "admitted to practice 10067
architecture in the state of Ohio, the ____ day of _____, 10068
_____" 10069

If the applicant fails the examination under section 10070
4703.09 of the Revised Code, the board may refuse to issue a 10071
certificate of qualification to practice architecture. 10072

The board shall certify and register an applicant in 10073
accordance with Chapter 4796. of the Revised Code for a 10074
certificate of qualification to practice architecture if either 10075
of the following applies: 10076

(A) The applicant holds a certification, registration, or 10077
license to practice architecture in another state. 10078

(B) The applicant has satisfactory work experience, a 10079
government certification, or a private certification as 10080
described in that chapter as an architect in a state that does 10081
not issue that certificate, registration, or license. 10082

Sec. 4703.33. (A) The Ohio landscape architects board, in 10083
accordance with Chapter 119. of the Revised Code, may adopt, 10084
amend, and enforce rules governing the standards for education, 10085
experience, services, conduct, and practice to be followed in 10086
the practice of the profession of landscape architecture and 10087
rules pertaining to the satisfactory completion of continuing 10088
education requirements. If the board adopts rules pertaining to 10089
continuing education requirements, the board shall, in general, 10090
follow model continuing education recommendations established by 10091
the council of landscape architectural registration boards or a 10092

similar successor organization. 10093

(B) The board, or the board's designee, shall hold 10094
examinations not less than once annually and shall register as a 10095
landscape architect each applicant who demonstrates to the 10096
satisfaction of the board that the applicant has met all the 10097
requirements of section 4703.34 of the Revised Code. 10098

(C) The board shall issue to each individual registered 10099
pursuant to this section a certificate of qualification. 10100

Chapter 4796. of the Revised Code does not apply to a 10101
certificate of qualification issued under this division. 10102

(D) The board shall appoint at least one of its members as 10103
a delegate to each regional and annual meeting of the council of 10104
landscape architectural registration boards. 10105

Sec. 4703.35. (A) The Ohio landscape architects board 10106
shall register as a landscape architect any individual who is at 10107
least eighteen years of age and who provides evidence 10108
satisfactory to the board that the individual is a registered or 10109
licensed landscape architect in another ~~state or~~ country in 10110
which the qualifications, at the time of licensure, were 10111
substantially equal, in the opinion of the board, to the 10112
requirements for registration as a landscape architect in this 10113
state. The board may require that an applicant for registration 10114
under this ~~section~~ division hold a current council record or 10115
certificate in good standing issued by the council of landscape 10116
architectural registration boards. 10117

(B) The board shall register as a landscape architect in 10118
accordance with Chapter 4796. of the Revised Code an individual 10119
if either of the following applies: 10120

(1) The individual holds a registration or license as a 10121

<u>landscape architect in another state.</u>	10122
<u>(2) The individual has satisfactory work experience, a</u>	10123
<u>government certification, or a private certification as</u>	10124
<u>described in that chapter as a landscape architect in a state</u>	10125
<u>that does not issue that registration or license.</u>	10126
Sec. 4703.37. (A) The Ohio landscape architects board	10127
shall establish an application fee for obtaining registration	10128
under section 4703.34 of the Revised Code and a fee for	10129
obtaining registration under <u>division (A) of section 4703.35</u> of	10130
the Revised Code.	10131
(B) The fee to restore an expired certificate of	10132
qualification is the renewal fee for the current certification	10133
period, plus the renewal fee for each previous renewal period in	10134
which the certificate was not renewed, plus a penalty of twenty-	10135
five per cent of the total renewal fees for each renewal period	10136
or part thereof in which the certificate was not renewed, on the	10137
condition that the maximum fee shall not exceed an amount	10138
established by the board.	10139
(C) The board also shall establish the following fees:	10140
(1) The fee for a certificate of qualification or	10141
duplicate thereof, as issued to a landscape architect registered	10142
under sections 4703.33 to 4703.38 of the Revised Code.	10143
(2) The fee for the biennial renewal of the certificate of	10144
qualification and the fee for a duplicate renewal card.	10145
(3) The fee to be charged an examinee for administering an	10146
examination to the examinee on behalf of another jurisdiction.	10147
(4) The fee for a certificate of authorization issued	10148
under division (F) of section 4703.331 of the Revised Code, the	10149

fee for annual renewal of a certificate of authorization, and	10150
the fee for a duplicate certificate of authorization.	10151
(5) The fee to cover costs for checks or other instruments	10152
returned to the board by financial institutions due to	10153
insufficient funds.	10154
Sec. 4707.07. (A) The department of agriculture may grant	10155
auctioneer's licenses to those individuals who are determined to	10156
be qualified by the department. Each individual who applies for	10157
an auctioneer's license shall furnish to the department, on	10158
forms provided by the department, satisfactory proof that the	10159
applicant:	10160
(1) Has attained the age of at least eighteen years;	10161
(2) Has done one of the following:	10162
(a) Met <u>met</u> the apprenticeship requirements set forth in	10163
section 4707.09 of the Revised Code;	10164
(b) Met the requirements of section 4707.12 of the Revised	10165
Code.	10166
(3) Has a general knowledge of the following:	10167
(a) The requirements of the Revised Code relative to	10168
auctioneers;	10169
(b) The auction profession;	10170
(c) The principles involved in conducting an auction;	10171
(d) Any local and federal laws regarding the profession of	10172
auctioneering.	10173
(4) Has satisfied the financial responsibility	10174
requirements established under section 4707.11 of the Revised	10175
Code if applicable.	10176

(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.~~ 10207
10208

Sec. 4707.072. The department of agriculture may grant 10209
one-auction licenses to any nonresident individual who is 10210
determined to be qualified by the department. ~~Any Chapter 4796.~~ 10211
of the Revised Code does not apply to one-auction licenses 10212
issued under this section. 10213

Any individual who applies for a one-auction license shall 10214
attest, on forms provided by the department, and furnish to the 10215
department, satisfactory proof that the license applicant meets 10216
the following requirements: 10217

(A) Has a good reputation; 10218

(B) Is of trustworthy character; 10219

(C) Has attained the age of at least eighteen years; 10220

(D) Has a general knowledge of the requirements of the 10221
Revised Code relative to auctioneers, the auction profession, 10222
and the principles involved in conducting an auction; 10223

(E) Has two years of professional auctioneering experience 10224
immediately preceding the date of application that includes the 10225
personal conduct by the applicant of at least twelve auction 10226
sales in any state, ~~or has met the requirements of section~~ 10227
~~4707.12 of the Revised Code;~~ 10228

(F) Has paid a fee of five hundred dollars; 10229

(G) Has not applied for or previously obtained a license 10230
under this section; 10231

(H) Has provided proof of financial responsibility in the 10232
form of either an irrevocable letter of credit or a cash bond or 10233

a surety bond in the amount of fifty thousand dollars. If the 10234
applicant gives a surety bond, the bond shall be executed by a 10235
surety company authorized to do business in this state. A bond 10236
shall be made to the department and shall be conditioned that 10237
the applicant shall comply with this chapter and rules adopted 10238
under it, including refraining from conduct described in section 10239
4707.15 of the Revised Code. All bonds shall be on a form 10240
approved by the director of agriculture. 10241

Sec. 4707.09. The department of agriculture may grant 10242
apprentice auctioneers' licenses to those persons that are 10243
determined to be qualified by the department. Every applicant 10244
for an apprentice auctioneer's license shall pass an examination 10245
relating to the skills, knowledge, and statutes and rules 10246
governing auctioneers. Every applicant for an apprentice 10247
auctioneer's license shall furnish to the department, on forms 10248
provided by the department, satisfactory proof that the 10249
applicant: 10250

(A) Has attained the age of at least eighteen years; 10251

(B) Has obtained a written promise of a licensed 10252
auctioneer to sponsor the applicant during the applicant's 10253
apprenticeship; 10254

(C) Has satisfied the financial responsibility 10255
requirements established under section 4707.11 of the Revised 10256
Code if applicable; 10257

(D) Has successfully completed a course of study in 10258
auctioneering at an institution that is approved by the state 10259
auctioneers commission. 10260

Before an apprentice may take the auctioneer's license 10261
examination, the apprentice shall serve an apprenticeship of at 10262

least twelve months and participate as a bid caller in at least 10263
twelve auction sales under the direct supervision of the 10264
sponsoring licensed auctioneer, which auctions shall be 10265
certified by the licensed auctioneer on the apprentice's 10266
application for an auctioneer's license. No apprentice 10267
auctioneer shall be under the sponsorship of more than one 10268
licensed auctioneer at one time. 10269

If an auctioneer intends to terminate sponsorship of an 10270
apprentice auctioneer, the sponsoring auctioneer shall notify 10271
the apprentice auctioneer of the sponsoring auctioneer's 10272
intention by certified mail, return receipt requested, at least 10273
ten days prior to the effective date of termination and, at the 10274
same time, shall deliver or mail by certified mail to the 10275
department a copy of the termination notice and the license of 10276
the apprentice auctioneer. No apprentice auctioneer shall 10277
perform any acts under authority of the apprentice's license 10278
after the effective date of the termination until the apprentice 10279
receives a new license. No more than one license shall be issued 10280
to any apprentice auctioneer for the same period of time. 10281

No licensed auctioneer shall have under the licensed 10282
auctioneer's sponsorship more than two apprentice auctioneers at 10283
one time. No auctioneer shall sponsor an apprentice auctioneer 10284
if the auctioneer has not been licensed and in good standing for 10285
a period of at least two years immediately before sponsoring the 10286
apprentice auctioneer. A sponsoring auctioneer whose license is 10287
suspended or revoked shall send to the department the apprentice 10288
auctioneer's license not later than fourteen days after the 10289
suspension or revocation. If a sponsoring auctioneer's license 10290
is suspended or revoked, the apprentice auctioneer shall obtain 10291
a written promise of sponsorship from another licensed 10292
auctioneer before performing any acts under the authority of an 10293

apprentice auctioneer's license. The apprentice auctioneer shall 10294
send a copy of the written promise of sponsorship of another 10295
auctioneer to the department. If the department receives a copy 10296
of such a written promise of sponsorship and the apprentice pays 10297
the fee established by the department, the department shall 10298
issue a new license to the apprentice. 10299

An apprentice auctioneer may terminate the apprentice's 10300
sponsorship with an auctioneer by notifying the auctioneer of 10301
the apprentice's intention by certified mail, return receipt 10302
requested, at least ten days prior to the effective date of 10303
termination. At the same time, the apprentice shall deliver or 10304
mail by certified mail to the department a copy of the 10305
termination notice. Upon receiving the termination notice, the 10306
sponsoring auctioneer shall promptly deliver or mail by 10307
certified mail to the department the license of the apprentice 10308
auctioneer. 10309

The termination of a sponsorship, regardless of who 10310
initiates the termination, shall not be cause for an apprentice 10311
auctioneer to lose credit for any certified auctions in which 10312
the apprentice participated as a bid caller or apprenticeship 10313
time the apprentice served under the direct supervision of the 10314
former sponsor. 10315

The department shall issue an apprentice auctioneer's 10316
license in accordance with Chapter 4796. of the Revised Code to 10317
an applicant if either of the following applies: 10318

(1) The applicant holds an apprentice auctioneer's license 10319
in another state, provided that the applicant meets the 10320
requirement of division (D) of this section. 10321

(2) The applicant has satisfactory work experience, a 10322

government certification, or a private certification as 10323
described in that chapter as an apprentice auctioneer in a state 10324
that does not issue that license, provided that the applicant 10325
meets the requirement of division (D) of this section. 10326

Sec. 4709.07. (A) Each person who desires to obtain an 10327
initial license to practice barbering shall apply to the state 10328
cosmetology and barber board, on forms provided by the board. 10329
The application form shall include the name of the person 10330
applying for the license and evidence that the applicant meets 10331
all of the requirements of division (B) of this section. The 10332
application shall be accompanied by two signed current 10333
photographs of the applicant, in the size determined by the 10334
board, that show only the head and shoulders of the applicant, 10335
and the examination application fee. 10336

(B) In order to take the required barber examination and 10337
to qualify for licensure as a barber, an applicant must 10338
demonstrate that the applicant meets all of the following: 10339

(1) Is at least eighteen years of age; 10340

(2) Has an eighth grade education or an equivalent 10341
education as determined by the state board of education in the 10342
state where the applicant resides; 10343

(3) Has graduated with at least one thousand eight hundred 10344
hours of training from a board-approved barber school or has 10345
graduated with at least one thousand hours of training from a 10346
board-approved barber school in this state and has a current 10347
cosmetology or hair designer license issued pursuant to Chapter 10348
4713. of the Revised Code. No hours of instruction earned by an 10349
applicant five or more years prior to the examination apply to 10350
the hours of study required by this division. 10351

(C) Any applicant who meets all of the requirements of 10352
divisions (A) and (B) of this section may take the barber 10353
examination at the time and place specified by the board. If the 10354
applicant fails to attain at least a seventy-five per cent pass 10355
rate on each part of the examination, the applicant is 10356
ineligible for licensure; however, the applicant may reapply for 10357
examination within ninety days after the date of the release of 10358
the examination scores by paying the required reexamination fee. 10359
An applicant is only required to take that part or parts of the 10360
examination on which the applicant did not receive a score of 10361
seventy-five per cent or higher. If the applicant fails to 10362
reapply for examination within ninety days or fails the second 10363
examination, in order to reapply for examination for licensure 10364
the applicant shall complete an additional course of study of 10365
not less than two hundred hours, in a board-approved barber 10366
school. The board shall provide to an applicant, upon request, a 10367
report which explains the reasons for the applicant's failure to 10368
pass the examination. 10369

(D) The board shall issue a license to practice barbering 10370
to any applicant who, to the satisfaction of the board, meets 10371
the requirements of divisions (A) and (B) of this section, who 10372
passes the required examination, and pays the initial licensure 10373
fee. Every licensed barber shall display the certificate of 10374
licensure in a conspicuous place adjacent to or near the 10375
licensed barber's work chair, along with a signed current 10376
photograph, in the size determined by the board, showing head 10377
and shoulders only. 10378

(E) The board shall issue a license to practice barbering 10379
in accordance with Chapter 4796. of the Revised Code to an 10380
applicant if either of the following applies: 10381

(1) The applicant holds a license to practice barbering in another state. 10382
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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. 10384
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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. 10388
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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. 10402
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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: 10409
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- (1) Have a training facility sufficient to meet the 10412
required educational curriculum established by the board, 10413
including enough space to accommodate all the facilities and 10414
equipment required by rule by the board; 10415
- (2) Provide sufficient licensed teaching personnel to meet 10416
the minimum pupil-teacher ratio established by rule of the 10417
board; 10418
- (3) Have established and provide to the board proof that 10419
it has met all of the board requirements to operate a barber 10420
school, as adopted by rule of the board; 10421
- (4) File with the board a program of its curriculum, 10422
accounting for not less than one thousand eight hundred hours of 10423
instruction in the courses of theory and practical demonstration 10424
required by rule of the board; 10425
- (5) File with the board a surety bond in the amount of ten 10426
thousand dollars issued by a bonding company licensed to do 10427
business in this state. The bond shall be in the form prescribed 10428
by the board and conditioned upon the barber school's continued 10429
instruction in the theory and practice of barbering. The bond 10430
shall continue in effect until notice of its termination is 10431
provided to the board. In no event, however, shall the bond be 10432
terminated while the barber school is in operation. Any student 10433
who is injured or damaged by reason of a barber school's failure 10434
to continue instruction in the theory and practice of barbering 10435
may maintain an action on the bond against the barber school or 10436
the surety, or both, for the recovery of any money or tuition 10437
paid in advance for instruction in the theory and practice of 10438
barbering which was not received. The aggregate liability of the 10439
surety to all students shall not exceed the sum of the bond. 10440

- (6) Maintain adequate record keeping to ensure that it has met the requirements for records of student progress as required by board rule; 10441
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- (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: 10444
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- (a) Be at least seventeen years of age; 10449
- (b) Have an eighth grade education, or an equivalent education as determined by the state board of education; 10450
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- (c) Submit two signed current photographs of the applicant, in the size determined by the board. 10452
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- (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; 10454
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- (9) Operate in a manner which reflects credit upon the barbering profession; 10458
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- (10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board; 10460
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- (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. 10463
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- (C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the board, on 10467
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forms provided by the board. ~~The~~ 10469

Except as provided in division (D) of this section, the 10470
board shall only issue a barber teacher license to a person who 10471
meets all of the following requirements: 10472

(1) Holds a current barber license issued pursuant to this 10473
chapter and has at least eighteen months of work experience in a 10474
licensed barber shop or has been employed as an assistant barber 10475
teacher under the supervision of a licensed barber teacher for 10476
at least one year, unless, for good cause, the board waives this 10477
requirement; 10478

(2) Meets such other requirements as adopted by rule by 10479
the board; 10480

(3) Passes the required examination; and 10481

(4) Pays the required fees. If an applicant fails to pass 10482
the examination, the applicant may reapply for the examination 10483
and licensure no earlier than one year after the failure to pass 10484
and provided that during that period, the applicant remains 10485
employed as an assistant barber teacher. 10486

~~The~~ Except as provided in division (D) of this section, 10487
the board shall only issue an assistant barber teacher license 10488
to a person who holds a current barber license issued pursuant 10489
to this chapter and pays the required fees. 10490

(D) The board shall issue a barber teacher or assistant 10491
barber teacher license in accordance with Chapter 4796. of the 10492
Revised Code to an applicant if either of the following applies: 10493

(1) The applicant holds a barber teacher or assistant 10494
barber teacher license, as applicable, in another state. 10495

(2) The applicant has satisfactory work experience, a 10496

government certification, or a private certification as 10497
described in that chapter as a barber teacher or assistant 10498
barber teacher, as applicable, in a state that does not issue 10499
the applicable license. 10500

(E) Any person who meets the qualifications of an 10501
assistant teacher pursuant to division (C) or (D) of this 10502
section, may be employed as an assistant teacher, provided that 10503
within five days after the commencement of the employment the 10504
barber school submits to the board, on forms provided by the 10505
board, the applicant's qualifications. 10506

Sec. 4712.02. (A) (1) A credit services organization shall 10507
file a registration application with, and receive a certificate 10508
of registration from, the division of financial institutions 10509
before conducting business in this state. ~~The~~ Except as provided 10510
in division (A) (2) of this section, the registration application 10511
shall be accompanied by a one-hundred-dollar fee and shall 10512
contain all of the following information: 10513

~~(1)~~ (a) The name and address of the credit services 10514
organization; 10515

~~(2)~~ (b) The name and address of any person that directly 10516
or indirectly owns or controls ten per cent or more of the 10517
outstanding shares of stock in the organization; 10518

~~(3)~~ (c) Either of the following: 10519

~~(a)~~ (i) A full and complete disclosure of any litigation 10520
commenced against the organization or unresolved complaint that 10521
relates to the operation of the organization and that is filed 10522
with the attorney general, the secretary of state, or any other 10523
governmental authority of the United States, this state, or any 10524
other state of the United States; 10525

~~(b)~~ (ii) A notarized statement stating that no litigation has been commenced and no unresolved complaint relating to the operation of the organization has been filed with the attorney general, the secretary of state, or any other governmental authority of the United States, this state, or any other state of the United States.

~~(4)~~ (d) Any other information required at any time by the division.

(2) 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:

(a) The applicant holds a license or certificate as a credit services organization in another state.

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a credit services organization in a state that does not issue that license or certificate.

(B) (1) Except as ~~otherwise~~ provided in division (B) (2) of this section, each credit services organization shall notify the division in writing within thirty days after the date of a change in the information required by division (A) of this section.

(2) Each organization shall notify the division in writing no later than thirty days prior to any change in the information required by division (A) (1) or (2) of this section and shall receive approval from the division before making any such change.

(C) (1) A credit services organization shall attach both of the following to the registration application submitted pursuant

to division (A) of this section: 10555

(a) A copy of the contract that the organization intends 10556
to execute with its customers; 10557

(b) Evidence of the bond required under section 4712.06 of 10558
the Revised Code. 10559

(2) Any modification made to the contract described in 10560
division (C)(1)(a) of this section shall be filed with the 10561
division prior to its use by the organization. 10562

(D) Each credit services organization registering under 10563
this section shall maintain a copy of the registration 10564
application in its files. The organization shall allow a buyer 10565
to inspect the registration application upon request. 10566

(E) Each nonresident credit services organization 10567
registering under this section shall designate and maintain a 10568
resident of this state as the organization's statutory agent for 10569
purposes of receipt of service of process. 10570

(F) If, in order to issue a certificate of registration to 10571
a credit services organization, investigation by the division 10572
outside this state is necessary, the division may require the 10573
organization to advance sufficient funds to pay the actual 10574
expenses of the investigation. 10575

(G) Each credit services organization registering under 10576
this section shall use no more than one fictitious or trade 10577
name. 10578

(H) (1) A certificate of registration issued by the 10579
division pursuant to this section shall expire annually on the 10580
thirtieth day of April, or annually on a different date 10581
established by the superintendent pursuant to section 1181.23 of 10582

the Revised Code. 10583

(2) A credit services organization may renew its 10584
certificate of registration by filing with the division a 10585
renewal application accompanied by a one-hundred-dollar renewal 10586
fee. 10587

(I) All money collected by the division pursuant to this 10588
section shall be deposited by it in the state treasury to the 10589
credit of the consumer finance fund. 10590

(J) (1) No credit services organization shall fail to 10591
comply with division (A) of this section. 10592

(2) No credit services organization shall fail to comply 10593
with division (B), (D), (E), (F), or (G) of this section. 10594

Sec. 4713.10. (A) The state cosmetology and barber board 10595
shall charge and collect the following fees: 10596

(1) For a temporary pre-examination work permit under 10597
section 4713.22 of the Revised Code, not more than fifteen 10598
dollars; 10599

(2) For initial application to take an examination under 10600
section 4713.24 of the Revised Code, not more than forty 10601
dollars; 10602

(3) For application to take an examination under section 10603
4713.24 of the Revised Code by an applicant who has previously 10604
applied to take, but failed to appear for, the examination, not 10605
more than fifty-five dollars; 10606

(4) For application to re-take an examination under 10607
section 4713.24 of the Revised Code by an applicant who has 10608
previously appeared for, but failed to pass, the examination, 10609
not more than forty dollars; 10610

(5) For the issuance of a license <u>by examination</u> under	10611
section 4713.28, 4713.30, or 4713.31 of the Revised Code, not	10612
more than seventy-five dollars;	10613
(6) For the issuance of a license under section 4713.34 of	10614
the Revised Code, not more than seventy dollars;	10615
(7) For renewal of a license issued under section 4713.28,	10616
4713.30, 4713.31, or 4713.34 of the Revised Code, not more than	10617
seventy dollars;	10618
(8) For the issuance or renewal of a cosmetology school	10619
license, not more than two hundred fifty dollars;	10620
(9) For the issuance of a new salon license or the change	10621
of name or ownership of a salon license under section 4713.41 of	10622
the Revised Code, not more than one hundred dollars;	10623
(10) For the renewal of a salon license under section	10624
4713.41 of the Revised Code, not more than ninety dollars;	10625
(11) For the restoration of an expired license that may be	10626
restored pursuant to section 4713.63 of the Revised Code, an	10627
amount equal to the sum of the current license renewal fee and a	10628
lapsed renewal fee of not more than forty-five dollars per	10629
license renewal period that has elapsed since the license was	10630
last issued or renewed;	10631
(12) For the issuance of a duplicate of any license, not	10632
more than thirty dollars;	10633
(13) For the preparation and mailing of a licensee's	10634
records to another state for a reciprocity license, not more	10635
than fifty dollars;	10636
(14) For the processing of any fees related to a check	10637
from a licensee returned to the board for insufficient funds, an	10638

additional thirty dollars. 10639

(B) The board shall adjust the fees biennially, by rule, 10640
within the limits established by division (A) of this section, 10641
to provide sufficient revenues to meet its expenses. 10642

(C) The board may establish an installment plan for the 10643
payment of fines and fees and may reduce fees as considered 10644
appropriate by the board. 10645

(D) At the request of a person who is temporarily unable 10646
to pay a fee imposed under division (A) of this section, or on 10647
its own motion, the board may extend the date payment is due by 10648
up to ninety days. If the fee remains unpaid after the date 10649
payment is due, the amount of the fee shall be certified to the 10650
attorney general for collection in the form and manner 10651
prescribed by the attorney general. The attorney general may 10652
assess the collection cost to the amount certified in such a 10653
manner and amount as prescribed by the attorney general. 10654

Sec. 4713.28. (A) The state cosmetology and barber board 10655
shall issue a practicing license to an applicant who satisfies 10656
all of the following applicable conditions: 10657

(1) Is at least sixteen years of age; 10658

(2) Has the equivalent of an Ohio public school tenth 10659
grade education; 10660

(3) Has submitted a written application on a form 10661
furnished by the board that contains all of the following: 10662

(a) The name of the individual and any other identifying 10663
information required by the board; 10664

(b) A recent photograph of the individual that meets the 10665
specifications established by the board; 10666

- (c) A photocopy of the individual's current driver's license or other proof of legal residence; 10667
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- (d) Proof that the individual is qualified to take the applicable examination as required by section 4713.20 of the Revised Code; 10669
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- (e) An oath verifying that the information in the application is true; 10672
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- (f) The applicable application fee. 10674
- (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; 10675
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- (5) Pays to the board the applicable license fee; 10678
- (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; 10679
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- (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; 10687
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- (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, 10691
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except that only one thousand hours of board-approved hair 10695
designer training in a school of cosmetology licensed in this 10696
state is required of an individual licensed as a barber under 10697
Chapter 4709. of the Revised Code; 10698

(9) In the case of an applicant for an initial manicurist 10699
license, has successfully completed at least two hundred hours 10700
of board-approved manicurist training in a school of cosmetology 10701
licensed in this state; 10702

(10) In the case of an applicant for an initial natural 10703
hair stylist license, has successfully completed at least four 10704
hundred fifty hours of instruction in subjects relating to 10705
sanitation, scalp care, anatomy, hair styling, communication 10706
skills, and laws and rules governing the practice of 10707
cosmetology. 10708

(B) The board shall not deny a license to any applicant 10709
based on prior incarceration or conviction for any crime. If the 10710
board denies an individual a license or license renewal, the 10711
reasons for such denial shall be put in writing. 10712

(C) The board shall issue a practicing license in a branch 10713
of cosmetology in accordance with Chapter 4796. of the Revised 10714
Code to an applicant if either of the following applies: 10715

(1) The applicant holds a license in that branch of 10716
cosmetology in another state. 10717

(2) The applicant has satisfactory work experience, a 10718
government certification, or a private certification as 10719
described in that chapter in that branch of cosmetology in a 10720
state that does not issue that license. 10721

Sec. 4713.30. The (A) Except as provided in division (B) 10722
of this section, the state cosmetology and barber board shall 10723

issue an advanced license to an applicant who satisfies all of 10724
the following applicable conditions: 10725

~~(A)~~ (1) Is at least sixteen years of age; 10726

~~(B)~~ (2) Has the equivalent of an Ohio public school tenth 10727
grade education; 10728

~~(C)~~ (3) Pays to the board the applicable fee; 10729

~~(D)~~ (4) Passes the appropriate advanced license 10730
examination; 10731

~~(E)~~ (5) In the case of an applicant for an initial 10732
advanced cosmetologist license, does either of the following: 10733

~~(1)~~ (a) Has a licensed advanced cosmetologist or owner of 10734
a licensed beauty salon located in this or another state certify 10735
to the board that the applicant has practiced as a cosmetologist 10736
for at least one thousand eight hundred hours in a licensed 10737
beauty salon; 10738

~~(2)~~ (b) Has a school of cosmetology licensed in this state 10739
certify to the board that the applicant has successfully 10740
completed, in addition to the hours required for licensure as a 10741
cosmetologist, at least three hundred hours of board-approved 10742
advanced cosmetologist training. 10743

~~(F)~~ (6) In the case of an applicant for an initial 10744
advanced esthetician license, does either of the following: 10745

~~(1)~~ (a) Has the licensed advanced esthetician, licensed 10746
advanced cosmetologist, or owner of a licensed esthetics salon 10747
or licensed beauty salon located in this or another state 10748
certify to the board that the applicant has practiced esthetics 10749
for at least one thousand eight hundred hours as an esthetician 10750
in a licensed esthetics salon or as a cosmetologist in a 10751

licensed beauty salon; 10752

~~(2)~~ (b) Has a school of cosmetology licensed in this state 10753
certify to the board that the applicant has successfully 10754
completed, in addition to the hours required for licensure as an 10755
esthetician or cosmetologist, at least one hundred fifty hours 10756
of board-approved advanced esthetician training. 10757

~~(G)~~ (7) In the case of an applicant for an initial 10758
advanced hair designer license, does either of the following: 10759

~~(1)~~ (a) Has the licensed advanced hair designer, licensed 10760
advanced cosmetologist, or owner of a licensed hair design salon 10761
or licensed beauty salon located in this or another state 10762
certify to the board that the applicant has practiced hair 10763
design for at least one thousand eight hundred hours as a hair 10764
designer in a licensed hair design salon or as a cosmetologist 10765
in a licensed beauty salon; 10766

~~(2)~~ (b) Has a school of cosmetology licensed in this state 10767
certify to the board that the applicant has successfully 10768
completed, in addition to the hours required for licensure as a 10769
hair designer or cosmetologist, at least two hundred forty hours 10770
of board-approved advanced hair designer training. 10771

~~(H)~~ (8) In the case of an applicant for an initial 10772
advanced manicurist license, does either of the following: 10773

~~(1)~~ (a) Has the licensed advanced manicurist, licensed 10774
advanced cosmetologist, or owner of a licensed nail salon, 10775
licensed beauty salon, or licensed barber shop located in this 10776
or another state certify to the board that the applicant has 10777
practiced manicuring for at least one thousand eight hundred 10778
hours as a manicurist in a licensed nail salon or licensed 10779
barber shop or as a cosmetologist in a licensed beauty salon or 10780

licensed barber shop; 10781

~~(2)~~ (b) Has a school of cosmetology licensed in this state 10782
certify to the board that the applicant has successfully 10783
completed, in addition to the hours required for licensure as a 10784
manicurist or cosmetologist, at least one hundred hours of 10785
board-approved advanced manicurist training. 10786

~~(I)~~ (9) In the case of an applicant for an initial 10787
advanced natural hair stylist license, does either of the 10788
following: 10789

~~(1)~~ (a) Has the licensed advanced natural hair stylist, 10790
licensed advanced cosmetologist, or owner of a licensed natural 10791
hair style salon or licensed beauty salon located in this or 10792
another state certify to the board that the applicant has 10793
practiced natural hair styling for at least one thousand eight 10794
hundred hours as a natural hair stylist in a licensed natural 10795
hair style salon or as a cosmetologist in a licensed beauty 10796
salon; 10797

~~(2)~~ (b) Has a school of cosmetology licensed in this state 10798
certify to the board that the applicant has successfully 10799
completed, in addition to the hours required for licensure as 10800
natural hair stylist or cosmetologist, at least one hundred 10801
fifty hours of board-approved advanced natural hair stylist 10802
training. 10803

(B) The board shall issue an advanced license in a branch 10804
of cosmetology in accordance with Chapter 4796. of the Revised 10805
Code to an applicant if either of the following applies: 10806

(1) The applicant holds an advanced license in that branch 10807
of cosmetology in another state. 10808

(2) The applicant has satisfactory work experience, a 10809

government certification, or a private certification as 10810
described in that chapter in that branch of cosmetology in a 10811
state that does not issue that license. 10812

Sec. 4713.31. (A) The state cosmetology and barber board 10813
shall issue an instructor license to an applicant who satisfies 10814
all of the following applicable conditions: 10815

~~(A)~~ (1) Is at least eighteen years of age; 10816

~~(B)~~ (2) Has the equivalent of an Ohio public school 10817
twelfth grade education; 10818

~~(C)~~ (3) Pays to the board the applicable fee; 10819

~~(D)~~ (4) In the case of an applicant for an initial 10820
cosmetology instructor license, holds a current, valid advanced 10821
cosmetologist license issued in this state and does either of 10822
the following: 10823

~~(1)~~ (a) Has the licensed advanced cosmetologist or owner 10824
of the licensed beauty salon in which the applicant has been 10825
employed certify to the board that the applicant has engaged in 10826
the practice of cosmetology in a licensed beauty salon for at 10827
least one thousand eight hundred hours; 10828

~~(2)~~ (b) Has a school of cosmetology licensed in this state 10829
certify to the board that the applicant has successfully 10830
completed one thousand hours of board-approved cosmetology 10831
instructor training as an apprentice instructor. 10832

~~(E)~~ (5) In the case of an applicant for an initial 10833
esthetics instructor license, holds a current, valid advanced 10834
esthetician or advanced cosmetologist license issued in this 10835
state and does either of the following: 10836

~~(1)~~ (a) Has the licensed advanced esthetician, licensed 10837

advanced cosmetologist, or owner of the licensed esthetics salon 10838
or licensed beauty salon in which the applicant has been 10839
employed certify to the board that the applicant has engaged in 10840
the practice of esthetics in a licensed esthetics salon or 10841
practice of cosmetology in a licensed beauty salon for at least 10842
one thousand eight hundred hours; 10843

~~(2)~~ (b) Has a school of cosmetology licensed in this state 10844
certify to the board that the applicant has successfully 10845
completed at least five hundred hours of board-approved 10846
esthetics instructor training as an apprentice instructor. 10847

~~(F)~~ (6) In the case of an applicant for an initial hair 10848
design instructor license, holds a current, valid advanced hair 10849
designer or advanced cosmetologist license and does either of 10850
the following: 10851

~~(1)~~ (a) Has the licensed advanced hair designer, licensed 10852
advanced cosmetologist, or owner of the licensed hair design 10853
salon or licensed beauty salon in which the applicant has been 10854
employed certify to the board that the applicant has engaged in 10855
the practice of hair design in a licensed hair design salon or 10856
practice of cosmetology in a licensed beauty salon for at least 10857
one thousand eight hundred hours; 10858

~~(2)~~ (b) Has a school of cosmetology licensed in this state 10859
certify to the board that the applicant has successfully 10860
completed at least eight hundred hours of board-approved hair 10861
design instructor's training as an apprentice instructor. 10862

~~(G)~~ (7) In the case of an applicant for an initial 10863
manicurist instructor license, holds a current, valid advanced 10864
manicurist or advanced cosmetologist license and does either of 10865
the following: 10866

~~(1)~~ (a) Has the licensed advanced manicurist, licensed 10867
advanced cosmetologist, or owner of the licensed nail salon or 10868
licensed beauty salon in which the applicant has been employed 10869
certify to the board that the applicant has engaged in the 10870
practice of manicuring in a licensed nail salon or practice of 10871
cosmetology in a licensed beauty salon for at least one thousand 10872
eight hundred hours; 10873

~~(2)~~ (b) Has a school of cosmetology licensed in this state 10874
certify to the board that the applicant has successfully 10875
completed at least three hundred hours of board-approved 10876
manicurist instructor training as an apprentice instructor. 10877

~~(H)~~ (8) In the case of an applicant for an initial natural 10878
hair style instructor license, holds a current, valid advanced 10879
natural hair stylist or advanced cosmetologist license and does 10880
either of the following: 10881

~~(1)~~ (a) Has the licensed advanced natural hair stylist, 10882
licensed advanced cosmetologist, or owner of the licensed 10883
natural hair style salon or licensed beauty salon in which the 10884
applicant has been employed certify to the board that the 10885
applicant has engaged in the practice of natural hair styling in 10886
a licensed natural hair style salon or practice of cosmetology 10887
in a licensed beauty salon for at least one thousand eight 10888
hundred hours; 10889

~~(2)~~ (b) Has a school of cosmetology licensed in this state 10890
certify to the board that the applicant has successfully 10891
completed at least four hundred hours of board-approved natural 10892
hair style instructor training as an apprentice instructor. 10893

~~(I)~~ (9) In the case of all applicants, passes an 10894
examination conducted under division (B) of section 4713.24 of 10895

the Revised Code for the branch of cosmetology the applicant 10896
seeks to instruct. 10897

(B) The board shall issue an instructor license for a 10898
branch of cosmetology in accordance with Chapter 4796. of the 10899
Revised Code to an applicant if either of the following applies: 10900

(1) The applicant holds an instructor license in that 10901
branch of cosmetology in another state. 10902

(2) The applicant has satisfactory work experience, a 10903
government certification, or a private certification as 10904
described in that chapter as an instructor in that branch of 10905
cosmetology in a state that does not issue that license. 10906

Sec. 4713.34. The state cosmetology and barber board shall 10907
issue a license to practice a branch of cosmetology or 10908
instructor license to an applicant who is licensed or registered 10909
in another ~~state or~~ country to practice that branch of 10910
cosmetology or teach the theory and practice of that branch of 10911
cosmetology, as appropriate, if all of the following conditions 10912
are satisfied: 10913

(A) The applicant satisfies all of the following 10914
conditions: 10915

(1) Is not less than eighteen years of age; 10916

(2) In the case of an applicant for a practicing license, 10917
passes an examination conducted under section 4713.24 of the 10918
Revised Code for the license the applicant seeks, unless the 10919
applicant satisfies conditions specified in rules adopted under 10920
section 4713.08 of the Revised Code for the board to issue the 10921
applicant a license without taking the examination; 10922

(3) Pays the applicable fee. 10923

(B) At the time the applicant obtained the license or 10924
registration in the other ~~state or~~ country, the requirements in 10925
this state for obtaining the license the applicant seeks were 10926
substantially equal to the other ~~state or~~ country's 10927
requirements. 10928

(C) The jurisdiction that issued the applicant's license 10929
or registration extends similar reciprocity to individuals 10930
holding a license issued by the board. 10931

Sec. 4713.37. (A) The state cosmetology and barber board 10932
may issue a temporary special occasion work permit to ~~an a~~ 10933
nonresident individual who satisfies all of the following 10934
conditions: 10935

(1) Has been licensed or registered in another state or 10936
country to practice a branch of cosmetology or teach the theory 10937
and practice of a branch of cosmetology for at least five years; 10938

(2) Is a recognized expert in the practice or teaching of 10939
the branch of cosmetology the individual practices or teaches; 10940

(3) Is to practice that branch of cosmetology or teach the 10941
theory and practice of that branch of cosmetology in this state 10942
as part of a promotional or instructional program for not more 10943
than the amount of time a temporary special occasion work permit 10944
is effective; 10945

(4) Satisfies all other conditions for a temporary special 10946
occasion work permit established by rules adopted under section 10947
4713.08 of the Revised Code; 10948

(5) Pays the fee established by rules adopted under 10949
section 4713.08 of the Revised Code. 10950

(B) An individual issued a temporary special occasion work 10951

permit may practice the branch of cosmetology the individual 10952
practices in another state or country, or teach the theory and 10953
practice of the branch of cosmetology the individual teaches in 10954
another state or country, until the expiration date of the 10955
permit. A temporary special occasion work permit is valid for 10956
the period of time specified in rules adopted under section 10957
4713.08 of the Revised Code. 10958

(C) Chapter 4796. of the Revised Code does not apply to a 10959
temporary special occasion work permit issued under this 10960
section. 10961

Sec. 4713.69. (A) The—Except as provided in division (D) 10962
of this section, the state cosmetology and barber board shall 10963
issue a boutique services registration to an applicant who 10964
satisfies all of the following applicable conditions: 10965

(1) Is at least sixteen years of age; 10966

(2) Has the equivalent of an Ohio public school tenth 10967
grade education; 10968

(3) Has submitted a written application on a form 10969
prescribed by the board containing all of the following: 10970

(a) The applicant's name and home address; 10971

(b) The applicant's home telephone number and cellular 10972
telephone number, if any; 10973

(c) The applicant's electronic mail address, if any; 10974

(d) The applicant's date of birth; 10975

(e) The address and telephone number where boutique 10976
services will be performed. The address shall not contain a post 10977
office box number. 10978

(f) Whether the applicant has an occupational license, certification, or registration to provide beauty services in another state, and if so, what type of license and in what state; 10979
10980
10981
10982

(g) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state; 10983
10984
10985

(h) An affidavit or certificate providing proof of formal training or apprenticeship under an individual providing such services. 10986
10987
10988

(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. 10989
10990
10991
10992

(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. 10993
10994
10995

(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: 10996
10997
10998

(1) The applicant holds a license or registration in providing boutique services in another state. 10999
11000

(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. 11001
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11004

Sec. 4715.03. (A) The state dental board shall organize by electing from its members a president, secretary, and vice- 11005
11006

secretary. The secretary and vice-secretary shall be elected 11007
from the members of the board who are dentists. It shall hold 11008
meetings monthly at least eight months a year at such times and 11009
places as the board designates. A majority of the members of the 11010
board shall constitute a quorum. The board shall make such 11011
reasonable rules as it determines necessary pursuant to Chapter 11012
119. of the Revised Code. 11013

(B) A concurrence of a majority of the members of the 11014
board shall be required to do any of the following: 11015

(1) Grant, refuse, suspend, place on probationary status, 11016
revoke, refuse to renew, or refuse to reinstate a license or 11017
censure a license holder or take any other action authorized 11018
under section 4715.30 of the Revised Code; 11019

(2) Seek an injunction under section 4715.05 of the 11020
Revised Code; 11021

(3) Enter into a consent agreement with a license holder; 11022

(4) If the board develops and implements the quality 11023
intervention program under section 4715.031 of the Revised Code, 11024
refer a license holder to the program; 11025

(5) Terminate an investigation conducted under division 11026
(D) of this section; 11027

(6) Dismiss any complaint filed with the board. 11028

(C) (1) The board shall adopt rules in accordance with 11029
Chapter 119. of the Revised Code to do both of the following: 11030

(a) Establish standards for the safe practice of dentistry 11031
and dental hygiene by qualified practitioners and shall, through 11032
its policies and activities, promote such practice; 11033

(b) Establish universal blood and body fluid precautions 11034
that shall be used by each person licensed under this chapter 11035
who performs exposure prone invasive procedures. 11036

(2) The rules adopted under division (C)(1)(b) of this 11037
section shall define and establish requirements for universal 11038
blood and body fluid precautions that include the following: 11039

(a) Appropriate use of hand washing; 11040

(b) Disinfection and sterilization of equipment; 11041

(c) Handling and disposal of needles and other sharp 11042
instruments; 11043

(d) Wearing and disposal of gloves and other protective 11044
garments and devices. 11045

(D) The board shall administer and enforce the provisions 11046
of this chapter. The board shall, in accordance with sections 11047
4715.032 to 4715.035 of the Revised Code, investigate evidence 11048
which appears to show that any person has violated any provision 11049
of this chapter. Any person may report to the board under oath 11050
any information such person may have appearing to show a 11051
violation of any provision of this chapter. In the absence of 11052
bad faith, any person who reports such information or who 11053
testifies before the board in any disciplinary proceeding 11054
conducted pursuant to Chapter 119. of the Revised Code is not 11055
liable for civil damages as a result of making the report or 11056
providing testimony. If after investigation and reviewing the 11057
recommendation of the supervisory investigative panel issued 11058
pursuant to section 4715.034 of the Revised Code the board 11059
determines that there are reasonable grounds to believe that a 11060
violation of this chapter has occurred, the board shall, except 11061
as provided in this chapter, conduct disciplinary proceedings 11062

pursuant to Chapter 119. of the Revised Code, seek an injunction 11063
under section 4715.05 of the Revised Code, enter into a consent 11064
agreement with a license holder, or provide for a license holder 11065
to participate in the quality intervention program established 11066
under section 4715.031 of the Revised Code if the board develops 11067
and implements that program. 11068

For the purpose of any disciplinary proceeding or any 11069
investigation conducted under this division, the board may 11070
administer oaths, order the taking of depositions, issue 11071
subpoenas in accordance with section 4715.033 of the Revised 11072
Code, compel the attendance and testimony of persons at 11073
depositions, and compel the production of books, accounts, 11074
papers, documents, or other tangible things. The hearings and 11075
investigations of the board shall be considered civil actions 11076
for the purposes of section 2305.252 of the Revised Code. 11077
Notwithstanding section 121.22 of the Revised Code and except as 11078
provided in section 4715.036 of the Revised Code, proceedings of 11079
the board relative to the investigation of a complaint or the 11080
determination whether there are reasonable grounds to believe 11081
that a violation of this chapter has occurred are confidential 11082
and are not subject to discovery in any civil action. 11083

(E) (1) The board shall examine or cause to be examined 11084
eligible applicants to practice dental hygiene. The board may 11085
distinguish by rule different classes of qualified personnel 11086
according to skill levels and require all or only certain of 11087
these classes of qualified personnel to be examined and 11088
certified by the board. 11089

(2) The board shall administer a written jurisprudence 11090
examination to each applicant for a license to practice 11091
dentistry. The examination shall cover only the statutes and 11092

administrative rules governing the practice of dentistry in this state. 11093
11094

(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: 11095
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~~(1)~~ (a) The eligibility requirements and application procedures for an eligible dentist to obtain a conscious sedation permit; 11103
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11105

~~(2)~~ (b) The minimum educational and clinical training standards required of applicants, which shall include satisfactory completion of an advanced cardiac life support course; 11106
11107
11108
11109

~~(3)~~ (c) The facility equipment and inspection requirements; 11110
11111

~~(4)~~ (d) Safety standards; 11112

~~(5)~~ (e) Requirements for reporting adverse occurrences. 11113

(2) The board shall issue a permit to employ or use conscious sedation in accordance with Chapter 4796. of the Revised Code to a dentist licensed under this chapter if either of the following applies: 11114
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11116
11117

(a) The dentist holds a license or permit to employ or use conscious sedation in another state. 11118
11119

(b) The dentist has satisfactory work experience, a 11120

government certification, or a private certification as 11121
described in Chapter 4796. of the Revised Code in employing or 11122
using conscious sedation in a state that does not issue that 11123
license. 11124

(G) (1) In accordance with Chapter 119. of the Revised 11125
Code, subject to division (G) (2) of this section the board shall 11126
adopt rules establishing eligibility criteria, application and 11127
permit renewal procedures, and safety standards applicable to a 11128
dentist licensed under this chapter who applies for a general 11129
anesthesia permit. 11130

(2) The board shall issue a general anesthesia permit in 11131
accordance with Chapter 4796. of the Revised Code to a dentist 11132
licensed under this chapter if either of the following applies: 11133

(a) The dentist holds a general anesthesia license or 11134
permit in another state. 11135

(b) The dentist has satisfactory work experience, a 11136
government certification, or a private certification as 11137
described in Chapter 4796. of the Revised Code utilizing general 11138
anesthesia in a state that does not issue that license or 11139
permit. 11140

Sec. 4715.09. (A) No person shall practice dentistry 11141
without a current license from the state dental board. No person 11142
shall practice dentistry while the person's license is under 11143
suspension by the state dental board. 11144

(B) No dentist shall use the services of any person not 11145
licensed to practice dentistry in this state, or the services of 11146
any partnership, corporation, or association, to construct, 11147
alter, repair, or duplicate any denture, plate, bridge, splint, 11148
or orthodontic or prosthetic appliance, without first furnishing 11149

the unlicensed person, partnership, corporation, or association 11150
with a written work authorization on forms prescribed by the 11151
state dental board. 11152

The unlicensed person, partnership, corporation, or 11153
association shall retain the original work authorization, and 11154
the dentist shall retain a duplicate copy of the work 11155
authorization, for two years from its date. Work authorizations 11156
required by this section shall be open for inspection during the 11157
two-year period by the state dental board, its authorized agent, 11158
or the prosecuting attorney of a county or the director of law 11159
of a municipal corporation wherein the work authorizations are 11160
located. 11161

(C) If the person, partnership, association, or 11162
corporation receiving a written authorization from a licensed 11163
dentist engages another person, firm, or corporation, referred 11164
to in this division as "subcontractor," to perform some of the 11165
services relative to the work authorization, the person shall 11166
furnish a written sub-work authorization with respect thereto on 11167
forms prescribed by the state dental board. 11168

The subcontractor shall retain the sub-work authorization 11169
and the issuer thereof shall retain a duplicate copy, attached 11170
to the work authorization received from the licensed dentist, 11171
for inspection by the state dental board or its duly authorized 11172
agents, for a period of two years in both cases. 11173

(D) No unlicensed person, partnership, association, or 11174
corporation shall perform any service described in division (B) 11175
of this section without a written work authorization from a 11176
licensed dentist. Provided, that if a written work authorization 11177
is demanded from a licensed dentist who fails or refuses to 11178
furnish it for any reason, the unlicensed person, partnership, 11179

association, or corporation shall not, in such event, be subject 11180
to the enforcement provisions of section 4715.05 or the penal 11181
provisions of section 4715.99 of the Revised Code. 11182

(E) No dentist shall employ or use conscious sedation 11183
unless the dentist possesses a valid permit issued by the state 11184
dental board authorizing the dentist to do so. 11185

(F) No dentist shall employ or use general anesthesia 11186
unless the dentist possesses a valid permit issued by the state 11187
dental board authorizing the dentist to do so. 11188

(G) Division (A) of this section does not apply to a 11189
nonresident person who meets both of the following conditions: 11190

(1) The person holds a license in good standing to 11191
practice dentistry issued by another state. 11192

(2) The person is practicing as a volunteer without 11193
remuneration during a charitable event that lasts not more than 11194
seven days. 11195

When a nonresident person meets the conditions of this 11196
division, the person shall be deemed to hold, for the course of 11197
the charitable event, a license to practice dentistry from the 11198
state dental board and shall be subject to the provisions of 11199
this chapter authorizing the board to take disciplinary action 11200
against a license holder. Not less than seven calendar days 11201
before the first day of the charitable event, the person or the 11202
event's organizer shall notify the board of the person's intent 11203
to engage in the practice of dentistry at the event. During the 11204
course of the charitable event, the person's scope of practice 11205
is limited to the procedures that a dentist licensed under this 11206
chapter is authorized to perform unless the person's scope of 11207
practice in the other state is more restrictive than in this 11208

state. If the latter is the case, the person's scope of practice 11209
is limited to the procedures that a dentist in the other state 11210
may perform. Chapter 4796. of the Revised Code does not apply to 11211
this division. 11212

Sec. 4715.10. (A) As used in this section, "accredited 11213
dental college" means a dental college accredited by the 11214
commission on dental accreditation or a dental college that has 11215
educational standards recognized by the commission on dental 11216
accreditation and is approved by the state dental board. 11217

(B) Each person who desires to practice dentistry in this 11218
state shall file a written application for a license with the 11219
secretary of the state dental board. The application shall be on 11220
a form prescribed by the board and verified by oath. ~~Each~~ Except 11221
as provided in division (F) of this section, each applicant 11222
shall furnish satisfactory proof to the board that the applicant 11223
has met the requirements of divisions (C) and (D) of this 11224
section, and if the applicant is a graduate of an unaccredited 11225
dental college located outside the United States, division (E) 11226
of this section. 11227

(C) To be granted a license to practice dentistry, an 11228
applicant must meet all of the following requirements: 11229

(1) Be at least eighteen years of age; 11230

(2) Be of good moral character; 11231

(3) Be a graduate of an accredited dental college or of a 11232
dental college located outside the United States who meets the 11233
standards adopted under section 4715.11 of the Revised Code; 11234

(4) Have passed parts I and II of the examination given by 11235
the national board of dental examiners; 11236

(5) Have passed a written jurisprudence examination administered by the state dental board under division (E) (2) of section 4715.03 of the Revised Code;	11237 11238 11239
(6) Pay the fee required by division (A) (1) of section 4715.13 of the Revised Code.	11240 11241
(D) To be granted a license to practice dentistry, an applicant must meet any one of the following requirements:	11242 11243
(1) Have taken an examination administered by any of the following regional testing agencies and received a passing score on the examination as determined by the administering agency: the central regional dental testing service, inc., northeast regional board of dental examiners, inc., the commission on dental competency assessments, the southern regional dental testing agency, inc., the council of interstate testing agencies, inc., or the western regional examining board;	11244 11245 11246 11247 11248 11249 11250 11251
(2) Have taken an examination administered by the state dental board and received a passing score as established by the board;	11252 11253 11254
(3) Possess a license in good standing from another state and have actively engaged in the legal and reputable practice of dentistry in another state or in the armed forces of the United States, the United States public health service, or the United States department of veterans' affairs for five years immediately preceding application;	11255 11256 11257 11258 11259 11260
(4) Have completed a dental residency program accredited or approved by the commission on dental accreditation and administered by an accredited dental college or hospital.	11261 11262 11263
(E) To be granted a license to practice dentistry, a graduate of an unaccredited dental college located outside the	11264 11265

United States must meet both of the following requirements: 11266

(1) Have taken a basic science and laboratory examination 11267
consistent with rules adopted under section 4715.11 of the 11268
Revised Code and received a passing score as established by the 11269
board; 11270

(2) Have had sufficient clinical training in an accredited 11271
institution to reasonably assure a level of competency equal to 11272
that of graduates of accredited dental colleges, as determined 11273
by the board. 11274

(F) The board shall grant a license to practice dentistry 11275
in accordance with Chapter 4796. of the Revised Code to an 11276
applicant if either of the following applies: 11277

(1) The applicant holds a license to practice dentistry in 11278
another state. 11279

(2) The applicant has satisfactory work experience, a 11280
government certification, or a private certification as 11281
described in that chapter in the practice of dentistry in a 11282
state that does not issue that license. 11283

Sec. 4715.16. (A) Upon payment of a fee of thirteen 11284
dollars, the state dental board may without examination issue a 11285
limited resident's license to any person who is a graduate of a 11286
dental college, is authorized to practice in another ~~state or~~ 11287
country or qualified to take the regular licensing examination 11288
in this state, and furnishes the board satisfactory proof of 11289
having been appointed a dental resident at an accredited dental 11290
college in this state or at an accredited program of a hospital 11291
in this state, but has not yet been licensed as a dentist by the 11292
board. Any person receiving a limited resident's license may 11293
practice dentistry only in connection with programs operated by 11294

the dental college or hospital at which the person is appointed 11295
as a resident as designated on the person's limited resident's 11296
license, and only under the direction of a licensed dentist who 11297
is a member of the dental staff of the college or hospital or a 11298
dentist holding a current limited teaching license issued under 11299
division (B) of this section, and only on bona fide patients of 11300
such programs. The holder of a limited resident's license may be 11301
disciplined by the board pursuant to section 4715.30 of the 11302
Revised Code. The board shall issue a limited resident's license 11303
in accordance with Chapter 4796. of the Revised Code to an 11304
applicant if either of the following applies: 11305

(1) The applicant holds a license to practice dentistry in 11306
another state. 11307

(2) The applicant has satisfactory work experience, a 11308
government certification, or a private certification as 11309
described in that chapter in the practice of dentistry in a 11310
state that does not issue that license. 11311

(B) Upon payment of one hundred twenty-seven dollars and 11312
upon application endorsed by an accredited dental college in 11313
this state, the board may without examination issue a limited 11314
teaching license to a dentist who is a resident of a state other 11315
than Ohio and who is a graduate of a dental college, is 11316
authorized to practice dentistry in another state or country, 11317
and has full-time appointment to the faculty of the endorsing 11318
dental college. A limited teaching license is subject to annual 11319
renewal in accordance with the standard renewal procedure of 11320
Chapter 4745. of the Revised Code, and automatically expires 11321
upon termination of the full-time faculty appointment. A person 11322
holding a limited teaching license may practice dentistry only 11323
in connection with programs operated by the endorsing dental 11324

college. The board may discipline the holder of a limited 11325
teaching license pursuant to section 4715.30 of the Revised 11326
Code. 11327

Chapter 4796. of the Revised Code does not apply to a 11328
limited teaching license issued under this division. 11329

(C) (1) As used in this division: 11330

(a) "Continuing dental education practicum" or "practicum" 11331
means a course of instruction, approved by the American dental 11332
association, Ohio dental association, or academy of general 11333
dentistry, that is designed to improve the clinical skills of a 11334
dentist by requiring the dentist to participate in clinical 11335
exercises on patients. 11336

(b) "Director" means the person responsible for the 11337
operation of a practicum. 11338

(2) Upon payment of one hundred twenty-seven dollars and 11339
application endorsed by the director of a continuing dental 11340
education practicum, the board shall, without examination, issue 11341
a temporary limited continuing education license to a resident 11342
of a state other than Ohio who is licensed to practice dentistry 11343
in such state and is in good standing, is a graduate of an 11344
accredited dental college, and is registered to participate in 11345
the endorsing practicum. The determination of whether a dentist 11346
is in good standing shall be made by the board. 11347

A dentist holding a temporary limited continuing education 11348
license may practice dentistry only on residents of the state in 11349
which the dentist is permanently licensed or on patients 11350
referred by a dentist licensed pursuant to section 4715.12 of 11351
the Revised Code to an instructing dentist licensed pursuant to 11352
that section, and only while participating in a required 11353

clinical exercise of the endorsing practicum on the premises of 11354
the facility where the practicum is being conducted. 11355

Practice under a temporary limited continuing education 11356
license shall be under the direct supervision and full 11357
professional responsibility of an instructing dentist licensed 11358
pursuant to section 4715.12 of the Revised Code, shall be 11359
limited to the performance of those procedures necessary to 11360
complete the endorsing practicum, and shall not exceed thirty 11361
days of actual patient treatment in any year. 11362

(3) A director of a continuing dental education practicum 11363
who endorses an application for a temporary limited continuing 11364
education license shall, prior to making the endorsement, notify 11365
the state dental board in writing of the identity of the 11366
sponsors and the faculty of the practicum and the dates and 11367
locations at which it will be offered. The notice shall also 11368
include a brief description of the course of instruction. The 11369
board may prohibit a continuing dental education practicum from 11370
endorsing applications for temporary limited continuing 11371
education licenses if the board determines that the practicum is 11372
engaged in activities that constitute a threat to public health 11373
and safety or do not constitute bona fide continuing dental 11374
education, or that the practicum permits activities which 11375
otherwise violate this chapter. Any continuing dental education 11376
practicum prohibited from endorsing applications may request an 11377
adjudication pursuant to Chapter 119. of the Revised Code. 11378

A temporary limited continuing education license shall be 11379
valid only when the dentist is participating in the endorsing 11380
continuing dental education practicum and shall expire at the 11381
end of one year. If the dentist fails to complete the endorsing 11382
practicum in one year, the board may, upon the dentist's 11383

application and payment of a fee of ninety-four dollars, renew 11384
the temporary limited continuing education license for a 11385
consecutive one-year period. Only two renewals may be granted. 11386
The holder of a temporary limited continuing education license 11387
may be disciplined by the board pursuant to section 4715.30 of 11388
the Revised Code. 11389

Chapter 4796. of the Revised Code does not apply to a 11390
temporary limited continuing education license issued under this 11391
division. 11392

(D) The board shall act either to approve or to deny any 11393
application for a limited license pursuant to division (A), (B), 11394
or (C) of this section not later than sixty days of the date the 11395
board receives the application. 11396

Sec. 4715.27. ~~The~~ (A) (1) Except as provided in division 11397
(A) (2) of this section, the state dental board may issue a 11398
license to an applicant who furnishes satisfactory proof of 11399
being at least eighteen years of age, of good moral character 11400
and who demonstrates, to the satisfaction of the board, 11401
knowledge of the laws, regulations, and rules governing the 11402
practice of a dental hygienist; who proves, to the satisfaction 11403
of the board, intent to practice as a dental hygienist in this 11404
state; who is a graduate from an accredited school of dental 11405
hygiene and who holds a license by examination from a similar 11406
dental board, and who passes an examination as prescribed by the 11407
board relating to dental hygiene. 11408

(2) The board shall issue a license to practice as a 11409
dental hygienist in accordance with Chapter 4796. of the Revised 11410
Code to an applicant if either of the following applies: 11411

(a) The applicant holds a license to practice as a dental 11412

hygienist in another state. 11413

(b) The applicant has satisfactory work experience, a 11414
government certification, or a private certification as 11415
described in that chapter in the practice of a dental hygienist 11416
in a state that does not issue that license. 11417

(B) Upon payment of seventy-three dollars and upon 11418
application endorsed by an accredited dental hygiene school in 11419
this state, the state dental board may without examination issue 11420
a teacher's certificate to a dental hygienist, authorized to 11421
practice in another state or country. A teacher's certificate 11422
shall be subject to annual renewal in accordance with the 11423
standard renewal procedure of sections 4745.01 to 4745.03 of the 11424
Revised Code, and shall not be construed as authorizing anything 11425
other than teaching or demonstrating the skills of a dental 11426
hygienist in the educational programs of the accredited dental 11427
hygiene school which endorsed the application. 11428

Chapter 4796. of the Revised Code does not apply to a 11429
teacher's certificate issued under this division. 11430

Sec. 4715.362. A dentist who desires to participate in the 11431
oral health access supervision program shall apply to the state 11432
dental board for an oral health access supervision permit. The 11433
application shall be under oath, on a form prescribed by the 11434
board in rules adopted under section 4715.372 of the Revised 11435
Code, and accompanied by an application fee of twenty-five 11436
dollars. To be eligible to receive the permit, an applicant 11437
shall meet the requirements established by the board in rules 11438
adopted under section 4715.372 of the Revised Code. 11439

The state dental board shall issue an oral health access 11440
supervision permit to a dentist who is in good standing with the 11441

board and satisfies all of the requirements of this section. 11442

Chapter 4796. of the Revised Code does not apply to a 11443
permit issued under this section. 11444

Sec. 4715.363. (A) A dental hygienist who desires to 11445
participate in the oral health access supervision program shall 11446
apply to the state dental board for a permit to practice under 11447
the oral health access supervision of a dentist. The application 11448
shall be under oath, on a form prescribed by the board in rules 11449
adopted under section 4715.372 of the Revised Code, and 11450
accompanied by an application fee of twenty-five dollars, which 11451
may be paid by credit card. 11452

(B) The applicant shall provide evidence satisfactory to 11453
the board that the applicant has done all of the following: 11454

(1) Completed at least one year and attained a minimum of 11455
one thousand five hundred hours of experience in the practice of 11456
dental hygiene; 11457

(2) Completed at least twenty-four hours of continuing 11458
dental hygiene education during the two years prior to 11459
submission of the application; 11460

(3) Completed a course pertaining to the practice of 11461
dental hygiene under the oral health access supervision of a 11462
dentist that meets standards established in rules adopted under 11463
section 4715.372 of the Revised Code; 11464

(4) Completed, during the two years prior to submission of 11465
the application, a course pertaining to the identification and 11466
prevention of potential medical emergencies that is the same as 11467
the course described in division (C) (2) of section 4715.22 of 11468
the Revised Code. 11469

(C) The state dental board shall issue a permit to 11470
practice under the oral health access supervision of a dentist 11471
to a dental hygienist who is in good standing with the board and 11472
meets all of the requirements of divisions (A) and (B) of this 11473
section. 11474

(D) Chapter 4796. of the Revised Code does not apply to a 11475
permit issued under this section. 11476

Sec. 4715.39. (A) The state dental board may define the 11477
duties that may be performed by dental assistants and other 11478
individuals designated by the board as qualified personnel. If 11479
defined, the duties shall be defined in rules adopted in 11480
accordance with Chapter 119. of the Revised Code. The rules may 11481
include training and practice standards for dental assistants 11482
and other qualified personnel. The standards may include 11483
examination and issuance of a certificate. If the board issues a 11484
certificate, the recipient shall display the certificate in a 11485
conspicuous location in any office in which the recipient is 11486
employed to perform the duties authorized by the certificate. 11487

(B) A dental assistant may polish the clinical crowns of 11488
teeth if all of the following requirements are met: 11489

(1) The dental assistant's polishing activities are 11490
limited to the use of a rubber cup attached to a slow-speed 11491
rotary dental hand piece to remove soft deposits that build up 11492
over time on the crowns of teeth. 11493

(2) The polishing is performed only after a dentist has 11494
evaluated the patient and any calculus detected on the teeth to 11495
be polished has been removed by a dentist or dental hygienist. 11496

(3) The dentist supervising the assistant supervises not 11497
more than two dental assistants engaging in polishing activities 11498

at any given time. 11499

(4) The dental assistant is certified by the dental 11500
assisting national board or the Ohio commission on dental 11501
assistant certification. 11502

(5) The dental assistant receives a certificate from the 11503
board authorizing the assistant to engage in the polishing 11504
activities. The board shall issue the certificate if the 11505
individual has successfully completed training in the polishing 11506
of clinical crowns through a program accredited by the American 11507
dental association commission on dental accreditation or 11508
equivalent training approved by the board. The training shall 11509
include courses in basic dental anatomy and infection control, 11510
followed by a course in coronal polishing that includes 11511
didactic, preclinical, and clinical training; any other training 11512
required by the board; and a skills assessment that includes 11513
successful completion of standardized testing. The board shall 11514
adopt rules pursuant to division (A) of this section 11515
establishing standards for approval of this training. 11516

The board shall issue a certificate to engage in polishing 11517
activities in accordance with Chapter 4796. of the Revised Code 11518
to a dental assistant if either of the following applies: 11519

(a) The applicant holds a license or certificate to engage 11520
in polishing activities in another state. 11521

(b) The applicant has satisfactory work experience, a 11522
government certification, or a private certification as 11523
described in that chapter in polishing activities in a state 11524
that does not issue that license or certificate. 11525

(C) A dental assistant may apply pit and fissure sealants 11526
if all of the following requirements are met: 11527

(1) A dentist evaluates the patient and designates the teeth and surfaces that will benefit from the application of sealant on the day the application is to be performed.

(2) The dental assistant is certified by the dental assisting national board or the Ohio commission on dental assistant certification.

(3) The dental assistant has successfully completed a course in the application of sealants consisting of at least two hours of didactic instruction and six hours of clinical instruction through a program provided by an institution accredited by the American dental association commission on dental accreditation or a program provided by a sponsor of continuing education approved by the board.

(4) The dentist supervising the assistant has observed the assistant successfully apply at least six sealants.

(5) Except as provided in division (D) or (E) of this section, the dentist supervising the assistant checks and approves the application of all sealants placed by the assistant before the patient leaves the location where the sealant application procedure is performed.

(D) (1) A dental assistant who is certified by the dental assisting national board or the Ohio commission on dental assistant certification may provide, for not more than fifteen consecutive business days, all of the following services to a patient when the supervising dentist is not physically present at the location where the services are provided if the conditions specified in division (D) (2) of this section have been satisfied:

(a) Recementation of temporary crowns or recementation of

crowns with temporary cement;	11557
(b) Application of fluoride varnish;	11558
(c) Application of disclosing solutions;	11559
(d) Application of desensitizing agents, excluding silver diamine fluoride;	11560 11561
(e) Caries susceptibility testing;	11562
(f) Instruction on oral hygiene home care, including the use of toothbrushes and dental floss.	11563 11564
(2) The conditions that must be satisfied before a dental assistant may provide the services specified in division (D) (1) of this section are all of the following:	11565 11566 11567
(a) The dental assistant has at least one year and a minimum of one thousand five hundred hours of experience practicing as a dental assistant.	11568 11569 11570
(b) The dental assistant has successfully completed a course approved by the state dental board in the identification and prevention of potential medical emergencies.	11571 11572 11573
(c) The supervising dentist has evaluated the dental assistant's skills.	11574 11575
(d) The supervising dentist has established written protocols or written standing orders for the dental assistant to follow during and in the absence of an emergency.	11576 11577 11578
(e) The supervising dentist completed and evaluated a medical and dental history of the patient not more than one year prior to the date that the dental assistant provides services to the patient, and the supervising dentist determines that the patient is in a medically stable condition.	11579 11580 11581 11582 11583

(f) The patient is notified, in advance of the appointment 11584
for services, that the supervising dentist will be absent from 11585
the location and that the dental assistant cannot diagnose the 11586
patient's dental health care status. 11587

(g) The dental assistant is employed by, or under contract 11588
with, the supervising dentist, a dentist licensed under this 11589
chapter who meets one of the criteria specified in division (C) 11590
(10) (b) of section 4715.22 of the Revised Code, or a government 11591
entity that employs the dental assistant to provide services in 11592
a public school or in connection with other programs the 11593
government entity administers. 11594

(3) A dental assistant who is certified by the dental 11595
assisting national board or the Ohio commission on dental 11596
assistant certification may apply, for not more than fifteen 11597
business days, pit and fissure sealants when the supervising 11598
dentist is not physically present at the location where the 11599
sealants are to be applied if the dental assistant meets the 11600
requirements in divisions (C) (3) and (4) of this section and all 11601
of the conditions specified in division (D) (2) of this section 11602
have been satisfied. 11603

(E) A dental assistant who is certified by the dental 11604
assisting national board or the Ohio commission on dental 11605
assistant certification may apply pit and fissure sealants prior 11606
to a dentist examining the patient and rendering a diagnosis, 11607
and when a dentist is not physically present at the location 11608
where the service is provided, if all of the following are the 11609
case: 11610

(1) The dental assistant meets the requirements in 11611
divisions (C) (3) and (4) of this section. 11612

(2) The conditions specified in divisions (D) (2) (a), (b), 11613
(c), (d), (f), and (g) of this section have been satisfied. 11614

(3) The dental assistant is providing the service as part 11615
of a program operated through any of the following: a school 11616
district board of education or the governing board of an 11617
educational service center; the board of health of a city or 11618
general health district or the authority having the duties of a 11619
board of health under section 3709.05 of the Revised Code; a 11620
national, state, district, or local dental association; or any 11621
other public or private entity recognized by the state dental 11622
board. 11623

(4) A supervising dentist for the program described in 11624
division (E) (3) of this section meets both of the following 11625
conditions: 11626

(a) Is employed by or a volunteer for, and the patients 11627
are referred by, the entity through which the program is 11628
operated; 11629

(b) Is available for consultation by telephone, 11630
videoconferencing, or other means of electronic communication. 11631

(5) The application of pit and fissure sealants is limited 11632
to erupted permanent posterior teeth without suspicion of 11633
dentinal cavitation. 11634

(6) If the patient is a minor, a parent, guardian, or 11635
other person responsible for the patient has been notified that 11636
a dentist will not be present at the location and that the 11637
dental assistant is not trained to diagnose or treat other 11638
serious dental concerns that could exist. 11639

(F) Subject to this section and the applicable rules of 11640
the board, licensed dentists may assign to dental assistants and 11641

other qualified personnel dental procedures that do not require 11642
the professional competence or skill of the licensed dentist, a 11643
dental hygienist, or an expanded function dental auxiliary as 11644
this section or the board by rule authorizes dental assistants 11645
and other qualified personnel to perform. Except as provided in 11646
division (D) or (E) of this section, the performance of dental 11647
procedures by dental assistants and other qualified personnel 11648
shall be under direct supervision and full responsibility of the 11649
licensed dentist. 11650

(G) Nothing in this section shall be construed by rule of 11651
the state dental board or otherwise to do the following: 11652

(1) Authorize dental assistants or other qualified 11653
personnel to engage in the practice of dental hygiene as defined 11654
by sections 4715.22 and 4715.23 of the Revised Code or to 11655
perform the duties of a dental hygienist, including the removal 11656
of calcarious deposits, dental cement, or accretions on the 11657
crowns and roots of teeth other than as authorized pursuant to 11658
this section; 11659

(2) Authorize dental assistants or other qualified 11660
personnel to engage in the practice of an expanded function 11661
dental auxiliary as specified in section 4715.64 of the Revised 11662
Code or to perform the duties of an expanded function dental 11663
auxiliary other than as authorized pursuant to this section. 11664

(3) Authorize the assignment of any of the following: 11665

(a) Diagnosis; 11666

(b) Treatment planning and prescription, including 11667
prescription for drugs and medicaments or authorization for 11668
restorative, prosthodontic, or orthodontic appliances; 11669

(c) Surgical procedures on hard or soft tissue of the oral 11670

cavity, or any other intraoral procedure that contributes to or 11671
results in an irremediable alteration of the oral anatomy; 11672

(d) The making of final impressions from which casts are 11673
made to construct any dental restoration. 11674

(H) No dentist shall assign any dental assistant or other 11675
individual acting in the capacity of qualified personnel to 11676
perform any dental procedure that the assistant or other 11677
individual is not authorized by this section or by board rule to 11678
perform. No dental assistant or other individual acting in the 11679
capacity of qualified personnel shall perform any dental 11680
procedure other than in accordance with this section and any 11681
applicable board rule or any dental procedure that the assistant 11682
or other individual is not authorized by this section or by 11683
board rule to perform. 11684

Sec. 4715.42. (A) (1) As used in this section: 11685

(a) "Free clinic" has the same meaning as in section 11686
3701.071 of the Revised Code. 11687

(b) "Indigent and uninsured person" and "operation" have 11688
the same meanings as in section 2305.234 of the Revised Code. 11689

(2) For the purposes of this section, a person shall be 11690
considered retired from practice if the person's license has 11691
been surrendered or allowed to expire with the intention of 11692
ceasing to practice as a dentist or dental hygienist for 11693
remuneration. 11694

(B) Within thirty days after receiving an application for 11695
a volunteer's certificate that includes all of the items listed 11696
in divisions (C) (1), (2), and (3) of this section, the state 11697
dental board shall issue, without examination, a volunteer's 11698
certificate to a person who is retired from practice so that the 11699

person may provide dental services to indigent and uninsured 11700
persons at any location, including a free clinic. 11701

(C) An application for a volunteer's certificate shall 11702
include all of the following: 11703

(1) A copy of the applicant's degree from dental college 11704
or dental hygiene school. 11705

(2) One of the following, as applicable: 11706

(a) A copy of the applicant's most recent license to 11707
practice dentistry or dental hygiene issued by a jurisdiction in 11708
the United States that licenses persons to practice dentistry or 11709
dental hygiene. 11710

(b) A copy of the applicant's most recent license 11711
equivalent to a license to practice dentistry or dental hygiene 11712
in one or more branches of the United States armed services that 11713
the United States government issued. 11714

(3) Evidence of one of the following, as applicable: 11715

(a) The applicant has maintained for at least ten years 11716
prior to retirement full licensure in good standing in any 11717
jurisdiction in the United States that licenses persons to 11718
practice dentistry or dental hygiene. 11719

(b) The applicant has practiced as a dentist or dental 11720
hygienist in good standing for at least ten years prior to 11721
retirement in one or more branches of the United States armed 11722
services. 11723

(D) The holder of a volunteer's certificate may provide 11724
dental services only to indigent and uninsured persons, but may 11725
do so at any location, including a free clinic. The holder shall 11726
not accept any form of remuneration for providing dental 11727

services while in possession of the certificate. Except in a 11728
dental emergency, the holder shall not perform any operation. 11729
The board may revoke a volunteer's certificate on receiving 11730
proof satisfactory to the board that the holder has engaged in 11731
practice in this state outside the scope of the holder's 11732
certificate or that there are grounds for action against the 11733
person under section 4715.30 of the Revised Code. 11734

(E) (1) A volunteer's certificate shall be valid for a 11735
period of three years, and may be renewed upon the application 11736
of the holder, unless the certificate was previously revoked 11737
under division (D) of this section. The board shall maintain a 11738
register of all persons who hold volunteer's certificates. The 11739
board shall not charge a fee for issuing or renewing a 11740
certificate pursuant to this section. 11741

(2) To be eligible for renewal of a volunteer's 11742
certificate, the holder of the certificate shall certify to the 11743
board completion of sixty hours of continuing dental education 11744
that meets the requirements of section 4715.141 of the Revised 11745
Code and the rules adopted under that section, or completion of 11746
eighteen hours of continuing dental hygiene education that meets 11747
the requirements of section 4715.25 of the Revised Code and the 11748
rules adopted under that section, as the case may be. The board 11749
may not renew a certificate if the holder has not complied with 11750
the appropriate continuing education requirements. Any entity 11751
for which the holder provides dental services may pay for or 11752
reimburse the holder for any costs incurred in obtaining the 11753
required continuing education credits. 11754

(3) The board shall issue to each person who qualifies 11755
under this section for a volunteer's certificate a wallet 11756
certificate and a wall certificate that state that the 11757

certificate holder is authorized to provide dental services 11758
pursuant to the laws of this state. The holder shall keep the 11759
wallet certificate on the holder's person while providing dental 11760
services and shall display the wall certificate prominently at 11761
the location where the holder primarily practices. 11762

(4) The holder of a volunteer's certificate issued 11763
pursuant to this section is subject to the immunity provisions 11764
regarding the provision of services to indigent and uninsured 11765
persons in section 2305.234 of the Revised Code. 11766

(F) The board shall adopt rules in accordance with Chapter 11767
119. of the Revised Code to administer and enforce this section. 11768

(G) The state dental board shall make available through 11769
the board's web site the application form for a volunteer's 11770
certificate under this section, a description of the application 11771
process, and a list of all items that are required by division 11772
(C) of this section to be submitted with the application. 11773

(H) Chapter 4796. of the Revised Code does not apply to a 11774
license issued under this section. 11775

Sec. 4715.421. (A) As used in this section: 11776

(1) "Accredited dental college" has the same meaning as in 11777
section 4715.10 of the Revised Code. 11778

(2) "Accredited dental hygiene school" has the same 11779
meaning as in section 4715.36 of the Revised Code. 11780

(3) "Operation" has the same meaning as in section 11781
2305.234 of the Revised Code. 11782

(B) Within thirty days after receiving an application for 11783
a temporary volunteer's certificate that includes all of the 11784
items listed in divisions (C) (1) and (2) of this section, the 11785

state dental board shall issue, without examination, a temporary
volunteer's certificate to a person not licensed under this
chapter so that the person may provide dental services in this
state as a volunteer.

(C) An application for a temporary volunteer's certificate
shall include both of the following:

(1) A copy of the applicant's degree from an accredited
dental college or accredited dental hygiene school;

(2) One of the following, as applicable:

(a) Evidence satisfactory to the board that the applicant
holds a valid, unrestricted license to practice dentistry or
dental hygiene issued by a jurisdiction in the United States
that licenses persons to practice dentistry or dental hygiene;

(b) Evidence satisfactory to the board that the applicant
is practicing dentistry or dental hygiene in one or more
branches of the United States armed services.

(D) The holder of a temporary volunteer's certificate
shall not accept any form of remuneration for providing dental
services pursuant to the certificate. Except in a dental
emergency, the holder shall not perform any operation. The board
may revoke a temporary volunteer's certificate on receiving
proof satisfactory to the board that the holder has engaged in
practice in this state outside the scope of the holder's
certificate or that there are grounds for action against the
person under section 4715.30 of the Revised Code.

(E) (1) A temporary volunteer's certificate shall be valid
for a period of seven days, and may be renewed upon the
application of the holder, unless the certificate was previously
revoked under division (D) of this section. The board shall

maintain a register of all persons who hold a temporary 11815
volunteer's certificate. The board may charge a fee not to 11816
exceed twenty-five dollars for issuing or renewing a certificate 11817
pursuant to this section. 11818

(2) The board shall issue to each person who qualifies 11819
under this section for a temporary volunteer's certificate a 11820
wallet certificate that states that the certificate holder is 11821
authorized to provide dental services pursuant to the laws of 11822
this state. The holder shall keep the wallet certificate on the 11823
holder's person while providing dental services. 11824

(3) The holder of a temporary volunteer's certificate 11825
issued pursuant to this section is subject to the immunity 11826
provisions in section 2305.234 of the Revised Code. 11827

(F) The board shall adopt rules in accordance with Chapter 11828
119. of the Revised Code to administer and enforce this section. 11829

(G) Not later than ninety days after ~~the effective date of~~ 11830
~~this section~~ March 23, 2015, the state dental board shall make 11831
available through the board's internet web site the application 11832
form for a temporary volunteer's certificate under this section, 11833
a description of the application process, and a list of all 11834
items that are required by division (C) of this section to be 11835
submitted with the application. 11836

(H) Chapter 4796. of the Revised Code does not apply to a 11837
temporary volunteer's certificate issued under this section. 11838

Sec. 4715.53. (A) Each individual seeking a certificate to 11839
practice as a dental x-ray machine operator shall apply to the 11840
state dental board on a form the board shall prescribe and 11841
provide. ~~The~~ Except as provided in division (C) of this section, 11842
the application shall be accompanied by an application fee of 11843

thirty-two dollars. 11844

(B) The board shall review all applications received and, 11845
except as provided in division (C) of this section, issue a 11846
dental x-ray machine operator certificate to each applicant who 11847
submits evidence satisfactory to the board of one of the 11848
following: 11849

(1) The applicant holds certification from the dental 11850
assisting national board or the Ohio commission on dental 11851
assistant certification. 11852

~~(2) The applicant holds a license, certificate, permit, 11853
registration, or other credential issued by another state that 11854
the board determines uses standards for dental x-ray machine 11855
operators that are at least equal to those established under 11856
this chapter. 11857~~

~~(3) The applicant has successfully completed an 11858
educational program consisting of at least seven hours of 11859
instruction in dental x-ray machine operation that meets either 11860
of the following requirements: 11861~~

~~(a) Has been approved by the board in accordance with 11862
section 4715.57 of the Revised Code; 11863~~

~~(b) Is conducted by an institution accredited by the 11864
American dental association commission on dental accreditation. 11865~~

(C) The board shall issue a certificate in accordance with 11866
Chapter 4796. of the Revised Code to an applicant if either of 11867
the following applies: 11868

(1) The applicant holds a license or certificate in 11869
another state. 11870

(2) The applicant has satisfactory work experience, a 11871

government certification, or a private certification as 11872
described in that chapter as a dental x-ray machine operator in 11873
a state that does not issue that license or certificate. 11874

(D) A certificate issued under this section expires two 11875
years after it is issued and may be renewed if the certificate 11876
holder does both of the following: 11877

(1) Certifies to the board that the certificate holder has 11878
completed at least two hours of instruction in dental x-ray 11879
machine operation approved by the board in accordance with 11880
section 4715.57 of the Revised Code during the two-year period 11881
preceding the date the renewal application is received by the 11882
board. 11883

(2) Submits a renewal fee of thirty-two dollars to the 11884
board. 11885

Renewals shall be made in accordance with the standard 11886
renewal procedure established under Chapter 4745. of the Revised 11887
Code. 11888

Sec. 4715.62. (A) Each individual seeking to register with 11889
the state dental board as an expanded function dental auxiliary 11890
shall file with the secretary of the board a written application 11891
for registration, under oath, on a form the board shall 11892
prescribe and provide. ~~An~~ Except as provided in division (C) of 11893
this section, an applicant shall include with the completed 11894
application all of the following: 11895

(1) An application fee of twenty-five dollars; 11896

(2) Proof satisfactory to the board that the applicant has 11897
successfully completed, at an educational institution accredited 11898
by the commission on dental accreditation of the American dental 11899
association or the higher learning commission of the north 11900

central association of colleges and schools, the education or 11901
training specified by the board in rules adopted under section 11902
4715.66 of the Revised Code as the education or training that is 11903
necessary to obtain registration under this chapter to practice 11904
as an expanded function dental auxiliary, as evidenced by a 11905
diploma or other certificate of graduation or completion that 11906
has been signed by an appropriate official of the accredited 11907
institution that provided education or training; 11908

(3) Proof satisfactory to the board that the applicant has 11909
passed an examination that meets the standards established by 11910
the board in rules adopted under section 4715.66 of the Revised 11911
Code to be accepted by the board as an examination of competency 11912
to practice as an expanded function dental auxiliary; 11913

(4) Proof that the applicant holds current certification 11914
to perform basic life-support procedures, evidenced by 11915
documentation showing the successful completion of a basic life- 11916
support training course certified by the American red cross, the 11917
American heart association, or the American safety and health 11918
institute. 11919

(B) If an applicant complies with division (A) of this 11920
section, the board shall register the applicant as an expanded 11921
function dental auxiliary. 11922

(C) The board shall register an applicant in accordance 11923
with Chapter 4796. of the Revised Code if either of the 11924
following applies: 11925

(1) The applicant is licensed or registered as an expanded 11926
function dental auxiliary in another state. 11927

(2) The applicant has satisfactory work experience, a 11928
government certification, or a private certification as 11929

described in that chapter as an expanded function dental 11930
auxiliary in a state that does not issue that license or 11931
registration. 11932

Sec. 4717.05. (A) Any person who desires to be licensed as 11933
an embalmer shall apply to the board of embalmers and funeral 11934
directors on a form provided by the board. The applicant shall 11935
include with the application an initial license fee as set forth 11936
in section 4717.07 of the Revised Code and evidence, verified by 11937
oath and satisfactory to the board, that the applicant meets all 11938
of the following requirements: 11939

(1) The applicant is at least eighteen years of age. 11940

(2) The applicant holds at least a bachelor's degree from 11941
a college or university authorized to confer degrees by the 11942
department of higher education or the comparable legal agency of 11943
another state in which the college or university is located and 11944
submits an official transcript from that college or university 11945
with the application. 11946

(3) The applicant has satisfactorily completed at least 11947
twelve months of instruction in a prescribed course in mortuary 11948
science as approved by the board and has presented to the board 11949
a certificate showing successful completion of the course. The 11950
course of mortuary science college training may be completed 11951
either before or after the completion of the educational 11952
standard set forth in division (A)(2) of this section. 11953

(4) The applicant has been certified by the board prior to 11954
beginning an embalmer apprenticeship. 11955

(5) The applicant has satisfactorily completed at least 11956
one year of apprenticeship under an embalmer licensed in this 11957
state and has participated in embalming at least twenty-five 11958

dead human bodies. 11959

(6) The applicant, upon meeting the educational standards 11960
provided for in divisions (A) (2) and (3) of this section and 11961
completing the apprenticeship required in division (A) (5) of 11962
this section, has completed the examination for an embalmer's 11963
license required by the board. 11964

(B) Upon receiving satisfactory evidence verified by oath 11965
that the applicant meets all the requirements of division (A) of 11966
this section, the board shall issue the applicant an embalmer's 11967
license. 11968

(C) Any person who desires to be licensed as a funeral 11969
director shall apply to the board on a form prescribed by the 11970
board. The application shall include an initial license fee as 11971
set forth in section 4717.07 of the Revised Code and evidence, 11972
verified by oath and satisfactory to the board, that the 11973
applicant meets all of the following requirements: 11974

(1) Except as otherwise provided in division (D) of this 11975
section, the applicant has satisfactorily met all the 11976
requirements for an embalmer's license as described in divisions 11977
(A) (1) to (3) of this section. 11978

(2) The applicant has been certified by the board prior to 11979
beginning a funeral director apprenticeship. 11980

(3) The applicant, following mortuary science college 11981
training described in division (A) (3) of this section, has 11982
satisfactorily completed a one-year apprenticeship under a 11983
licensed funeral director in this state and has participated in 11984
directing at least twenty-five funerals. 11985

(4) The applicant has satisfactorily completed the 11986
examination for a funeral director's license as required by the 11987

board. 11988

(D) In lieu of mortuary science college training required 11989
for a funeral director's license under division (C) (1) of this 11990
section, the applicant may substitute a satisfactorily completed 11991
two-year apprenticeship under a licensed funeral director in 11992
this state assisting that person in directing at least fifty 11993
funerals. 11994

(E) Upon receiving satisfactory evidence that the 11995
applicant meets all the requirements of division (C) of this 11996
section, the board shall issue to the applicant a funeral 11997
director's license. 11998

(F) The board shall issue an embalmer or funeral director 11999
apprentice card in accordance with Chapter 4796. of the Revised 12000
Code to an applicant if either of the following applies: 12001

(1) The applicant holds a license or card in another 12002
state. 12003

(2) The applicant has satisfactory work experience, a 12004
government certification, or a private certification as 12005
described in that chapter as an embalmer or funeral director 12006
apprentice in a state that does not issue that license or card. 12007

(G) A funeral director or embalmer may request the funeral 12008
director's or embalmer's license be placed on inactive status by 12009
submitting to the board a form prescribed by the board and such 12010
other information as the board may request. A funeral director 12011
or embalmer may not place the funeral director's or embalmer's 12012
license on inactive status unless the funeral director or 12013
embalmer is in good standing with the board and is in compliance 12014
with applicable continuing education requirements. A funeral 12015
director or embalmer who is granted inactive status is 12016

prohibited from participating in any activity for which a 12017
funeral director's or embalmer's license is required in this 12018
state. A funeral director or embalmer who has been granted 12019
inactive status is exempt from the continuing education 12020
requirements under section 4717.09 of the Revised Code during 12021
the period of the inactive status. 12022

~~(G)~~ (H) A funeral director or embalmer who has been 12023
granted inactive status may not return to active status for at 12024
least two years following the date that the inactive status was 12025
granted. Following a period of at least two years of inactive 12026
status, the funeral director or embalmer may apply to return to 12027
active status upon completion of all of the following 12028
conditions: 12029

(1) The funeral director or embalmer files with the board 12030
a form prescribed by the board seeking active status and 12031
provides any other information as the board may request; 12032

(2) The funeral director or embalmer takes and passes the 12033
Ohio laws examination for each license being activated; 12034

(3) The funeral director or embalmer pays a reactivation 12035
fee to the board in the amount of one hundred forty dollars for 12036
each license being reactivated. 12037

Sec. 4717.051. (A) ~~Any~~ Except as provided in division (D) 12038
of this section, any person who desires to obtain a permit as a 12039
crematory operator shall apply to the board of embalmers and 12040
funeral directors on a form prescribed by the board. The 12041
applicant shall include with the application the initial permit 12042
fee set forth in section 4717.07 of the Revised Code and 12043
evidence, verified under oath and satisfactory to the board, 12044
that the applicant satisfies both of the following requirements: 12045

(1) The applicant is at least eighteen years of age. 12046

(2) The applicant has satisfactorily completed a crematory 12047
operation certification program approved by the board and has 12048
presented to the board a certificate showing completion of the 12049
program. 12050

(B) If the board of embalmers and funeral directors, upon 12051
receiving satisfactory evidence, determines that the applicant 12052
satisfies all of the requirements of division (A) of this 12053
section, the board shall issue to the applicant a permit as a 12054
crematory operator. 12055

(C) The board of embalmers and funeral directors may 12056
revoke or suspend a crematory operator permit or subject a 12057
crematory operator permit holder to discipline in accordance 12058
with the laws, rules, and procedures applicable to licensees 12059
under this chapter. 12060

(D) The board shall issue a crematory operator permit in 12061
accordance with Chapter 4796. of the Revised Code to an 12062
applicant if either of the following applies: 12063

(1) The applicant holds a license or permit in another 12064
state. 12065

(2) The applicant has satisfactory work experience, a 12066
government certification, or a private certification as 12067
described in that chapter as a crematory operator in a state 12068
that does not issue that license or permit. 12069

Sec. 4717.10. (A) The board of embalmers and funeral 12070
~~directors may recognize licenses issued to embalmers and funeral~~ 12071
~~directors by other states, and upon presentation of such~~ 12072
~~licenses, may shall issue to the holder an embalmer's or funeral~~ 12073
~~director's license under this chapter in accordance with Chapter~~ 12074

4796. of the Revised Code to an applicant who holds a license in 12075
another state or who has satisfactory work experience, a 12076
government certification, or a private certification as 12077
described in that chapter as an embalmer or funeral director in 12078
a state that does not issue that license. The board shall charge 12079
the same fee as prescribed in section 4717.07 of the Revised 12080
Code to issue or renew such an embalmer's or funeral director's 12081
license. Such licenses shall be renewed biennially as provided 12082
in section 4717.08 of the Revised Code. ~~The board shall not~~ 12083
~~issue a license to any person under division (A) of this section~~ 12084
~~unless the applicant proves that the applicant, in the state in~~ 12085
~~which the applicant is licensed, has complied with requirements~~ 12086
~~substantially equal to those established in section 4717.05 of~~ 12087
~~the Revised Code.~~ 12088

(B) ~~(1)~~ The board of embalmers and funeral directors may 12089
issue courtesy card permits to nonresident funeral directors 12090
licensed in a state that borders this state. A courtesy card 12091
permit holder shall be authorized to undertake both the 12092
following acts in this state: 12093

~~(1)~~ ~~(a)~~ Prepare and complete those sections of a death 12094
certificate and other permits needed for disposition of deceased 12095
human remains in this state and sign and file such death 12096
certificates and permits; 12097

~~(2)~~ ~~(b)~~ Supervise and conduct funeral ceremonies, 12098
interments, and entombments in this state. 12099

(2) Chapter 4796. of the Revised Code does not apply to a 12100
courtesy card permit issued under this division. 12101

(C) The board of embalmers and funeral directors may 12102
determine under what conditions a courtesy card permit may be 12103

issued to funeral directors in bordering states after taking 12104
into account whether and under what conditions and fees such 12105
border states issue similar courtesy card permits to funeral 12106
directors licensed in this state. A courtesy card permit holder 12107
shall comply with all applicable laws and rules of this state 12108
while engaged in any acts of funeral directing in this state. 12109
The board may revoke or suspend a courtesy card permit or 12110
subject a courtesy card permit holder to discipline in 12111
accordance with the laws, rules, and procedures applicable to 12112
funeral directors under this chapter. Applicants for courtesy 12113
card permits shall apply on forms prescribed by the board, pay a 12114
biennial fee set by the board for initial applications and 12115
renewals, and adhere to such other requirements imposed by the 12116
board on courtesy card permit holders. 12117

(D) No courtesy card permit holder shall be authorized to 12118
undertake any of the following activities in this state: 12119

(1) Arranging funerals or disposition services with 12120
members of the public in this state; 12121

(2) Be employed by or under contract to a funeral home 12122
licensed in this state to perform funeral services in this 12123
state; 12124

(3) Advertise funeral or disposition services in this 12125
state; 12126

(4) Enter into or execute funeral or disposition contracts 12127
in this state; 12128

(5) Prepare or embalm deceased human remains in this 12129
state; 12130

(6) Arrange for or carry out the disinterment of human 12131
remains in this state. 12132

(E) As used in this section, "courtesy card permit" means 12133
a special permit that may be issued to a nonresident funeral 12134
director licensed in a state that borders this state and who 12135
does not hold a funeral director's license under this chapter. 12136

Sec. 4723.08. (A) The board of nursing may impose fees not 12137
to exceed the following limits: 12138

(1) For application for licensure by examination or 12139
endorsement to practice nursing as a registered nurse or as a 12140
licensed practical nurse submitted under division (A) or (B) of 12141
section 4723.09 of the Revised Code, seventy-five dollars; 12142

(2) For application for licensure to practice nursing as 12143
an advanced practice registered nurse submitted under division 12144
(A) or (B) (2) of section 4723.41 of the Revised Code, one 12145
hundred fifty dollars; 12146

(3) For application for a dialysis technician intern 12147
certificate, the amount specified in rules adopted under section 12148
4723.79 of the Revised Code; 12149

(4) For application for a dialysis technician certificate, 12150
the amount specified in rules adopted under section 4723.79 of 12151
the Revised Code; 12152

(5) For providing, pursuant to division (B) of section 12153
4723.271 of the Revised Code, written verification of a nursing 12154
license, dialysis technician certificate, medication aide 12155
certificate, or community health worker certificate to another 12156
jurisdiction, fifteen dollars; 12157

(6) For providing, pursuant to division (A) of section 12158
4723.271 of the Revised Code, a replacement copy of a wall 12159
certificate suitable for framing as described in that division, 12160
twenty-five dollars; 12161

(7) For renewal of a license to practice as a registered nurse or licensed practical nurse, sixty-five dollars;	12162 12163
(8) For renewal of a license to practice as an advanced practice registered nurse, one hundred thirty-five dollars;	12164 12165
(9) For renewal of a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	12166 12167 12168
(10) For processing a late application for renewal of a nursing license or dialysis technician certificate, fifty dollars;	12169 12170 12171
(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;	12172 12173 12174 12175
(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;	12176 12177 12178 12179
(13) For each year for which authorization to approve continuing education programs and courses is renewed, one hundred fifty dollars;	12180 12181 12182
(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;	12183 12184 12185
(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;	12186 12187 12188
(16) For processing a check returned to the board by a	12189

financial institution, twenty-five dollars; 12190

(17) The amounts specified in rules adopted under section 12191
4723.88 of the Revised Code pertaining to the issuance of 12192
certificates to community health workers, including fees for 12193
application for a certificate, renewal of a certificate, 12194
processing a late application for renewal of a certificate, 12195
reinstatement of a lapsed certificate, application for approval 12196
of a community health worker training program for community 12197
health workers, and renewal of the approval of a training 12198
program for community health workers. 12199

(B) Each quarter, for purposes of transferring funds under 12200
section 4743.05 of the Revised Code to the nurse education 12201
assistance fund created in section 3333.28 of the Revised Code, 12202
the board of nursing shall certify to the director of budget and 12203
management the number of licenses renewed under this chapter 12204
during the preceding quarter and the amount equal to that number 12205
times five dollars. 12206

(C) The board may charge a participant in a board- 12207
sponsored continuing education activity an amount not exceeding 12208
fifteen dollars for each activity. 12209

(D) The board may contract for services pertaining to the 12210
process of providing written verification of a license or 12211
certificate when the verification is performed for purposes 12212
other than providing verification to another jurisdiction. The 12213
contract may include provisions pertaining to the collection of 12214
the fee charged for providing the written verification. As part 12215
of these provisions, the board may permit the contractor to 12216
retain a portion of the fees as compensation, before any amounts 12217
are deposited into the state treasury. 12218

Sec. 4723.09. (A) (1) An application for licensure by 12219
examination to practice as a registered nurse or as a licensed 12220
practical nurse shall be submitted to the board of nursing in 12221
the form prescribed by rules of the board. The application shall 12222
include all of the following: 12223

(a) Evidence that the applicant has met the educational 12224
requirements described in division (C) of this section; 12225

(b) Any other information required by rules of the board; 12226

(c) The application fee required by section 4723.08 of the 12227
Revised Code. 12228

(2) The board shall grant a license to practice nursing as 12229
a registered nurse or as a licensed practical nurse if the 12230
following conditions are met: 12231

(a) The applicant passes the examination accepted by the 12232
board under section 4723.10 of the Revised Code. 12233

(b) In the case of an applicant who entered a prelicensure 12234
nursing education program on or after June 1, 2003, the results 12235
of a criminal records check conducted in accordance with section 12236
4723.091 of the Revised Code demonstrate that the applicant is 12237
not ineligible for licensure in accordance with section 4723.092 12238
of the Revised Code. 12239

(c) The board determines that the applicant has not 12240
committed any act that is grounds for disciplinary action under 12241
section 3123.47 or 4723.28 of the Revised Code or determines 12242
that an applicant who has committed any act that is grounds for 12243
disciplinary action under either section has made restitution or 12244
has been rehabilitated, or both. 12245

(3) The board is not required to afford an adjudication to 12246

an individual to whom it has refused to grant a license because 12247
of that individual's failure to pass the examination. 12248

(B) (1) An application for licensure by endorsement to 12249
practice nursing as a registered nurse or as a licensed 12250
practical nurse shall be submitted to the board in the form 12251
prescribed by rules of the board. The application shall include 12252
all of the following: 12253

(a) Evidence that the applicant holds a current, valid, 12254
and unrestricted license or equivalent authorization from 12255
another jurisdiction other than another state granted after 12256
passing an examination approved by the board of that 12257
jurisdiction that is equivalent to the examination requirements 12258
under this chapter for a license to practice nursing as a 12259
registered nurse or licensed practical nurse; 12260

(b) Any other information required by rules of the board; 12261

(c) The application fee required by section 4723.08 of the 12262
Revised Code. 12263

(2) The board shall grant a license by endorsement to 12264
practice nursing as a registered nurse or as a licensed 12265
practical nurse to an applicant who applied under division (B)
(1) of this section if the following conditions are met: 12267

(a) The applicant provides evidence satisfactory to the 12268
board that the applicant has met the educational requirements 12269
described in division (C) of this section. 12270

(b) The examination, at the time it is successfully 12271
completed, is equivalent to the examination requirements in 12272
effect at that time for applicants who were licensed by 12273
examination in this state. 12274

(c) The board determines there is sufficient evidence that 12275
the applicant completed two contact hours of continuing 12276
education directly related to this chapter or the rules adopted 12277
under it. 12278

(d) The results of a criminal records check conducted in 12279
accordance with section 4723.091 of the Revised Code demonstrate 12280
that the applicant is not ineligible for licensure in accordance 12281
with section 4723.092 of the Revised Code. 12282

(e) The applicant has not committed any act that is 12283
grounds for disciplinary action under section 3123.47 or 4723.28 12284
of the Revised Code, or the board determines that an applicant 12285
who has committed any act that is grounds for disciplinary 12286
action under either of those sections has made restitution or 12287
has been rehabilitated, or both. 12288

(C) (1) To be eligible for licensure by examination or 12289
endorsement under division (A) or (B) of this section, an 12290
applicant seeking a license to practice nursing as a registered 12291
nurse must successfully complete either of the following: 12292

(a) A nursing education program approved by the board 12293
under division (A) of section 4723.06 of the Revised Code; 12294

(b) A nursing education program approved by a board of 12295
another jurisdiction that is a member of the national council of 12296
state boards of nursing. 12297

(2) To be eligible for licensure by examination or 12298
endorsement, an applicant seeking a license to practice nursing 12299
as a licensed practical nurse must successfully complete one of 12300
the following: 12301

(a) A nursing education program approved by the board 12302
under division (A) of section 4723.06 of the Revised Code; 12303

(b) A nursing education program approved by a board of another jurisdiction that is a member of the national council of state boards of nursing;

(c) A practical nurse course offered or approved by the United States army;

(d) A practical nurse education program approved by the United States air force as either of the following:

(i) The community college of the air force associate degree in practical nursing technology;

(ii) The allied health program, for students who graduated that program prior to 2016.

(D) The board shall grant a license to practice nursing as a registered nurse or as a licensed practical nurse 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 registered nurse or licensed practical nurse in a state that does not issue that license.

(E) The board may grant a nonrenewable temporary permit to practice nursing as a registered nurse or as a licensed practical nurse to an applicant for a license by endorsement under division (B) or (D) of this section if the board is satisfied by the evidence that the applicant holds a current, valid, and unrestricted license or equivalent authorization from another jurisdiction. Chapter 4796. of the Revised Code does not apply for a temporary permit issued under this division. Subject

to earlier automatic termination as described in this paragraph, 12332
the temporary permit shall expire at the earlier of one hundred 12333
eighty days after issuance or upon the issuance of a license ~~by~~ 12334
~~endorsement~~ under division (B) or (D) of this section. The 12335
temporary permit shall terminate automatically if the criminal 12336
records check completed by the bureau of criminal identification 12337
and investigation as described in section 4723.091 of the 12338
Revised Code regarding the applicant indicates that the 12339
applicant is ineligible for licensure in accordance with section 12340
4723.092 of the Revised Code. An applicant whose temporary 12341
permit is automatically terminated is permanently prohibited 12342
from obtaining a license to practice nursing in this state as a 12343
registered nurse or as a licensed practical nurse. 12344

Sec. 4723.26. (A) (1) As used in this section: 12345

(a) "Free clinic" has the same meaning as in section 12346
3701.071 of the Revised Code. 12347

(b) "Indigent and uninsured person" and "operation" have 12348
the same meanings as in section 2305.234 of the Revised Code. 12349

(2) For the purposes of this section, a person shall be 12350
considered retired from practice if the person's license has 12351
expired with the intention of ceasing to practice nursing as a 12352
registered nurse, licensed practical nurse, or advanced practice 12353
registered nurse for remuneration. 12354

(B) The board of nursing may issue, without examination, a 12355
volunteer's certificate to a qualified person who is retired 12356
from practice so that the person may provide nursing services to 12357
indigent and uninsured persons at any location, including a free 12358
clinic. 12359

(C) Except as provided in division (D) of this section, an 12360

application for a volunteer's certificate shall include all of 12361
the following: 12362

(1) A copy or other evidence of the applicant's degree 12363
from a school of registered nursing, practical nursing, or 12364
advanced practice registered nursing; 12365

(2) One of the following, as applicable: 12366

(a) A copy or other evidence of the applicant's most 12367
recent license to practice nursing as a registered nurse, 12368
licensed practical nurse, or advanced practice registered nurse 12369
issued by a jurisdiction in the United States that licenses 12370
persons to practice nursing as a registered nurse, licensed 12371
practical nurse, or advanced practice registered nurse; 12372

(b) A copy or other evidence of the applicant's most 12373
recent license equivalent to a license to practice nursing as a 12374
registered nurse, licensed practical nurse, or advanced practice 12375
registered nurse in one or more branches of the United States 12376
armed services that the United States government issued. 12377

(3) Evidence of one of the following, as applicable: 12378

(a) The applicant has maintained for at least ten years 12379
prior to retirement a valid, unrestricted license in any 12380
jurisdiction in the United States that licenses persons to 12381
practice nursing as a registered nurse, licensed practical 12382
nurse, or advanced practice registered nurse. 12383

(b) The applicant has practiced nursing as a registered 12384
nurse, licensed practical nurse, or advanced practice registered 12385
nurse under a valid, unrestricted license for at least ten years 12386
prior to retirement in one or more branches of the United States 12387
armed services. 12388

(D) For an applicant retired from practice for at least 12389
ten years, the applicant shall do both of the following: 12390

(1) Certify to the board completion of continuing nursing 12391
education that meets the requirements of section 4723.24 of the 12392
Revised Code and the rules adopted under that section; 12393

(2) Submit a request to the bureau of criminal 12394
identification and investigation for a criminal records check 12395
and check of federal bureau of investigation records pursuant to 12396
section 4723.091 of the Revised Code. 12397

(E) Chapter 4796. of the Revised Code does not apply to a 12398
certificate issued under this section. 12399

(F) The holder of a volunteer's certificate may provide 12400
nursing services only to indigent and uninsured persons, but may 12401
do so at any location, including a free clinic. The holder shall 12402
not accept any form of remuneration for providing nursing 12403
services while in possession of the certificate. The board may 12404
suspend or revoke a volunteer's certificate on receiving proof 12405
satisfactory to the board that the holder has engaged in 12406
practice in this state outside the scope of the holder's 12407
certificate or that there are grounds for action against the 12408
person under section 4723.28 of the Revised Code. In revoking a 12409
certificate, the board may specify that the revocation is 12410
permanent. 12411

~~(F)~~(G) (1) A volunteer's certificate shall be valid for a 12412
period of two years, and may be renewed upon the application of 12413
the holder, unless the certificate is suspended or revoked under 12414
division ~~(E)~~(F) of this section. The board shall maintain a 12415
record of all persons who hold volunteer's certificates. The 12416
board shall not charge a fee for issuing or renewing a 12417

certificate pursuant to this section. 12418

(2) To be eligible for renewal of a volunteer's 12419
certificate, the holder of the certificate shall certify to the 12420
board completion of continuing nursing education that meets the 12421
requirements of section 4723.24 of the Revised Code and the 12422
rules adopted under that section. The board may not renew a 12423
certificate if the holder has not complied with the appropriate 12424
continuing education requirements. Any entity for which the 12425
holder provides nursing services may pay for or reimburse the 12426
holder for any costs incurred in obtaining the required 12427
continuing education hours. 12428

(3) The holder of a volunteer's certificate issued 12429
pursuant to this section is subject to the immunity provisions 12430
regarding the provision of services to indigent and uninsured 12431
persons in section 2305.234 of the Revised Code. 12432

~~(G)~~ (H) The board shall adopt rules in accordance with 12433
Chapter 119. of the Revised Code to administer and enforce this 12434
section. 12435

Sec. 4723.32. This chapter does not prohibit any of the 12436
following: 12437

(A) The practice of nursing by a student currently 12438
enrolled in and actively pursuing completion of a prelicensure 12439
nursing education program, if all of the following are the case: 12440

(1) The student is participating in a program located in 12441
this state and approved by the board of nursing or participating 12442
in this state in a component of a program located in another 12443
jurisdiction and approved by a board that is a member of the 12444
national council of state boards of nursing; 12445

(2) The student's practice is under the auspices of the 12446

program;	12447
(3) The student acts under the supervision of a registered nurse serving for the program as a faculty member or teaching assistant.	12448 12449 12450
(B) The rendering of medical assistance to a licensed physician, licensed dentist, or licensed podiatrist by a person under the direction, supervision, and control of such licensed physician, dentist, or podiatrist;	12451 12452 12453 12454
(C) The activities of persons employed as nursing aides, attendants, orderlies, or other auxiliary workers in patient homes, nurseries, nursing homes, hospitals, home health agencies, or other similar institutions;	12455 12456 12457 12458
(D) The provision of nursing services to family members or in emergency situations;	12459 12460
(E) The care of the sick when done in connection with the practice of religious tenets of any church and by or for its members;	12461 12462 12463
(F) The practice of nursing as an advanced practice registered nurse by a student currently enrolled in and actively pursuing completion of a program of study leading to initial authorization by the board of nursing to practice nursing as an advanced practice registered nurse in a designated specialty, if all of the following are the case:	12464 12465 12466 12467 12468 12469
(1) The program qualifies the student to sit for the examination of a national certifying organization approved by the board under section 4723.46 of the Revised Code or the program prepares the student to receive a master's or doctoral degree in accordance with division (A) (2) of section 4723.41 of the Revised Code;	12470 12471 12472 12473 12474 12475

(2) The student's practice is under the auspices of the program;	12476 12477
(3) The student acts under the supervision of an advanced practice registered nurse serving for the program as a faculty member, teaching assistant, or preceptor.	12478 12479 12480
(G) The activities of an individual who <u>is a resident of a state other than this state and who</u> 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:	12481 12482 12483 12484 12485 12486 12487 12488 12489 12490 12491
(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;	12492 12493 12494 12495
(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;	12496 12497 12498 12499 12500 12501
(3) The individual is consulting with an individual licensed in this state to practice any health-related profession;	12502 12503 12504

(4) The individual is engaging in activities associated 12505
with teaching in this state as a guest lecturer at or for a 12506
nursing education program, continuing nursing education program, 12507
or in-service presentation; 12508

(5) The individual is conducting evaluations of nursing 12509
care that are undertaken on behalf of an accrediting 12510
organization, including the national league for nursing 12511
accrediting committee, the joint commission (formerly known as 12512
the joint commission on accreditation of healthcare 12513
organizations), or any other nationally recognized accrediting 12514
organization; 12515

(6) The individual is providing nursing care to an 12516
individual who is in this state on a temporary basis, not to 12517
exceed six months in any one calendar year, if the nurse is 12518
directly employed by or under contract with the individual or a 12519
guardian or other person acting on the individual's behalf; 12520

(7) The individual is providing nursing care during any 12521
disaster, natural or otherwise, that has been officially 12522
declared to be a disaster by a public announcement issued by an 12523
appropriate federal, state, county, or municipal official; 12524

(8) The individual is providing nursing care at a free-of- 12525
charge camp accredited by the SeriousFun children's network that 12526
specializes in providing therapeutic recreation, as defined in 12527
section 2305.231 of the Revised Code, for individuals with 12528
chronic diseases, if all of the following are the case: 12529

(a) The individual provides documentation to the medical 12530
director of the camp that the individual holds a current, valid 12531
license to practice nursing or equivalent authorization from 12532
another jurisdiction. 12533

(b) The individual provides nursing care only at the camp 12534
or in connection with camp events or activities that occur off 12535
the grounds of the camp. 12536

(c) The individual is not compensated for the individual's 12537
services. 12538

(d) The individual provides nursing care within this state 12539
for not more than thirty days per calendar year. 12540

(e) The camp has a medical director who holds an 12541
unrestricted license to practice medicine issued in accordance 12542
with Chapter 4731. of the Revised Code. 12543

(9) The individual is providing nursing care as a 12544
volunteer without remuneration during a charitable event that 12545
lasts not more than seven days if both of the following are the 12546
case: 12547

(a) The individual, or the charitable event's organizer, 12548
notifies the board of nursing not less than seven calendar days 12549
before the first day of the charitable event of the individual's 12550
intent to engage in the practice of nursing as a registered 12551
nurse, advanced practice registered nurse, or licensed practical 12552
nurse at the event; 12553

(b) If the individual's scope of practice in the other 12554
jurisdiction is more restrictive than in this state, the 12555
individual is limited to performing only those procedures that a 12556
registered nurse, advanced practice registered nurse, or 12557
licensed practical nurse in the other jurisdiction may perform. 12558

(H) The administration of medication by an individual who 12559
holds a valid medication aide certificate issued under this 12560
chapter, if the medication is administered to a resident of a 12561
nursing home, residential care facility, or ICF/IID authorized 12562

by section 4723.64 of the Revised Code to use a certified 12563
medication aide and the medication is administered in accordance 12564
with section 4723.67 of the Revised Code. 12565

(I) An individual who is a resident of a state other than 12566
this state and who holds a license to practice nursing or 12567
equivalent authorization from another jurisdiction is not 12568
required to obtain a license in accordance with Chapter 4796. of 12569
the Revised Code to perform the activities described under 12570
division (G) of this section. 12571

Sec. 4723.41. (A) Each person who desires to practice 12572
nursing as a certified nurse-midwife and has not been authorized 12573
to practice midwifery prior to December 1, 1967, and each person 12574
who desires to practice nursing as a certified registered nurse 12575
anesthetist, clinical nurse specialist, or certified nurse 12576
practitioner shall file with the board of nursing a written 12577
application for a license to practice nursing as an advanced 12578
practice registered nurse and designation in the desired 12579
specialty. The application must be filed, under oath, on a form 12580
prescribed by the board accompanied by the application fee 12581
required by section 4723.08 of the Revised Code. 12582

Except as provided in division (B), (C), or (D) of this 12583
section, at the time of making application, the applicant shall 12584
meet all of the following requirements: 12585

(1) Be a registered nurse; 12586

(2) Submit documentation satisfactory to the board that 12587
the applicant has earned a master's or doctoral degree with a 12588
major in a nursing specialty or in a related field that 12589
qualifies the applicant to sit for the certification examination 12590
of a national certifying organization approved by the board 12591

under section 4723.46 of the Revised Code; 12592

(3) Submit documentation satisfactory to the board of 12593
having passed the certification examination of a national 12594
certifying organization approved by the board under section 12595
4723.46 of the Revised Code to examine and certify, as 12596
applicable, nurse-midwives, registered nurse anesthetists, 12597
clinical nurse specialists, or nurse practitioners; 12598

(4) Submit an affidavit with the application that states 12599
all of the following: 12600

(a) That the applicant is the person named in the 12601
documents submitted under this section and is the lawful 12602
possessor thereof; 12603

(b) The applicant's age, residence, the school at which 12604
the applicant obtained education in the applicant's nursing 12605
specialty, and any other facts that the board requires; 12606

(c) The specialty in which the applicant seeks 12607
designation. 12608

(B) (1) A certified registered nurse anesthetist, clinical 12609
nurse specialist, certified nurse-midwife, or certified nurse 12610
practitioner who is practicing or has practiced as such in 12611
another jurisdiction other than another state may apply for a 12612
license by endorsement to practice nursing as an advanced 12613
practice registered nurse and designation as a certified 12614
registered nurse anesthetist, clinical nurse specialist, 12615
certified nurse-midwife, or certified nurse practitioner in this 12616
state if the nurse meets the requirements set forth in division 12617
(A) of this section or division (B) (2) of this section. 12618

(2) If an applicant who is practicing or has practiced in 12619
another jurisdiction other than another state applies for 12620

designation under division (B) (2) of this section, the 12621
application shall be submitted to the board in the form 12622
prescribed by rules of the board and be accompanied by the 12623
application fee required by section 4723.08 of the Revised Code. 12624
The application shall include evidence that the applicant meets 12625
the requirements of division (B) (2) of this section, holds 12626
authority to practice nursing and is in good standing in another 12627
jurisdiction other than another state granted after meeting 12628
requirements approved by the entity of that jurisdiction that 12629
regulates nurses, and other information required by rules of the 12630
board of nursing. 12631

With respect to the educational requirements and national 12632
certification requirements that an applicant under division (B) 12633
(2) of this section must meet, both of the following apply: 12634

(a) If the applicant is a certified registered nurse 12635
anesthetist, certified nurse-midwife, or certified nurse 12636
practitioner who, on or before December 31, 2000, obtained 12637
certification in the applicant's nursing specialty with a 12638
national certifying organization listed in division (A) (3) of 12639
section 4723.41 of the Revised Code as that division existed 12640
prior to March 20, 2013, or that was at that time approved by 12641
the board under section 4723.46 of the Revised Code, the 12642
applicant must have maintained the certification. The applicant 12643
is not required to have earned a master's or doctoral degree 12644
with a major in a nursing specialty or in a related field that 12645
qualifies the applicant to sit for the certification 12646
examination. 12647

(b) If the applicant is a clinical nurse specialist, one 12648
of the following must apply to the applicant: 12649

(i) On or before December 31, 2000, the applicant obtained 12650

a master's or doctoral degree with a major in a clinical area of nursing from an educational institution accredited by a national or regional accrediting organization. The applicant is not required to have passed a certification examination.

(ii) On or before December 31, 2000, the applicant obtained 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.

(3) The board shall grant a license to practice nursing as an advanced practice registered nurse in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

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

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an advanced practice registered nurse in a state that does not issue that license.

(4) The board may grant a nonrenewable temporary permit to practice nursing as an advanced practice registered nurse to an applicant for licensure ~~by endorsement~~ under division (B) (2) or (3) of this section if the board is satisfied by the evidence that the applicant holds a valid, unrestricted license in or equivalent authorization from another jurisdiction. Chapter 4796. of the Revised Code does not apply to a temporary permit issued under this division. The temporary permit shall expire at the earlier of one hundred eighty days after issuance or upon the issuance of a license ~~by endorsement~~ under division (B) (2)

or (3) of this section. 12680

(C) An applicant who desires to practice nursing as a 12681
certified registered nurse anesthetist, certified nurse-midwife, 12682
or certified nurse practitioner is exempt from the educational 12683
requirements in division (A) (2) of this section if all of the 12684
following are the case: 12685

(1) Before January 1, 2001, the board issued to the 12686
applicant a certificate of authority to practice as a certified 12687
registered nurse anesthetist, certified nurse-midwife, or 12688
certified nurse practitioner; 12689

(2) The applicant submits documentation satisfactory to 12690
the board that the applicant obtained certification in the 12691
applicant's nursing specialty with a national certifying 12692
organization listed in division (A) (3) of section 4723.41 of the 12693
Revised Code as that division existed prior to March 20, 2013, 12694
or that was at that time approved by the board under section 12695
4723.46 of the Revised Code; 12696

(3) The applicant submits documentation satisfactory to 12697
the board that the applicant has maintained the certification 12698
described in division (C) (2) of this section. 12699

(D) An applicant who desires to practice as a clinical 12700
nurse specialist is exempt from the examination requirement in 12701
division (A) (3) of this section if both of the following are the 12702
case: 12703

(1) Before January 1, 2001, the board issued to the 12704
applicant a certificate of authority to practice as a clinical 12705
nurse specialist; 12706

(2) The applicant submits documentation satisfactory to 12707
the board that the applicant earned either of the following: 12708

(a) A master's or doctoral degree with a major in a clinical area of nursing from an educational institution accredited by a national or regional accrediting organization;

(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;	12738
(6) Successfully complete the course of instruction	12739
provided by a training program approved under section 4723.66 of	12740
the Revised Code;	12741
(7) Not be ineligible for licensure or certification in	12742
accordance with section 4723.092 of the Revised Code;	12743
(8) Have not committed any act that is grounds for	12744
disciplinary action under section 3123.47 or 4723.28 of the	12745
Revised Code or be determined by the board to have made	12746
restitution, been rehabilitated, or both;	12747
(9) Meet all other requirements for a medication aide	12748
certificate established in rules adopted under section 4723.69	12749
of the Revised Code.	12750
(B) <u>Except as provided in division (C) of this section,</u>	12751
<u>if</u> an applicant meets the requirements specified in division (A)	12752
of this section, the board of nursing shall issue a medication	12753
aide certificate to the applicant. If a medication aide	12754
certificate is issued to an individual on the basis of having at	12755
least one year of direct care experience working in a	12756
residential care facility, as provided in division (A) (4) of	12757
this section, the certificate is valid for use only in a	12758
residential care facility. If a medication aide certificate is	12759
issued to an individual on the basis of having at least one year	12760
of direct care experience working in an ICF/IID, as provided in	12761
division (A) (5) of this section, the certificate is valid for	12762
use only in an ICF/IID. The board shall state the limitation on	12763
the certificate issued to the individual.	12764
(C) <u>The board shall issue a medication aide certificate in</u>	12765
<u>accordance with Chapter 4796. of the Revised Code to an</u>	12766

applicant if either of the following applies: 12767

(1) The applicant holds a certificate or license in another state. 12768
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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 medication aide in a state that does not issue that certificate or license. 12770
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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. 12774
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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: 12781
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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: 12785
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(a) The fee established in rules adopted under section 4723.79 of the Revised Code; 12788
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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. 12790
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(2) The applicant meets the requirements established by the board's rules. 12793
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(3) The applicant demonstrates competency to practice as a dialysis technician, as specified in division (B) of this section. 12795
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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. 12798
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(B) For an applicant to demonstrate competence to practice as a dialysis technician, one of the following must apply: 12804
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(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: 12806
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(a) Has performed dialysis care for a dialysis provider for not less than six months immediately prior to the date of application; 12809
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(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. 12812
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(2) The applicant does all of the following: 12816

(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; 12817
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(b) Submits evidence satisfactory to the board that the 12822

applicant has been employed to perform dialysis care in another 12823
jurisdiction for not less than six months immediately prior to 12824
the date of application for certification under this section; 12825

(c) Submits evidence satisfactory to the board that the 12826
applicant completed at least two hours of education directly 12827
related to this chapter and the rules adopted under it. 12828

(C) An applicant who does not pass the certification 12829
examination described in division (B) (1) (b) of this section 12830
within the time period prescribed in that division may continue 12831
to pursue certification by repeating the entire training and 12832
application process, including doing all of the following: 12833

(1) Enrolling in and successfully completing a dialysis 12834
training program approved by the board; 12835

(2) Submitting a request to the bureau of criminal 12836
identification and investigation for a criminal records check 12837
and check of federal bureau of investigation records pursuant to 12838
section 4723.091 of the Revised Code; 12839

(3) Submitting an application for a dialysis technician 12840
intern certificate in accordance with section 4723.76 of the 12841
Revised Code; 12842

(4) Demonstrating competence to perform dialysis care in 12843
accordance with division (B) of this section. 12844

(D) The board shall issue a certificate to practice as a 12845
dialysis technician in accordance with Chapter 4796. of the 12846
Revised Code to an applicant if either of the following applies: 12847

(1) The applicant holds a certificate or license in 12848
another state. 12849

(2) The applicant has satisfactory work experience, a 12850

government certification, or a private certification as 12851
described in that chapter as a dialysis technician in a state 12852
that does not issue that certificate or license. 12853

Sec. 4723.76. (A) ~~The~~ Except as provided in division (D) 12854
of this section, the board of nursing shall issue a certificate 12855
to practice as a dialysis technician intern to an applicant who 12856
has not passed the dialysis technician certification examination 12857
required by section 4723.751 of the Revised Code, but who 12858
satisfies all of the following requirements: 12859

(1) Applies to the board in accordance with rules adopted 12860
under section 4723.79 of the Revised Code and includes with the 12861
application both of the following: 12862

(a) The fee established in rules adopted under section 12863
4723.79 of the Revised Code; 12864

(b) The name and address of all dialysis training programs 12865
approved by the board in which the applicant has been enrolled 12866
and the dates of enrollment in each program. 12867

(2) Provides documentation from the applicant's employer 12868
attesting that the applicant is competent to perform dialysis 12869
care; 12870

(3) Has successfully completed a dialysis training program 12871
approved by the board of nursing under section 4723.74 of the 12872
Revised Code. 12873

(B) A dialysis technician intern certificate issued to an 12874
applicant who meets the requirements in division (A) of this 12875
section is valid for a period of time that is eighteen months 12876
from the date on which the applicant successfully completed a 12877
dialysis training program approved by the board under section 12878
4723.74 of the Revised Code, minus the time the applicant was 12879

enrolled in one or more dialysis training programs approved by 12880
the board. 12881

(C) A dialysis technician intern certificate issued under 12882
this section may not be renewed. 12883

(D) (1) The board shall issue a certificate to practice as 12884
a dialysis technician intern in accordance with Chapter 4796. of 12885
the Revised Code to an applicant if either of the following 12886
applies: 12887

(a) The applicant holds a certificate or license in 12888
another state. 12889

(b) The applicant has satisfactory work experience, a 12890
government certification, or a private certification as 12891
described in that chapter as a dialysis technician intern in a 12892
state that does not issue that certificate or license. 12893

(2) A certificate issued under Chapter 4796. of the 12894
Revised Code is valid for the same time period as described in 12895
division (B) of this section. 12896

Sec. 4723.85. (A) The board of nursing shall review all 12897
applications received under section 4723.83 of the Revised Code. 12898
If an applicant meets the requirements of section 4723.84 of the 12899
Revised Code, the board shall issue a community health worker 12900
certificate to the applicant. 12901

(B) Notwithstanding the requirements specified in section 12902
4723.84 of the Revised Code, the board shall issue a community 12903
health worker certificate in accordance with Chapter 4796. of 12904
the Revised Code to an applicant if either of the following 12905
applies: 12906

(1) The applicant holds a certificate or license in 12907

another state. 12908

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a community health worker in a state that does not issue that certificate or license. 12909
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(C) A community health worker certificate issued under division (A) or (B) of this section expires biennially and may be renewed in accordance with the schedule and procedures established by the board in rules adopted under section 4723.88 of the Revised Code. To be eligible for renewal, an individual must complete the continuing education requirements established by the board in rules adopted under section 4723.88 of the Revised Code and meet all other requirements for renewal, as specified in the board's rules adopted under that section. If an applicant for renewal has successfully completed the continuing education requirements and meets all other requirements for renewal, the board shall issue a renewed community health worker certificate to the applicant. 12913
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Sec. 4725.13. (A) The state vision professionals board, by an affirmative vote of a majority of its members, shall issue certificates under its seal as follows: 12926
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(1) Every applicant who, prior to May 19, 1992, passed the licensing examination then in effect, and who otherwise complies with sections 4725.01 to 4725.34 of the Revised Code shall receive from the board a certificate of licensure authorizing the holder to engage in the practice of optometry as provided in division (A) (1) of section 4725.01 of the Revised Code. 12929
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(2) Every applicant who, prior to May 19, 1992, passed the general and ocular pharmacology examination then in effect, and 12935
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who otherwise complies with sections 4725.01 to 4725.34 of the Revised Code, shall receive from the board a separate topical ocular pharmaceutical agents certificate authorizing the holder to administer topical ocular pharmaceutical agents as provided in division (A) (2) of section 4725.01 of the Revised Code and in accordance with sections 4725.01 to 4725.34 of the Revised Code.

(3) Every applicant who holds a valid certificate of licensure issued prior to May 19, 1992, and meets the requirements of section 4725.14 of the Revised Code shall receive from the board a separate therapeutic pharmaceutical agents certificate authorizing the holder to engage in the practice of optometry as provided in division (A) (3) of section 4725.01 of the Revised Code.

(4) Every applicant who, on or after May 19, 1992, passes all parts of the licensing examination accepted by the board under section 4725.11 of the Revised Code and otherwise complies with the requirements of sections 4725.01 to 4725.34 of the Revised Code shall receive from the board a certificate of licensure authorizing the holder to engage in the practice of optometry as provided in division (A) (1) of section 4725.01 of the Revised Code and a separate therapeutic pharmaceutical agents certificate authorizing the holder to engage in the practice of optometry as provided in division (A) (3) of that section.

(B) Each person to whom a certificate is issued pursuant to this section by the board shall keep the certificate displayed in a conspicuous place in the location at which that person practices optometry and shall whenever required exhibit the certificate to any member or agent of the board. If an optometrist practices outside of or away from the location at

which the optometrist's certificate of licensure is displayed, 12967
the optometrist shall deliver to each person examined or fitted 12968
with optical accessories by the optometrist, a receipt signed by 12969
the optometrist in which the optometrist shall set forth the 12970
amounts charged, the optometrist's post-office address, and the 12971
number assigned to the optometrist's certificate of licensure. 12972
The information may be provided as part of a prescription given 12973
to the person. 12974

(C) A person who, on May 19, 1992, holds a valid 12975
certificate of licensure or topical ocular pharmaceutical agents 12976
certificate issued by the board may continue to engage in the 12977
practice of optometry as provided by the certificate of 12978
licensure or topical ocular pharmaceutical agents certificate if 12979
the person continues to comply with sections 4725.01 to 4725.34 12980
of the Revised Code as required by the certificate of licensure 12981
or topical ocular pharmaceutical agents certificate. 12982

(D) Chapter 4796. of the Revised Code does not apply to 12983
certificates issued under division (A) (2) or (3) of this 12984
section. 12985

Sec. 4725.18. (A) The state vision professionals board may 12986
issue a certificate of licensure and therapeutic pharmaceutical 12987
agents certificate by endorsement to an individual licensed as 12988
an optometrist by ~~another state or~~ a Canadian province if the 12989
board determines that the ~~other state or~~ province has standards 12990
for the practice of optometry that are at least as stringent as 12991
the standards established under sections 4725.01 to 4725.34 of 12992
the Revised Code and the individual meets the conditions 12993
specified in division (B) of this section. The certificates may 12994
be issued only by an affirmative vote of a majority of the 12995
board's members. 12996

(B) An individual seeking a certificate of licensure and therapeutic pharmaceutical agents certificate pursuant to division (A) of this section shall submit an application to the board. To receive the certificates, an applicant must meet all of the following conditions:

(1) Meet the same qualifications that an individual must meet under divisions (B) (1) to (3) of section 4725.12 of the Revised Code to receive a certificate of licensure and therapeutic pharmaceutical agents certificate under that section;

(2) Be licensed to practice optometry by a ~~state or~~ Canadian province that requires passage of a written, entry-level examination at the time of initial licensure;

(3) Be licensed in good standing by the optometry licensing agency of the ~~other state or~~ province, evidenced by submission of a letter from the licensing agency of the ~~other state or~~ province attesting to the applicant's good standing;

(4) Provide the board with certified reports from the optometry licensing agencies of all ~~states and~~ provinces in which the applicant is licensed or has been licensed to practice optometry describing all past and pending actions taken by those agencies with respect to the applicant's authority to practice optometry in those jurisdictions, including such actions as investigations, entering into consent agreements, suspensions, revocations, and refusals to issue or renew a license;

(5) Have been actively engaged in the practice of optometry, including the use of therapeutic pharmaceutical agents, for at least three years immediately preceding making application under this section;

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(6) Pay the nonrefundable application fees established	13026
under section 4725.34 of the Revised Code for a certificate of	13027
licensure and therapeutic pharmaceutical agents certificate;	13028
(7) Submit all transcripts, reports, or other information	13029
the board requires;	13030
(8) Participate in a two-hour instruction session provided	13031
by the board on the optometry statutes and rules of this state	13032
or pass an Ohio optometry jurisprudence test administered by the	13033
board;	13034
(9) Pass all or part of the licensing examination accepted	13035
by the board under section 4725.11 of the Revised Code, if the	13036
board determines that testing is necessary to determine whether	13037
the applicant's qualifications are sufficient for issuance of a	13038
certificate of licensure and therapeutic pharmaceutical agents	13039
certificate under this section;	13040
(10) Not have been previously denied issuance of a	13041
certificate by the board.	13042
<u>(C) The board shall issue a certificate of licensure and</u>	13043
<u>therapeutic pharmaceutical agents certificate in accordance with</u>	13044
<u>Chapter 4796. of the Revised Code to an applicant if either of</u>	13045
<u>the following applies:</u>	13046
<u>(1) The applicant holds a certificate or license in</u>	13047
<u>another state.</u>	13048
<u>(2) The applicant has satisfactory work experience, a</u>	13049
<u>government certification, or a private certification as</u>	13050
<u>described in that chapter in the practice of optometry using</u>	13051
<u>therapeutic pharmaceutical agents in a state that does not issue</u>	13052
<u>that license or certificate.</u>	13053

Sec. 4725.26. Division (A) of section 4725.02 of the Revised Code does not apply to the following:

(A) Physicians authorized to practice medicine and surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code;

(B) Persons who sell optical accessories but do not assume to adapt them to the eye, and neither practice nor profess to practice optometry;

(C) ~~An~~ A nonresident instructor 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. 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.

(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.

(E) An individual who is licensed or otherwise specifically authorized by the Revised Code to engage in an

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activity that is included in the practice of optometry. 13083

(F) An individual who is not licensed or otherwise 13084
specifically authorized by the Revised Code to engage in an 13085
activity that is included in the practice of optometry, but is 13086
acting pursuant to the rules for delegation of optometric tasks 13087
adopted under section 4725.09 of the Revised Code. 13088

(G) ~~An~~ A nonresident individual who holds in good standing 13089
a valid license to practice optometry from a licensing body in 13090
another jurisdiction and is practicing as a volunteer without 13091
remuneration during a charitable event that lasts not more than 13092
seven days. 13093

When an individual meets the conditions of this division, 13094
the individual shall be deemed to hold, during the course of the 13095
charitable event, a license to practice optometry from the state 13096
vision professionals board and shall be subject to the 13097
provisions of this chapter authorizing the board to take 13098
disciplinary action against a license holder. Not less than 13099
seven calendar days before the first day of the charitable 13100
event, the individual or the event's organizer shall notify the 13101
board of the individual's intent to engage in the practice of 13102
optometry at the event. During the course of the charitable 13103
event, the individual's scope of practice is limited to the 13104
procedures that an optometrist licensed under this chapter is 13105
authorized to perform unless the individual's scope of practice 13106
in the other jurisdiction is more restrictive than in this 13107
state. If the latter is the case, the individual's scope of 13108
practice is limited to the procedures that an optometrist in the 13109
other jurisdiction may perform. 13110

The board shall not require a nonresident individual who 13111
holds a license in another state to obtain a license in 13112

accordance with Chapter 4796. of the Revised Code to practice 13113
optometry as a volunteer in the manner described under this 13114
division. 13115

Sec. 4725.48. (A) Any person who desires to engage in 13116
optical dispensing shall file a properly completed application 13117
for an examination with the state vision professionals board or 13118
with the testing service the board has contracted with pursuant 13119
to section 4725.49 of the Revised Code. The application for 13120
examination shall be made using a form provided by the board and 13121
shall be accompanied by an examination fee the board shall 13122
establish by rule. 13123

(B) Any person who desires to engage in optical dispensing 13124
shall file a properly completed application for a license with 13125
the board with a licensure application fee of fifty dollars. 13126

No person shall be eligible to apply for a license under 13127
this division, unless the person is at least eighteen years of 13128
age, is free of contagious or infectious disease, has received a 13129
passing score, as determined by the board, on the examination 13130
administered under division (A) of this section, is a graduate 13131
of an accredited high school of any state, or has received an 13132
equivalent education and has successfully completed either of 13133
the following: 13134

(1) Two years of supervised experience under a licensed 13135
dispensing optician, optometrist, or physician engaged in the 13136
practice of ophthalmology, up to one year of which may be 13137
continuous experience of not less than thirty hours a week in an 13138
optical laboratory; 13139

(2) A two-year college level program in optical dispensing 13140
that has been approved by the board and that includes, but is 13141

not limited to, courses of study in mathematics, science, 13142
English, anatomy and physiology of the eye, applied optics, 13143
ophthalmic optics, measurement and inspection of lenses, lens 13144
grinding and edging, ophthalmic lens design, keratometry, and 13145
the fitting and adjusting of spectacle lenses and frames and 13146
contact lenses, including methods of fitting contact lenses and 13147
post-fitting care. 13148

(C) (1) Any person who desires to obtain a license to 13149
practice as an ocularist shall file a properly completed 13150
application with the board accompanied by the appropriate fee 13151
and proof that the applicant has met the requirements for 13152
licensure. The board shall establish, by rule, the application 13153
fee and the minimum requirements for licensure, including 13154
education, examination, or experience standards recognized by 13155
the board as national standards for ocularists. The board shall 13156
issue a license to practice as an ocularist to an applicant who 13157
satisfies the requirements of this division and rules adopted 13158
pursuant to this division. 13159

(2) The board shall issue a license to practice as an 13160
ocularist in accordance with Chapter 4796. of the Revised Code 13161
to an applicant if either of the following applies: 13162

(a) The applicant holds a license in another state. 13163

(b) The applicant has satisfactory work experience, a 13164
government certification, or a private certification as 13165
described in that chapter as an ocularist in a state that does 13166
not issue that license. 13167

(D) (1) Subject to divisions (D) (3) and (4) of this 13168
section, the board shall not adopt, maintain, renew, or enforce 13169
any rule that precludes an individual from renewing a license as 13170

a dispensing optician issued under sections 4725.40 to 4725.59 13171
of the Revised Code due to any past criminal activity or 13172
interpretation of moral character, unless the individual has 13173
committed a crime of moral turpitude or a disqualifying offense 13174
as those terms are defined in section 4776.10 of the Revised 13175
Code. 13176

If the board denies an individual a license or license 13177
renewal, the reasons for such denial shall be put in writing. 13178

(2) The board may refuse to issue a license to an 13179
applicant because of a conviction of or plea of guilty to an 13180
offense if the refusal is in accordance with section 9.79 of the 13181
Revised Code. 13182

(3) In considering a renewal of an individual's license, 13183
the board shall not consider any conviction or plea of guilty 13184
prior to the initial licensing. However, the board may consider 13185
a conviction or plea of guilty if it occurred after the 13186
individual was initially licensed, or after the most recent 13187
license renewal. 13188

(4) The board may grant an individual a conditional 13189
license that lasts for one year. After the one-year period has 13190
expired, the license is no longer considered conditional, and 13191
the individual shall be considered fully licensed. 13192

(E) The board, subject to the approval of the controlling 13193
board, may establish examination fees in excess of the amount 13194
established by rule pursuant to this section, provided that such 13195
fees do not exceed those amounts established in rule by more 13196
than fifty per cent. 13197

Sec. 4725.52. Any licensed dispensing optician may 13198
supervise a maximum of three apprentices who shall be permitted 13199

to engage in optical dispensing only under the supervision of 13200
the licensed dispensing optician. 13201

To serve as an apprentice, a person shall register with 13202
the state vision professionals board on a form provided by the 13203
board and in the form of a statement giving the name and address 13204
of the supervising licensed dispensing optician, the location at 13205
which the apprentice will be employed, and any other information 13206
required by the board. For the duration of the apprenticeship, 13207
the apprentice shall register annually on the form provided by 13208
the board and in the form of a statement. 13209

Each apprentice shall pay an initial registration fee of 13210
twenty dollars. For each registration renewal thereafter, each 13211
apprentice shall pay a registration renewal fee of twenty 13212
dollars. 13213

The board shall grant registration as an apprentice under 13214
this section in accordance with Chapter 4796. of the Revised 13215
Code to an applicant if the applicant holds a registration or 13216
license in another state or has satisfactory work experience, a 13217
government certification, or a private certification as 13218
described in that chapter as an apprentice permitted to engage 13219
in supervised optical dispensing in a state that does not grant 13220
that registration or license. 13221

The board shall not deny registration as an apprentice 13222
under this section to any individual based on the individual's 13223
past criminal history or an interpretation of moral character 13224
unless the denial is for a disqualifying offense in accordance 13225
with section 9.79 of the Revised Code. In considering a renewal 13226
of an individual's registration, the board shall not consider 13227
any conviction or plea of guilty prior to the initial 13228
registration. However, the board may consider a conviction or 13229

plea of guilty if it occurred after the individual was initially 13230
registered, or after the most recent registration renewal. If 13231
the board denies an individual for a registration or 13232
registration renewal, the reasons for such denial shall be put 13233
in writing. Additionally, the board may grant an individual a 13234
conditional registration that lasts for one year. After the one- 13235
year period has expired, the registration is no longer 13236
considered conditional, and the individual shall be considered 13237
fully registered. 13238

A person who is gaining experience under the supervision 13239
of a licensed optometrist or ophthalmologist that would qualify 13240
the person under division (B) (1) of section 4725.48 of the 13241
Revised Code to take the examination for optical dispensing is 13242
not required to register with the board. 13243

~~Sec. 4725.57. An applicant for licensure as a licensed-~~ 13244
~~dispensing optician who is licensed or registered in another-~~ 13245
~~state shall be accorded the full privileges of practice within-~~ 13246
~~this state, upon the payment of a fifty-dollar fee and the-~~ 13247
~~submission of a certified copy of the license or certificate-~~ 13248
~~issued by such other state, without the necessity of-~~ 13249
~~examination, if the~~ The state vision professionals board 13250
~~determines that the~~ shall issue a license to engage in optical 13251
dispensing in accordance with Chapter 4796. of the Revised Code 13252
to an applicant meets the remaining requirements of division (B)- 13253
~~of section 4725.48 of the Revised Code. The board may require-~~ 13254
~~that the applicant have received a passing score, as determined-~~ 13255
~~by the board, on an examination that is substantially the same-~~ 13256
~~as the examination described in division (A) of section 4725.48-~~ 13257
~~of the Revised Code~~ if either of the following applies: 13258

(A) The applicant holds a license or registration in 13259

another state. 13260

(B) The applicant has satisfactory work experience, a 13261
government certification, or a private certification as 13262
described in that chapter as a dispensing optician in a state 13263
that does not issue that license or registration. 13264

Sec. 4725.591. Section 4725.41 of the Revised Code does 13265
not apply to a nonresident person who holds in good standing a 13266
valid license from another state to engage in optical dispensing 13267
and is engaging in optical dispensing as a volunteer without 13268
remuneration during a charitable event that lasts not more than 13269
seven days. 13270

When a person meets the conditions of this section, the 13271
person shall be deemed to hold, during the course of the 13272
charitable event, a license to engage in optical dispensing from 13273
the state vision professionals board and shall be subject to the 13274
provisions of this chapter authorizing the board to take 13275
disciplinary action against a license holder. Not less than 13276
seven calendar days before the first day of the charitable 13277
event, the person or the event's organizer shall notify the 13278
board of the person's intent to engage in optical dispensing at 13279
the event. During the course of the charitable event, the 13280
person's scope of practice is limited to the procedures that a 13281
dispensing optician licensed under this chapter is authorized to 13282
perform unless the person's scope of practice in the other state 13283
is more restrictive than in this state. If the latter is the 13284
case, the person's scope of practice is limited to the 13285
procedures that a dispensing optician in the other state may 13286
perform. 13287

The state vision professionals board shall not require a 13288
nonresident person who holds a license in another state to 13289

obtain a license in accordance with Chapter 4796. of the Revised 13290
Code to practice optometry as a volunteer in the manner 13291
described under this section. 13292

Sec. 4727.03. (A) As used in this section, "experience in 13293
the capacity involved" means that the applicant for a 13294
pawnbroker's license demonstrates sufficient financial 13295
responsibility and experience in the pawnbroker business, or in 13296
a related business, to act as a pawnbroker in compliance with 13297
this chapter. "Experience in the capacity involved" shall be 13298
determined by: 13299

(1) Prior or current ownership or management of, or 13300
employment in, a pawnshop; 13301

(2) Demonstration to the satisfaction of the 13302
superintendent of financial institutions of a thorough working 13303
knowledge of all pawnbroker laws and rules as they relate to the 13304
actual operation of a pawnshop. 13305

A demonstration shall include a demonstration of an 13306
ability to properly complete forms, knowledge of how to properly 13307
calculate interest and storage charges, and knowledge of legal 13308
notice and forfeiture procedures. The final determination of 13309
whether an applicant's demonstration is adequate rests with the 13310
superintendent. 13311

(3) A submission by the applicant and any stockholders, 13312
owners, managers, directors, or officers of the pawnshop, and 13313
employees of the applicant to a police record check; and 13314

(4) Liquid assets in a minimum amount of one hundred 13315
twenty-five thousand dollars at the time of applying for initial 13316
licensure and demonstration of the ability to maintain the 13317
liquid assets at a minimum amount of seventy-five thousand 13318

dollars for the duration of holding a valid pawnbroker's license. If an applicant holds a pawnbroker's license at the time of application or is applying for more than one license, this requirement shall be met separately for each license.

~~(B) The (1) Except as provided in division (B) (2) of this section, the~~ superintendent may grant a license to act as a pawnbroker to any person having experience in the capacity involved to engage in the business of pawnbroking upon the payment to the superintendent of a license fee determined by the superintendent pursuant to section 1321.20 of the Revised Code. A license is not transferable or assignable.

(2) The superintendent shall grant a license to act as a pawnbroker in accordance with Chapter 4796. of the Revised Code to a person if either of the following applies:

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

(b) The person has satisfactory work experience, a government certification, or a private certification as described in that chapter as a pawnbroker in a state that does not issue that license.

(C) The superintendent may consider an application withdrawn and may retain the investigation fee required under division (D) of this section if both of the following are true:

(1) An application for a license does not contain all of the information required under division (B) of this section.

(2) The information is not submitted to the superintendent within ninety days after the superintendent requests the information from the applicant in writing.

(D) The superintendent shall require an applicant for a

pawnbroker's license to pay to the superintendent a 13347
nonrefundable initial investigation fee of two hundred dollars, 13348
which is for the exclusive use of the state. 13349

(E) (1) Except as otherwise provided in division (E) (2) of 13350
this section, a pawnbroker's license issued by the 13351
superintendent expires on the thirtieth day of June next 13352
following the date of its issuance, or on a different date set 13353
by the superintendent pursuant to section 1181.23 of the Revised 13354
Code, and may be renewed annually in accordance with the 13355
standard renewal procedure set forth in Chapter 4745. of the 13356
Revised Code. Fifty per cent of the annual license fee shall be 13357
for the use of the state, and fifty per cent shall be paid by 13358
the state to the municipal corporation, or if outside the limits 13359
of any municipal corporation, to the county, in which the office 13360
of the licensee is located. All such fees payable to municipal 13361
corporations or counties shall be paid annually. 13362

(2) A pawnbroker's license issued or renewed by the 13363
superintendent on or after January 1, 2006, expires on the 13364
thirtieth day of June in the even-numbered year next following 13365
the date of its issuance or renewal, as applicable, and may be 13366
renewed biennially by the thirtieth day of June in accordance 13367
with the standard renewal procedure set forth in Chapter 4745. 13368
of the Revised Code. Fifty per cent of the biennial license fee 13369
shall be for the use of the state, and fifty per cent shall be 13370
paid by the state to the municipal corporation, or if outside 13371
the limits of any municipal corporation, to the county, in which 13372
the office of the licensee is located. All such fees payable to 13373
municipal corporations or counties shall be paid biennially. If 13374
deemed necessary for participation, the superintendent may reset 13375
the renewal date and require annual registration pursuant to 13376
section 1181.23 of the Revised Code. 13377

(F) The fee for renewal of a license shall be equivalent 13378
to the fee for an initial license established by the 13379
superintendent pursuant to section 1321.20 of the Revised Code. 13380
Any licensee who wishes to renew the pawnbroker's license but 13381
who fails to do so on or before the date the license expires 13382
shall reapply for licensure in the same manner and pursuant to 13383
the same requirements as for initial licensure, unless the 13384
licensee pays to the superintendent on or before the thirty- 13385
first day of August of the year the license expires, a late 13386
renewal penalty of one hundred dollars in addition to the 13387
regular renewal fee. Any licensee who fails to renew the license 13388
on or before the date the license expires is prohibited from 13389
acting as a pawnbroker until the license is renewed or a new 13390
license is issued under this section. Any licensee who renews a 13391
license between the first day of July and the thirty-first day 13392
of August of the year the license expires is not relieved from 13393
complying with this division. The superintendent may refuse to 13394
issue to or renew the license of any licensee who violates this 13395
division. 13396

(G) No license shall be granted to any person not a 13397
resident of or the principal office of which is not located in 13398
the municipal corporation or county designated in such license 13399
unless that applicant, in writing and in due form approved by 13400
and filed with the superintendent, first appoints an agent, a 13401
resident of the state, and city or county where the office is to 13402
be located, upon whom all judicial and other process, or legal 13403
notice, directed to the applicant may be served. In case of the 13404
death, removal from the state, or any legal disability or any 13405
disqualification of any such agent, service of such process or 13406
notice may be made upon the superintendent. 13407

The superintendent may, upon notice to the licensee and 13408

reasonable opportunity to be heard, suspend or revoke any 13409
license or assess a penalty against the licensee if the 13410
licensee, or the licensee's officers, agents, or employees, has 13411
violated this chapter. Any penalty shall be appropriate to the 13412
violation but in no case shall the penalty be less than two 13413
hundred nor more than two thousand dollars. Whenever, for any 13414
cause, a license is suspended or revoked, the superintendent 13415
shall not issue another license to the licensee nor to the legal 13416
spouse of the licensee, nor to any business entity of which the 13417
licensee is an officer or member or partner, nor to any person 13418
employed by the licensee, until the expiration of at least two 13419
years from the date of revocation or suspension of the license. 13420
The superintendent shall deposit all penalties allocated 13421
pursuant to this section into the state treasury to the credit 13422
of the consumer finance fund. 13423

Any proceedings for the revocation or suspension of a 13424
license or to assess a penalty against a licensee are subject to 13425
Chapter 119. of the Revised Code. 13426

(H) If a licensee surrenders or chooses not to renew the 13427
pawnbroker's license, the licensee shall notify the 13428
superintendent thirty days prior to the date on which the 13429
licensee intends to close the licensee's business as a 13430
pawnbroker. Prior to the date, the licensee shall do either of 13431
the following with respect to all active loans: 13432

(1) Dispose of an active loan by selling the loan to 13433
another person holding a valid pawnbroker's license issued under 13434
this section; 13435

(2) Reduce the rate of interest on pledged articles held 13436
as security for a loan to eight per cent per annum or less 13437
effective on the date that the pawnbroker's license is no longer 13438

valid. 13439

Sec. 4728.03. (A) As used in this section, "experience in 13440
the capacity involved" means that the applicant for a precious 13441
metals dealer's license has had sufficient financial 13442
responsibility and experience in the business of precious metals 13443
dealer, or a related business, to act as a precious metals 13444
dealer in compliance with this chapter. 13445

(B) (1) The Except as provided in division (B) (3) of this 13446
section, the division of financial institutions in the 13447
department of commerce may grant a precious metals dealer's 13448
license to any person having experience in the capacity 13449
involved, who demonstrates a net worth of at least ten thousand 13450
dollars and the ability to maintain that net worth during the 13451
licensure period. The superintendent of financial institutions 13452
shall compute the applicant's net worth according to generally 13453
accepted accounting principles. 13454

(2) In place of the demonstration of net worth required by 13455
division (B) (1) of this section, an applicant may obtain a 13456
surety bond issued by a surety company authorized to do business 13457
in this state if all of the following conditions are met: 13458

(a) A copy of the surety bond is filed with the division; 13459

(b) The bond is in favor of any person, and of the state 13460
for the benefit of any person, injured by any violation of this 13461
chapter; 13462

(c) The bond is in the amount of not less than ten 13463
thousand dollars. 13464

(3) The division shall grant a precious metals dealer's 13465
license in accordance with Chapter 4796. of the Revised Code to 13466
an applicant if either of the following applies: 13467

(a) The applicant holds a license in another state. 13468

(b) The applicant has satisfactory work experience, a 13469
government certification, or a private certification as 13470
described in that chapter as a precious metals dealer in a state 13471
that does not issue that license. 13472

(4) Before granting a license under this division, the 13473
division shall determine that the applicant meets the 13474
requirements of division (B) (1) ~~or~~, (2), or (3) of this section. 13475

(C) The ~~Except for a license issued under division (B) (3)~~ 13476
of this section, the division shall require an applicant for a 13477
precious metals dealer's license to pay to the division a 13478
nonrefundable, initial investigation fee of two hundred dollars 13479
which shall be for the exclusive use of the state. The license 13480
fee for a precious metals dealer's license and the renewal fee 13481
shall be determined by the superintendent, provided that the fee 13482
may not exceed three hundred dollars. A license issued by the 13483
division shall expire on the last day of June next following the 13484
date of its issuance or annually on a different date set by the 13485
superintendent pursuant to section 1181.23 of the Revised Code. 13486
Fifty per cent of license fees shall be for the use of the 13487
state, and fifty per cent shall be paid to the municipal 13488
corporation, or if outside the limits of any municipal 13489
corporation, to the county in which the office of the licensee 13490
is located. All portions of license fees payable to municipal 13491
corporations or counties shall be paid as they accrue, by the 13492
treasurer of state, on vouchers issued by the director of budget 13493
and management. 13494

(D) Every such license shall be renewed annually by the 13495
last day of June, or annually on a different date set by the 13496
superintendent pursuant to section 1181.23 of the Revised Code, 13497

according to the standard renewal procedure of Chapter 4745. of 13498
the Revised Code. No license shall be granted to any person not 13499
a resident of or the principal office of which is not located in 13500
the municipal corporation or county designated in such license, 13501
unless, and until such applicant shall, in writing and in due 13502
form, to be first approved by and filed with the division, 13503
appoint an agent, a resident of the state, and city or county 13504
where the office is to be located, upon whom all judicial and 13505
other process, or legal notice, directed to the applicant may be 13506
served; and in case of the death, removal from the state, or any 13507
legal disability or any disqualification of any agent, service 13508
of process or notice may be made upon the superintendent. 13509

(E) The division may, pursuant to Chapter 119. of the 13510
Revised Code, upon notice to the licensee and after giving the 13511
licensee reasonable opportunity to be heard, revoke or suspend 13512
any license, if the licensee or the licensee's officers, agents, 13513
or employees violate this chapter. Whenever, for any cause, the 13514
license is revoked or suspended, the division shall not issue 13515
another license to the licensee nor to the husband or wife of 13516
the licensee, nor to any copartnership or corporation of which 13517
the licensee is an officer, nor to any person employed by the 13518
licensee, until the expiration of at least one year from the 13519
date of revocation of the license. 13520

(F) In conducting an investigation to determine whether an 13521
applicant satisfies the requirements for licensure under this 13522
section, the superintendent may request that the superintendent 13523
of the bureau of criminal identification and investigation 13524
investigate and determine whether the bureau has procured any 13525
information pursuant to section 109.57 of the Revised Code 13526
pertaining to the applicant. 13527

If the superintendent of financial institutions determines 13528
that conducting an investigation to determine whether an 13529
applicant satisfies the requirements for licensure under this 13530
section will require procuring information outside the state, 13531
then, in addition to the fee established under division (C) of 13532
this section, the superintendent may require the applicant to 13533
pay any of the actual expenses incurred by the division to 13534
conduct such an investigation, provided that the superintendent 13535
shall assess the applicant a total no greater than one thousand 13536
dollars for such expenses. The superintendent may require the 13537
applicant to pay in advance of the investigation, sufficient 13538
funds to cover the estimated cost of the actual expenses. If the 13539
superintendent requires the applicant to pay investigation 13540
expenses, the superintendent shall provide to the applicant an 13541
itemized statement of the actual expenses incurred by the 13542
division to conduct the investigation. 13543

(G) (1) Except as otherwise provided in division (G) (2) of 13544
this section a precious metals dealer licensed under this 13545
section shall maintain a net worth of at least ten thousand 13546
dollars, computed as required under division (B) (1) of this 13547
section, for as long as the licensee holds a valid precious 13548
metals dealer's license issued pursuant to this section. 13549

(2) A licensee who obtains a surety bond under division 13550
(B) (2) of this section is exempt from the requirement of 13551
division (G) (1) of this section, but shall maintain the bond for 13552
at least two years after the date on which the licensee ceases 13553
to conduct business in this state. 13554

Sec. 4729.09. The state board of pharmacy ~~may shall issue~~ 13555
~~a license an individual as a pharmacist without examination if~~ 13556
~~the individual:~~ 13557

~~(A) Holds a license in good standing to practice pharmacy~~ 13558
~~under the laws of~~ in accordance with Chapter 4796. of the 13559
Revised Code to an applicant if either of the following applies: 13560

(A) The applicant holds a license in another state, ~~has~~ 13561
~~successfully completed an examination for licensure in the other~~ 13562
~~state, and in the opinion of the board, the examination was at~~ 13563
~~least as thorough as that required by the board at the time the~~ 13564
~~individual took the examination;.~~ 13565

~~(B) Has filed with the licensing body of the other state~~ 13566
~~at least the credentials or the equivalent that were required by~~ 13567
~~this state at the time the other state licensed the individual~~ 13568
~~as a pharmacist.~~ 13569

~~The board shall not issue a license to practice pharmacy~~ 13570
~~to an individual licensed in another state if the state in which~~ 13571
~~the individual is licensed does not reciprocate by granting~~ 13572
~~licenses to practice pharmacy to individuals holding valid~~ 13573
~~licenses received through examination by the state board of~~ 13574
~~pharmacy.~~ The applicant has satisfactory work experience, a 13575
government certification, or a private certification as 13576
described in that chapter as a pharmacist in a state that does 13577
not issue that license. 13578

Sec. 4729.11. The state board of pharmacy shall establish 13579
a pharmacy internship program for the purpose of providing the 13580
practical experience necessary to practice as a pharmacist. Any 13581
individual who desires to become a pharmacy intern shall apply 13582
for licensure to the board. An application filed under this 13583
section may not be withdrawn without the approval of the board. 13584

Each applicant shall be issued a license as a pharmacy 13585
intern if the board determines that the applicant is actively 13586

pursuing an educational program in preparation for licensure as 13587
a pharmacist and meets the other requirements as determined by 13588
the board. The board shall issue a pharmacy intern license in 13589
accordance with Chapter 4796. of the Revised Code to an 13590
applicant who holds a license in another state or has 13591
satisfactory work experience, a government certification, or a 13592
private certification as described in that chapter as a pharmacy 13593
intern in a state that does not issue that license. A license 13594
shall be valid until the next renewal date and shall be renewed 13595
only if the intern is meeting the requirements and rules of the 13596
board. 13597

Sec. 4729.15. (A) Except as provided in division (B) of 13598
this section, the state board of pharmacy shall charge the 13599
following fees: 13600

(1) For applying for a license to practice as a 13601
pharmacist, an amount adequate to cover all expenses of the 13602
board related to examination except the expenses of procuring 13603
and grading the examination, which fee shall not be returned if 13604
the applicant fails to pass the examination; 13605

(2) For the examination of an applicant for licensure as a 13606
pharmacist, an amount adequate to cover any expenses to the 13607
board of procuring and grading the examination or any part 13608
thereof, which fee shall not be returned if the applicant fails 13609
to pass the examination; 13610

(3) For issuing a license to an individual who passes the 13611
examination described in section 4729.07 of the Revised Code, an 13612
amount that is adequate to cover the expense; 13613

(4) For a pharmacist applying for renewal of a license 13614
before the expiration date, two hundred fifty dollars, which fee 13615

shall not be returned if the applicant fails to qualify for 13616
renewal; 13617

(5) For a pharmacist applying for renewal of a license 13618
that has been expired for less than three years, the renewal fee 13619
identified in division (A)(4) of this section plus a penalty of 13620
thirty-seven dollars and fifty cents, which fee shall not be 13621
returned if the applicant fails to qualify for renewal; 13622

(6) For a pharmacist applying for renewal of a license 13623
that has been expired for more than three years, three hundred 13624
thirty-seven dollars and fifty cents, which fee shall not be 13625
returned if the applicant fails to qualify for renewal; 13626

(7) For a pharmacist applying for a license on 13627
presentation of a pharmacist license granted by another state, 13628
~~three hundred thirty seven dollars and fifty cents~~the fee 13629
specified in Chapter 4796. of the Revised Code, which fee shall 13630
not be returned if the applicant fails to qualify for licensure. 13631

(8) For a license to practice as a pharmacy intern, forty- 13632
five dollars, which fee shall not be returned if the applicant 13633
fails to qualify for licensure; 13634

(9) For the renewal of a pharmacy intern license, forty- 13635
five dollars, which fee shall not be returned if the applicant 13636
fails to qualify for renewal; 13637

(10) For certifying licensure and grades for reciprocal 13638
licensure, thirty-five dollars; 13639

(11) For making copies of any application, affidavit, or 13640
other document filed in the state board of pharmacy office, an 13641
amount fixed by the board that is adequate to cover the expense, 13642
except that for copies required by federal or state agencies or 13643
law enforcement officers for official purposes, no charge need 13644

be made; 13645

(12) For certifying and affixing the seal of the board, an 13646
amount fixed by the board that is adequate to cover the expense, 13647
except that for certifying and affixing the seal of the board to 13648
a document required by federal or state agencies or law 13649
enforcement officers for official purposes, no charge need be 13650
made; 13651

(13) For each copy of a book or pamphlet that includes 13652
laws administered by the state board of pharmacy, rules adopted 13653
by the board, and chapters of the Revised Code with which the 13654
board is required to comply, an amount fixed by the board that 13655
is adequate to cover the expense of publishing and furnishing 13656
the book or pamphlet. 13657

(B) (1) Subject to division (B) (2) of this section, the 13658
fees described in divisions (A) (1) to (10) of this section do 13659
not apply to an individual who is on active duty in the armed 13660
forces of the United States, as defined in section 5903.01 of 13661
the Revised Code, to the spouse of an individual who is on 13662
active duty in the armed forces of the United States, or to an 13663
individual who served in the armed forces of the United States 13664
and presents documentation that the individual has been 13665
discharged under honorable conditions from the armed forces or 13666
has been transferred to the reserve with evidence of 13667
satisfactory service. 13668

(2) The state board of pharmacy may establish limits with 13669
respect to the individuals for whom fees are not applicable 13670
under division (B) (1) of this section. 13671

Sec. 4729.901. (A) An applicant for registration under 13672
section 4729.90 of the Revised Code shall file with the state 13673

board of pharmacy an application in the form and manner 13674
prescribed in rules adopted under section 4729.94 of the Revised 13675
Code. The application shall be accompanied by an application fee 13676
of fifty dollars, which shall not be returned if the applicant 13677
fails to qualify for registration. 13678

(B) If the board is satisfied that the applicant meets the 13679
requirements of section 4729.90 of the Revised Code and any 13680
additional requirements established by the board and determines 13681
that the results of a criminal records check do not make the 13682
applicant ineligible, the board shall register the applicant as 13683
a registered pharmacy technician or certified pharmacy 13684
technician, as applicable. 13685

(C) The board shall register as a registered pharmacy 13686
technician or certified pharmacy technician, as applicable, in 13687
accordance with Chapter 4796. of the Revised Code an applicant 13688
if either of the following applies: 13689

(1) The applicant holds a license or is registered in 13690
another state. 13691

(2) The applicant has satisfactory work experience, a 13692
government certification, or a private certification as 13693
described in that chapter as a pharmacy technician in a state 13694
that does not issue that license or registration. 13695

(D) Registration under division (B) or (C) of this section 13696
is valid for the period specified by the board in rules adopted 13697
under section 4729.94 of the Revised Code. The period shall not 13698
exceed twenty-four months unless the board extends the period in 13699
the rules to adjust license renewal schedules. 13700

Sec. 4729.92. (A) An applicant for registration as a 13701
pharmacy technician trainee shall: 13702

(1) ~~Comply~~ Except as provided in section 4729.921 of the 13703
Revised Code, comply with divisions (A) (1) (a) and (b) of section 13704
4729.90 of the Revised Code; 13705

(2) Be enrolled in or plan to enroll in education and 13706
training that will allow the applicant to meet the requirements 13707
established by the state board of pharmacy in rules adopted 13708
under section 4729.94 of the Revised Code; 13709

(3) Comply with sections 4776.01 to 4776.04 of the Revised 13710
Code. 13711

(B) A pharmacist or pharmacy intern whose license has been 13712
denied, revoked, suspended, or otherwise restricted by the board 13713
shall not be registered as a pharmacy technician trainee. 13714

Sec. 4729.921. An applicant for registration as a pharmacy 13715
technician trainee shall file with the state board of pharmacy 13716
an application in the form and manner prescribed in rules 13717
adopted under section 4729.94 of the Revised Code. The 13718
application shall be accompanied by an application fee of 13719
twenty-five dollars, which shall not be returned if the 13720
applicant fails to qualify for registration. 13721

If the board is satisfied that an applicant meets the 13722
requirements of section 4729.92 of the Revised Code and any 13723
additional requirements established by the board and determines 13724
that the results of a criminal records check do not make the 13725
applicant ineligible, the board shall register the applicant as 13726
a pharmacy technician trainee. The board may register an 13727
applicant who is seventeen years of age and does not possess a 13728
high school diploma or certificate of high school equivalence as 13729
a pharmacy technician trainee if the applicant is enrolled in a 13730
career-technical school program that is approved by the board 13731

and conducted by a city, exempted village, local, or joint 13732
vocational school district. 13733

The board shall register as a pharmacy technician trainee 13734
in accordance with Chapter 4796. of the Revised Code an 13735
applicant who either holds a license or is registered in another 13736
state or has satisfactory work experience, a government 13737
certification, or a private certification as described in that 13738
chapter as a pharmacy technician trainee in a state that does 13739
not issue that license or registration. 13740

Registration is valid for one year from the date of 13741
registration. The board may extend the period of time that a 13742
registration is valid at the board's discretion. Registration is 13743
not renewable, but an individual may reapply for registration if 13744
the individual's previous registration has lapsed for more than 13745
five years or the board grants its approval. 13746

Sec. 4730.10. (A) An ~~Except~~ as provided in division (C) of 13747
this section, an individual seeking a license to practice as a 13748
physician assistant shall file with the state medical board a 13749
written application on a form prescribed and supplied by the 13750
board. The application shall include all of the following: 13751

(1) The applicant's name, residential address, business 13752
address, if any, and social security number; 13753

(2) Satisfactory proof that the applicant meets the age 13754
requirement specified in division (A) (1) of section 4730.11 of 13755
the Revised Code; 13756

(3) Satisfactory proof that the applicant meets either the 13757
educational requirements specified in division (B) (1) or (2) of 13758
section 4730.11 of the Revised Code or the educational or other 13759
applicable requirements specified in division (C) (1), (2), or 13760

- (3) of that section; 13761
- (4) Any other information the board requires. 13762
- (B) At the time of making application for a license to practice, the applicant shall pay the board a fee of four hundred dollars, no part of which shall be returned. The fees shall be deposited in accordance with section 4731.24 of the Revised Code. 13763
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- (C) The board shall issue a license to practice as a physician assistant in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 13768
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- (1) The applicant holds a license in another state. 13771
- (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. 13772
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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. 13776
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- (B) (1) As used in this division: 13781
- (a) "Mechanotherapy" means all of the following: 13782
- (i) Examining patients by verbal inquiry; 13783
- (ii) Examination of the musculoskeletal system by hand; 13784
- (iii) Visual inspection and observation; 13785
- (iv) Diagnosing a patient's condition only as to whether the patient has a disorder of the musculoskeletal system; 13786
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(v) In the treatment of patients, employing the techniques 13788
of advised or supervised exercise; electrical neuromuscular 13789
stimulation; massage or manipulation; or air, water, heat, cold, 13790
sound, or infrared ray therapy only to those disorders of the 13791
musculoskeletal system that are amenable to treatment by such 13792
techniques and that are identifiable by examination performed in 13793
accordance with division (B) (1) (a) (i) of this section and 13794
diagnosable in accordance with division (B) (1) (a) (ii) of this 13795
section. 13796

(b) "Educational requirements" means the completion of a 13797
course of study appropriate for certification to practice 13798
mechanotherapy on or before November 3, 1985, as determined by 13799
rules adopted under this chapter. 13800

(2) Mechanotherapists who received a certificate to 13801
practice from the board prior to March 2, 1992, may continue to 13802
practice mechanotherapy, as defined in rules adopted by the 13803
board. Such mechanotherapists shall practice in accordance with 13804
rules adopted by the board. 13805

A person authorized by this division to practice as a 13806
mechanotherapist may examine, diagnose, and assume 13807
responsibility for the care of patients with due regard for 13808
first aid and the hygienic and nutritional care of the patients. 13809
Roentgen rays shall be used by a mechanotherapist only for 13810
diagnostic purposes. 13811

(3) A person who holds a certificate to practice 13812
mechanotherapy and completed educational requirements in 13813
mechanotherapy on or before November 3, 1985, is entitled to use 13814
the title "doctor of mechanotherapy" and is a "physician" who 13815
performs "medical services" for the purposes of Chapters 4121. 13816
and 4123. of the Revised Code and the medicaid program, and 13817

shall receive payment or reimbursement as provided under those 13818
chapters and that program. 13819

(C) Chapter 4796. of the Revised Code does not apply to a 13820
certificate to practice naprapathy or mechanotherapy issued 13821
under this section. 13822

Sec. 4731.19. (A) A-Except as provided in division (E) of 13823
this section, a person seeking a license to practice a limited 13824
branch of medicine shall file with the state medical board an 13825
application in a manner prescribed by the board. The application 13826
shall include or be accompanied by all of the following: 13827

(1) Evidence that the applicant is at least eighteen years 13828
of age; 13829

(2) Evidence that the applicant has attained high school 13830
graduation or its equivalent; 13831

(3) Evidence that the applicant holds one of the 13832
following: 13833

(a) A diploma or certificate from a school, college, or 13834
institution in good standing as determined by the board, showing 13835
the completion of the following required courses of instruction: 13836

(i) Two hundred seventy-five hours in anatomy and 13837
physiology and pathology; 13838

(ii) Two hundred seventy-five hours in massage theory and 13839
practical, including hygiene; 13840

(iii) Twenty-five hours in ethics; 13841

(iv) Twenty-five hours in business and law. 13842

(b) A diploma or certificate from a school, college, or 13843
institution in another state or jurisdiction showing completion 13844

of a course of instruction that meets the requirements of 13845
division (A) (3) (a) of this section and any other course 13846
requirements determined by the board through rules adopted under 13847
section 4731.05 of the Revised Code; 13848

~~(c) During the five-year period immediately preceding the 13849
date of application, a current license, registration, or 13850
certificate in good standing in another state for massage 13851
therapy. 13852~~

(4) Evidence that the applicant has successfully passed an 13853
examination, prescribed in rules described in section 4731.16 of 13854
the Revised Code, to determine competency to practice the 13855
applicable limited branch of medicine; 13856

(5) An attestation that the information submitted under 13857
this section is accurate and truthful and that the applicant 13858
consents to release of information; 13859

(6) Any other information the board requires. 13860

(B) An applicant for a license to practice a limited 13861
branch of medicine shall comply with the requirements of section 13862
4731.171 of the Revised Code. 13863

(C) At the time of making application for a license to 13864
practice a limited branch of medicine, the applicant shall pay 13865
to the board a fee of one hundred fifty dollars, no part of 13866
which shall be returned. No application shall be considered 13867
filed until the board receives the appropriate fee. 13868

(D) The board may investigate the application materials 13869
received under this section and contact any agency or 13870
organization for recommendations or other information about the 13871
applicant. 13872

(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: 13873
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(1) The applicant holds a license or certificate in another state. 13877
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(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. 13879
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Sec. 4731.293. (A) The state medical board shall issue, without examination, a clinical research faculty certificate to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery to any person who applies for the certificate and provides to the board satisfactory evidence of both of the following: 13884
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(1) That the applicant holds a current, unrestricted license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued by another state or country; 13890
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(2) That the applicant has been appointed to serve in this state on the academic staff of a medical school accredited by the liaison committee on medical education, an osteopathic medical school accredited by the American osteopathic association, or a college of podiatric medicine and surgery in good standing with the board. 13894
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(B) The holder of a clinical research faculty certificate may do one of the following, as applicable: 13900
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(1) Practice medicine and surgery or osteopathic medicine and surgery only as is incidental to the certificate holder's teaching or research duties at the medical school or a teaching hospital affiliated with the school; 13902
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(2) Practice podiatric medicine and surgery only as is incidental to the certificate holder's teaching or research duties at the college of podiatric medicine and surgery or a teaching hospital affiliated with the college. 13906
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(C) The board may revoke a certificate on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code. 13910
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(D) A clinical research faculty certificate is valid for three years, except that the certificate ceases to be valid if the holder's academic staff appointment described in division (A) (2) of this section is no longer valid or the certificate is revoked pursuant to division (C) of this section. 13915
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(E) (1) The board shall provide a renewal notice to the certificate holder at least one month before the certificate expires. Failure of a certificate holder to receive a notice of renewal from the board shall not excuse the certificate holder from the requirements contained in this section. The notice shall inform the certificate holder of the renewal procedure. The notice also shall inform the certificate holder of the reporting requirement established by division (H) of section 3701.79 of the Revised Code. At the discretion of the board, the information may be included on the application for renewal or on an accompanying page. 13920
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(2) A clinical research faculty certificate may be renewed 13931
for an additional three-year period. There is no limit on the 13932
number of times a certificate may be renewed. A person seeking 13933
renewal of a certificate shall apply to the board. The board 13934
shall provide the application for renewal in a form determined 13935
by the board. 13936

(3) An applicant is eligible for renewal if the applicant 13937
does all of the following: 13938

(a) Reports any criminal offense to which the applicant 13939
has pleaded guilty, of which the applicant has been found 13940
guilty, or for which the applicant has been found eligible for 13941
intervention in lieu of conviction, since last filing an 13942
application for a clinical research faculty certificate; 13943

(b) Provides evidence satisfactory to the board of both of 13944
the following: 13945

(i) That the applicant continues to maintain a current, 13946
unrestricted license to practice medicine and surgery, 13947
osteopathic medicine and surgery, or podiatric medicine and 13948
surgery issued by another state or country; 13949

(ii) That the applicant's initial appointment to serve in 13950
this state on the academic staff of a school or college is still 13951
valid or has been renewed. 13952

(4) Regardless of whether the certificate has expired, a 13953
person who was granted a visiting medical faculty certificate 13954
under this section as it existed immediately prior to June 6, 13955
2012, may apply for a clinical research faculty certificate as a 13956
renewal. The board may issue the clinical research faculty 13957
certificate if the applicant meets the requirements of division 13958
(E) (3) of this section. The board may not issue a clinical 13959

research faculty certificate if the visiting medical faculty certificate was revoked. 13960
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(F) A person holding a clinical research faculty certificate issued under this section shall not be required to obtain a certificate under Chapter 4796. of the Revised Code. 13962
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(G) The board may adopt any rules it considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 13965
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Sec. 4731.294. (A) The state medical board may issue, without examination, a special activity certificate to any nonresident person seeking to practice medicine and surgery or osteopathic medicine and surgery in conjunction with a special activity, program, or event taking place in this state. 13968
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(B) An applicant for a special activity certificate shall submit evidence satisfactory to the board of all of the following: 13973
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(1) The applicant holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state or country and that within the two-year period immediately preceding application, the applicant has done one of the following: 13976
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(a) Actively practiced medicine and surgery or osteopathic medicine and surgery in the United States; 13981
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(b) Participated in a graduate medical education program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association; 13983
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(c) Successfully passed the federation licensing 13987

examination established by the federation of state medical boards, a special examination established by the federation of state medical boards, or all parts of a standard medical licensing examination established for purposes of determining the competence of individuals to practice medicine and surgery or osteopathic medicine and surgery in the United States.

(2) The applicant meets the same educational requirements that individuals must meet under sections 4731.09 and 4731.14 of the Revised Code.

(3) The applicant's practice in conjunction with the special activity, program, or event will be in the public interest.

(C) The applicant shall pay a fee of one hundred twenty-five dollars.

(D) The holder of a special activity certificate may practice medicine and surgery or osteopathic medicine and surgery only in conjunction with the special activity, event, or program for which the certificate is issued. The board may revoke a certificate on receiving proof satisfactory to the board that the holder of the certificate has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code.

(E) A special activity certificate is valid for the shorter of thirty days or the duration of the special activity, program, or event. The certificate may not be renewed.

(F) The board shall not require a person holding a special activity certificate issued under this section to obtain a certificate under Chapter 4796. of the Revised Code.

(G) The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code that specify how often an applicant may be granted a certificate under this section.

Sec. 4731.295. (A) (1) As used in this section:

(a) "Free clinic" has the same meaning as in section 3701.071 of the Revised Code.

(b) "Indigent and uninsured person" and "operation" have the same meanings as in section 2305.234 of the Revised Code.

(2) For the purposes of this section, a person shall be considered retired from practice if the person's license has expired with the person's intention of ceasing to practice medicine and surgery or osteopathic medicine and surgery for remuneration.

(B) The state medical board may issue, without examination, a volunteer's certificate to a person who is retired from practice so that the person may provide medical services to indigent and uninsured persons at any location, including a free clinic. The board shall deny issuance of a volunteer's certificate to a person who is not qualified under this section to hold a volunteer's certificate.

(C) An application for a volunteer's certificate shall include all of the following:

(1) A copy of the applicant's degree of medicine or osteopathic medicine.

(2) One of the following, as applicable:

(a) A copy of the applicant's most recent license authorizing the practice of medicine and surgery or osteopathic

medicine and surgery issued by a jurisdiction in the United States that licenses persons to practice medicine and surgery or osteopathic medicine and surgery—. 14045
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(b) A copy of the applicant's most recent license equivalent to a license to practice medicine and surgery or osteopathic medicine and surgery in one or more branches of the United States armed services that the United States government issued. 14048
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(3) Evidence of one of the following, as applicable: 14053

(a) That the applicant has maintained for at least ten years prior to retirement full licensure in good standing in any jurisdiction in the United States that licenses persons to practice medicine and surgery or osteopathic medicine and surgery. 14054
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(b) That the applicant has practiced for at least ten years prior to retirement in good standing as a doctor of medicine and surgery or osteopathic medicine and surgery in one or more of the branches of the United States armed services. 14059
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(4) An attestation that the applicant will not accept any form of remuneration for any medical services rendered while in possession of a volunteer's certificate. 14063
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(D) The holder of a volunteer's certificate may provide medical services only to indigent and uninsured persons, but may do so at any location, including a free clinic. The holder shall not accept any form of remuneration for providing medical services while in possession of the certificate. Except in a medical emergency, the holder shall not perform any operation or deliver babies. The board may revoke a volunteer's certificate on receiving proof satisfactory to the board that the holder has 14066
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engaged in practice in this state outside the scope of the 14074
certificate. 14075

(E) (1) A volunteer's certificate shall be valid for a 14076
period of three years, unless earlier revoked under division (D) 14077
of this section or pursuant to section 4731.22 of the Revised 14078
Code. A volunteer's certificate may be renewed upon the 14079
application of the holder. The board shall maintain a register 14080
of all persons who hold volunteer's certificates. The board 14081
shall not charge a fee for issuing or renewing a certificate 14082
pursuant to this section. 14083

(2) To be eligible for renewal of a volunteer's 14084
certificate the holder of the certificate shall certify to the 14085
board completion of one hundred fifty hours of continuing 14086
medical education that meets the requirements of section 14087
4731.282 of the Revised Code regarding certification by private 14088
associations and approval by the board. The board may not renew 14089
a certificate if the holder has not complied with the continuing 14090
medical education requirements. Any entity for which the holder 14091
provides medical services may pay for or reimburse the holder 14092
for any costs incurred in obtaining the required continuing 14093
medical education credits. 14094

(3) The board shall issue a volunteer's certificate to 14095
each person who qualifies under this section for the 14096
certificate. The certificate shall state that the certificate 14097
holder is authorized to provide medical services pursuant to the 14098
laws of this state. The holder shall display the certificate 14099
prominently at the location where the holder primarily 14100
practices. 14101

(4) The holder of a volunteer's certificate issued 14102
pursuant to this section is subject to the immunity provisions 14103

regarding the provision of services to indigent and uninsured persons in section 2305.234 of the Revised Code. 14104
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(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. 14106
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(G) The board shall adopt rules in accordance with Chapter 119. of the Revised Code to administer and enforce this section. 14109
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Sec. 4731.297. (A) As used in this section: 14111

(1) "Academic medical center" means a medical school and its affiliated teaching hospitals and clinics partnering to do all of the following: 14112
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(a) Provide the highest quality of patient care from expert physicians; 14115
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(b) Conduct groundbreaking research leading to medical advancements for current and future patients; 14117
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(c) Provide medical education and graduate medical education to educate and train physicians. 14119
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(2) "Affiliated physician group practice" means a medical practice that consists of one or more physicians authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery and that is affiliated with an academic medical center to further the objectives described in divisions (A) (1) (a) to (c) of this section. 14121
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(B) The state medical board shall issue, without examination, to an applicant who meets the requirements of this section a certificate of conceded eminence authorizing the practice of medicine and surgery or osteopathic medicine and surgery as part of the applicant's employment with an academic 14127
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medical center in this state or affiliated physician group 14132
practice in this state. 14133

(C) To be eligible for a certificate of conceded eminence, 14134
an applicant shall provide to the board all of the following: 14135

(1) Evidence satisfactory to the board of all of the 14136
following: 14137

(a) That the applicant is an international medical 14138
graduate who holds a medical degree from an educational 14139
institution listed in the international medical education 14140
directory; 14141

(b) That the applicant has been appointed to serve in this 14142
state as a full-time faculty member of a medical school 14143
accredited by the liaison committee on medical education or an 14144
osteopathic medical school accredited by the American 14145
osteopathic association; 14146

(c) That the applicant has accepted an offer of employment 14147
with an academic medical center in this state or affiliated 14148
physician group practice in this state; 14149

(d) That the applicant holds a license in good standing in 14150
another state or country authorizing the practice of medicine 14151
and surgery or osteopathic medicine and surgery; 14152

(e) That the applicant has unique talents and 14153
extraordinary abilities not generally found within the 14154
applicant's specialty, as demonstrated by satisfying at least 14155
four of the following: 14156

(i) The applicant has achieved educational qualifications 14157
beyond those that are required for entry into the applicant's 14158
specialty, including advanced degrees, special certifications, 14159

or other academic credentials.	14160
(ii) The applicant has written multiple articles in	14161
journals listed in the index medicus or an equivalent scholarly	14162
publication acceptable to the board.	14163
(iii) The applicant has a sustained record of excellence	14164
in original research, at least some of which involves serving as	14165
the principal investigator or co-principal investigator for a	14166
research project.	14167
(iv) The applicant has received nationally or	14168
internationally recognized prizes or awards for excellence.	14169
(v) The applicant has participated in peer review in a	14170
field of specialization that is the same as or similar to the	14171
applicant's specialty.	14172
(vi) The applicant has developed new procedures or	14173
treatments for complex medical problems that are recognized by	14174
peers as a significant advancement in the applicable field of	14175
medicine.	14176
(vii) The applicant has held previous academic	14177
appointments with or been employed by a health care organization	14178
that has a distinguished national or international reputation.	14179
(viii) The applicant has been the recipient of a national	14180
institutes of health or other competitive grant award.	14181
(f) That the applicant has received staff membership or	14182
professional privileges from the academic medical center	14183
pursuant to standards adopted under section 3701.351 of the	14184
Revised Code on a basis that requires the applicant's medical	14185
education and graduate medical education to be at least	14186
equivalent to that of a physician educated and trained in the	14187

United States;	14188
(g) That the applicant has sufficient written and oral English skills to communicate effectively and reliably with patients, their families, and other medical professionals;	14189 14190 14191
(h) That the applicant will have professional liability insurance through the applicant's employment with the academic medical center or affiliated physician group practice.	14192 14193 14194
(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;	14195 14196 14197
(3) Three letters of reference from distinguished experts in the applicant's specialty attesting to the unique capabilities of the applicant, at least one of which must be from outside the academic medical center or affiliated physician group practice;	14198 14199 14200 14201 14202
(4) An affidavit from the dean of the medical school where the applicant has been appointed to serve as a faculty member stating that the applicant meets all of the requirements of division (C) (1) of this section and that the letters of reference submitted under division (C) (3) of this section are from distinguished experts in the applicant's specialty, and documentation to support the affidavit;	14203 14204 14205 14206 14207 14208 14209
(5) A fee of one thousand dollars for the certificate.	14210
(D) (1) The holder of a certificate of conceded eminence may practice medicine and surgery or osteopathic medicine and surgery only within the clinical setting of the academic medical center with which the certificate holder is employed or for the affiliated physician group practice with which the certificate holder is employed.	14211 14212 14213 14214 14215 14216

(2) A certificate holder may supervise medical students, 14217
physicians participating in graduate medical education, advanced 14218
practice nurses, and physician assistants when performing 14219
clinical services in the certificate holder's area of specialty. 14220

(E) The board may revoke a certificate issued under this 14221
section on receiving proof satisfactory to the board that the 14222
certificate holder has engaged in practice in this state outside 14223
the scope of the certificate or that there are grounds for 14224
action against the certificate holder under section 4731.22 of 14225
the Revised Code. 14226

(F) A certificate of conceded eminence is valid for the 14227
shorter of two years or the duration of the certificate holder's 14228
employment with the academic medical center or affiliated 14229
physician group practice. The certificate ceases to be valid if 14230
the holder resigns or is otherwise terminated from the academic 14231
medical center or affiliated physician group practice. 14232

(G) A certificate of conceded eminence may be renewed for 14233
an additional two-year period. There is no limit on the number 14234
of times a certificate may be renewed. A person seeking renewal 14235
of a certificate shall apply to the board and is eligible for 14236
renewal if the applicant does all of the following: 14237

(1) Pays the renewal fee of one thousand dollars; 14238

(2) Provides to the board an affidavit and supporting 14239
documentation from the academic medical center or affiliated 14240
physician group practice of all of the following: 14241

(a) That the applicant's initial appointment to the 14242
medical faculty is still valid or has been renewed; 14243

(b) That the applicant's clinical practice is consistent 14244
with the established standards in the field; 14245

(c) That the applicant has demonstrated continued scholarly achievement;	14246 14247
(d) That the applicant has demonstrated continued professional achievement consistent with the academic medical center's requirements, established pursuant to standards adopted under section 3701.351 of the Revised Code, for physicians with staff membership or professional privileges with the academic medical center.	14248 14249 14250 14251 14252 14253
(3) Satisfies the same continuing medical education requirements set forth in section 4731.282 of the Revised Code that apply to a person who holds a certificate to practice medicine and surgery or osteopathic medicine and surgery issued under this chapter.	14254 14255 14256 14257 14258
(4) Complies with any other requirements established by the board.	14259 14260
(H) <u>The board shall not require a person to obtain a certificate under Chapter 4796. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery if the person holds a certificate of conceded eminence issued under this section.</u>	14261 14262 14263 14264 14265
<u>(I)</u> The board may adopt any rules it considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.	14266 14267 14268
Sec. 4731.299. (A) The <u>Except as provided in division (I) of this section,</u> the state medical board may issue, without examination, to an applicant who meets all of the requirements of this section an expedited license to practice medicine and surgery or osteopathic medicine and surgery by endorsement.	14269 14270 14271 14272 14273
(B) An individual who seeks an expedited license by	14274

endorsement shall file with the board a written application on a form prescribed and supplied by the board. The application shall include all of the information the board considers necessary to process it.

(C) ~~To~~ Except as provided in division (I) of this section, to be eligible to receive an expedited license by endorsement, an applicant shall do both of the following:

(1) Provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(a) Has passed one of the following:

(i) Steps one, two, and three of the United States medical licensing examination;

(ii) Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States;

(iii) Any other medical licensing examination recognized by the board.

(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;

(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;

(d) Is in compliance with the medical education and training requirements in sections 4731.09 and 4731.14 of the Revised Code.

(2) Certify to the board that all of the following are the case:	14302 14303
(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.	14304 14305 14306 14307 14308 14309
(b) The applicant does not have a medical condition that could affect the applicant's ability to practice according to acceptable and prevailing standards of care.	14310 14311 14312
(c) No adverse action has been taken against the applicant by a health care institution.	14313 14314
(d) To the applicant's knowledge, no federal agency, medical society, medical association, or branch of the United States military has investigated or taken action against the applicant.	14315 14316 14317 14318
(e) No professional licensing or regulatory authority has filed a complaint against, investigated, or taken action against the applicant and the applicant has not withdrawn a professional license application.	14319 14320 14321 14322
(f) The applicant has not been suspended or expelled from any institution of higher education or school, including a medical school.	14323 14324 14325
(D) An applicant for an expedited license by endorsement shall comply with section 4731.08 of the Revised Code.	14326 14327
(E) At <u>Except as provided in division (I) of this section,</u> <u>at</u> the time of application, the applicant shall pay to the board	14328 14329

a fee of one thousand dollars, no part of which shall be 14330
returned. No application shall be considered filed until the 14331
board receives the fee. 14332

(F) The secretary and supervising member of the board 14333
shall review all applications received under this section. 14334

If the secretary and supervising member determine that an 14335
applicant meets the requirements for an expedited license by 14336
endorsement, the board shall issue the license to the applicant. 14337

If the secretary and supervising member determine that an 14338
applicant does not meet the requirements for an expedited 14339
license by endorsement, the application shall be treated as an 14340
application under section 4731.09 of the Revised Code. 14341

(G) Each license issued by the board under this section 14342
shall be signed by the president and secretary of the board and 14343
attested by the board's seal. 14344

(H) Within sixty days after September 29, 2013, the board 14345
shall approve acceptable means of demonstrating compliance with 14346
sections 4731.09 and 4731.14 of the Revised Code as required by 14347
division (C) (1) (d) of this section. 14348

(I) The board shall issue a license to practice medicine 14349
and surgery or osteopathic medicine and surgery in accordance 14350
with Chapter 4796. of the Revised Code to an applicant if either 14351
of the following applies: 14352

(1) The applicant holds a license in another state. 14353

(2) The applicant has satisfactory work experience, a 14354
government certification, or a private certification as 14355
described in that chapter as a physician in a state that does 14356
not issue that license. 14357

Sec. 4731.52. (A) ~~Except as provided in division (E) of~~ 14358
this section, a person seeking a license to practice podiatric 14359
medicine and surgery shall file with the state medical board an 14360
application in the form and manner prescribed by the board. The 14361
application must include all of the following: 14362

(1) Evidence satisfactory to the board to demonstrate that 14363
the applicant meets all of the following requirements: 14364

(a) Is at least eighteen years of age; 14365

(b) Possesses a high school diploma or a certificate of 14366
high school equivalence or has obtained the equivalent of such 14367
education as determined by the board; 14368

(c) Has completed at least two years of undergraduate work 14369
in a college of arts and sciences or the equivalent of such 14370
education as determined by the board; 14371

(d) Holds a degree from a college of podiatric medicine 14372
and surgery that was in good standing with the board at the time 14373
the degree was granted, as determined by the board; 14374

(e) Has completed one year of postgraduate training in a 14375
podiatric internship, residency, or clinical fellowship program 14376
accredited by the council on podiatric medicine or the American 14377
podiatric medical association or its equivalent as determined by 14378
the board; 14379

(f) Has successfully passed an examination prescribed in 14380
rules adopted by the board to determine competency to practice 14381
podiatric medicine and surgery; 14382

(g) Has complied with section 4731.531 of the Revised 14383
Code. 14384

(2) An attestation that the information submitted under 14385

this section is accurate and truthful; 14386

(3) Consent to the release of the applicant's information; 14387

(4) Any other information the board requires. 14388

(B) ~~An~~ Except as provided in division (E) of this section, an applicant for a license to practice podiatric medicine and surgery shall include with the application a fee of three hundred five dollars, no part of which may be returned. An application is not considered submitted until the board receives the fee. 14389
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(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. 14395
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(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. 14399
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(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: 14410
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(1) The applicant holds a license in another state. 14413

(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. 14414
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Sec. 4731.572. (A) The state medical board shall issue, 14418
without examination, a visiting podiatric faculty certificate to 14419
any nonresident person who holds a current, unrestricted license 14420
to practice podiatric medicine and surgery issued by another 14421
state or country and has been appointed to serve in this state 14422
on the academic staff of an approved college of podiatric 14423
medicine and surgery in good standing, as determined by the 14424
board. The board shall not require a nonresident person who 14425
holds a license in another state to obtain a license under 14426
Chapter 4796. of the Revised Code. 14427

(B) An applicant for a visiting podiatric faculty 14428
certificate shall submit evidence satisfactory to the board that 14429
the applicant meets the requirements of division (A) of this 14430
section. 14431

(C) The holder of a visiting podiatric faculty certificate 14432
may practice podiatric medicine and surgery only as is 14433
incidental to the certificate holder's teaching duties at the 14434
college or the teaching hospitals affiliated with the college. 14435
The board may revoke a certificate on receiving proof 14436
satisfactory to the board that the holder of the certificate has 14437
engaged in practice in this state outside the scope of the 14438
certificate or that there are grounds for action against the 14439
certificate holder under section 4731.22 of the Revised Code. 14440

(D) A visiting podiatric faculty certificate is valid for 14441
the shorter of one year or the duration of the holder's 14442
appointment to the academic staff of the college. The 14443

certificate may not be renewed. 14444

Sec. 4732.10. (A) The state board of psychology shall 14445
appoint an entrance examiner who shall determine the sufficiency 14446
of an applicant's qualifications for admission to the 14447
appropriate examination. A member of the board or the executive 14448
director may be appointed as the entrance examiner. 14449

(B) Requirements for admission to examination for a 14450
psychologist license shall be that the applicant: 14451

(1) Is at least twenty-one years of age; 14452

(2) Meets one of the following requirements: 14453

(a) Received an earned doctoral degree from an institution 14454
accredited or recognized by a national or regional accrediting 14455
agency and a program accredited by any of the following: 14456

(i) The American psychological association, office of 14457
program consultation and accreditation; 14458

(ii) The accreditation office of the Canadian 14459
psychological association; 14460

(iii) A program listed by the association of state and 14461
provincial psychology boards/national register designation 14462
committee; 14463

(iv) The national association of school psychologists. 14464

(b) Received an earned doctoral degree in psychology or 14465
school psychology from an institution accredited or recognized 14466
by a national or regional accrediting agency but the program 14467
does not meet the program accreditation requirements of division 14468
(B) (2) (a) of this section; 14469

(c) Received from an academic institution outside of the 14470

United States or Canada a degree determined, under rules adopted 14471
by the board under division (E) of this section, to be 14472
equivalent to a doctoral degree in psychology from a program 14473
described in division (B) (2) (a) of this section; 14474

(d) Held a psychologist license, certificate, or 14475
registration required for practice in ~~another United States or a~~ 14476
Canadian jurisdiction for a minimum of ten years and meets 14477
educational, experience, and professional requirements 14478
established under rules adopted by the board. 14479

(3) Has had at least two years of supervised professional 14480
experience in psychological work of a type satisfactory to the 14481
board, at least one year of which must be a predoctoral 14482
internship. The board shall adopt guidelines for the kind of 14483
supervised professional experience that fulfill this 14484
requirement. 14485

(4) If applying under division (B) (2) (b) or (c) of this 14486
section, has had at least two years of supervised professional 14487
experience in psychological work of a type satisfactory to the 14488
board, at least one year of which must be postdoctoral. The 14489
board shall adopt guidelines for the kind of supervised 14490
professional experience that fulfill this requirement. 14491

(C) Requirements for admission to examination for a school 14492
psychologist license shall be that the applicant: 14493

(1) Has received from an educational institution 14494
accredited or recognized by national or regional accrediting 14495
agencies as maintaining satisfactory standards, including those 14496
approved by the state board of education for the training of 14497
school psychologists, at least a master's degree in school 14498
psychology, or a degree considered equivalent by the board; 14499

(2) Is at least twenty-one years of age;	14500
(3) Has completed at least sixty quarter hours, or the semester hours equivalent, at the graduate level, of accredited study in course work relevant to the study of school psychology;	14501 14502 14503
(4) Has completed an internship in an educational institution approved by the Ohio department of education for school psychology supervised experience or one year of other training experience acceptable to the board, such as supervised professional experience under the direction of a licensed psychologist or licensed school psychologist;	14504 14505 14506 14507 14508 14509
(5) Furnishes proof of at least twenty-seven months, exclusive of internship, of full-time experience as a certificated school psychologist employed by a board of education or a private school meeting the standards prescribed by the state board of education, or of experience that the board deems equivalent.	14510 14511 14512 14513 14514 14515
(D) If the entrance examiner finds that the applicant meets the requirements set forth in this section, the applicant shall be admitted to the appropriate examination.	14516 14517 14518
(E) The board shall adopt under Chapter 119. of the Revised Code rules for determining for the purposes of division (B) (2) (b) of this section whether a degree is equivalent to a degree in psychology from an institution in the United States.	14519 14520 14521 14522
Sec. 4732.12. If an applicant for a license issued by the state board of psychology to practice as a psychologist or school psychologist receives a score acceptable to the board on the appropriate examination required by section 4732.11 of the Revised Code and has paid the fee required by section 4732.15 of the Revised Code, the board shall issue the appropriate license.	14523 14524 14525 14526 14527 14528

The board shall issue a license to practice as a 14529
psychologist or school psychologist, as appropriate, in 14530
accordance with Chapter 4796. of the Revised Code to an 14531
applicant who holds a license in another state or has 14532
satisfactory work experience, a government certification, or a 14533
private certification as described in that chapter as a 14534
psychologist or school psychologist in a state that does not 14535
issue that license. 14536

Sec. 4732.22. (A) The following persons are exempted from 14537
the licensing requirements of this chapter: 14538

(1) A person who holds a license or certificate issued by 14539
the state board of education authorizing the practice of school 14540
psychology, while practicing school psychology within the scope 14541
of employment by a board of education or by a private school 14542
meeting the standards prescribed by the state board of education 14543
under division (D) of section 3301.07 of the Revised Code, or 14544
while acting as a school psychologist within the scope of 14545
employment in a program for children with disabilities 14546
established under Chapter 3323. or 5126. of the Revised Code. A 14547
person exempted under this division shall not offer 14548
psychological services to any other individual, organization, or 14549
group for remuneration, monetary or otherwise, unless the person 14550
is licensed by the state board of psychology. 14551

(2) Any nonresident temporarily employed in this state to 14552
render psychological services for not more than thirty days a 14553
year, who, in the opinion of the board, meets the standards for 14554
entrance in division (B) of section 4732.10 of the Revised Code, 14555
who has paid the required fee and submitted an application 14556
prescribed by the board, and who holds whatever license or 14557
certificate, if any, is required for such practice in the 14558

person's home state or home country. The state board of 14559
psychology shall not require a nonresident temporarily employed 14560
in this state who holds a license or certificate in another 14561
state to obtain a license in accordance with Chapter 4796. of 14562
the Revised Code to practice or render psychological services in 14563
the manner described under this division. 14564

(3) Any person working under the supervision of a 14565
psychologist or school psychologist licensed under this chapter, 14566
while carrying out specific tasks, under the license holder's 14567
supervision, as an extension of the license holder's legal and 14568
ethical authority as specified under this chapter if the person 14569
is registered under division (B) of this section. All fees shall 14570
be billed under the name of the license holder. The person 14571
working under the license holder's supervision shall not 14572
represent self to the public as a psychologist or school 14573
psychologist, although supervised persons and persons in 14574
training may be ascribed such titles as "psychology trainee," 14575
"psychology assistant," "psychology intern," or other 14576
appropriate term that clearly implies their supervised or 14577
training status. 14578

(4) Any student in an accredited educational institution, 14579
while carrying out activities that are part of the student's 14580
prescribed course of study, provided such activities are 14581
supervised by a professional person who is qualified to perform 14582
such activities and is licensed under this chapter or is a 14583
qualified supervisor pursuant to rules of the board; 14584

(5) Recognized religious officials, including ministers, 14585
priests, rabbis, imams, Christian science practitioners, and 14586
other persons recognized by the board, conducting counseling 14587
when the counseling activities are within the scope of the 14588

performance of their regular duties and are performed under the 14589
auspices or sponsorship of an established and legally cognizable 14590
religious denomination or sect, as defined in current federal 14591
tax regulations, and when the religious official does not refer 14592
to the official's self as a psychologist and remains accountable 14593
to the established authority of the religious denomination or 14594
sect; 14595

(6) Persons in the employ of the federal government 14596
insofar as their activities are a part of the duties of their 14597
positions; 14598

(7) Persons licensed, certified, or registered under any 14599
other provision of the Revised Code who are practicing those 14600
arts and utilizing psychological procedures that are allowed and 14601
within the standards and ethics of their profession or within 14602
new areas of practice that represent appropriate extensions of 14603
their profession, provided that they do not hold themselves out 14604
to the public by the title of psychologist; 14605

(8) Persons using the term "social psychologist," 14606
"experimental psychologist," "developmental psychologist," 14607
"research psychologist," "cognitive psychologist," and other 14608
terms used by those in academic and research settings who 14609
possess a doctoral degree in psychology from an educational 14610
institution accredited or recognized by national or regional 14611
accrediting agencies as maintaining satisfactory standards and 14612
who do not use such a term in the solicitation or rendering of 14613
professional psychological services. 14614

(B) The license holder who is supervising a person 14615
described in division (A) (3) of this section shall register the 14616
person with the board. The board shall adopt rules regarding the 14617
registration process and the supervisory relationship. 14618

Sec. 4733.18. (A) The state board of registration for 14619
professional engineers and surveyors ~~may~~ shall authorize a 14620
temporary registration for an individual who has filed with the 14621
board an application for a temporary registration and has paid 14622
the required fee in accordance with Chapter 4796. of the Revised 14623
Code. The temporary registration continues only for the time the 14624
board requires for consideration of the application for 14625
registration, ~~provided a person is legally qualified to practice~~ 14626
~~that profession in the person's own state in which the~~ 14627
~~requirements and qualifications of registration are not lower~~ 14628
~~than those specified in this chapter.~~ 14629

(B) (1) The following persons are exempt from this chapter: 14630

(a) An employee or a subordinate of a person registered 14631
under this chapter or an employee of a person holding temporary 14632
registration under division (A) of this section, provided the 14633
employee's or subordinate's duties do not include responsible 14634
charge of engineering or surveying work; 14635

(b) Officers and employees of the government of the United 14636
States while engaged within this state in the practice of 14637
engineering or surveying, for that government; 14638

(c) An engineer engaged solely as an officer of a 14639
privately owned public utility. 14640

(2) This chapter does not require registration for the 14641
purpose of practicing professional engineering, or professional 14642
surveying by an individual, firm, or corporation on property 14643
owned or leased by that individual, firm, or corporation unless 14644
the same involves the public welfare or the safeguarding of 14645
life, health, or property, or for the performance of engineering 14646
or surveying which relates solely to the design or fabrication 14647

of manufactured products. 14648

(C) Nothing in this chapter prevents persons other than 14649
engineers from preparing plans, drawings, specifications, or 14650
data, from filing applications for building permits, or from 14651
obtaining those permits for residential buildings, as defined by 14652
section 3781.06 of the Revised Code, or buildings that are 14653
erected as one-, two-, or three-family units or structures 14654
within the meaning of the term "industrialized unit" as provided 14655
in section 3781.06 of the Revised Code. 14656

(D) Nothing in this chapter prevents persons other than 14657
engineers from preparing drawings or data, from filing 14658
applications for building permits, or from obtaining those 14659
permits for the installation of replacement equipment or systems 14660
that are similar in type or capacity to the equipment or systems 14661
being replaced, and for any improvement, alteration, repair, 14662
painting, decorating, or other modification of any buildings or 14663
structures subject to sections 3781.06 to 3781.18 and 3791.04 of 14664
the Revised Code where the building official determines that no 14665
plans or specifications are required for approval. 14666

Sec. 4733.19. ~~A With respect to a person registered or 14667
licensed to engage in the practice of engineering or surveying 14668
by a proper authority of a another state, territory, or 14669
possession of the United States, or the District of Columbia, 14670
who, in the opinion of or who has a government certification or 14671
private certification as an engineer or surveyor in another 14672
state, territory, or possession of the United States, or the 14673
District of Columbia that does not issue that registration or 14674
license, the state board of registration for professional 14675
engineers and surveyors, meets the requirements of this chapter, 14676
based on verified evidence, may, upon application and payment of 14677~~

~~the established fee, be registered shall register the person as~~ 14678
~~a professional engineer or surveyor in accordance with Chapter~~ 14679
~~4796. of the Revised Code. Notwithstanding section 4796.05 of~~ 14680
~~the Revised Code, the board shall register a person who has~~ 14681
~~satisfactory work experience as a professional engineer or~~ 14682
~~surveyor in accordance with Chapter 4796. of the Revised Code if~~ 14683
~~the person satisfies a minimum education requirement and passes~~ 14684
~~an examination.~~ 14685

~~Any person who seeks registration as a professional~~ 14686
~~surveyor under this section must pass a two-hour professional~~ 14687
~~practice examination, devoted to the laws and practices of this~~ 14688
~~state prior to receiving such registration.~~ 14689

Sec. 4734.23. (A) A person licensed by another ~~state or~~ 14690
country in the practice of chiropractic may apply under this 14691
section for a license to practice chiropractic in this state in 14692
lieu of applying under section 4734.20 of the Revised Code. The 14693
fee for applying under this ~~section~~ division shall be five 14694
hundred dollars. 14695

(B) The state chiropractic board may, for good cause, 14696
waive all or part of the educational and testing requirements 14697
specified under section 4734.20 of the Revised Code and issue a 14698
license to an applicant under division (A) of this section, if 14699
the applicant presents satisfactory proof of being licensed to 14700
practice chiropractic in another ~~state or~~ country where the 14701
requirements for receipt of the license, on the date the license 14702
was issued, are considered by the board to be substantially 14703
equivalent to those of this chapter. The applicant must meet the 14704
same age requirement that must be met under section 4734.20 of 14705
the Revised Code. If the board does not waive all of the 14706
educational and testing requirements, the board may require that 14707

the applicant complete and receive a score specified by the 14708
board on one or more tests administered by the board or by the 14709
national board of chiropractic examiners or another testing 14710
entity. 14711

(C) The board shall issue a license to practice 14712
chiropractic in accordance with Chapter 4796. of the Revised 14713
Code to an applicant if either of the following applies: 14714

(1) The applicant holds a license to practice chiropractic 14715
in another state. 14716

(2) The applicant has satisfactory work experience, a 14717
government certification, or a private certification as 14718
described in that chapter as a chiropractor in a state that does 14719
not issue that license. 14720

Sec. 4734.27. (A) To the extent it is in the public 14721
interest, the state chiropractic board may issue, without 14722
examination, a special limited license to practice chiropractic 14723
as follows: 14724

(1) To a person who is seeking to participate in an 14725
internship, residency, preceptorship, or clinical fellowship in 14726
this state in preparation for the practice of chiropractic; 14727

(2) To a nonresident person who plans to provide 14728
chiropractic services in connection with a special activity, 14729
program, or event conducted in this state, if the person holds a 14730
current, valid, and unrestricted license to practice 14731
chiropractic in another state or country; 14732

(3) To a person who previously held an unrestricted 14733
license to practice chiropractic in this state who plans to 14734
offer gratuitous chiropractic services as a voluntary public 14735
service; 14736

(4) To any other person for any other reason specified as 14737
good cause by the board in rules adopted under this section. 14738

(B) An applicant for a special limited license shall 14739
submit to the board a complete application on a form prescribed 14740
by the board, pay an application fee of seventy-five dollars, 14741
and furnish proof satisfactory to the board of being at least 14742
twenty-one years of age and of either holding the degree of 14743
doctor of chiropractic or being enrolled in a program leading to 14744
the degree. The institution from which the applicant received 14745
the degree or in which the applicant is enrolled must be a 14746
school or college that is approved by the board under section 14747
4734.21 of the Revised Code. 14748

(C) The provisions of this chapter that apply to 14749
applicants for and holders of licenses to practice chiropractic 14750
shall apply to applicants for and holders of special limited 14751
licenses to the extent the board considers appropriate, 14752
including the board's authority to conduct any investigation it 14753
considers appropriate to verify an applicant's credentials and 14754
fitness to receive a license and the board's authority to take 14755
actions under section 4734.31 of the Revised Code. 14756

(D) The board shall adopt any rules it considers necessary 14757
to implement this section. All rules adopted under this section 14758
shall be adopted in accordance with Chapter 119. of the Revised 14759
Code. 14760

(E) (1) The board shall issue a special limited license to 14761
practice chiropractic under division (A) (1) of this section in 14762
accordance with Chapter 4796. of the Revised Code to a person if 14763
either of the following applies: 14764

(a) The person holds a limited license to practice 14765

chiropractic in another state. 14766

(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. 14767
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(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. 14771
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(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. 14776
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Sec. 4734.283. If the state chiropractic board determines under section 4734.282 of the Revised Code that an applicant meets the requirements for a certificate to practice acupuncture, the executive director of the board shall issue to the applicant a certificate to practice acupuncture. 14779
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A certificate to practice acupuncture expires biennially in accordance with a schedule the board shall establish. The certificate may be renewed in accordance with section 4734.284 of the Revised Code. 14784
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Notwithstanding the requirements for a certificate under this chapter, the executive director shall issue a certificate to practice acupuncture in accordance with Chapter 4796. of the Revised Code to a chiropractor who holds a license or certificate to practice acupuncture in another state or has satisfactory work experience, a government certification, or a private certification as described in that chapter as an 14788
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acupuncturist in a state that does not issue that license or 14795
certificate. 14796

Sec. 4735.023. (A) An oil and gas land professional who is 14797
not otherwise permitted to engage in the activities described in 14798
division (A) of section 4735.01 of the Revised Code may perform 14799
such activities, if the oil and gas land professional does all 14800
of the following: 14801

(1) (a) Registers on an annual basis as an oil and gas land 14802
professional with the superintendent of real estate by such date 14803
specified and on a form approved by the superintendent, which 14804
form includes both of the following: 14805

(i) The name and address of the oil and gas land 14806
professional; 14807

(ii) Evidence of the oil and gas land professional's 14808
membership in good standing in a national, state, or local 14809
professional organization that has been in existence for at 14810
least three years and has, as part of its mission, developed a 14811
set of standards of performance and ethics for oil and gas land 14812
professionals. 14813

(b) Pays an annual fee, established by the superintendent 14814
in an amount not to exceed one hundred dollars, which shall 14815
accompany the registration. 14816

(2) At or prior to first contacting any landowner or other 14817
person with an interest in real estate for the purpose of 14818
engaging in the activities of an oil and gas land professional, 14819
and on a form approved by the superintendent, discloses to the 14820
landowner or other person all of the following: 14821

(a) The oil and gas land professional's name and address 14822
as registered with the superintendent; 14823

(b) That the oil and gas land professional is registered 14824
as such with the superintendent and is a member in good standing 14825
in a national, state, or local professional organization that 14826
has been in existence for at least three years and has, as part 14827
of its mission, developed a set of standards of performance and 14828
ethics for oil and gas land professionals; 14829

(c) That the oil and gas land professional is not a 14830
licensed real estate broker or real estate salesperson under 14831
Chapter 4735. of the Revised Code; 14832

(d) That the landowner or other person with an interest in 14833
real estate may seek legal counsel in connection with any 14834
transaction with the oil and gas land professional; 14835

(e) That the oil and gas land professional is not 14836
representing the landowner or other person with an interest in 14837
real estate. 14838

(3) At or prior to entering into any agreements for the 14839
purpose of exploring for, transporting, producing, or developing 14840
oil and gas mineral interests including, but not limited to, oil 14841
and gas leases and pipeline easements with any landowner or 14842
other person with an interest in real estate, and on a form 14843
approved by the superintendent, discloses to the landowner or 14844
other person with an interest in real estate all of the 14845
following: 14846

(a) The oil and gas land professional's name and address 14847
as registered with the superintendent; 14848

(b) That the oil and gas land professional is registered 14849
as such with the superintendent and a member in good standing in 14850
a national, state, or local professional organization that has 14851
been in existence for at least three years and has, as part of 14852

its mission, developed a set of standards of performance and ethics for oil and gas land professionals; 14853
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(c) That the oil and gas land professional is not a licensed real estate broker or real estate salesperson under Chapter 4735. of the Revised Code; 14855
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(d) That the landowner or other person may seek legal counsel in connection with any transaction with the oil and gas land professional; 14858
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(e) That the oil and gas land professional is not representing the landowner or other person with an interest in real estate. 14861
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(B) Any oil and gas land professional who must be registered as such with the superintendent pursuant to this section who ceases to be a member in good standing of an organization described in division (A) (1) (a) (ii) of this section shall report the change in membership status to the superintendent within thirty days of that change. Failure to report such change in membership status shall result in the automatic suspension of registration status and subject the registrant to the penalties for unlicensed activity as found in section 4735.052 of the Revised Code. 14864
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(C) Any oil and gas land professional who fails to register with the superintendent pursuant to this section is subject to the penalties for unlicensed activity as found in section 4735.052 of the Revised Code. 14874
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(D) Notwithstanding any provision of this section to the contrary, the superintendent shall register in accordance with Chapter 4796. of the Revised Code as an oil and gas land professional a person if either of the following applies: 14878
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(1) The person is licensed or registered as an oil and gas land professional in another state. 14882
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(2) The person has satisfactory work experience, a government certification, or a private certification as described in that chapter as an oil and gas land professional in a state that does not issue that license or registration. 14884
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Sec. 4735.07. (A) The superintendent of real estate, with the consent of the Ohio real estate commission, may enter into agreements with recognized national testing services to administer the real estate broker's examination under the superintendent's supervision and control, consistent with the requirements of this chapter as to the contents of such examination. 14888
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(B) No applicant for a real estate broker's license shall take the broker's examination who has not established to the satisfaction of the superintendent that the applicant: 14895
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(1) Is honest and truthful; 14898

(2) (a) Has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code; 14899
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(b) 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 or, if the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that the applicant's activities and employment record since the adjudication show that the applicant is honest and truthful, and 14902
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there is no basis in fact for believing that the applicant will 14911
again violate the laws involved. 14912

(3) Has not, during any period in which the applicant was 14913
licensed under this chapter, violated any provision of, or any 14914
rule adopted pursuant to, this chapter, or, if the applicant has 14915
violated any such provision or rule, has established to the 14916
satisfaction of the superintendent that the applicant will not 14917
again violate such provision or rule; 14918

(4) Is at least eighteen years of age; 14919

(5) Has been a licensed real estate broker or salesperson 14920
for at least two years; during at least two of the five years 14921
preceding the person's application, has worked as a licensed 14922
real estate broker or salesperson for an average of at least 14923
thirty hours per week; and has completed one of the following: 14924

(a) At least twenty real estate transactions, in which 14925
property was sold for another by the applicant while acting in 14926
the capacity of a real estate broker or salesperson; 14927

(b) Such equivalent experience as is defined by rules 14928
adopted by the commission. 14929

(6) (a) If licensed as a real estate salesperson prior to 14930
August 1, 2001, successfully has completed at an institution of 14931
higher education all of the following credit-eligible courses by 14932
either classroom instruction or distance education: 14933

(i) Thirty hours of instruction in real estate practice; 14934

(ii) Thirty hours of instruction that includes the 14935
subjects of Ohio real estate law, municipal, state, and federal 14936
civil rights law, new case law on housing discrimination, 14937
desegregation issues, and methods of eliminating the effects of 14938

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.

(iii) Thirty hours of instruction in real estate appraisal;

(iv) Thirty hours of instruction in real estate finance;

(v) Three quarter hours, or its equivalent in semester hours, in financial management;

(vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management;

(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;

(viii) Three quarter hours, or its equivalent in semester hours, in business law.

(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:

(i) Forty hours of instruction in real estate practice;

(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, 14967
desegregation issues, and methods of eliminating the effects of 14968
prior discrimination. If feasible, the instruction in Ohio real 14969
estate law shall be taught by a member of the faculty of an 14970
accredited law school. If feasible, the instruction in 14971
municipal, state, and federal civil rights law, new case law on 14972
housing discrimination, desegregation issues, and methods of 14973
eliminating the effects of prior discrimination shall be taught 14974
by a staff member of the Ohio civil rights commission who is 14975
knowledgeable with respect to those subjects. The requirements 14976
of this division do not apply to an applicant who is admitted to 14977
practice before the supreme court. 14978

(iii) Twenty hours of instruction in real estate 14979
appraisal; 14980

(iv) Twenty hours of instruction in real estate finance; 14981

(v) The training in the amount of hours specified under 14982
divisions (B) (6) (a) (v), (vi), (vii), and (viii) of this section. 14983

(c) Division (B) (6) (a) or (b) of this section does not 14984
apply to any applicant who holds a valid real estate 14985
salesperson's license issued prior to January 2, 1972. Divisions 14986
(B) (6) (a) (v), (vi), (vii), and (viii) or division (B) (6) (b) (v) 14987
of this section do not apply to any applicant who holds a valid 14988
real estate salesperson's license issued prior to January 3, 14989
1984. 14990

(d) Divisions (B) (6) (a) (iii) and (B) (6) (b) (iii) of this 14991
section do not apply to any new applicant who holds a valid Ohio 14992
real estate appraiser license or certificate issued prior to the 14993
date of application for a real estate broker's license. 14994

(e) Successful completion of the instruction required by 14995

division (B) (6) (a) or (b) of this section shall be determined by 14996
the law in effect on the date the instruction was completed. 14997

(7) If licensed as a real estate salesperson on or after 14998
January 3, 1984, satisfactorily has completed a minimum of two 14999
years of post-secondary education, or its equivalent in semester 15000
or quarter hours, at an institution of higher education, and has 15001
fulfilled the requirements of division (B) (6) (a) or (b) of this 15002
section. The requirements of division (B) (6) (a) or (b) of this 15003
section may be included in the two years of post-secondary 15004
education, or its equivalent in semester or quarter hours, that 15005
is required by this division. The post-secondary education 15006
requirement may be satisfied by completing the credit-eligible 15007
courses using either classroom instruction or distance 15008
education. Successful completion of any course required by this 15009
section shall be determined by the law in effect on the date the 15010
course was completed. 15011

(C) Each applicant for a broker's license shall be 15012
examined in the principles of real estate practice, Ohio real 15013
estate law, and financing and appraisal, and as to the duties of 15014
real estate brokers and real estate salespersons, the 15015
applicant's knowledge of real estate transactions and 15016
instruments relating to them, and the canons of business ethics 15017
pertaining to them. The commission from time to time shall 15018
promulgate such canons and cause them to be published in printed 15019
form. 15020

(D) Examinations shall be administered with reasonable 15021
accommodations in accordance with the requirements of the 15022
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 15023
U.S.C. 12101. The contents of an examination shall be consistent 15024
with the requirements of division (B) (6) of this section and 15025

with the other specific requirements of this section. An 15026
applicant who has completed the requirements of division (B) (6) 15027
of this section at the time of application shall be examined no 15028
later than twelve months after the applicant is notified of 15029
admission to the examination. 15030

~~(E) The superintendent may waive one or more of the~~ 15031
~~requirements of this section in the case of an application from~~ 15032
~~a nonresident real estate broker pursuant to a reciprocity~~ 15033
~~agreement with the licensing authority of the state from which~~ 15034
~~the nonresident applicant holds a valid real estate broker~~ 15035
~~license~~ Notwithstanding any provision of this chapter to the 15036
contrary, the superintendent shall issue a real estate broker's 15037
license in accordance with Chapter 4796. of the Revised Code to 15038
an applicant if either of the following applies: 15039

(1) The applicant holds a license in another state. 15040

(2) The applicant has satisfactory work experience, a 15041
government certification, or a private certification as 15042
described in Chapter 4796. of the Revised Code as a real estate 15043
broker in a state that does not issue that license. 15044

(F) There shall be no limit placed on the number of times 15045
an applicant may retake the examination. 15046

(G) (1) Not earlier than the date of issue of a real estate 15047
broker's license to a licensee, but not later than twelve months 15048
after the date of issue of a real estate broker's license to a 15049
licensee, the licensee shall submit proof satisfactory to the 15050
superintendent, on forms made available by the superintendent, 15051
of the completion of ten hours of instruction that shall be 15052
completed in schools, seminars, and educational institutions 15053
that are approved by the commission. Approval of the curriculum 15054

and providers shall be granted according to rules adopted 15055
pursuant to section 4735.10 of the Revised Code and may be taken 15056
through classroom instruction or distance education. 15057

If the required proof of completion is not submitted to 15058
the superintendent within twelve months of the date a license is 15059
issued under this section, the license of the real estate broker 15060
is suspended automatically without the taking of any action by 15061
the superintendent. The broker's license shall not be 15062
reactivated by the superintendent until it is established, to 15063
the satisfaction of the superintendent, that the requirements of 15064
this division have been met and that the licensee is in 15065
compliance with this chapter. A licensee's license is revoked 15066
automatically without the taking of any action by the 15067
superintendent if the licensee fails to submit proof of 15068
completion of the education requirements specified under 15069
division (G)(1) of this section within twelve months of the date 15070
the license is suspended. 15071

(2) If the license of a real estate broker is suspended 15072
pursuant to division (G)(1) of this section, the license of a 15073
real estate salesperson associated with that broker 15074
correspondingly is suspended pursuant to division (H) of section 15075
4735.20 of the Revised Code. However, the suspended license of 15076
the associated real estate salesperson shall be reactivated and 15077
no fee shall be charged or collected for that reactivation if 15078
all of the following occur: 15079

(a) That broker subsequently submits satisfactory proof to 15080
the superintendent that the broker has complied with the 15081
requirements of division (G)(1) of this section and requests 15082
that the broker's license as a real estate broker be 15083
reactivated; 15084

(b) The superintendent then reactivates the broker's license as a real estate broker;

(c) The associated real estate salesperson intends to continue to be associated with that broker and otherwise is in compliance with this chapter.

Sec. 4735.08. The superintendent of real estate shall issue a real estate broker's license when the superintendent is satisfied that:

(A) An applicant who is not a partnership, association, limited liability company, limited liability partnership, or corporation ~~satisfies one of the following:~~

~~(1) Has has received a passing score on each portion of the real estate broker's examination as determined by rule by the real estate commission;~~

~~(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.~~

(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.

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 15114
recommendation of the real estate broker with whom the applicant 15115
is associated or with whom the applicant intends to be 15116
associated, certifying that the applicant is honest and 15117
truthful, and has not been finally adjudged by a court to have 15118
violated any municipal, state, or federal civil rights laws 15119
relevant to the protection of purchasers or sellers of real 15120
estate, which conviction or adjudication the applicant has not 15121
disclosed to the superintendent, and recommending that the 15122
applicant be admitted to the real estate salesperson 15123
examination. 15124

(B) A fee of eighty-one dollars shall accompany the 15125
application, which fee includes the fee for the initial year of 15126
the licensing period, if a license is issued. The initial year 15127
of the licensing period commences at the time the license is 15128
issued and ends on the applicant's first birthday thereafter. 15129
The application fee shall be nonrefundable. A fee of eighty-one 15130
dollars shall be charged by the superintendent for each 15131
successive application made by the applicant. One dollar of each 15132
application fee shall be credited to the real estate education 15133
and research fund. 15134

(C) There shall be no limit placed on the number of times 15135
an applicant may retake the examination. 15136

(D) The superintendent, with the consent of the 15137
commission, may enter into an agreement with a recognized 15138
national testing service to administer the real estate 15139
salesperson's examination under the superintendent's supervision 15140
and control, consistent with the requirements of this chapter as 15141
to the contents of the examination. 15142

If the superintendent, with the consent of the commission, 15143

enters into an agreement with a national testing service to 15144
administer the real estate salesperson's examination, the 15145
superintendent may require an applicant to pay the testing 15146
service's examination fee directly to the testing service. If 15147
the superintendent requires the payment of the examination fee 15148
directly to the testing service, each applicant shall submit to 15149
the superintendent a processing fee in an amount determined by 15150
the Ohio real estate commission pursuant to division (A) (1) of 15151
section 4735.10 of the Revised Code. 15152

(E) The superintendent shall issue a real estate 15153
salesperson's license when satisfied that the applicant has 15154
received a passing score on each portion of the salesperson's 15155
examination as determined by rule by the real estate commission, ~~7-~~ 15156
~~except that the superintendent may waive one or more of the~~ 15157
~~requirements of this section in the case of an applicant who is~~ 15158
~~a licensed real estate salesperson in another state pursuant to~~ 15159
~~a reciprocity agreement with the licensing authority of the~~ 15160
~~state from which the applicant holds a valid real estate~~ 15161
~~salesperson's license.~~ 15162

(F) No applicant for a salesperson's license shall take 15163
the salesperson's examination who has not established to the 15164
satisfaction of the superintendent that the applicant: 15165

(1) Is honest and truthful; 15166

(2) (a) Has not been convicted of a disqualifying offense 15167
as determined in accordance with section 9.79 of the Revised 15168
Code; 15169

(b) Has not been finally adjudged by a court to have 15170
violated any municipal, state, or federal civil rights laws 15171
relevant to the protection of purchasers or sellers of real 15172

estate or, if the applicant has been so adjudged, at least two 15173
years have passed since the court decision and the 15174
superintendent has disregarded the adjudication because the 15175
applicant has proven, by a preponderance of the evidence, that 15176
the applicant is honest and truthful, and there is no basis in 15177
fact for believing that the applicant again will violate the 15178
laws involved. 15179

(3) Has not, during any period in which the applicant was 15180
licensed under this chapter, violated any provision of, or any 15181
rule adopted pursuant to this chapter, or, if the applicant has 15182
violated such provision or rule, has established to the 15183
satisfaction of the superintendent that the applicant will not 15184
again violate such provision or rule; 15185

(4) Is at least eighteen years of age; 15186

(5) If born after the year 1950, has a high school diploma 15187
or a certificate of high school equivalence issued by the 15188
department of education; 15189

(6) Has successfully completed at an institution of higher 15190
education all of the following credit-eligible courses by either 15191
classroom instruction or distance education: 15192

(a) Forty hours of instruction in real estate practice; 15193

(b) Forty hours of instruction that includes the subjects 15194
of Ohio real estate law, municipal, state, and federal civil 15195
rights law, new case law on housing discrimination, 15196
desegregation issues, and methods of eliminating the effects of 15197
prior discrimination. If feasible, the instruction in Ohio real 15198
estate law shall be taught by a member of the faculty of an 15199
accredited law school. If feasible, the instruction in 15200
municipal, state, and federal civil rights law, new case law on 15201

housing discrimination, desegregation issues, and methods of 15202
eliminating the effects of prior discrimination shall be taught 15203
by a staff member of the Ohio civil rights commission who is 15204
knowledgeable with respect to those subjects. The requirements 15205
of this division do not apply to an applicant who is admitted to 15206
practice before the supreme court. 15207

(c) Twenty hours of instruction in real estate appraisal; 15208

(d) Twenty hours of instruction in real estate finance. 15209

(G) (1) Successful completion of the instruction required 15210
by division (F) (6) of this section shall be determined by the 15211
law in effect on the date the instruction was completed. 15212

(2) Division (F) (6) (c) of this section does not apply to 15213
any new applicant who holds a valid Ohio real estate appraiser 15214
license or certificate issued prior to the date of application 15215
for a real estate salesperson's license. 15216

(H) Only for noncredit course offerings, an institution of 15217
higher education shall obtain approval from the appropriate 15218
state authorizing entity prior to offering a real estate course 15219
that is designed and marketed as satisfying the salesperson 15220
license education requirements of division (F) (6) of this 15221
section. The state authorizing entity may consult with the 15222
superintendent in reviewing the course for compliance with this 15223
section. 15224

(I) Any person who has not been licensed as a real estate 15225
salesperson or broker within a four-year period immediately 15226
preceding the person's current application for the salesperson's 15227
examination shall have successfully completed the prelicensure 15228
instruction required by division (F) (6) of this section within a 15229
ten-year period immediately preceding the person's current 15230

application for the salesperson's examination. 15231

(J) Not earlier than the date of issue of a real estate 15232
salesperson's license to a licensee, but not later than twelve 15233
months after the date of issue of a real estate salesperson 15234
license to a licensee, the licensee shall submit proof 15235
satisfactory to the superintendent, on forms made available by 15236
the superintendent, of the completion of twenty hours of 15237
instruction that shall be completed in schools, seminars, and 15238
educational institutions approved by the commission. The 15239
instruction shall include, but is not limited to, current 15240
practices relating to commercial real estate, property 15241
management, short sales, and land contracts; contract law; 15242
federal and state programs; economic conditions; and fiduciary 15243
responsibility. Approval of the curriculum and providers shall 15244
be granted according to rules adopted pursuant to section 15245
4735.10 of the Revised Code and may be taken through classroom 15246
instruction or distance education. 15247

If proof of completion of the required instruction is not 15248
submitted within twelve months of the date a license is issued 15249
under this section, the licensee's license is suspended 15250
automatically without the taking of any action by the 15251
superintendent. The superintendent immediately shall notify the 15252
broker with whom such salesperson is associated of the 15253
suspension of the salesperson's license. A salesperson whose 15254
license has been suspended under this division shall have twelve 15255
months after the date of the suspension of the salesperson's 15256
license to submit proof of successful completion of the 15257
instruction required under this division. No such license shall 15258
be reactivated by the superintendent until it is established, to 15259
the satisfaction of the superintendent, that the requirements of 15260
this division have been met and that the licensee is in 15261

compliance with this chapter. A licensee's license is revoked 15262
automatically without the taking of any action by the 15263
superintendent when the licensee fails to submit the required 15264
proof of completion of the education requirements under division 15265
(I) of this section within twelve months of the date the license 15266
is suspended. 15267

(K) Examinations shall be administered with reasonable 15268
accommodations in accordance with the requirements of the 15269
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 15270
U.S.C. 12189. The contents of an examination shall be consistent 15271
with the classroom instructional requirements of division (F) (6) 15272
of this section. An applicant who has completed the classroom 15273
instructional requirements of division (F) (6) of this section at 15274
the time of application shall be examined no later than twelve 15275
months after the applicant is notified of the applicant's 15276
admission to the examination. 15277

(L) Notwithstanding any provision of this chapter to the 15278
contrary, the superintendent shall issue a real estate 15279
salesperson's license in accordance with Chapter 4796. of the 15280
Revised Code to an applicant if either of the following applies: 15281

(1) The applicant holds a license in another state. 15282

(2) The applicant has satisfactory work experience, a 15283
government certification, or a private certification as 15284
described in Chapter 4796. of the Revised Code as a real estate 15285
salesperson in a state that does not issue that license. 15286

Sec. 4735.10. (A) (1) The Ohio real estate commission may 15287
adopt reasonable rules in accordance with Chapter 119. of the 15288
Revised Code, necessary for implementing the provisions of this 15289
chapter relating, but not limited to, the following: 15290

(a) The form and manner of filing applications for licensure;	15291 15292
(b) Times and form of examination for license;	15293
(c) Placing an existing broker's license on deposit or a salesperson's license on an inactive status for an indefinite period;	15294 15295 15296
(d) Specifying the process by which a licensee may resign the licensee's license;	15297 15298
(e) Defining any additional license status that the commission determines is necessary and that is not otherwise defined in this chapter and establishing the process by which a licensee places the licensee's license in a status defined by the commission in the rules the commission adopts;	15299 15300 15301 15302 15303
(f) Clarification of the activities that require a license under this chapter;	15304 15305
(g) Permitting a broker to act as principal broker for more than one brokerage.	15306 15307
(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:	15308 15309 15310 15311
(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;	15312 15313 15314 15315
(b) A three-year license and a three-year license renewal system;	15316 15317

(c) Standards for the approval of the postlicensure 15318
courses as required by division (G) of section 4735.07 and 15319
division (J) of section 4735.09 of the Revised Code, courses of 15320
study required for licenses, courses offered in preparation for 15321
license examinations, or courses required as continuing 15322
education for licenses. 15323

(d) Guidelines to ensure that continuing education classes 15324
are open to all persons licensed under this chapter. The rules 15325
shall specify that an organization that sponsors a continuing 15326
education class may offer its members a reasonable reduction in 15327
the fees charged for the class. 15328

(e) Requirements for trust accounts and property 15329
management accounts. The rules shall specify that: 15330

(i) Brokerages engaged in the management of property for 15331
another may, pursuant to a written contract with the property 15332
owner, exercise signatory authority for withdrawals from 15333
property management accounts maintained in the name of the 15334
property owner. The exercise of authority for withdrawals does 15335
not constitute a violation of any provision of division (A) of 15336
section 4735.18 of the Revised Code. 15337

(ii) The interest earned on property management trust 15338
accounts maintained in the name of the property owner or the 15339
broker shall be payable to the property owner unless otherwise 15340
specified in a written contract. 15341

(f) Notice of renewal forms and filing deadlines; 15342

(g) Special assessments under division (A) of section 15343
4735.12 of the Revised Code. 15344

(B) The commission may adopt rules in accordance with 15345
Chapter 119. of the Revised Code establishing standards and 15346

guidelines with which the superintendent of real estate shall	15347
comply in the exercise of the following powers:	15348
(1) Appointment and recommendation of ancillary trustees	15349
under section 4735.05 of the Revised Code;	15350
(2) Rejection of names proposed to be used by	15351
partnerships, associations, limited liability companies, limited	15352
liability partnerships, and corporations, under division (B) of	15353
section 4735.06 of the Revised Code, including procedures for	15354
the application and approval of more than one trade name for a	15355
brokerage;	15356
(3) Acceptance and rejection of applications to take the	15357
broker and salesperson examinations and licensure, with	15358
appropriate waivers pursuant to division (E) of section 4735.07	15359
and section 4735.09 of the Revised Code;	15360
(4) Approval of applications of brokers to place their	15361
licenses in an inactive status and to become salespersons under	15362
section 4735.13 of the Revised Code;	15363
(5) Appointment of hearing examiners under section 119.09	15364
of the Revised Code;	15365
(6) Acceptance and rejection of applications to take the	15366
foreign real estate dealer and salesperson examinations and	15367
licensure, with waiver of examination, under sections 4735.27	15368
and 4735.28 of the Revised Code;	15369
(7) Qualification of foreign real estate under section	15370
4735.25 of the Revised Code.	15371
If at any time there is no rule in effect establishing a	15372
guideline or standard required by this division, the	15373
superintendent may adopt a rule in accordance with Chapter 119.	15374

of the Revised Code for such purpose. 15375

(C) The commission or superintendent may hear testimony in 15376
matters relating to the duties imposed upon them, and the 15377
president of the commission and superintendent may administer 15378
oaths. The commission or superintendent may require other proof 15379
of the honesty and truthfulness of any person named in an 15380
application for a real estate broker's or real estate 15381
salesperson's license before admitting the applicant to the 15382
examination or issuing a license. 15383

Sec. 4735.27. (A) An application to act as a foreign real 15384
estate dealer shall be in writing and filed with the 15385
superintendent of real estate. It shall be in the form the 15386
superintendent prescribes and shall contain the following 15387
information: 15388

(1) The name and address of the applicant; 15389

(2) A description of the applicant, including, if the 15390
applicant is a partnership, unincorporated association, or any 15391
similar form of business organization, the names and the 15392
residence and business addresses of all partners, officers, 15393
directors, trustees, or managers of the organization, and the 15394
limitation of the liability of any partner or member; and if the 15395
applicant is a corporation, a list of its officers and 15396
directors, and the residence and business addresses of each, 15397
and, if it is a foreign corporation, a copy of its articles of 15398
incorporation in addition; 15399

(3) The location and addresses of the principal office and 15400
all other offices of the applicant; 15401

(4) A general description of the business of the applicant 15402
prior to the application, including a list of states in which 15403

the applicant is a licensed foreign real estate dealer; 15404

(5) The names and addresses of all salespersons of the 15405
applicant at the date of the application; 15406

(6) The nature of the business of the applicant, and its 15407
places of business, for the ten-year period preceding the date 15408
of application. 15409

(B) Every nonresident applicant shall name a person within 15410
this state upon whom process against the applicant may be served 15411
and shall give the complete residence and business address of 15412
the person designated. Every applicant shall file an irrevocable 15413
written consent, executed and acknowledged by an individual duly 15414
authorized to give such consent, that actions growing out of a 15415
fraud committed by the applicant in connection with the sale in 15416
this state of foreign real estate may be commenced against it, 15417
in the proper court of any county in this state in which a cause 15418
of action for such fraud may arise or in which the plaintiff in 15419
such action may reside, by serving on the secretary of state any 15420
proper process or pleading authorized by the laws of this state, 15421
in the event that the applicant if a resident of this state, or 15422
the person designated by the nonresident applicant, cannot be 15423
found at the address given. The consent shall stipulate that the 15424
service of process on the secretary of state shall be taken in 15425
all courts to be as valid and binding as if service had been 15426
made upon the foreign real estate dealer. If the applicant is a 15427
corporation or an unincorporated association, the consent shall 15428
be accompanied by a certified copy of the resolution of the 15429
board of directors, trustees, or managers of the corporation or 15430
association, authorizing such individual to execute the consent. 15431

(C) The superintendent may investigate any applicant for a 15432
dealer's license, and may require any additional information the 15433

superintendent considers necessary to determine the 15434
qualifications of the applicant to act as a foreign real estate 15435
dealer. If the application for a dealer's license involves 15436
investigation outside this state, the superintendent may require 15437
the applicant to advance sufficient funds to pay any of the 15438
actual expenses of the investigation, and an itemized statement 15439
of such expense shall be furnished to the applicant. 15440

(D) Every applicant shall take a written examination, 15441
prescribed and conducted by the superintendent, which covers the 15442
applicant's knowledge of the principles of real estate practice, 15443
real estate law, financing and appraisal, real estate 15444
transactions and instruments relating to them, canons of 15445
business ethics relating to real estate transactions, and the 15446
duties of foreign real estate dealers and salespersons. The fee 15447
for the examination, when administered by the superintendent, is 15448
one hundred one dollars. If the applicant does not appear for 15449
the examination, the fee shall be forfeited and a new 15450
application and fee shall be filed, unless good cause for the 15451
failure to appear is shown to the superintendent. ~~The~~ 15452
~~requirement of an examination may be waived in whole or in part~~ 15453
~~by the superintendent if an applicant is licensed as a real~~ 15454
~~estate broker by any state.~~ 15455

Any applicant who fails the examination twice shall wait 15456
six months before applying to retake the examination. 15457

(E) No person shall take the foreign real estate dealer's 15458
examination who has not established to the satisfaction of the 15459
superintendent that the person: 15460

(1) Has not been convicted of a disqualifying offense as 15461
determined in accordance with section 9.79 of the Revised Code; 15462

(2) Has not been finally adjudged by a court to have 15463
violated any municipal, state, or federal civil rights laws 15464
relevant to the protection of purchasers or sellers of real 15465
estate or, if the applicant has been so adjudged, at least two 15466
years have passed since the court decision and the 15467
superintendent has disregarded the adjudication because the 15468
applicant has proven, by a preponderance of the evidence, that 15469
the applicant's activities and employment record since the 15470
adjudication show that the applicant is honest and truthful, and 15471
there is no basis in fact for believing that the applicant again 15472
will violate the laws involved; 15473

(3) Has not, during any period for which the applicant was 15474
licensed under this chapter or any former section of the Revised 15475
Code applicable to licensed foreign real estate dealers or 15476
salespersons, violated any provision of, or any rule adopted 15477
pursuant to, this chapter or that section, or, if the applicant 15478
has violated any such provision or rule, has established to the 15479
satisfaction of the superintendent that the applicant will not 15480
again violate the provision or rule. 15481

(F) ~~If Except as provided in division (H) of this section,~~ 15482
if the superintendent finds that an applicant for a license as a 15483
foreign real estate dealer, or each named member, manager, or 15484
officer of a partnership, association, or corporate applicant is 15485
at least eighteen years of age, has passed the examination 15486
required under this section ~~or has had the requirement of an~~ 15487
~~examination waived~~, and appears otherwise qualified, the 15488
superintendent shall issue a license to the applicant to engage 15489
in business in this state as a foreign real estate dealer. 15490
Dealers licensed pursuant to this section shall employ as 15491
salespersons of foreign real estate only persons licensed 15492
pursuant to section 4735.28 of the Revised Code. If at any time 15493

such salespersons resign or are discharged or new salespersons 15494
are added, the dealer forthwith shall notify the superintendent 15495
and shall file with the division of real estate the names and 15496
addresses of new salespersons. 15497

(G) If the applicant merely is renewing the applicant's 15498
license for the previous year, the application need contain only 15499
the information required by divisions (A) (2), (3), and (6) of 15500
this section. 15501

(H) The superintendent shall issue a license to engage in 15502
business in this state as a foreign real estate dealer in 15503
accordance with Chapter 4796. of the Revised Code to an 15504
applicant if either of the following applies: 15505

(1) The applicant holds a license in another state. 15506

(2) The applicant has satisfactory work experience, a 15507
government certification, or a private certification as 15508
described in that chapter as a foreign real estate dealer in a 15509
state that does not issue that license. 15510

Sec. 4735.28. (A) An application to act as a foreign real 15511
estate salesperson shall be in writing and filed with the 15512
superintendent of real estate. It shall be in the form the 15513
superintendent prescribes and shall contain the following 15514
information: 15515

(1) The name and complete residence and business addresses 15516
of the applicant; 15517

(2) The name of the foreign real estate dealer who is 15518
employing the applicant or who intends to employ the applicant; 15519

(3) The age and education of the applicant, and the 15520
applicant's experience in the sale of foreign real estate; 15521

whether the applicant has ever been licensed by the 15522
superintendent, and if so, when; whether the applicant has ever 15523
been refused a license by the superintendent; and whether the 15524
applicant has ever been licensed or refused a license or any 15525
similar permit by any division or superintendent of real estate, 15526
by whatsoever name known or designated, anywhere; 15527

(4) The nature of the employment, and the names and 15528
addresses of the employers, of the applicant for the period of 15529
ten years immediately preceding the date of the application. 15530

(B) Every applicant shall take a written examination, 15531
prescribed and conducted by the superintendent, which covers the 15532
applicant's knowledge of the principles of real estate practice, 15533
real estate law, financing and appraisal, real estate 15534
transactions and instruments relating to them, canons of 15535
business ethics relating to real estate transactions, and the 15536
duties of foreign real estate salespersons. The fee for the 15537
examination, when administered by the superintendent, is sixty- 15538
eight dollars. If the applicant does not appear for the 15539
examination, the fee shall be forfeited and a new application 15540
and fee shall be filed, unless good cause for the failure to 15541
appear is shown to the superintendent. ~~The requirement of an 15542
examination may be waived in whole or in part by the 15543
superintendent if an applicant is licensed as a real estate 15544
broker or salesperson by any state.~~ 15545

Any applicant who fails the examination twice shall wait 15546
six months before applying to retake the examination. 15547

(C) No person shall take the foreign real estate 15548
salesperson's examination who has not established to the 15549
satisfaction of the superintendent that the person: 15550

(1) Has not been convicted of a disqualifying offense as 15551
determined in accordance with section 9.79 of the Revised Code; 15552

(2) Has not been finally adjudged by a court to have 15553
violated any municipal, state, or federal civil rights laws 15554
relevant to the protection of purchasers or sellers of real 15555
estate or, if the applicant has been so adjudged, at least two 15556
years have passed since the court decision and the 15557
superintendent has disregarded the adjudication because the 15558
applicant has proven, by a preponderance of the evidence, that 15559
the applicant's activities and employment record since the 15560
adjudication show that the applicant is honest and truthful, and 15561
there is no basis in fact for believing that the applicant will 15562
again violate the laws; 15563

(3) Has not, during any period for which the applicant was 15564
licensed under this chapter or any former section of the Revised 15565
Code applicable to licensed foreign real estate dealers or 15566
salespersons, violated any provision of, or any rule adopted 15567
pursuant to, this chapter or that section, or, if the applicant 15568
has violated any such provision or rule, has established to the 15569
satisfaction of the superintendent that the applicant will not 15570
again violate the provision or rule. 15571

(D) Every salesperson of foreign real estate shall be 15572
licensed by the superintendent of real estate and shall be 15573
employed only by the licensed foreign real estate dealer 15574
specified on the salesperson's license. 15575

(E) If the superintendent finds that the applicant appears 15576
to be qualified to act as a foreign real estate salesperson, and 15577
has fully complied with the provisions of this chapter, and that 15578
the dealer in the application is a licensed foreign real estate 15579
dealer, the superintendent, upon payment of the fees prescribed 15580

by section 4735.15 of the Revised Code, shall issue a license to 15581
the applicant authorizing the applicant to act as a salesperson 15582
for the dealer named in the application. 15583

(F) The superintendent shall issue a license to act as a 15584
salesperson of foreign real estate in accordance with Chapter 15585
4796. of the Revised Code to an applicant if either of the 15586
following applies: 15587

(1) The applicant holds a license in another state. 15588

(2) The applicant has satisfactory work experience, a 15589
government certification, or a private certification as 15590
described in that chapter as acting as a salesperson of foreign 15591
real estate in a state that does not issue that license. 15592

Sec. 4736.10. ~~Any~~ (A) Except as provided in division (B) 15593
of this section, any person who meets the educational 15594
qualifications of division (A), (B), or (C) of section 4736.08 15595
of the Revised Code, but does not meet the experience 15596
requirement of such division may make application to the 15597
director of health on a form prescribed by the director for 15598
registration as an environmental health specialist in training. 15599
The director shall register the person as an environmental 15600
health specialist in training upon payment of the fee required 15601
by section 4736.12 of the Revised Code. 15602

(B) The director shall issue an environmental health 15603
specialist in training registration in accordance with Chapter 15604
4796. of the Revised Code to an applicant if either of the 15605
following applies: 15606

(1) The applicant holds a license or registration in 15607
another state. 15608

(2) The applicant has satisfactory work experience, a 15609

government certification, or a private certification as 15610
described in that chapter as an environmental health specialist 15611
in training in a state that does not issue that license or 15612
registration. 15613

(C) An environmental health specialist in training shall 15614
apply for registration as an environmental health specialist 15615
within three years after registration as an environmental health 15616
specialist in training. The director may extend the registration 15617
of any environmental health specialist in training who 15618
furnishes, in writing, sufficient cause for not applying for 15619
registration as an environmental health specialist within the 15620
three-year period. However, the director shall not extend the 15621
registration more than an additional two years beyond the three- 15622
year period. 15623

Sec. 4736.14. The director of health ~~may, upon application~~ 15624
~~and proof of valid registration,~~shall issue a certificate of 15625
registration in accordance with Chapter 4796. of the Revised 15626
Code to any a person who if either of the following applies: 15627

(A) The person is or has been registered as an 15628
environmental health specialist by any other state, ~~if the~~ 15629
~~requirements of that state at the time of such registration are~~ 15630
~~determined by the director to be at least equivalent to the~~ 15631
~~requirements of this chapter.~~ 15632

(B) The person has satisfactory work experience, a 15633
government certification, or a private certification as 15634
described in that chapter as an environmental health specialist 15635
in a state that does not issue that certificate of registration. 15636

Sec. 4740.08. ~~When a written reciprocity agreement between~~ 15637
~~the states exists, and an individual who is registered,~~ 15638

~~licensed, or certified in another state applies to the~~ 15639
~~appropriate specialty section of the Ohio construction industry~~ 15640
~~licensing board submits a copy of the reciprocity agreement, and~~ 15641
~~pays the licensure fee determined pursuant to section 4740.09 of~~ 15642
~~the Revised Code, the appropriate specialty section of the board~~ 15643
~~shall authorize the administrative section to issue, without~~ 15644
~~examination, a license to that individual if the appropriate~~ 15645
~~specialty section of the board determines, pursuant to rules it~~ 15646
~~adopts, that the requirements for registration, licensure, or~~ 15647
~~certification under the laws of the other state are~~ 15648
~~substantially equal to the requirements for licensure in this~~ 15649
~~state and that the other state extends similar reciprocity to~~ 15650
~~persons licensed under this chapter. The appropriate specialty~~ 15651
~~section of the Ohio construction industry licensing board may~~ 15652
~~withdraw its authorization to the administrative section for~~ 15653
~~issuance of a license for good cause prior to the administrative~~ 15654
~~section's issuance of the license shall grant a license in~~ 15655
~~accordance with Chapter 4796. of the Revised Code to an~~ 15656
~~applicant if either of the following applies:~~ 15657

(A) The applicant holds a license in another state. 15658

(B) The applicant has satisfactory work experience, a 15659
government certification, or a private certification as 15660
described in that chapter for performing work in a licensed 15661
trade in a state that does not issue that license. 15662

Sec. 4741.12. (A) The state veterinary medical licensing 15663
board shall issue a license to practice veterinary medicine in 15664
accordance with Chapter 4796. of the Revised Code to an 15665
applicant if either of the following applies: 15666

(1) The applicant holds a license in another state. 15667

(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. 15668
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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: 15672
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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. 15678
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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 the holder of a license to practice in this state who removes to such ~~state, territory, country, or district.~~ 15685
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~~(C)~~ (3) The applicant is not under investigation for an act which would constitute a violation of this chapter that would require the revocation of or refusal to renew a license. 15693
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15695

~~(D)~~ (4) The applicant has a thorough knowledge of the laws 15696

and rules governing the practice of veterinary medicine in this 15697
state, as determined by the board. 15698

Sec. 4741.13. The state veterinary medical licensing board 15699
may issue a limited license to practice veterinary medicine to 15700
~~an~~ a nonresident individual whose sole professional capacity is 15701
with a veterinary academic institution or veterinary technology 15702
institution recognized by the board in accordance with rules the 15703
board adopts or with a government diagnostic laboratory. A 15704
person holding a limited license is authorized to engage in the 15705
practice of veterinary medicine only to the extent necessary to 15706
fulfill the person's employment or educational obligations as an 15707
instructor, researcher, diagnostician, intern, resident in a 15708
veterinary specialty, or graduate student. 15709

The board may issue a limited license to ~~an~~ a nonresident 15710
applicant who submits a completed application on a form 15711
prescribed by the board, pays the applicable fee prescribed in 15712
section 4741.17 of the Revised Code, and meets the criteria 15713
established by the board. The board shall not require an 15714
individual issued a limited license under this section to obtain 15715
a license under Chapter 4796. of the Revised Code. 15716

Sec. 4741.14. The state veterinary medical licensing board 15717
may issue, without the examination required pursuant to section 15718
4741.11 of the Revised Code, a temporary permit to practice 15719
veterinary medicine to a nonresident veterinarian holding a 15720
license which is not revoked, suspended, expired, or under any 15721
restrictions and is otherwise in good standing from another 15722
state, territory, or the District of Columbia, provided that a 15723
veterinarian who holds a current license in this state applies 15724
for the temporary permit for the veterinarian. The board shall 15725
not require a veterinarian issued a temporary permit under this 15726

section to obtain a license under Chapter 4796. of the Revised 15727
Code. 15728

A temporary permit issued pursuant to this section only 15729
authorizes the permit holder to act as a veterinary consultant 15730
or to provide veterinary medical services in this state for a 15731
specific animal or animals. When using the services of a 15732
veterinary consultant, the responsibility for the care and 15733
treatment of the patient remains with the veterinarian who holds 15734
a current license in this state and who is providing treatment, 15735
or consultation as to treatment, to the patient. The board shall 15736
determine by rule the specific purposes for which it may issue a 15737
temporary permit and the duration of the permit, not to exceed 15738
six months, under rules it adopts pursuant to Chapter 119. of 15739
the Revised Code. No more than two temporary permits may be 15740
issued pursuant to this section to any one applicant. Any 15741
subsequent applications shall be made pursuant to section 15742
4741.12 of the Revised Code. 15743

Sec. 4741.15. (A) A person who has done both of the 15744
following may submit an application to the state veterinary 15745
medical licensing board for a provisional veterinary graduate 15746
license: 15747

(1) Graduated from a veterinary college approved by the 15748
board; 15749

(2) Applied for and is waiting to take a nationally 15750
recognized examination approved by the board for a license to 15751
practice veterinary medicine. 15752

The application shall be on a form that the board 15753
prescribes and shall contain any information that the board 15754
requires together with a letter or letters of recommendation 15755

from a licensed veterinarian or veterinarians who will be 15756
directly supervising and responsible for the applicant as 15757
provided in division (C) of this section. The applicant shall 15758
include with the application the fee established in section 15759
4741.17 of the Revised Code. 15760

(B) The board may issue a provisional veterinary graduate 15761
license to an applicant who has satisfied the requirements 15762
established in division (A) of this section. The board shall 15763
issue a provisional veterinary graduate license in accordance 15764
with Chapter 4796. of the Revised Code to an applicant if the 15765
applicant holds a license in another state or has satisfactory 15766
work experience, a government certification, or a private 15767
certification as described in that chapter in performing or 15768
assisting in medical treatments, diagnoses, and surgeries under 15769
veterinary supervision in a state that does not issue that 15770
license. A provisional veterinary graduate license is valid for 15771
six months following the date of its issuance and is not 15772
renewable. 15773

(C) A person who holds a provisional veterinary graduate 15774
license may perform or assist in medical treatments, diagnosis, 15775
and surgery on a patient only under the direct veterinary 15776
supervision of the veterinarian or veterinarians who provided 15777
the letter or letters of recommendation accompanying the 15778
person's application under division (A) of this section and may 15779
engage in other duties related to the practice of veterinary 15780
medicine only under veterinary supervision. 15781

(D) No person who holds a provisional veterinary graduate 15782
license shall be represented, explicitly or implicitly, as being 15783
a licensed veterinarian. 15784

(E) The board may revoke a provisional veterinary graduate 15785

license if the person who holds the license violates division 15786
(C) or (D) of this section. 15787

Sec. 4741.19. (A) Unless exempted under this chapter, no 15788
person shall practice veterinary medicine, or any of its 15789
branches, without a license or limited license issued by the 15790
state veterinary medical licensing board pursuant to sections 15791
4741.11 to 4741.13 of the Revised Code, a temporary permit 15792
issued pursuant to section 4741.14 of the Revised Code, or a 15793
registration certificate issued pursuant to division (C) of this 15794
section, or with an inactive, expired, suspended, terminated, or 15795
revoked license, temporary permit, or registration. 15796

(B) No veterinary student shall: 15797

(1) Perform or assist surgery unless under direct 15798
veterinary supervision and unless the student has had the 15799
minimum education and experience prescribed by rule of the 15800
board; 15801

(2) Engage in any other work related to the practice of 15802
veterinary medicine unless under veterinary supervision; 15803

(3) Participate in the operation of a branch office, 15804
clinic, or allied establishment unless a licensed veterinarian 15805
is present on the establishment premises. 15806

(C) No person shall act as a registered veterinary 15807
technician unless the person is registered with the board on a 15808
biennial basis and pays the biennial registration fee. A 15809
registered veterinary technician registration expires biennially 15810
on the first day of March in the odd-numbered years and may be 15811
renewed in accordance with the standard renewal procedures 15812
contained in Chapter 4745. of the Revised Code upon payment of 15813
the biennial registration fee and fulfillment of ten continuing 15814

education hours during the two years immediately preceding 15815
renewal for registration. Each registered veterinary technician 15816
shall notify in writing the executive director of the board of 15817
any change in the registered veterinary technician's office 15818
address or employment within ninety days after the change has 15819
taken place. 15820

(1) A registered veterinary technician operating under 15821
veterinary supervision may perform the following duties: 15822

(a) Prepare or supervise the preparation of patients, 15823
instruments, equipment, and medications for surgery; 15824

(b) Collect or supervise the collection of specimens and 15825
perform laboratory procedures as required by the supervising 15826
veterinarian; 15827

(c) Apply wound dressings, casts, or splints as required 15828
by the supervising veterinarian; 15829

(d) Assist a veterinarian in immunologic, diagnostic, 15830
medical, and surgical procedures; 15831

(e) Suture skin incisions; 15832

(f) Administer or supervise the administration of topical, 15833
oral, or parenteral medication under the direction of the 15834
supervising veterinarian; 15835

(g) Other ancillary veterinary technician functions that 15836
are performed pursuant to the order and control and under the 15837
full responsibility of a licensed veterinarian. 15838

(h) Any additional duties as established by the board in 15839
rule. 15840

(2) A registered veterinary technician operating under 15841

direct veterinary supervision may perform all of the following: 15842

(a) Induce and monitor general anesthesia according to 15843
medically recognized and appropriate methods; 15844

(b) Dental prophylaxis, periodontal care, and extraction 15845
not involving sectioning of teeth or resection of bone or both 15846
of these; 15847

(c) Equine dental procedures, including the floating of 15848
molars, premolars, and canine teeth; removal of deciduous teeth; 15849
and the extraction of first premolars or wolf teeth. 15850

The degree of supervision by a licensed veterinarian over 15851
the functions performed by the registered veterinary technician 15852
shall be consistent with the standards of generally accepted 15853
veterinary medical practices. 15854

(3) The board shall issue a registration to be a 15855
veterinary technician in accordance with Chapter 4796. of the 15856
Revised Code to an applicant if either of the following applies: 15857

(a) The applicant holds a similar registration or license 15858
in another state. 15859

(b) The applicant has satisfactory work experience, a 15860
government certification, or a private certification as 15861
described in that chapter as a veterinary technician in a state 15862
that does not issue that registration or license. 15863

(D) A veterinarian licensed to practice in this state 15864
shall not present the person's self as or state a claim that the 15865
person is a specialist unless the veterinarian has previously 15866
met the requirements for certification by a specialty 15867
organization recognized by the American board of veterinary 15868
specialties for a specialty or such other requirements set by 15869

rule of the board and has paid the fee required by division (A) 15870
(10) of section 4741.17 of the Revised Code. 15871

The board shall issue a certification as a veterinary 15872
specialist in accordance with Chapter 4796. of the Revised Code 15873
to an applicant if the applicant holds a certification as a 15874
specialist in another state or has satisfactory work experience, 15875
a government certification, or a private certification as 15876
described in that chapter as a veterinary specialist in a state 15877
that does not issue that certification. 15878

(E) Notwithstanding division (A) of this section, any 15879
animal owner or the owner's designee may engage in the practice 15880
of embryo transfer on the owner's animal if a licensed 15881
veterinarian directly supervises the owner or the owner's 15882
designee and the means used to perform the embryo transfer are 15883
nonsurgical. 15884

(F) Allied medical support may assist a licensed 15885
veterinarian to the extent to which the law that governs the 15886
individual providing the support permits, if all of the 15887
following apply: 15888

(1) A valid veterinary-client-patient-relationship exists. 15889

(2) The individual acts under direct veterinary 15890
supervision. 15891

(3) The allied medical support individual receives 15892
informed, written, client consent. 15893

(4) The veterinarian maintains responsibility for the 15894
patient and keeps the patient's medical records. 15895

The board may inspect the facilities of an allied medical 15896
support individual in connection with an investigation based on 15897

a complaint received in accordance with section 4741.26 of the Revised Code involving that individual.

Sec. 4743.04. (A) The renewal of a license or other authorization to practice a trade or profession issued under Title XLVII of the Revised Code is subject to the provisions of section 5903.10 of the Revised Code relating to service in the armed forces.

(B) Continuing education requirements applicable to the licensees under Title XLVII of the Revised Code are subject to the provisions of section 5903.12 of the Revised Code relating to active duty military service.

~~(C) A department, agency, or office of any political subdivision of this state that issues a license or certificate to practice a trade or profession may, pursuant to rules adopted by the department, agency, or office, issue a temporary license or certificate to practice the trade or profession to a person whose spouse is on active military duty in this state.~~

~~(D)~~ A department, agency, or office of this state that issues a license or certificate to practice a trade or profession shall issue a temporary license or certificate to practice the trade or profession as provided in section 4743.041 of the Revised Code.

~~(E)~~ (D) The issuance of a license or other authorization to practice a trade or profession issued under Title XLVII of the Revised Code is subject to the provisions of section 5903.03 of the Revised Code relating to service in the armed forces.

Sec. 4743.041. (A) As used in this section:

"Active guard and reserve" has the meaning defined in 10 U.S.C. 101.

"Military duty" includes service in the uniformed services 15927
on active duty, in the active guard and reserve, and as a 15928
military technician dual status under 10 U.S.C. 10216. 15929

"Uniformed services" has the meaning defined in 10 U.S.C. 15930
101. 15931

(B) Pursuant to division ~~(D)~~ (C) of section 4743.04 of the 15932
Revised Code, a department, agency, or office of this state 15933
shall issue a temporary license or certificate to practice a 15934
trade or profession to an individual, provided that all of the 15935
following qualifications are met: 15936

(1) The individual holds a valid license or certificate to 15937
practice the trade or profession issued by any other state or 15938
jurisdiction; 15939

(2) The individual is in good standing in the state or 15940
jurisdiction of licensure or certification; 15941

(3) The individual presents adequate proof to the 15942
department, agency, or office of this state that the individual 15943
or the individual's spouse is on military duty in this state; 15944
and 15945

(4) The individual complies with sections 4776.01 to 15946
4776.04 of the Revised Code if a department, agency, or office 15947
of this state requires an applicant under the law governing the 15948
applicable trade or profession to submit to a criminal records 15949
check to receive a license or certificate. 15950

(C) A department, agency, or office of this state may, 15951
under this section, issue a regular license or certificate in 15952
lieu of issuing a temporary license or certificate, provided 15953
that the applicant meets the requirements of this section, and 15954
provided that the regular license is issued by the deadline 15955

specified in division (D) of this section. 15956

(D) If the department, agency, or office of this state 15957
requires an individual under the law governing the applicable 15958
trade or profession to submit to a criminal records check to 15959
receive a license or certificate, and the individual applies for 15960
a license or certificate under this section, the department, 15961
agency, or office of this state shall, within twenty-four hours 15962
after receiving the report under division (A) of section 4776.04 15963
of the Revised Code, notify the applicant that the department, 15964
agency, or office of this state has received the results of a 15965
criminal records check. A department, agency, or office of this 15966
state shall issue a temporary license or certificate or a 15967
regular license under this section, provided that the applicant 15968
meets the requirements of this section, within thirty days of 15969
having received an application, or, if the applicant is subject 15970
to a criminal records check, within fourteen days of having 15971
received the results of a criminal records check. If the 15972
department, agency, or office of this state finds that the 15973
individual is under investigation by the licensing agency of any 15974
other state or jurisdiction, the department, agency, or office 15975
of this state may postpone issuing the license or certificate 15976
until the investigation is complete and the licensing agency of 15977
the other state or jurisdiction confirms that the individual is 15978
in good standing. The department, agency, or office of this 15979
state shall verify the standing of the license or certificate 15980
issued by another state or jurisdiction when the temporary 15981
license is up for renewal. No temporary license shall be valid 15982
for a period of more than six years. 15983

(E) A department, agency, or office of this state shall, 15984
in accordance with Chapter 119. of the Revised Code, deny an 15985
individual a temporary license or certificate issued under this 15986

section or revoke an individual's temporary license or 15987
certificate issued under this section if any of the following 15988
circumstances occur: 15989

(1) The individual's license or certificate issued by 15990
another state or jurisdiction expires or is revoked, or the 15991
individual is not in good standing; 15992

(2) With respect to an individual who was eligible for a 15993
temporary license under this section as the spouse of an 15994
individual on military duty, six months have elapsed since the 15995
divorce, dissolution, or annulment of the marriage; 15996

(3) The individual is disqualified from obtaining a 15997
license in the trade or profession because of a conviction, 15998
judicial finding of guilt, or plea of guilty to a disqualifying 15999
criminal offense specified on the list the department, agency, 16000
or office of this state makes available pursuant to division (C) 16001
of section 9.78 of the Revised Code. 16002

(F) An individual with a temporary license or certificate 16003
or a regular license issued under this section may practice the 16004
trade or profession in this state only within the scope and 16005
practice that is permitted under Ohio law and that does not 16006
exceed the individual's training. 16007

(G) Notwithstanding any other provision of the Revised 16008
Code, a department, agency, or office of this state shall waive 16009
all fees associated with the issuance of a temporary license or 16010
certificate issued under this section. 16011

(H) Each department, agency, or office of this state that 16012
issues a license or certificate to practice a trade or 16013
profession shall adopt rules under Chapter 119. of the Revised 16014
Code as necessary to implement this section. 16015

(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.

(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.

(K) Chapter 4796. of the Revised Code does not apply to a license or certificate issued under this section.

(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.

Sec. 4747.04. (A) The state speech and hearing professionals board shall:

(1) Establish the nature and scope of qualifying examinations in accordance with section 4747.08 of the Revised Code;

(2) Determine whether persons holding similar valid

licenses from other ~~states or jurisdictions~~ other than other 16045
states shall be required to take and successfully pass the 16046
appropriate qualifying examination as a condition for licensing 16047
in this state; 16048

(3) Review complaints and conduct investigations in 16049
accordance with section 4747.13 of the Revised Code and hold any 16050
hearings that are necessary to carry out this chapter; 16051

(4) Determine and specify the length of time each license 16052
that is suspended or revoked shall remain suspended or revoked; 16053

(5) Deposit all payments collected under this chapter into 16054
the state treasury to the credit of the occupational licensing 16055
and regulatory fund created in section 4743.05 of the Revised 16056
Code; 16057

(6) Establish a list of disqualifying offenses for 16058
licensure as a hearing aid dealer or fitter, or for a hearing 16059
aid dealer or fitter trainee permit, pursuant to sections 9.79, 16060
4747.05, 4747.10, 4747.12, and 4776.10 of the Revised Code. 16061

(B) The board shall adopt reasonable rules, in accordance 16062
with Chapter 119. of the Revised Code, necessary for the 16063
administration of this chapter. The board shall include all of 16064
the following in those rules: 16065

(1) The amount of any fees required under this chapter; 16066

(2) The information to be included in a hearing aid 16067
receipt provided by a licensed hearing aid dealer or fitter to a 16068
person under section 4747.09 of the Revised Code; 16069

(3) The amount of time a licensed hearing aid dealer or 16070
fitter or trainee permit holder has to provide the notice of a 16071
change in address or addresses required under section 4747.11 of 16072

the Revised Code and any other requirements relating to the 16073
notice; 16074

(4) Any additional conduct for which the board may 16075
discipline a licensee or permit holder under section 4747.12 of 16076
the Revised Code. 16077

(C) Nothing in this section shall be interpreted as 16078
granting to the board the right to restrict advertising which is 16079
not false or misleading, or to prohibit or in any way restrict a 16080
hearing aid dealer or fitter from renting or leasing space from 16081
any person, firm or corporation in a mercantile establishment 16082
for the purpose of using such space for the lawful sale of 16083
hearing aids or to prohibit a mercantile establishment from 16084
selling hearing aids if the sale would be otherwise lawful under 16085
this chapter. 16086

Sec. 4747.05. (A) (1) The state speech and hearing 16087
professionals board shall issue to each applicant, within sixty 16088
days of receipt of a properly completed application and payment 16089
of an application fee set by the board in rules adopted under 16090
section 4747.04 of the Revised Code, a hearing aid dealer's or 16091
fitter's license if the applicant: 16092

~~(1)~~ (a) In the case of an individual, the individual is at 16093
least eighteen years of age, is free of contagious or infectious 16094
disease, and has successfully passed a qualifying examination 16095
specified and administered by the board. 16096

~~(2)~~ (b) In the case of a firm, partnership, association, 16097
or corporation, the application, in addition to such information 16098
as the board requires, is accompanied by an application for a 16099
license for each person, whether owner or employee, of the firm, 16100
partnership, association, or corporation, who engages in dealing 16101

in or fitting of hearing aids, or contains a statement that such applications are submitted separately. No firm, partnership, association, or corporation licensed pursuant to this chapter shall permit any unlicensed person to sell or fit hearing aids.

(2) The board shall issue a hearing aid dealer's or fitter'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 hearing aid dealer or fitter in a state that does not issue that license.

(B) (1) Subject to division (B) (3) of this section, the board shall not adopt or enforce any rule that precludes an individual from renewing a license issued under this chapter due to any past criminal activity, unless the individual has committed a crime of moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code. The board shall comply with Chapter 119. of the Revised Code when denying an individual a license renewal.

(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.

(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. 16131

(4) The board may grant an individual a conditional 16132
license that lasts for one year. After the one-year period has 16133
expired, the license is no longer considered conditional, and 16134
the individual shall be considered fully licensed. 16135

(C) (1) Except as provided in division (C) (2) of this 16136
section, each license issued is valid from the date of issuance 16137
until the thirty-first day of December of the even-numbered year 16138
that follows the date of issuance. 16139

(2) A license issued less than one hundred days before the 16140
thirty-first day of December of an even-numbered year is valid 16141
from the date of issuance until the thirty-first day of December 16142
of the even-numbered year that follows the thirty-first day of 16143
December immediately after the date of issuance. 16144

Sec. 4747.10. ~~(A)~~ (1) Each person currently engaged in 16145
training to become a licensed hearing aid dealer or fitter shall 16146
apply to the state speech and hearing professionals board for a 16147
hearing aid dealer's and fitter's trainee permit. The board 16148
shall issue to each applicant within thirty days of receipt of a 16149
properly completed application and payment of an application fee 16150
set by the board in rules adopted under section 4747.04 of the 16151
Revised Code, a trainee permit if such applicant meets all of 16152
the following criteria: 16153

~~(A)~~ (a) Is at least eighteen years of age; 16154

~~(B)~~ (b) Is the holder of a diploma from an accredited high 16155
school or a certificate of high school equivalence issued by the 16156
department of education; 16157

~~(C)~~ (c) Is free of contagious or infectious disease. 16158

(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: 16159
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(a) The applicant holds a permit or license in another state. 16162
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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. 16164
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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. 16168
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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. 16172
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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. 16175
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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. 16178
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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 16181
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conditional, and the individual shall be considered to be granted a full trainee permit. 16184

(C) Each trainee permit issued by the board expires one year from the date it was first issued, and may be renewed once if the trainee has not successfully completed the qualifying 16185
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requirements for licensing as a hearing aid dealer or fitter 16188
before the expiration date of such permit. The board shall issue 16189
a renewed permit to each applicant upon receipt of a properly 16190
completed application and payment of a renewal fee set by the 16191
board in rules adopted under section 4747.04 of the Revised 16192
Code. No person holding a trainee permit shall engage in the 16193
practice of dealing in or fitting of hearing aids except while 16194
under supervision by a licensed hearing aid dealer or fitter. 16195

Sec. 4749.12. ~~(A) A~~ The director of public safety shall 16196
issue a license as a private investigator, security guard 16197
provider, or as a private investigator and a security guard 16198
provider in accordance with Chapter 4796. of the Revised Code to 16199
a person who is a resident of another state; if either of the 16200
following applies: 16201

(A) The person is licensed as a private investigator, 16202
security guard provider, or as a private investigator and a 16203
security guard provider in another state; and wishes to engage 16204
in the business of private investigation, the business of 16205
security services, or both businesses in this state, shall be 16206
licensed pursuant to section 4749.03 of the Revised Code, but 16207
the director of public safety may waive the examination 16208
requirement of that section and issue a license to a nonresident 16209
under the circumstances described in division (B) of this 16210
section. 16211

(B) If a nonresident The person has satisfactory work 16212
experience, a government certification, or a private 16213
certification as described in that chapter as a private 16214
investigator, security guard provider, or a private investigator 16215
and security guard provider seeking licensure under this chapter 16216
submits with the application and accompanying matter specified 16217

~~in section 4749.03 of the Revised Code proof of licensure in~~ 16218
~~another state, and if the requirements of divisions (A) (1) (a),~~ 16219
~~(b), and (d) and, if applicable, (F) (1) of section 4749.03 of~~ 16220
~~the Revised Code are satisfied and the nonresident meets all~~ 16221
~~current requirements of the laws of the other state regulating~~ 16222
~~the business of private investigation, the business of security~~ 16223
~~services, or both businesses, the director may waive the~~ 16224
~~examination requirement and fee of that section. This waiver~~ 16225
~~authority may be exercised only if the director determines that~~ 16226
~~the other state has a law similar to this division and extends~~ 16227
~~to residents of this state a similar waiver of examination~~ 16228
~~privilege in a state that does not issue that license.~~ 16229

Sec. 4751.01. As used in this chapter: 16230

(A) "Health-care licensing agency" means any department, 16231
division, board, section of a board, or other government unit 16232
that is authorized by a statute of this or another state to 16233
issue a license, certificate, permit, card, or other authority 16234
to do either of the following in the context of health care: 16235

(1) Engage in a specific profession, occupation, or 16236
occupational activity; 16237

(2) Have charge of and operate certain specified 16238
equipment, machinery, or premises. 16239

(B) "Licensed health services executive" means an 16240
individual who holds a valid health services executive license. 16241

(C) "Licensed nursing home administrator" means an 16242
individual who holds a valid nursing home administrator license. 16243

(D) "Licensed temporary nursing home administrator" means 16244
an individual who holds a valid temporary nursing home 16245
administrator license. 16246

(E) "Long-term services and supports setting" means any 16247
institutional or community-based setting in which medical, 16248
health, psychosocial, habilitative, rehabilitative, or personal 16249
care services are provided to individuals on a post-acute care 16250
basis. 16251

(F) "Nursing home" means a nursing home as defined by or 16252
under the authority of section 3721.01 of the Revised Code, or a 16253
nursing home operated by a governmental agency. 16254

(G) "Nursing home administration" means planning, 16255
organizing, directing, and managing the operation of a nursing 16256
home. 16257

(H) "Nursing home administrator" means any individual who 16258
engages in the practice of nursing home administration, whether 16259
or not the individual shares the functions and duties of nursing 16260
home administration with one or more other individuals. 16261

(I) "Valid health services executive license" means a 16262
health services executive license to which all of the following 16263
apply: 16264

(1) It was issued by the board of executives of long-term 16265
services and supports under section 4751.201, 4751.21, 4751.23, 16266
4751.25, or 4751.33 of the Revised Code; 16267

(2) It was not sold, fraudulently furnished, or 16268
fraudulently obtained in violation of division (F) of section 16269
4751.10 of the Revised Code; 16270

(3) It is current and in good standing. 16271

(J) "Valid nursing home administrator license" means a 16272
nursing home administrator license to which all of the following 16273
apply: 16274

(1) It was issued by the board under section 4751.20,	16275
4751.201, 4751.23, 4751.24, or 4751.33 of the Revised Code;	16276
(2) It was not sold, fraudulently furnished, or	16277
fraudulently obtained in violation of division (F) of section	16278
4751.10 of the Revised Code;	16279
(3) It is current and in good standing.	16280
(K) "Valid temporary nursing home administrator license"	16281
means a temporary nursing home administrator license to which	16282
all of the following apply:	16283
(1) It was issued by the board under section 4751.202,	16284
4751.23, or 4751.33 of the Revised Code;	16285
(2) It was not sold, fraudulently furnished, or	16286
fraudulently obtained in violation of division (F) of section	16287
4751.10 of the Revised Code;	16288
(3) It is current and in good standing.	16289
Sec. 4751.15. The board of executives of long-term	16290
services and supports shall administer, or contract with a	16291
government or private entity to administer, examinations that an	16292
individual must pass to obtain a nursing home administrator	16293
license under section 4751.20 or 4751.201 of the Revised Code.	16294
If the board contracts with a government or private entity to	16295
administer the examinations, the contract may authorize the	16296
entity to collect and keep, as all or part of the entity's	16297
compensation under the contract, any fee an individual pays to	16298
take the examination. The entity is not required to deposit the	16299
fee into the state treasury.	16300
To be admitted to an examination administered under this	16301
section, an individual must pay the examination fee charged by	16302

the board or government or private entity. If an individual 16303
fails three times to pass the examination, the individual, 16304
before being admitted to the examination a subsequent time, also 16305
must satisfy any education requirements, experience 16306
requirements, or both, that may be prescribed in rules adopted 16307
under section 4751.04 of the Revised Code in addition to any 16308
education requirements or experience requirements that must be 16309
satisfied to obtain a nursing home administrator license under 16310
section 4751.20 ~~or 4751.201~~ of the Revised Code. 16311

Sec. 4751.20. (A) ~~Subject~~ Except as provided in section 16312
4751.201 of the Revised Code, and subject to section 4751.32 of 16313
the Revised Code, the board of executives of long-term services 16314
and supports shall issue a nursing home administrator license to 16315
an individual under this section if all of the following 16316
requirements are satisfied: 16317

(1) The individual has submitted to the board a completed 16318
application for the license in accordance with rules adopted 16319
under section 4751.04 of the Revised Code. 16320

(2) If the individual is required by rules adopted under 16321
section 4751.04 of the Revised Code to serve as a nursing home 16322
administrator in training, the individual has paid to the board 16323
the administrator in training fee of fifty dollars. 16324

(3) The individual is at least twenty-one years of age. 16325

(4) The individual has successfully completed educational 16326
requirements and work experience specified in rules adopted 16327
under section 4751.04 of the Revised Code, including, if so 16328
required by the rules, experience obtained as a nursing home 16329
administrator in training. 16330

(5) The individual is of good moral character. 16331

(6) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check. 16332
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(7) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license. 16334
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(8) The individual has passed the licensing examination administered under section 4751.15 of the Revised Code. 16337
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(9) The individual has paid to the board a license fee of two hundred fifty dollars. 16339
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(10) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code. 16341
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(B) A nursing home administrator license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is authorized to practice nursing home administration while the license is valid. 16344
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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 requirements are satisfied:—~~ 16349
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~~(1) The individual is legally authorized to practice nursing home administration in another state.—~~ 16357
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~~(2) The individual has submitted to the board a completed—~~ 16359

~~application for the license in accordance with rules adopted under section 4751.04 of the Revised Code.~~ 16360
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~~(3) The individual is at least twenty-one years of age.~~ 16362

~~(4) The individual holds at least a bachelor's degree from an accredited educational institution.~~ 16363
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~~(5) The individual is of good moral character.~~ 16365

~~(6) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check.~~ 16366
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~~(7) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license.~~ 16368
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~~(8) The individual has passed the licensing examination administered under section 4751.15 of the Revised Code.~~ 16371
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~~(9) The individual has paid to the board a license fee of two hundred fifty dollars.~~ 16373
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~~(10) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.~~ 16375
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~~(B) A nursing home administrator license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is authorized to practice nursing home administration while the license is valid.~~ 16378
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(A) The applicant holds a license in another state. 16384

(B) The applicant has satisfactory work experience, a government certification, or a private certification as 16385
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described in that chapter as a nursing home administrator or a 16387
health services executive in a state that does not issue that 16388
license. 16389

Sec. 4751.202. (A) Subject to section 4751.32 of the 16390
Revised Code, the board of executives of long-term services and 16391
supports may issue a temporary nursing home administrator 16392
license to an individual if all of the following requirements 16393
are satisfied: 16394

(1) The operator of a nursing home has requested that the 16395
board issue a temporary nursing home administrator license to 16396
the individual to authorize the individual to temporarily 16397
practice nursing home administration at the nursing home because 16398
of a vacancy in the position of nursing home administrator at 16399
the nursing home resulting from a death, illness, or other 16400
unexpected cause. 16401

(2) The individual is at least twenty-one years of age. 16402

(3) The individual has complied with section 4776.02 of 16403
the Revised Code regarding a criminal records check. 16404

(4) The board, in accordance with section 9.79 of the 16405
Revised Code, has determined that the results of the criminal 16406
records check do not make the individual ineligible for the 16407
license. 16408

(5) The individual has paid to the board a fee for the 16409
temporary license of one hundred dollars. 16410

(6) The individual has satisfied any additional 16411
requirements as may be prescribed in rules adopted under section 16412
4751.04 of the Revised Code. 16413

(B) A temporary nursing home administrator license shall 16414

certify that the individual to whom it was issued has met the 16415
applicable requirements of this chapter and any applicable rules 16416
adopted under section 4751.04 of the Revised Code and is 16417
authorized to practice nursing home administration while the 16418
temporary license is valid. 16419

(C) Except as provided in section 4751.32 of the Revised 16420
Code, a temporary nursing home administrator license is valid 16421
for a period of time the board shall specify on the temporary 16422
license. That period shall not exceed one hundred eighty days. 16423
If that period is less than one hundred eighty days, the 16424
individual holding the temporary license may apply to the board 16425
for renewal of the temporary license in accordance with rules 16426
the board shall adopt under section 4751.04 of the Revised Code. 16427
Except as provided in section 4751.32 of the Revised Code, a 16428
renewed temporary nursing home administrator license is valid 16429
for a period of time the board shall specify on the renewed 16430
temporary license. That period shall not exceed the difference 16431
between one hundred eighty days and the number of days for which 16432
the original temporary license was valid. A renewed temporary 16433
nursing home administrator license shall not be renewed. A 16434
licensed temporary nursing home administrator who intends to 16435
continue to practice nursing home administration after the 16436
temporary license, including, if applicable, the renewed 16437
temporary license, expires must obtain a nursing home 16438
administrator license under section 4751.20 of the Revised Code. 16439

(D) Chapter 4796. of the Revised Code does not apply to a 16440
temporary license issued under this section. 16441

Sec. 4751.21. (A) ~~Subject~~ Except as provided in section 16442
4751.201 of the Revised Code, and subject to section 4751.32 of 16443
the Revised Code, the board of executives of long-term services 16444

and supports shall issue a health services executive license to 16445
an individual if all of the following requirements are 16446
satisfied: 16447

(1) The individual has submitted to the board a completed 16448
application for the license in accordance with rules adopted 16449
under section 4751.04 of the Revised Code. 16450

(2) The individual is a licensed nursing home 16451
administrator. 16452

(3) The individual has obtained the health services 16453
executive qualification through the national association of 16454
long-term care administrator boards. 16455

(4) The individual has complied with section 4776.02 of 16456
the Revised Code regarding a criminal records check. 16457

(5) The board, in accordance with section 9.79 of the 16458
Revised Code, has determined that the results of the criminal 16459
records check do not make the individual ineligible for the 16460
license. 16461

(6) The individual has paid to the board a license fee of 16462
one hundred dollars. 16463

(B) A health services executive license shall certify that 16464
the individual to whom it was issued has met the applicable 16465
requirements of this chapter and any applicable rules adopted 16466
under section 4751.04 of the Revised Code and is a licensed 16467
health services executive while the license is valid. 16468

Sec. 4751.32. (A) Except as provided in division (D) of 16469
this section, the board of executives of long-term services and 16470
supports may take any of the actions authorized by division (B) 16471
of this section against an individual who has applied for or 16472

holds a nursing home administrator license, temporary nursing 16473
home administrator license, or health services executive license 16474
if any of the following apply to the individual: 16475

(1) The individual has failed to satisfy any requirement 16476
established by this chapter or the rules adopted under section 16477
4751.04 of the Revised Code that must be satisfied to obtain the 16478
license or temporary license. 16479

(2) The individual has violated, or failed to comply with 16480
a requirement of, this chapter or a rule adopted under section 16481
4751.04 of the Revised Code regarding the practice of nursing 16482
home administration, including the requirements of sections 16483
4751.40 and 4751.41 of the Revised Code. 16484

(3) The individual is unfit or incompetent to practice 16485
nursing home administration, serve in a leadership position at a 16486
long-term services and supports setting, or direct the practices 16487
of others in such a setting by reason of negligence, habits, or 16488
other causes, including the individual's habitual or excessive 16489
use or abuse of drugs, alcohol, or other substances. 16490

(4) The individual has acted in a manner inconsistent with 16491
the health and safety of either of the following: 16492

(a) The residents of the nursing home at which the 16493
individual practices nursing home administration; 16494

(b) The consumers of services and supports provided by a 16495
long-term services and supports setting at which the individual 16496
serves in a leadership position or directs the practices of 16497
others. 16498

(5) The individual has been convicted of, or pleaded 16499
guilty to, either of the following in a court of competent 16500
jurisdiction, either within or without this state: 16501

(a) A felony;	16502
(b) An offense of moral turpitude that constitutes a misdemeanor in this state.	16503 16504
(6) The individual made a false, fraudulent, deceptive, or misleading statement in seeking to obtain, or obtaining, a nursing home administrator license, temporary nursing home administrator license, or health services executive license.	16505 16506 16507 16508
(7) The individual made a fraudulent misrepresentation in attempting to obtain, or obtaining, money or anything of value in the practice of nursing home administration or while serving in a leadership position at a long-term services and supports setting or directing the practices of others in such a setting.	16509 16510 16511 16512 16513
(8) The individual has substantially deviated from the board's code of ethics.	16514 16515
(9) Another health care licensing agency has taken any of the following actions against the individual for any reason other than nonpayment of a fee:	16516 16517 16518
(a) Denied, refused to renew or reinstate, limited, revoked, or suspended, or accepted the surrender of, a license or other authorization to practice;	16519 16520 16521
(b) Imposed probation;	16522
(c) Issued a censure or other reprimand.	16523
(10) The individual has failed to do any of the following:	16524
(a) Cooperate with an investigation conducted by the board under section 4751.31 of the Revised Code;	16525 16526
(b) Respond to or comply with a subpoena issued by the board in an investigation of the individual;	16527 16528

(c) Comply with any disciplinary action the board has taken against the individual pursuant to this section.	16529 16530
(B) The following are the actions that the board may take for the purpose of division (A) of this section:	16531 16532
(1) Deny the individual any of the following:	16533
(a) A nursing home administrator license under section 4751.20, 4751.201, 4751.23, or 4751.24 of the Revised Code;	16534 16535
(b) A temporary nursing home administrator license under section 4751.202 or 4751.23 of the Revised Code;	16536 16537
(c) A health services executive license under section <u>4751.201</u> , 4751.21, 4751.23, or 4751.25 of the Revised Code.	16538 16539
(2) Suspend the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license;	16540 16541 16542
(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;	16543 16544 16545 16546
(4) Place a limitation on the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license;	16547 16548 16549
(5) Place the individual on probation;	16550
(6) Issue a written reprimand of the individual;	16551
(7) Impose on the individual a civil penalty, fine, or other sanction specified in rules adopted under section 4751.04 of the Revised Code.	16552 16553 16554
(C) The board shall take actions authorized by division	16555

(B) of this section in accordance with Chapter 119. of the 16556
Revised Code, except that the board may enter into a consent 16557
agreement with an individual to resolve an alleged violation of 16558
this chapter or a rule adopted under section 4751.04 of the 16559
Revised Code in lieu of making an adjudication regarding the 16560
alleged violation. A consent agreement constitutes the board's 16561
findings and order with respect to the matter addressed in the 16562
consent agreement if the board ratifies the consent agreement. 16563
Any admissions or findings included in a proposed consent 16564
agreement have no force or effect if the board refuses to ratify 16565
the consent agreement. 16566

(D) The board shall not refuse to issue an initial nursing 16567
home administrator license, temporary nursing home administrator 16568
license, or health services executive license, unless the 16569
refusal is in accordance with section 9.79 of the Revised Code. 16570

Sec. 4752.05. (A) ~~The~~ Except as provided in division (D) 16571
of this section, the state board of pharmacy shall issue a 16572
license to provide home medical equipment services to each 16573
applicant under section 4752.04 of the Revised Code that meets 16574
either of the following requirements: 16575

(1) Meets the standards established by the board in rules 16576
adopted under section 4752.17 of the Revised Code; 16577

(2) Is a pharmacy licensed under Chapter 4729. of the 16578
Revised Code that receives total payments of ten thousand 16579
dollars or more per year from selling or renting home medical 16580
equipment. 16581

(B) During the period ending one year after September 16, 16582
2004, an applicant that does not meet either of the requirements 16583
of division (A) of this section shall be granted a provisional 16584

license if for at least twelve months prior to September 16, 16585
2004, the applicant was engaged in the business of providing 16586
home medical equipment services. The provisional license expires 16587
one year following the date on which it is issued and is not 16588
subject to renewal under section 4752.06 of the Revised Code. 16589

(C) The board may conduct a personal interview of an 16590
applicant, or an applicant's representative, to determine the 16591
applicant's qualifications for licensure. 16592

(D) The board shall issue a license to provide home 16593
medical equipment services in accordance with Chapter 4796. of 16594
the Revised Code to an applicant if either of the following 16595
applies: 16596

(1) The applicant holds a license in another state. 16597

(2) The applicant has satisfactory work experience, a 16598
government certification, or a private certification as 16599
described in that chapter as a provider of home medical 16600
equipment services in a state that does not issue that license. 16601

(E) A license issued under division (A) of this section to 16602
provide home medical equipment services expires at the end of 16603
the licensing period for which it is issued and may be renewed 16604
in accordance with section 4752.06 of the Revised Code. For 16605
purposes of issuing and renewing licenses, the board shall use a 16606
biennial licensing period that begins on the first day of July 16607
of each even-numbered year and ends on the thirtieth day of June 16608
of the next succeeding even-numbered year. 16609

~~(E)~~ (F) Any license issued under this section is valid only 16610
for the facility named in the application. 16611

Sec. 4752.12. (A) The Except as provided in division (B) 16612
of this section, the state board of pharmacy shall issue a 16613

certificate of registration to provide home medical equipment 16614
services to each applicant who submits a complete application 16615
under section 4752.11 of the Revised Code. For purposes of this 16616
division, an application is complete only if the board finds 16617
that the applicant holds accreditation from the joint commission 16618
on accreditation of healthcare organizations or another national 16619
accrediting body recognized by the board, as specified in rules 16620
adopted under section 4752.17 of the Revised Code. 16621

(B) The board shall issue a certificate of registration in 16622
accordance with Chapter 4796. of the Revised Code to an 16623
applicant if either of the following applies: 16624

(1) The applicant holds a certificate of registration or 16625
license in another state. 16626

(2) The applicant has satisfactory work experience, a 16627
government certification, or a private certification as 16628
described in that chapter as a provider of home medical 16629
equipment services in a state that does not issue that 16630
certificate or license. 16631

(C) A certificate of registration issued under this 16632
~~section~~ expires at the end of the registration period for which 16633
it is issued and may be renewed in accordance with section 16634
4752.13 of the Revised Code. For purposes of renewing 16635
certificates of registration, the board shall use a biennial 16636
registration period that begins on the first day of July of each 16637
even-numbered year and ends on the thirtieth day of June of the 16638
next succeeding even-numbered year. 16639

~~(C)~~ (D) A certificate of registration issued under this 16640
~~section~~ is valid only for the facility named in the application. 16641

Sec. 4753.07. The state speech and hearing professionals 16642

board shall issue under its seal a license or conditional 16643
license to every applicant who has passed the appropriate 16644
examinations designated by the board and who otherwise complies 16645
with the licensure requirements of this chapter. The license or 16646
conditional license entitles the holder to practice speech- 16647
language pathology or audiology. 16648

The board shall issue under its seal a license or 16649
conditional license to practice speech-language pathology or 16650
audiology to an applicant in accordance with Chapter 4796. of 16651
the Revised Code if the applicant holds a license or conditional 16652
license in another state or the applicant has satisfactory work 16653
experience, a government certification, or a private 16654
certification as described in that chapter as a speech-language 16655
pathologist or audiologist in a state that does not issue those 16656
licenses. 16657

Each licensee shall display the license or conditional 16658
license or an official duplicate in a conspicuous place where 16659
the licensee practices speech-language pathology or audiology or 16660
both. 16661

Sec. 4753.071. A person who is required to meet the 16662
supervised professional experience requirement of division (F) 16663
of section 4753.06 of the Revised Code shall submit to the state 16664
speech and hearing professionals board an application for a 16665
conditional license. The application shall include a plan for 16666
the content of the supervised professional experience on a form 16667
the board shall prescribe. The board shall issue the conditional 16668
license to the applicant if the applicant meets the requirements 16669
of section 4753.06 of the Revised Code, other than the 16670
requirement to have obtained the supervised professional 16671
experience, and pays to the board the appropriate fee for a 16672

conditional license. The board shall issue a conditional license 16673
in accordance with Chapter 4796. of the Revised Code to an 16674
applicant if the applicant holds a license in another state or 16675
the applicant has satisfactory work experience, a government 16676
certification, or a private certification as described in that 16677
chapter in a state that does not issue a conditional license. An 16678
applicant may not begin employment until the conditional license 16679
has been issued. 16680

A conditional license authorizes an individual to practice 16681
speech-language pathology or audiology while completing the 16682
supervised professional experience as required by division (F) 16683
of section 4753.06 of the Revised Code. A person holding a 16684
conditional license may practice speech-language pathology or 16685
audiology while working under the supervision of a person fully 16686
licensed in accordance with this chapter. A conditional license 16687
is valid for eighteen months unless suspended or revoked 16688
pursuant to section 3123.47 or 4753.10 of the Revised Code. 16689

A person holding a conditional license may perform 16690
services for which payment will be sought under the medicare 16691
program or the medicaid program but all requests for payment for 16692
such services shall be made by the person who supervises the 16693
person performing the services. 16694

Sec. 4753.072. The state speech and hearing professionals 16695
board shall establish by rule pursuant to Chapter 119. of the 16696
Revised Code the qualifications for persons seeking licensure as 16697
a speech-language pathology aide or an audiology aide. The 16698
qualifications shall be less than the standards for licensure as 16699
a speech-language pathologist or audiologist. An aide shall not 16700
act independently and shall work under the direction and 16701
supervision of a speech-language pathologist or audiologist 16702

licensed by the board. An aide shall not dispense hearing aids. 16703
An applicant shall not begin employment until the license has 16704
been approved. 16705

The board shall issue a license for a speech-language 16706
pathology aide or an audiology aide in accordance with Chapter 16707
4796. of the Revised Code to an applicant who holds a license in 16708
another state or has satisfactory work experience, a government 16709
certification, or a private certification as described in that 16710
chapter as a speech-language pathology aide or an audiology aide 16711
in a state that does not issue those licenses. 16712

Sec. 4753.073. (A) The state speech and hearing 16713
professionals board shall issue under its seal a speech-language 16714
pathology student permit to any applicant who submits a plan 16715
that has been approved by the applicant's university graduate 16716
program in speech-language pathology and that conforms to 16717
requirements determined by the board by rule and who meets all 16718
of the following requirements: 16719

(1) Is enrolled in a graduate program at an educational 16720
institution located in this state that is accredited by the 16721
council on academic accreditation in audiology and speech- 16722
language pathology of the American speech-language-hearing 16723
association; 16724

(2) Has completed at least one year of postgraduate 16725
training in speech-language pathology, or equivalent coursework 16726
as determined by the board, and any student clinical experience 16727
the board may require by rule. 16728

(B) The board shall issue under its seal a speech-language 16729
pathology student permit in accordance with Chapter 4796. of the 16730
Revised Code to an applicant if either of the following applies: 16731

(1) The applicant holds a permit or license in another state. 16732
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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 speech-language pathology student in a state that does not issue that permit or license. 16734
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(C) The speech-language pathology student permit authorizes the holder to practice speech-language pathology within limits determined by the board by rule, which shall include the following: 16738
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(1) The permit holder's caseload shall be limited in a manner to be determined by the board by rule. 16742
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(2) The permit holder's authorized scope of practice shall be limited in a manner to be determined by the board by rule. 16744
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The rule shall consider the coursework and clinical experience 16746
that has been completed by the permit holder and the 16747
recommendation of the applicant's university graduate program in 16748
speech-language pathology. 16749

(3) The permit holder shall practice only when under the supervision of a speech-language pathologist who is licensed by the board and acting under the approval and direction of the applicant's university graduate program in speech-language pathology. The board shall determine by rule the manner of supervision. 16750
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~~(C)~~ (D) A permit issued under this section shall expire two years after the date of issuance. Student permits may be renewed in a manner to be determined by the board by rule. 16756
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~~(D)~~ (E) Each permit holder shall display the permit or an official duplicate in a conspicuous place where the permit 16759
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holder practices speech-language pathology. 16761

Sec. 4753.08. The state speech and hearing professionals 16762
board shall waive the examination, educational, and professional 16763
experience requirements for any applicant who meets ~~any either~~ 16764
of the following requirements: 16765

(A) On September 26, 1975, had at least a bachelor's 16766
degree with a major in speech-language pathology or audiology 16767
from an accredited college or university, or was employed as a 16768
speech-language pathologist or audiologist for at least nine 16769
months at any time within the three years prior to September 26, 16770
1975, if an application providing bona fide proof of such degree 16771
or employment was filed with the former board of speech-language 16772
pathology and audiology within one year after that date, and was 16773
accompanied by the application fee as prescribed in division (A) 16774
of section 4753.11 of the Revised Code; 16775

~~(B) Presents proof to the state speech and hearing 16776
professionals board of current certification or licensure in 16777
good standing in the area in which licensure is sought in a 16778
state that has standards at least equal to the standards for 16779
licensure that are in effect in this state at the time the 16780
applicant applies for the license; 16781~~

~~(C) Presents proof to the state speech and hearing 16782
professionals board of both of the following: 16783~~

~~(1) Having current certification or licensure in good 16784
standing in audiology in a state that has standards at least 16785
equal to the standards for licensure as an audiologist that were 16786
in effect in this state on December 31, 2005; 16787~~

~~(2) Having first obtained that certification or licensure 16788
not later than December 31, 2007. 16789~~

~~(D)~~—Presents proof to the state speech and hearing 16790
professionals board of a current certificate of clinical 16791
competence in speech-language pathology or audiology that is in 16792
good standing and received from the American speech-language- 16793
hearing association in the area in which licensure is sought. 16794

Sec. 4753.09. Except as provided in this section and in 16795
section 4753.10 of the Revised Code, a license issued by the 16796
state speech and hearing professionals board shall be renewed 16797
biennially in accordance with the standard renewal procedure 16798
contained in Chapter 4745. of the Revised Code. If the 16799
application for renewal is made one year or longer after the 16800
renewal application is due, the person shall apply for licensure 16801
as provided in section 4753.06 or division (B), ~~(C), or (D)~~ of 16802
section 4753.08 of the Revised Code. The board shall not renew a 16803
conditional license; however, the board may grant an applicant a 16804
second conditional license. 16805

The board shall establish by rule adopted pursuant to 16806
Chapter 119. of the Revised Code the qualifications for license 16807
renewal. Applicants shall demonstrate continued competence, 16808
which may include continuing education, examination, self- 16809
evaluation, peer review, performance appraisal, or practical 16810
simulation. The board may establish other requirements as a 16811
condition for license renewal as considered appropriate by the 16812
board. 16813

The board may renew a license which expires while the 16814
license is suspended, but the renewal shall not affect the 16815
suspension. The board shall not renew a license which has been 16816
revoked. If a revoked license is reinstated under section 16817
4753.10 of the Revised Code after it has expired, the licensee, 16818
as a condition of reinstatement, shall pay a reinstatement fee 16819

in the amount equal to the renewal fee in effect on the last 16820
preceding regular renewal date on which it is reinstated, plus 16821
any delinquent fees accrued from the time of the revocation, if 16822
such a fee is prescribed by the board by rule. 16823

Sec. 4753.12. Nothing in this chapter shall be construed 16824
to: 16825

(A) Prohibit a person other than an individual from 16826
engaging in the business of speech-language pathology or 16827
audiology without licensure if it employs a licensed individual 16828
in the direct practice of speech-language pathology and 16829
audiology. Such entity shall file a statement with the state 16830
speech and hearing professionals board, on a form approved by 16831
the board for this purpose, swearing that it submits itself to 16832
the rules of the board and the provisions of this chapter which 16833
the board determines applicable. 16834

(B) Prevent or restrict the practice of a person employed 16835
as a speech-language pathologist or audiologist by any agency of 16836
the federal government. 16837

(C) Restrict the activities and services of a student or 16838
intern in speech-language pathology or audiology from pursuing a 16839
course of study leading to a degree in these areas at a college 16840
or university accredited by a recognized regional or national 16841
accrediting body or in one of its cooperating clinical training 16842
facilities, if these activities and services are supervised by a 16843
person licensed in the area of study or certified by the 16844
American speech-language-hearing association in the area of 16845
study and if the student is designated by a title such as 16846
"speech-language pathology intern," "audiology intern," 16847
"trainee," or other such title clearly indicating the training 16848
status. 16849

(D) Prevent a person from performing speech-language pathology or audiology services when performing these services in pursuit of the required supervised professional experience as prescribed in section 4753.06 of the Revised Code and that person has been issued a conditional license pursuant to section 4753.071 of the Revised Code.

(E) Restrict a speech-language pathologist or audiologist who holds the certification of the American speech-language-hearing association, or who is licensed as a speech-language pathologist or audiologist in another state and who has made application to the board for a license in this state from practicing speech-language pathology or audiology without a valid license pending the disposition of the application. The board shall not require a speech-language pathologist or audiologist who is licensed in another state to obtain a license in accordance with Chapter 4796. of the Revised Code to practice speech-language pathology or audiology in the manner described under this division.

(F) Restrict a person not a resident of this state from offering speech-language pathology or audiology services in this state if such services are performed for not more than one period of thirty consecutive calendar days in any year, if the person is licensed in the state of the person's residence or certified by the American speech-language-hearing association and files a statement as prescribed by the board in advance of providing these services. Such person shall be subject to the rules of the board and the provisions of this chapter. The board shall not require a person not a resident of this state who is licensed in the state of the person's residence to obtain a license in accordance with Chapter 4796. of the Revised Code to offer speech-language pathology or audiology services in the

manner described under this division. 16881

(G) Restrict a person licensed under Chapter 4747. of the 16882
Revised Code from engaging in the duties as defined in that 16883
chapter related to measuring, testing, and counseling for the 16884
purpose of identifying or modifying hearing conditions in 16885
connection with the fitting, dispensing, or servicing of a 16886
hearing aid, or affect the authority of hearing aid dealers to 16887
deal in hearing aids or advertise the practice of dealing in 16888
hearing aids in accordance with Chapter 4747. of the Revised 16889
Code. 16890

(H) Restrict a physician from engaging in the practice of 16891
medicine and surgery or osteopathic medicine and surgery or 16892
prevent any individual from carrying out any properly delegated 16893
responsibilities within the normal practice of medicine and 16894
surgery or osteopathic medicine and surgery. 16895

(I) Restrict a person registered or licensed under Chapter 16896
4723. of the Revised Code from performing those acts and 16897
utilizing those procedures that are within the scope of the 16898
practice of professional or practical nursing as defined in 16899
Chapter 4723. of the Revised Code and the ethics of the nursing 16900
profession, provided such a person does not claim to the public 16901
to be a speech-language pathologist or audiologist. 16902

(J) Restrict an individual licensed as an audiologist 16903
under this chapter from fitting, selling, or dispensing hearing 16904
aids. 16905

(K) Authorize the practice of medicine and surgery or 16906
entitle a person licensed pursuant to this chapter to engage in 16907
the practice of medicine or surgery or any of its branches. 16908

(L) Restrict a person licensed pursuant to Chapter 4755. 16909

of the Revised Code from performing those acts and utilizing 16910
those procedures that are within the scope of the practice of 16911
occupational therapy or occupational therapy assistant as 16912
defined in Chapter 4755. of the Revised Code, provided the 16913
person does not claim to the public to be a speech-language 16914
pathologist or audiologist. 16915

Sec. 4755.08. The occupational therapy section of the Ohio 16916
occupational therapy, physical therapy, and athletic trainers 16917
board shall issue a license to every applicant who has passed 16918
the appropriate examination designated by the section and who 16919
otherwise complies with the licensure requirements of sections 16920
4755.04 to 4755.13 of the Revised Code. The license entitles the 16921
holder to practice occupational therapy or to assist in the 16922
practice of occupational therapy. The licensee shall display the 16923
license in a conspicuous place at the licensee's principal place 16924
of business. 16925

The section shall issue a license to practice occupational 16926
therapy or to assist in the practice of occupational therapy in 16927
accordance with Chapter 4796. of the Revised Code to an 16928
applicant if either of the following applies: 16929

(A) The applicant holds a license in another state. 16930

(B) The applicant has satisfactory work experience, a 16931
government certification, or a private certification as 16932
described in that chapter as an occupational therapist or 16933
assistant occupational therapist in a state that does not issue 16934
that license. 16935

The section may issue a limited permit to persons who have 16936
satisfied the requirements of divisions (A) and (B) of section 16937
4755.07 of the Revised Code. The section shall issue a limited 16938

permit in accordance with Chapter 4796. of the Revised Code to 16939
an applicant if the applicant holds a permit or license in 16940
another state or the applicant has satisfactory work experience, 16941
a government certification, or a private certification as 16942
described in that chapter in a state that does not issue that 16943
permit or license. This permit allows the person to practice as 16944
an occupational therapist or occupational therapy assistant 16945
under the supervision of a licensed occupational therapist and 16946
is valid until the date on which the results of the examination 16947
are made public. This limited permit shall not be renewed if the 16948
applicant has failed the examination. 16949

Sec. 4755.09. The occupational therapy section of the Ohio 16950
occupational therapy, physical therapy, and athletic trainers 16951
board may waive the examination requirement under section 16952
4755.07 of the Revised Code for any applicant for licensure as 16953
an occupational therapist or occupational therapy assistant who 16954
~~either has met educational, training, and job experience~~ 16955
~~requirements established by the section, or presents proof of~~ 16956
~~current certification or licensure in another state that~~ 16957
~~requires standards for licensure at least equal to those for~~ 16958
~~licensure in this state.~~ 16959

The section may waive the educational requirements under 16960
section 4755.07 of the Revised Code for any applicant who has 16961
met job experience requirements established by the section. 16962

Sec. 4755.411. The physical therapy section of the Ohio 16963
occupational therapy, physical therapy, and athletic trainers 16964
board shall adopt rules in accordance with Chapter 119. of the 16965
Revised Code pertaining to the following: 16966

(A) Fees for the verification of a license and license 16967
reinstatement, and other fees established by the section; 16968

(B) Provisions for the section's government and control of its actions and business affairs;	16969 16970
(C) Minimum curricula for physical therapy education programs that prepare graduates to be licensed in this state as physical therapists and physical therapist assistants;	16971 16972 16973
(D) Eligibility criteria to take the examinations required under sections 4755.43 and 4755.431 of the Revised Code;	16974 16975
(E) The form and manner for filing applications for licensure with the section;	16976 16977
(F) For purposes of section 4755.46 of the Revised Code, all of the following:	16978 16979
(1) A schedule regarding when licenses to practice as a physical therapist and physical therapist assistant expire during a biennium;	16980 16981 16982
(2) An additional fee, not to exceed thirty-five dollars, that may be imposed if a licensee files a late application for renewal;	16983 16984 16985
(3) The conditions under which the license of a person who files a late application for renewal will be reinstated.	16986 16987
(G) The issuance, renewal, suspension, and permanent revocation of a license and the conduct of hearings;	16988 16989
(H) Appropriate ethical conduct in the practice of physical therapy;	16990 16991
(I) Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;	16992 16993 16994
(J) Conditions that may be imposed for reinstatement of a	16995

license following suspension pursuant to section 4755.47 of the Revised Code; 16996
16997

(K) For purposes of sections 4755.45 and 4755.451 of the Revised Code, both of the following: 16998
16999

(1) Identification of the credentialing organizations from which the section will accept equivalency evaluations for foreign physical therapist education and foreign physical therapist assistant education. The physical therapy section shall identify only those credentialing organizations that use a course evaluation tool or form approved by the physical therapy section. 17000
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(2) Evidence, other than the evaluations described in division (K)(1) of this section, that the section will consider for purposes of evaluating whether an applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state as a physical therapist or physical therapist assistant on the date of the applicant's initial licensure or registration in another ~~state or~~ country. 17007
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(L) Standards of conduct for physical therapists and physical therapist assistants, including requirements for supervision, delegation, and practicing with or without referral or prescription; 17014
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(M) Appropriate display of a license; 17018

(N) Procedures for a licensee to follow in notifying the section within thirty days of a change in name or address, or both; 17019
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(O) The amount and content of corrective action courses required by the board under section 4755.47 of the Revised Code. 17022
17023

Sec. 4755.44. If an applicant passes the examination or 17024
examinations required under section 4755.43 of the Revised Code 17025
and pays the fee required by division (B) of section 4755.42 of 17026
the Revised Code, the physical therapy section of the Ohio 17027
occupational therapy, physical therapy, and athletic trainers 17028
board shall issue a license, attested by the seal of the board, 17029
to the applicant to practice as a physical therapist. 17030

The section shall issue a license to practice as a 17031
physical therapist in accordance with Chapter 4796. of the 17032
Revised Code, attested by the seal of the board, to an applicant 17033
if either of the following applies: 17034

(A) The applicant holds a license in another state. 17035

(B) The applicant has satisfactory work experience, a 17036
government certification, or a private certification as 17037
described in that chapter as a physical therapist in a state 17038
that does not issue that license. 17039

Sec. 4755.441. If an applicant passes the examination or 17040
examinations required under section 4755.431 of the Revised Code 17041
and pays the fee required by division (B) of section 4755.421 of 17042
the Revised Code, the physical therapy section of the Ohio 17043
occupational therapy, physical therapy, and athletic trainers 17044
board shall issue a license, attested by the seal of the board, 17045
to the applicant to practice as physical therapist assistant. 17046

The section shall issue a license to practice as a 17047
physical therapist assistant in accordance with Chapter 4796. of 17048
the Revised Code, attested by the seal of the board, to an 17049
applicant if either of the following applies: 17050

(A) The applicant holds a license in another state. 17051

(B) The applicant has satisfactory work experience, a 17052

government certification, or a private certification as 17053
described in that chapter as a physical therapist assistant in a 17054
state that does not issue that license. 17055

Sec. 4755.45. (A) The physical therapy section of the Ohio 17056
occupational therapy, physical therapy, and athletic trainers 17057
board shall issue to an applicant a license to practice as a 17058
physical therapist without requiring the applicant to have 17059
passed the national examination for physical therapists 17060
described in division (A) of section 4755.43 of the Revised Code 17061
within one year of filing an application described in section 17062
4755.42 of the Revised Code if all of the following are true: 17063

(1) The applicant presents evidence satisfactory to the 17064
physical therapy section that the applicant received a score on 17065
the national physical therapy examination described in division 17066
(A) of section 4755.43 of the Revised Code that would have been 17067
a passing score according to the board in the year the applicant 17068
sat for the examination; 17069

(2) The applicant presents evidence satisfactory to the 17070
physical therapy section that the applicant passed the 17071
jurisprudence examination described in division (B) of section 17072
4755.43 of the Revised Code; 17073

(3) The applicant holds a current and valid license or 17074
registration to practice physical therapy in another ~~state or~~ 17075
country; 17076

(4) Subject to division (B) of this section, the applicant 17077
can demonstrate that the applicant's education is reasonably 17078
equivalent to the educational requirements that were in force 17079
for licensure in this state on the date of the applicant's 17080
initial licensure or registration in the other ~~state or~~ country; 17081

(5) The applicant pays the fee described in division (B) 17082
of section 4755.42 of the Revised Code; 17083

(6) The applicant is not in violation of any section of 17084
this chapter or rule adopted under it. 17085

(B) For purposes of division (A) (4) of this section, if, 17086
after receiving the results of an equivalency evaluation from a 17087
credentialing organization identified by the section pursuant to 17088
rules adopted under section 4755.411 of the Revised Code, the 17089
section determines that regardless of the results of the 17090
evaluation the applicant's education is not reasonably 17091
equivalent to the educational requirements that were in force 17092
for licensure in this state on the date of the applicant's 17093
initial licensure or registration in ~~another state or a~~ foreign 17094
country, the section shall send a written notice to the 17095
applicant stating that the section is denying the applicant's 17096
application and stating the specific reason why the section is 17097
denying the applicant's application. The section shall send the 17098
notice to the applicant through certified mail within thirty 17099
days after the section makes that determination. 17100

Sec. 4755.451. (A) The physical therapy section of the 17101
Ohio occupational therapy, physical therapy, and athletic 17102
trainers board shall issue to an applicant a license as a 17103
physical therapist assistant without requiring the applicant to 17104
have passed the national examination for physical therapist 17105
assistants described in division (A) of section 4755.431 of the 17106
Revised Code within one year of filing an application described 17107
in section 4755.421 of the Revised Code if all of the following 17108
are true: 17109

(1) The applicant presents evidence satisfactory to the 17110
physical therapy section that the applicant received a score on 17111

the national physical therapy examination described in division 17112
(A) of section 4755.431 of the Revised Code that would have been 17113
a passing score according to the board in the year the applicant 17114
sat for the examination; 17115

(2) The applicant presents evidence satisfactory to the 17116
physical therapy section that the applicant passed the 17117
jurisprudence examination described in division (B) of section 17118
4755.431 of the Revised Code; 17119

(3) The applicant holds a current and valid license or 17120
registration to practice as a physical therapist assistant in 17121
another ~~state or~~ country; 17122

(4) Subject to division (B) of this section, the applicant 17123
can demonstrate that the applicant's education is reasonably 17124
equivalent to the educational requirements that were in force 17125
for licensure in this state on the date of the applicant's 17126
initial licensure or registration in the other ~~state or~~ country; 17127

(5) The applicant pays the fee described in division (B) 17128
of section 4755.421 of the Revised Code; 17129

(6) The applicant is not in violation of any section of 17130
this chapter or rule adopted under it. 17131

(B) For purposes of division (A)(4) of this section, if, 17132
after receiving the results of an equivalency evaluation from a 17133
credentialing organization identified by the section pursuant to 17134
rules adopted under section 4755.411 of the Revised Code, the 17135
section determines that, regardless of the results of the 17136
evaluation, the applicant's education is not reasonably 17137
equivalent to the educational requirements that were in force 17138
for licensure in this state on the date of the applicant's 17139
initial licensure or registration in ~~another state or a~~ foreign 17140

country, the section shall send a written notice to the 17141
applicant stating that the section is denying the applicant's 17142
application and stating the specific reason why the section is 17143
denying the applicant's application. The section shall send the 17144
notice to the applicant through certified mail within thirty 17145
days after the section makes the determination. 17146

Sec. 4755.48. (A) No person shall employ fraud or 17147
deception in applying for or securing a license to practice 17148
physical therapy or to be a physical therapist assistant. 17149

(B) No person shall practice or in any way imply or claim 17150
to the public by words, actions, or the use of letters as 17151
described in division (C) of this section to be able to practice 17152
physical therapy or to provide physical therapy services, 17153
including practice as a physical therapist assistant, unless the 17154
person holds a valid license under sections 4755.40 to 4755.56 17155
of the Revised Code or except for submission of claims as 17156
provided in section 4755.56 of the Revised Code. 17157

(C) No person shall use the words or letters, physical 17158
therapist, physical therapy, physical therapy services, 17159
physiotherapist, physiotherapy, physiotherapy services, licensed 17160
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 17161
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 17162
therapist assistant, physical therapy technician, licensed 17163
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 17164
letters, words, abbreviations, or insignia, indicating or 17165
implying that the person is a physical therapist or physical 17166
therapist assistant without a valid license under sections 17167
4755.40 to 4755.56 of the Revised Code. 17168

(D) No person who practices physical therapy or assists in 17169
the provision of physical therapy treatments under the 17170

supervision of a physical therapist shall fail to display the 17171
person's current license granted under sections 4755.40 to 17172
4755.56 of the Revised Code in a conspicuous location in the 17173
place where the person spends the major part of the person's 17174
time so engaged. 17175

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 17176
Code shall affect or interfere with the performance of the 17177
duties of any physical therapist or physical therapist assistant 17178
in active service in the army, navy, coast guard, marine corps, 17179
air force, public health service, or marine hospital service of 17180
the United States, while so serving. 17181

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 17182
Code shall prevent or restrict the activities or services of a 17183
person pursuing a course of study leading to a degree in 17184
physical therapy in an accredited or approved educational 17185
program if the activities or services constitute a part of a 17186
supervised course of study and the person is designated by a 17187
title that clearly indicates the person's status as a student. 17188

(G) (1) Subject to division (G) (2) of this section, nothing 17189
in sections 4755.40 to 4755.56 of the Revised Code shall prevent 17190
or restrict the activities or services of any person who holds a 17191
current, unrestricted license to practice physical therapy in 17192
another state when that person, pursuant to contract or 17193
employment with an athletic team located in the state in which 17194
the person holds the license, provides physical therapy to any 17195
of the following while the team is traveling to or from or 17196
participating in a sporting event in this state: 17197

(a) A member of the athletic team; 17198

(b) A member of the athletic team's coaching, 17199

communications, equipment, or sports medicine staff;	17200
(c) A member of a band or cheerleading squad accompanying the athletic team;	17201 17202
(d) The athletic team's mascot.	17203
(2) In providing physical therapy pursuant to division (G) (1) of this section, the person shall not do either of the following:	17204 17205 17206
(a) Provide physical therapy at a health care facility;	17207
(b) Provide physical therapy for more than sixty days in a calendar year.	17208 17209
<u>(3) 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.</u>	17210 17211 17212 17213 17214 17215 17216
(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:	17217 17218 17219 17220 17221
(a) Practice medicine and surgery, chiropractic, dentistry, osteopathic medicine and surgery, podiatric medicine and surgery;	17222 17223 17224
(b) Practice as a physician assistant;	17225
(c) Practice nursing as an advanced practice registered	17226

nurse. 17227

(2) The prohibition in division (H) (1) of this section on 17228
practicing physical therapy other than on the prescription of, 17229
or the referral of a patient by, any of the persons described in 17230
that division does not apply if either of the following applies 17231
to the person: 17232

(a) The person holds a master's or doctorate degree from a 17233
professional physical therapy program that is accredited by a 17234
national physical therapy accreditation agency recognized by the 17235
United States department of education. 17236

(b) On or before December 31, 2004, the person has 17237
completed at least two years of practical experience as a 17238
licensed physical therapist. 17239

(I) To be authorized to prescribe physical therapy or 17240
refer a patient to a physical therapist for physical therapy, a 17241
person described in division (H) (1) of this section must be in 17242
good standing with the relevant licensing board in this state or 17243
the state in which the person is licensed and must act only 17244
within the person's scope of practice. 17245

(J) In the prosecution of any person for violation of 17246
division (B) or (C) of this section, it is not necessary to 17247
allege or prove want of a valid license to practice physical 17248
therapy or to practice as a physical therapist assistant, but 17249
such matters shall be a matter of defense to be established by 17250
the accused. 17251

Sec. 4755.482. (A) Except as otherwise provided in 17252
divisions (B) and (C) of this section, a person shall not teach 17253
a physical therapy theory and procedures course in physical 17254
therapy education without obtaining a license as a physical 17255

therapist from the physical therapy section of the Ohio 17256
occupational therapy, physical therapy, and athletic trainers 17257
board. 17258

(B) A nonresident person who is registered or licensed as 17259
a physical therapist under the laws of another state shall not 17260
teach a physical therapy theory and procedures course in 17261
physical therapy education for more than one year without 17262
obtaining a license as a physical therapist from the physical 17263
therapy section, and the section shall not require that person 17264
to obtain a license in accordance with Chapter 4796. of the 17265
Revised Code to teach as described in this division. 17266

(C) A person who is registered or licensed as a physical 17267
therapist under the laws of a foreign country and is not 17268
registered or licensed as a physical therapist in any state who 17269
wishes to teach a physical therapy theory and procedures course 17270
in physical therapy education in this state, or an institution 17271
that wishes the person to teach such a course at the 17272
institution, may apply to the physical therapy section to 17273
request authorization for the person to teach such a course for 17274
a period of not more than one year. Any member of the physical 17275
therapy section may approve the person's or institution's 17276
application. No person described in this division shall teach 17277
such a course for longer than one year without obtaining a 17278
license from the physical therapy section. 17279

(D) The physical therapy section may investigate any 17280
person who allegedly has violated this section. The physical 17281
therapy section has the same powers to investigate an alleged 17282
violation of this section as those powers specified in section 17283
4755.02 of the Revised Code. If, after investigation, the 17284
physical therapy section determines that reasonable evidence 17285

exists that a person has violated this section, within seven 17286
days after that determination, the physical therapy section 17287
shall send a written notice to that person in the same manner as 17288
prescribed in section 119.07 of the Revised Code for licensees, 17289
except that the notice shall specify that a hearing will be held 17290
and specify the date, time, and place of the hearing. 17291

The physical therapy section shall hold a hearing 17292
regarding the alleged violation in the same manner prescribed 17293
for an adjudication hearing under section 119.09 of the Revised 17294
Code. If the physical therapy section, after the hearing, 17295
determines a violation has occurred, the physical therapy 17296
section may discipline the person in the same manner as the 17297
physical therapy section disciplines licensees under section 17298
4755.47 of the Revised Code. The physical therapy section's 17299
determination is an order that the person may appeal in 17300
accordance with section 119.12 of the Revised Code. 17301

If a person who allegedly committed a violation of this 17302
section fails to appear for a hearing, the physical therapy 17303
section may request the court of common pleas of the county 17304
where the alleged violation occurred to compel the person to 17305
appear before the physical therapy section for a hearing. If the 17306
physical therapy section assesses a person a civil penalty for a 17307
violation of this section and the person fails to pay that civil 17308
penalty within the time period prescribed by the physical 17309
therapy section, the physical therapy section shall forward to 17310
the attorney general the name of the person and the amount of 17311
the civil penalty for the purpose of collecting that civil 17312
penalty. In addition to the civil penalty assessed pursuant to 17313
this section, the person also shall pay any fee assessed by the 17314
attorney general for collection of the civil penalty. 17315

Sec. 4755.62. (A) No person shall claim to the public to 17316
be an athletic trainer or imply by words, actions, or letters 17317
that the person is an athletic trainer, or otherwise engage in 17318
the practice of athletic training, unless the person is licensed 17319
as an athletic trainer pursuant to this chapter. 17320

(B) Except as otherwise provided in division (B) of 17321
section 4755.65 of the Revised Code, no educational institution, 17322
partnership, association, or corporation shall advertise or 17323
otherwise offer to provide or convey the impression that it is 17324
providing athletic training unless an individual licensed as an 17325
athletic trainer pursuant to this chapter is employed by, or 17326
under contract to, the educational institution, partnership, 17327
association, or corporation and will be performing the athletic 17328
training services to which reference is made. 17329

(C) To qualify for an athletic trainers license, a person 17330
shall: 17331

(1) Have satisfactorily completed an application for 17332
licensure in accordance with rules adopted by the athletic 17333
trainers section of the Ohio occupational therapy, physical 17334
therapy, and athletic trainers board under section 4755.61 of 17335
the Revised Code; 17336

(2) Have paid the examination fee required under this 17337
section; 17338

(3) Have shown, to the satisfaction of the athletic 17339
trainers section, that the applicant has received a 17340
baccalaureate or higher degree from an institution of higher 17341
education, approved by the athletic trainers section of the 17342
board and the federal regional accreditation agency and 17343
recognized by the council on postsecondary accreditation, and 17344

has satisfactorily completed the educational course work 17345
requirements established by rule of the athletic trainers 17346
section under section 4755.61 of the Revised Code. 17347

(4) In addition to educational course work requirements, 17348
have obtained supervised clinical experience that meets the 17349
requirements established in rules adopted by the athletic 17350
trainers section under section 4755.61 of the Revised Code; 17351

(5) Have passed an examination adopted by the athletic 17352
trainers section under division (A) (8) of section 4755.61 of the 17353
Revised Code. Each applicant for licensure shall pay, at the 17354
time of application, the nonrefundable examination fee set by 17355
the athletic trainers section. 17356

(D) ~~The section may waive the requirements of division (C)~~ 17357
~~of this section for any applicant who presents proof of current~~ 17358
~~licensure shall issue a license to engage in the practice of~~ 17359
athletic training in accordance with Chapter 4796. of the 17360
Revised Code to an applicant who holds a license in another 17361
~~state whose standards for licensure, as determined by the~~ 17362
~~section, are equal to or greater than those in effect in this~~ 17363
~~state on the date of application or to an applicant who has~~ 17364
satisfactory work experience, a government certification, or a 17365
private certification as described in that chapter as an 17366
athletic trainer in a state that does not issue that license. 17367

(E) The section shall issue a license to every applicant 17368
who complies with the requirements of division (C) of this 17369
section, files the required application form, and pays the fees 17370
required by section 4755.61 of the Revised Code. A license 17371
issued under this section entitles the holder to engage in the 17372
practice of athletic training, claim to the public to be an 17373
athletic trainer, or to imply by words or letters that the 17374

licensee is an athletic trainer. Each licensee shall display the 17375
licensee's license in a conspicuous place at the licensee's 17376
principal place of employment. 17377

Sec. 4755.65. (A) Nothing in sections 4755.61 to 4755.64 17378
of the Revised Code shall be construed to prevent or restrict 17379
the practice, services, or activities of any person who: 17380

(1) Is an individual authorized under Chapter 4731. of the 17381
Revised Code to practice medicine and surgery, osteopathic 17382
medicine and surgery, or podiatry, a dentist licensed under 17383
Chapter 4715. of the Revised Code, a chiropractor licensed under 17384
Chapter 4734. of the Revised Code, a dietitian licensed under 17385
Chapter 4759. of the Revised Code, a physical therapist licensed 17386
under this chapter, or a qualified member of any other 17387
occupation or profession practicing within the scope of the 17388
person's license or profession and who does not claim to the 17389
public to be an athletic trainer; 17390

(2) Is employed as an athletic trainer by an agency of the 17391
United States government and provides athletic training solely 17392
under the direction or control of the agency by which the person 17393
is employed; 17394

(3) Is a student in an athletic training education program 17395
approved by the athletic trainers section leading to a 17396
baccalaureate or higher degree from an accredited college or 17397
university and is performing duties that are a part of a 17398
supervised course of study; 17399

(4) Is ~~not an~~ a nonresident individual not licensed as an 17400
athletic trainer in this state who practices or offers to 17401
practice athletic training while traveling with a visiting team 17402
or organization from outside the state or an event approved by 17403

the section for the purpose of providing athletic training to 17404
the visiting team, organization, or event; 17405

(5) Provides athletic training only to relatives or in 17406
medical emergencies; 17407

(6) Provides gratuitous care to friends or members of the 17408
person's family; 17409

(7) Provides only self-care. 17410

(B) Nothing in this chapter shall be construed to prevent 17411
any person licensed under Chapter 4723. of the Revised Code and 17412
whose license is in good standing, any person authorized under 17413
Chapter 4731. of the Revised Code to practice medicine and 17414
surgery or osteopathic medicine and surgery and whose 17415
certificate to practice is in good standing, any person 17416
authorized under Chapter 4731. of the Revised Code to practice 17417
podiatry and whose certificate to practice is in good standing, 17418
any person licensed under Chapter 4734. of the Revised Code to 17419
practice chiropractic and whose license is in good standing, any 17420
person licensed as a dietitian under Chapter 4759. of the 17421
Revised Code to practice dietetics and whose license is in good 17422
standing, any person licensed as a physical therapist under this 17423
chapter to practice physical therapy and whose license is in 17424
good standing, or any association, corporation, or partnership 17425
from advertising, describing, or offering to provide athletic 17426
training, or billing for athletic training if the athletic 17427
training services are provided by a person licensed under this 17428
chapter and practicing within the scope of the person's license, 17429
by a person licensed under Chapter 4723. of the Revised Code and 17430
practicing within the scope of the person's license, by a person 17431
authorized under Chapter 4731. of the Revised Code to practice 17432
podiatry, by a person authorized under Chapter 4731. of the 17433

Revised Code to practice medicine and surgery or osteopathic
medicine and surgery, by a person licensed under Chapter 4734.
of the Revised Code to practice chiropractic, or by a person
licensed under Chapter 4759. of the Revised Code to practice
dietetics.

(C) Nothing in this chapter shall be construed as
authorizing a licensed athletic trainer to practice medicine and
surgery, osteopathic medicine and surgery, podiatry, or
chiropractic.

(D) The athletic trainer section of the occupational
therapy, physical therapy, and athletic trainers board shall not
require a nonresident individual licensed as an athletic trainer
in another state to obtain a license in accordance with Chapter
4796. of the Revised Code to practice or offer to practice
athletic training in the manner described under division (A) (4)
of this section.

~~Sec. 4757.18. The counselor, social worker, and marriage
and family therapist 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 this state has for receipt of a license or
certificate of registration under this chapter. In a reciprocal
agreement, the board agrees to issue the appropriate license or
certificate of registration to any resident of the other state
whose practice is currently authorized by that state if that
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.~~

~~Subject to section 4757.25 of the Revised Code, the The~~

professional standards committees of the counselor, social 17464
worker, and marriage and family therapist board ~~may~~shall, by 17465
endorsement, issue the appropriate license, temporary license, 17466
or certificate of registration in accordance with Chapter 4796. 17467
of the Revised Code to a resident of a state with which the 17468
board does not have a reciprocal agreement, if the person 17469
submits proof satisfactory to the committee of currently being 17470
licensed, certified, registered, or otherwise authorized to 17471
~~practice by that state~~an applicant if either of the following 17472
applies: 17473

(A) The applicant holds a license or certificate of 17474
registration in another state. 17475

(B) The applicant has satisfactory work experience, a 17476
government certification, or a private certification as 17477
described in that chapter in a state that does not issue the 17478
license, temporary license, or certificate of registration for 17479
which the applicant is applying. 17480

Sec. 4758.25. (A) The chemical dependency professionals 17481
board ~~may enter into a reciprocal agreement with any state that~~ 17482
~~regulates individuals practicing in the same capacities as those~~ 17483
~~regulated under this chapter if the board finds that the state~~ 17484
~~has requirements substantially equivalent to the requirements of~~ 17485
~~this state to receive a license or certificate under this~~ 17486
~~chapter.~~ 17487

~~The board may become a member of a national reciprocity~~ 17488
~~organization that requires its members to have requirements~~ 17489
~~substantially equivalent to the requirements of this state to~~ 17490
~~receive a license or certificate to practice in the same~~ 17491
~~capacities as those regulated under this chapter. If the board~~ 17492
~~becomes a member of such an organization, the board shall~~ 17493

~~consider itself to have a reciprocal agreement with the other
states that are also members of the organization.~~ 17494
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~~(B) The board may, by endorsement, shall issue the
appropriate a license or, certificate, or endorsement in
accordance with Chapter 4796. of the Revised Code to a resident
of a an applicant if either of the following applies:~~ 17496
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~~(1) The applicant holds a license, certificate, or
endorsement in another state with which the board does not have
a reciprocal agreement if both of the following apply:~~ 17500
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~~(1) The board finds that the state has requirements
substantially equivalent to the requirements of this state for
receipt of a license or certificate under this chapter.~~ 17503
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~~(2) The individual submits proof satisfactory to the board
of being currently authorized to practice by that state~~ 17506
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~~(2) The applicant has satisfactory work experience, a
government certification, or a private certification as
described in that chapter in a state that does not issue the
license, certificate, or endorsement for which the applicant is
applying.~~ 17508
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~~(C) (B) A license or certificate obtained by reciprocity
or endorsement under this section may be renewed or restored
under section 4758.26 of the Revised Code if the individual
holding the license or certificate satisfies the renewal or
restoration requirements established by that section. An
individual holding a license or certificate obtained by
reciprocity or endorsement under this section may obtain, under
section 4758.24 of the Revised Code, a different license or
certificate available under this chapter if the individual meets
all of the requirements as specified in that section for the~~ 17513
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license or certificate the individual seeks. 17523

Sec. 4759.05. (A) ~~The~~ Except as provided in division (E) 17524
of this section, the state medical board shall adopt, amend, or 17525
rescind rules pursuant to Chapter 119. of the Revised Code to 17526
carry out the provisions of this chapter, including rules 17527
governing the following: 17528

(1) Selection and approval of a dietitian licensure 17529
examination offered by the commission on dietetic registration 17530
or any other examination; 17531

(2) The examination of applicants for licensure as a 17532
dietitian, as required under division (A) of section 4759.06 of 17533
the Revised Code; 17534

(3) Requirements for pre-professional dietetic experience 17535
of applicants for licensure as a dietitian that are at least 17536
equivalent to the requirements adopted by the commission on 17537
dietetic registration; 17538

(4) Requirements for a person holding a limited permit 17539
under division (G) of section 4759.06 of the Revised Code, 17540
including the duration of validity of a limited permit and 17541
procedures for renewal; 17542

(5) Continuing education requirements for renewal of a 17543
license, including rules providing for pro rata reductions by 17544
month of the number of hours of continuing education that must 17545
be completed for license holders who have been disabled by 17546
illness or accident or have been absent from the country. Rules 17547
adopted under this division shall be consistent with the 17548
continuing education requirements adopted by the commission on 17549
dietetic registration. 17550

(6) Any additional education requirements the board 17551

considers necessary, for applicants who have not practiced 17552
dietetics within five years of the initial date of application 17553
for licensure; 17554

(7) Standards of professional responsibility and practice 17555
for persons licensed under this chapter that are consistent with 17556
those standards of professional responsibility and practice 17557
adopted by the academy of nutrition and dietetics; 17558

(8) Formulation of an application form for licensure or 17559
license renewal; 17560

(9) Procedures for license renewal; 17561

(10) Requirements for criminal records checks of 17562
applicants under section 4776.03 of the Revised Code. 17563

(B) (1) The board shall investigate evidence that appears 17564
to show that a person has violated any provision of this chapter 17565
or any rule adopted under it. Any person may report to the board 17566
in a signed writing any information that the person may have 17567
that appears to show a violation of any provision of this 17568
chapter or any rule adopted under it. In the absence of bad 17569
faith, any person who reports information of that nature or who 17570
testifies before the board in any adjudication conducted under 17571
Chapter 119. of the Revised Code shall not be liable in damages 17572
in a civil action as a result of the report or testimony. Each 17573
complaint or allegation of a violation received by the board 17574
shall be assigned a case number and shall be recorded by the 17575
board. 17576

(2) Investigations of alleged violations of this chapter 17577
or any rule adopted under it shall be supervised by the 17578
supervising member elected by the board in accordance with 17579
section 4731.02 of the Revised Code and by the secretary as 17580

provided in section 4759.012 of the Revised Code. The president 17581
may designate another member of the board to supervise the 17582
investigation in place of the supervising member. No member of 17583
the board who supervises the investigation of a case shall 17584
participate in further adjudication of the case. 17585

(3) In investigating a possible violation of this chapter 17586
or any rule adopted under this chapter, the board may issue 17587
subpoenas, question witnesses, conduct interviews, administer 17588
oaths, order the taking of depositions, inspect and copy any 17589
books, accounts, papers, records, or documents, and compel the 17590
attendance of witnesses and the production of books, accounts, 17591
papers, records, documents, and testimony, except that a 17592
subpoena for patient record information shall not be issued 17593
without consultation with the attorney general's office and 17594
approval of the secretary and supervising member of the board. 17595

Before issuance of a subpoena for patient record 17596
information, the secretary and supervising member shall 17597
determine whether there is probable cause to believe that the 17598
complaint filed alleges a violation of this chapter or any rule 17599
adopted under it and that the records sought are relevant to the 17600
alleged violation and material to the investigation. The 17601
subpoena may apply only to records that cover a reasonable 17602
period of time surrounding the alleged violation. 17603

On failure to comply with any subpoena issued by the board 17604
and after reasonable notice to the person being subpoenaed, the 17605
board may move for an order compelling the production of persons 17606
or records pursuant to the Rules of Civil Procedure. 17607

A subpoena issued by the board may be served by a sheriff, 17608
the sheriff's deputy, or a board employee or agent designated by 17609
the board. Service of a subpoena issued by the board may be made 17610

by delivering a copy of the subpoena to the person named 17611
therein, reading it to the person, or leaving it at the person's 17612
usual place of residence, usual place of business, or address on 17613
file with the board. When serving a subpoena to an applicant for 17614
or the holder of a license or limited permit issued under this 17615
chapter, service of the subpoena may be made by certified mail, 17616
return receipt requested, and the subpoena shall be deemed 17617
served on the date delivery is made or the date the person 17618
refuses to accept delivery. If the person being served refuses 17619
to accept the subpoena or is not located, service may be made to 17620
an attorney who notifies the board that the attorney is 17621
representing the person. 17622

A sheriff's deputy who serves a subpoena shall receive the 17623
same fees as a sheriff. Each witness who appears before the 17624
board in obedience to a subpoena shall receive the fees and 17625
mileage provided for under section 119.094 of the Revised Code. 17626

(4) All hearings, investigations, and inspections of the 17627
board shall be considered civil actions for the purposes of 17628
section 2305.252 of the Revised Code. 17629

(5) A report required to be submitted to the board under 17630
this chapter, a complaint, or information received by the board 17631
pursuant to an investigation is confidential and not subject to 17632
discovery in any civil action. 17633

The board shall conduct all investigations or inspections 17634
and proceedings in a manner that protects the confidentiality of 17635
patients and persons who file complaints with the board. The 17636
board shall not make public the names or any other identifying 17637
information about patients or complainants unless proper consent 17638
is given. 17639

The board may share any information it receives pursuant 17640
to an investigation or inspection, including patient records and 17641
patient record information, with law enforcement agencies, other 17642
licensing boards, and other governmental agencies that are 17643
prosecuting, adjudicating, or investigating alleged violations 17644
of statutes or administrative rules. An agency or board that 17645
receives the information shall comply with the same requirements 17646
regarding confidentiality as those with which the state medical 17647
board must comply, notwithstanding any conflicting provision of 17648
the Revised Code or procedure of the agency or board that 17649
applies when it is dealing with other information in its 17650
possession. In a judicial proceeding, the information may be 17651
admitted into evidence only in accordance with the Rules of 17652
Evidence, but the court shall require that appropriate measures 17653
are taken to ensure that confidentiality is maintained with 17654
respect to any part of the information that contains names or 17655
other identifying information about patients or complainants 17656
whose confidentiality was protected by the state medical board 17657
when the information was in the board's possession. Measures to 17658
ensure confidentiality that may be taken by the court include 17659
sealing its records or deleting specific information from its 17660
records. 17661

(6) On a quarterly basis, the board shall prepare a report 17662
that documents the disposition of all cases during the preceding 17663
three months. The report shall contain the following information 17664
for each case with which the board has completed its activities: 17665

(a) The case number assigned to the complaint or alleged 17666
violation; 17667

(b) The type of license, if any, held by the individual 17668
against whom the complaint is directed; 17669

(c) A description of the allegations contained in the complaint; 17670
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(d) The disposition of the case. 17672

The report shall state how many cases are still pending 17673
and shall be prepared in a manner that protects the identity of 17674
each person involved in each case. The report shall be a public 17675
record under section 149.43 of the Revised Code. 17676

(C) The board shall keep records as are necessary to carry 17677
out the provisions of this chapter. 17678

(D) The board shall maintain and publish on its internet 17679
web site the board's rules and requirements for licensure 17680
adopted under division (A) of this section. 17681

(E) The board shall issue a license or limited permit to 17682
practice dietetics in accordance with Chapter 4796. of the 17683
Revised Code to an applicant if either of the following apply: 17684

(1) The applicant holds a license or permit in another 17685
state. 17686

(2) The applicant has satisfactory work experience, a 17687
government certification, or a private certification as 17688
described in that chapter as a dietitian in a state that does 17689
not issue that license. 17690

Sec. 4759.06. (A) The Except as provided in section 17691
4759.05 of the Revised Code, the state medical board shall issue 17692
a license to practice dietetics to an applicant who meets all of 17693
the following requirements: 17694

(1) Has satisfactorily completed an application for 17695
licensure in accordance with rules adopted under division (A) of 17696
section 4759.05 of the Revised Code; 17697

(2) Has paid the fee required under division (A) of section 4759.08 of the Revised Code; 17698
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(3) Has received a baccalaureate or higher degree from an institution of higher education that is approved by the board or a regional accreditation agency that is recognized by the council on postsecondary accreditation, and has completed a program consistent with the academic standards for dietitians established by the academy of nutrition and dietetics; 17700
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(4) Has successfully completed a pre-professional dietetic experience approved by the academy of nutrition and dietetics, or experience approved by the board under division (A) (3) of section 4759.05 of the Revised Code; 17706
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(5) Has passed the examination approved by the board under division (A) (1) of section 4759.05 of the Revised Code. 17710
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(B) The board shall waive the requirements of divisions (A) (3), (4), and (5) of this section and any rules adopted under division (A) (6) of section 4759.05 of the Revised Code if the applicant presents satisfactory evidence to the board of current registration as a registered dietitian with the commission on dietetic registration. 17712
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(C) (1) The board shall issue a license to practice dietetics to an applicant who meets the requirements of division (A) of this section. A license shall be valid for a two-year period unless revoked or suspended by the board and shall expire on the date that is two years after the date of issuance. A license may be renewed for additional two-year periods. 17718
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(2) The board shall renew an applicant's license if the applicant has paid the license renewal fee specified in section 4759.08 of the Revised Code and certifies to the board that the 17724
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applicant has met the continuing education requirements adopted 17727
under division (A) (5) of section 4759.05 of the Revised Code. 17728
The renewal shall be pursuant to the standard renewal procedure 17729
of sections 4745.01 to 4745.03 of the Revised Code. 17730

At least one month before a license expires, the board 17731
shall provide a renewal notice. Failure of any person to receive 17732
a notice of renewal from the board shall not excuse the person 17733
from the requirements contained in this section. Each person 17734
holding a license shall give notice to the board of a change in 17735
the license holder's residence address, business address, or 17736
electronic mail address not later than thirty days after the 17737
change occurs. 17738

(D) Any person licensed to practice dietetics by the 17739
former Ohio board of dietetics before January 21, 2018, may 17740
continue to practice dietetics in this state under that license 17741
if the person continues to meet the requirements to renew a 17742
license under this chapter and renews the license through the 17743
state medical board. 17744

The state medical board may take any of the following 17745
actions, as provided in section 4759.07 of the Revised Code, 17746
against the holder of a license to practice dietetics issued 17747
before January 21, 2018, by the former Ohio board of dietetics: 17748

(1) Limit, revoke, or suspend the holder's license; 17749

(2) Refuse to renew or reinstate the holder's license; 17750

(3) Reprimand the holder or place the holder on probation. 17751

(E) The board may require a random sample of dietitians to 17752
submit materials documenting that the continuing education 17753
requirements adopted under division (A) (5) of section 4759.05 of 17754
the Revised Code have been met. 17755

This division does not limit the board's authority to 17756
conduct investigations pursuant to section 4759.07 of the 17757
Revised Code. 17758

(F) (1) If, through a random sample conducted under 17759
division (E) of this section or any other means, the board finds 17760
that an individual who certified completion of the number of 17761
hours and type of continuing education required to renew, 17762
reinstate, or restore a license to practice did not complete the 17763
requisite continuing education, the board may do either of the 17764
following: 17765

(a) Take disciplinary action against the individual under 17766
section 4759.07 of the Revised Code, impose a civil penalty, or 17767
both; 17768

(b) Permit the individual to agree in writing to complete 17769
the continuing education and pay a civil penalty. 17770

(2) The board's finding in any disciplinary action taken 17771
under division (F) (1) (a) of this section shall be made pursuant 17772
to an adjudication under Chapter 119. of the Revised Code and by 17773
an affirmative vote of not fewer than six of its members. 17774

(3) A civil penalty imposed under division (F) (1) (a) of 17775
this section or paid under division (F) (1) (b) of this section 17776
shall be in an amount specified by the board of not more than 17777
five thousand dollars. The board shall deposit civil penalties 17778
in accordance with section 4731.24 of the Revised Code. 17779

(G) (1) The Except as provided in section 4759.05 of the 17780
Revised Code, the board may grant a limited permit to a person 17781
who has completed the education and pre-professional 17782
requirements of divisions (A) (3) and (4) of this section and who 17783
presents evidence to the board of having applied to take the 17784

examination approved by the board under division (A) (1) of 17785
section 4759.05 of the Revised Code. An application for a 17786
limited permit shall be made on forms that the board shall 17787
furnish and shall be accompanied by the limited permit fee 17788
specified in section 4759.08 of the Revised Code. 17789

(2) If no grounds apply under section 4759.07 of the 17790
Revised Code for denying a license to the applicant and the 17791
applicant meets the requirements of division (G) (1) of this 17792
section, the board shall issue a limited permit to the 17793
applicant. 17794

A limited permit expires in accordance with rules adopted 17795
under section 4759.05 of the Revised Code. A limited permit may 17796
be renewed in accordance with those rules. 17797

(3) A person holding a limited permit who has failed the 17798
examination shall practice only under the direct supervision of 17799
a licensed dietitian. 17800

(4) The board may revoke a limited permit on proof 17801
satisfactory to the board that the permit holder has engaged in 17802
practice in this state outside the scope of the permit, that the 17803
holder has engaged in unethical conduct, or that grounds for 17804
action against the holder exist under section 4759.07 of the 17805
Revised Code. 17806

Sec. 4760.03. (A) ~~An~~ Except as provided in division (D) of 17807
this section, an individual seeking a license to practice as an 17808
anesthesiologist assistant shall file with the state medical 17809
board a written application on a form prescribed and supplied by 17810
the board. The application shall include all of the following 17811
information: 17812

(1) Evidence satisfactory to the board that the applicant 17813

is at least twenty-one years of age; 17814

(2) Evidence satisfactory to the board that the applicant 17815
has successfully completed the training necessary to prepare 17816
individuals to practice as anesthesiologist assistants, as 17817
specified in section 4760.031 of the Revised Code; 17818

(3) Evidence satisfactory to the board that the applicant 17819
holds current certification from the national commission for 17820
certification of anesthesiologist assistants and that the 17821
requirements for receiving the certification included passage of 17822
an examination to determine the individual's competence to 17823
practice as an anesthesiologist assistant; 17824

(4) Any other information the board considers necessary to 17825
process the application and evaluate the applicant's 17826
qualifications. 17827

(B) (1) At the time of making application for a license 17828
under division (A) of this section, the~~an~~ applicant shall pay 17829
the board a fee of one hundred dollars, no part of which shall 17830
be returned. 17831

(2) An applicant seeking a license under division (D) of 17832
this section shall pay the fee required under Chapter 4796. of 17833
the Revised Code. 17834

(C) The board shall review all applications received under 17835
this section. Not later than sixty days after receiving a 17836
complete application, the board shall determine whether an 17837
applicant meets the requirements to receive a license. ~~The~~ 17838
Except as provided in division (D) of this section, the board 17839
shall not issue a license to an applicant unless the applicant 17840
is certified by the national commission for certification of 17841
anesthesiologist assistants or a successor organization that is 17842

recognized by the board. 17843

(D) The board shall issue a license to practice as an
anesthesiologist assistant in accordance with Chapter 4796. of
the Revised Code to an applicant if either of the following
applies: 17844
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(1) The applicant holds a license in another state. 17848

(2) The applicant has satisfactory work experience, a
government certification, or a private certification as
described in that chapter as an anesthesiologist assistant in a
state that does not issue that license. 17849
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Sec. 4760.031. As—Except for a license issued under
division (D) of section 4760.03 of the Revised Code, as a
condition of being eligible to receive a license to practice as
an anesthesiologist assistant, an individual must successfully
complete the following training requirements: 17853
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(A) A baccalaureate or higher degree program at an 17858
institution of higher education accredited by an organization 17859
recognized by the department of higher education. The program 17860
must have included courses in the following areas of study: 17861

(1) General biology; 17862

(2) General chemistry; 17863

(3) Organic chemistry; 17864

(4) Physics; 17865

(5) Calculus. 17866

(B) A training program conducted for the purpose of 17867
preparing individuals to practice as anesthesiologist 17868
assistants. If the program was completed prior to May 31, 2000, 17869

the program must have been completed at case western reserve 17870
university or emory university in Atlanta, Georgia. If the 17871
program is completed on or after May 31, 2000, the program must 17872
be a graduate-level program accredited by the commission on 17873
accreditation of allied health education programs or any of the 17874
commission's successor organizations. In either case, the 17875
training program must have included at least all of the 17876
following components: 17877

(1) Basic sciences of anesthesia: physiology, 17878
pathophysiology, anatomy, and biochemistry. The courses must be 17879
presented as a continuum of didactic courses designed to teach 17880
students the foundations of human biological existence on which 17881
clinical correlations to anesthesia practice are based. 17882

(2) Pharmacology for the anesthetic sciences. The course 17883
must include instruction in the anesthetic principles of 17884
pharmacology, pharmacodynamics, pharmacokinetics, uptake and 17885
distribution, intravenous anesthetics and narcotics, and 17886
volatile anesthetics. 17887

(3) Physics in anesthesia. 17888

(4) Fundamentals of anesthetic sciences, presented as a 17889
continuum of courses covering a series of topics in basic 17890
medical sciences with special emphasis on the effects of 17891
anesthetics on normal physiology and pathophysiology. 17892

(5) Patient instrumentation and monitoring, presented as a 17893
continuum of courses focusing on the design of, proper 17894
preparation of, and proper methods of resolving problems that 17895
arise with anesthesia equipment. The courses must provide a 17896
balance between the engineering concepts used in anesthesia 17897
instruments and the clinical application of anesthesia 17898

instruments.	17899
(6) Clinically based conferences in which techniques of anesthetic management, quality assurance issues, and current professional literature are reviewed from the perspective of practice improvement.	17900 17901 17902 17903
(7) Clinical experience consisting of at least two thousand hours of direct patient contact, presented as a continuum of courses throughout the entirety of the program, beginning with a gradual introduction of the techniques for the anesthetic management of patients and culminating in the assimilation of the graduate of the program into the work force. Areas of instruction must include the following:	17904 17905 17906 17907 17908 17909 17910
(a) Preoperative patient assessment;	17911
(b) Indwelling vascular catheter placement, including intravenous and arterial catheters;	17912 17913
(c) Airway management, including mask airway and orotracheal intubation;	17914 17915
(d) Intraoperative charting;	17916
(e) Administration and maintenance of anesthetic agents, narcotics, hypnotics, and muscle relaxants;	17917 17918
(f) Administration and maintenance of volatile anesthetics;	17919 17920
(g) Administration of blood products and fluid therapy;	17921
(h) Patient monitoring;	17922
(i) Postoperative management of patients;	17923
(j) Regional anesthesia techniques;	17924

(k) Administration of vasoactive substances for treatment 17925
of unacceptable patient hemodynamic status; 17926

(l) Specific clinical training in all the subspecialties 17927
of anesthesia, including pediatrics, neurosurgery, 17928
cardiovascular surgery, trauma, obstetrics, orthopedics, and 17929
vascular surgery. 17930

(8) Basic life support that qualifies the individual to 17931
administer cardiopulmonary resuscitation to patients in need. 17932
The course must include the instruction necessary to be 17933
certified in basic life support by the American red cross or the 17934
American heart association. 17935

(9) Advanced cardiac life support that qualifies the 17936
individual to participate in the pharmacologic intervention and 17937
management resuscitation efforts for a patient in full cardiac 17938
arrest. The course must include the instruction necessary to be 17939
certified in advanced cardiac life support by the American red 17940
cross or the American heart association. 17941

Sec. 4761.04. (A) Except as provided in division (B) or 17942
(C) of this section, no person is eligible for licensure as a 17943
respiratory care professional unless the person has shown, to 17944
the satisfaction of the state medical board, all of the 17945
following: 17946

(1) That the person has successfully completed the 17947
requirements of an educational program approved by the board 17948
that includes instruction in the biological and physical 17949
sciences, pharmacology, respiratory care theory, procedures, and 17950
clinical practice, and cardiopulmonary rehabilitation 17951
techniques; 17952

(2) That the person has passed an examination approved 17953

under rules adopted by the board that tests the applicant's 17954
knowledge of the basic and clinical sciences relating to 17955
respiratory care theory and practice, professional skills and 17956
judgment in the utilization of respiratory care techniques, and 17957
such other subjects as the board considers useful in determining 17958
fitness to practice. 17959

(B) Any person licensed to practice respiratory care by 17960
the former Ohio respiratory care board before January 21, 2018, 17961
may continue to practice respiratory care in this state under 17962
that license if the person continues to meet the requirements to 17963
renew a license under this chapter and renews the license 17964
through the state medical board. 17965

The state medical board may take any of the following 17966
actions, as provided in section 4761.09 of the Revised Code, 17967
against the holder of a license to practice respiratory care 17968
issued before January 21, 2018, by the former Ohio respiratory 17969
care board: 17970

(1) Limit, revoke, or suspend the holder's license; 17971

(2) Refuse to renew or reinstate the holder's license; 17972

(3) Reprimand the holder or place the holder on probation. 17973

(C) The board shall issue a license to act as a 17974
respiratory care professional in accordance with Chapter 4796. 17975
of the Revised Code to an applicant if either of the following 17976
apply: 17977

(1) The applicant holds a license in another state. 17978

(2) The applicant has satisfactory work experience, a 17979
government certification, or a private certification as 17980
described in that chapter as a respiratory care professional in 17981

a state that does not issue that license. 17982

Sec. 4761.05. (A) The Except as provided in division (C) 17983
of section 4761.04 of the Revised Code, the state medical board 17984
shall issue a license to any applicant who complies with the 17985
requirements of section 4761.04 of the Revised Code, files the 17986
prescribed application form, and pays the fee or fees required 17987
under section 4761.07 of the Revised Code. The license entitles 17988
the holder to practice respiratory care. 17989

(B) (1) The Except as provided in division (D) of this 17990
section, the board shall issue a limited permit to any applicant 17991
who files an application on a form furnished by the board, pays 17992
the fee required under section 4761.07 of the Revised Code, and 17993
meets either of the following requirements: 17994

(a) Is enrolled in and is in good standing in a 17995
respiratory care educational program approved by the board that 17996
meets the requirements of division (A) (1) of section 4761.04 of 17997
the Revised Code leading to a degree or certificate of 17998
completion or is a graduate of the program; 17999

(b) Is employed as a provider of respiratory care in this 18000
state and was employed as a provider of respiratory care in this 18001
state prior to March 14, 1989. 18002

(2) If no grounds apply under section 4761.09 of the 18003
Revised Code for denying a limited permit to the applicant and 18004
the applicant meets the requirements of division (B) of this 18005
section, the board shall issue a limited permit to the 18006
applicant. 18007

The limited permit authorizes the holder to provide 18008
respiratory care under the supervision of a respiratory care 18009
professional. A person issued a limited permit under division 18010

(B) (1) (a) of this section may practice respiratory care under 18011
the limited permit for not more than three years after the date 18012
the limited permit is issued, except that the limited permit 18013
shall cease to be valid one year following the date of receipt 18014
of a certificate of completion from a board-approved respiratory 18015
care education program or immediately if the holder discontinues 18016
participation in the educational program. 18017

The holder shall notify the board as soon as practicable 18018
when the holder completes a board-approved respiratory care 18019
education program or discontinues participation in the 18020
educational program. 18021

This division does not require a student enrolled in an 18022
educational program leading to a degree or certificate of 18023
completion in respiratory care approved by the board to obtain a 18024
limited permit to perform any duties that are part of the 18025
required course of study. 18026

(3) A person issued a limited permit under division (B) (1) 18027
(b) of this section may practice under a limited permit for not 18028
more than three years, except that this restriction does not 18029
apply to a permit holder who, on March 14, 1989, has been 18030
employed as a provider of respiratory care for an average of not 18031
less than twenty-five hours per week for a period of not less 18032
than five years by a hospital. 18033

(4) During the three-year period in which a person may 18034
practice under a limited permit, the person shall apply for 18035
renewal on an annual basis in accordance with section 4761.06 of 18036
the Revised Code. 18037

(5) The board may revoke a limited permit upon proof 18038
satisfactory to the board that the permit holder has engaged in 18039

practice in this state outside the scope of the permit, that the holder has engaged in unethical conduct, or that there are grounds for action against the holder under section 4761.09 of the Revised Code.

(C) The holder of a license or limited permit issued under this section shall either provide verification of licensure or permit status from the board's internet web site on request or prominently display a wall certificate in the license holder's office or place where the majority of the holder's practice is conducted.

(D) The board shall issue a limited permit to practice respiratory care in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

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

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a provider of respiratory care in a state that does not issue that license or permit.

Sec. 4762.03. (A) ~~An~~ Except as provided in division (D) of this section, an individual seeking a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist shall file with the state medical board a written application on a form prescribed and supplied by the board.

(B) ~~To~~ Except as provided in division (D) of this section, to be eligible for the license, an applicant shall meet all of the following conditions, as applicable:

(1) The applicant shall submit evidence satisfactory to the board that the applicant is at least eighteen years of age.

(2) In the case of an applicant seeking a license to practice as an oriental medicine practitioner, the applicant shall submit evidence satisfactory to the board of both of the following:

(a) That the applicant holds a current and active designation from the national certification commission for acupuncture and oriental medicine as either a diplomate in oriental medicine or diplomate of acupuncture and Chinese herbology;

(b) That the applicant has successfully completed, in the two-year period immediately preceding application for the license to practice, one course approved by the commission on federal food and drug administration dispensary and compounding guidelines and procedures.

(3) In the case of an applicant seeking a license to practice as an acupuncturist, the applicant shall submit evidence satisfactory to the board that the applicant holds a current and active designation from the national certification commission for acupuncture and oriental medicine as a diplomate in acupuncture.

(4) The applicant shall demonstrate to the board proficiency in spoken English by satisfying one of the following requirements:

(a) Passing the examination described in section 4731.142 of the Revised Code;

(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 18098
acupuncture and Chinese herbology, or diplomate in acupuncture; 18099

(c) Submitting evidence satisfactory to the board that the 18100
applicant, in seeking a designation from the national 18101
certification commission for acupuncture and oriental medicine 18102
as a diplomate of oriental medicine, diplomate of acupuncture 18103
and Chinese herbology, or diplomate of acupuncture, has 18104
successfully completed in English the examination required for 18105
such a designation by the national certification commission for 18106
acupuncture and oriental medicine; 18107

(d) In the case of an applicant seeking a license to 18108
practice as an oriental medicine practitioner, submitting 18109
evidence satisfactory to the board that the applicant has 18110
previously held a license to practice as an acupuncturist issued 18111
under section 4762.04 of the Revised Code. 18112

(5) The applicant shall submit to the board any other 18113
information the board requires. 18114

(6) The applicant shall pay to the board a fee of one 18115
hundred dollars, no part of which may be returned to the 18116
applicant. 18117

(C) The board shall review all applications received under 18118
this section. The board shall determine whether an applicant 18119
meets the requirements to receive a license not later than sixty 18120
days after receiving a complete application. 18121

(D) The board shall issue a license to practice as an 18122
oriental medicine practitioner or acupuncturist in accordance 18123
with Chapter 4796. of the Revised Code to an applicant if either 18124
of the following applies: 18125

(1) The applicant holds a license in another state. 18126

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an oriental medicine practitioner or acupuncturist in a state that does not issue that license.

Sec. 4763.05. (A) (1) (a) A person shall make application for an initial state-certified general real estate appraiser certificate, an initial state-certified residential real estate appraiser certificate, an initial state-licensed residential real estate appraiser license, or an initial state-registered real estate appraiser assistant registration in writing to the superintendent of real estate on a form the superintendent prescribes. The application shall include the address of the applicant's principal place of business and all other addresses at which the applicant currently engages in the business of performing real estate appraisals and the address of the applicant's current residence. The superintendent shall retain the applicant's current residence address in a separate record which does not constitute a public record for purposes of section 149.43 of the Revised Code. The application shall indicate whether the applicant seeks certification as a general real estate appraiser or as a residential real estate appraiser, licensure as a residential real estate appraiser, or registration as a real estate appraiser assistant and be accompanied by the prescribed examination and certification, registration, or licensure fees set forth in section 4763.09 of the Revised Code. The application also shall include a pledge, 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, registration, or license, and for current certificate holders, registrants, and licensees, at the time of renewal.

(B) An applicant for an initial general real estate appraiser certificate, residential real estate appraiser

certificate, or residential real estate appraiser license shall 18189
possess experience in real estate appraisal as the board 18190
prescribes by rule. In addition to any other information 18191
required by the board, the applicant shall furnish, under oath, 18192
a detailed listing of the appraisal reports or file memoranda 18193
for each year for which experience is claimed and, upon request 18194
of the superintendent or the board, shall make available for 18195
examination a sample of the appraisal reports prepared by the 18196
applicant in the course of the applicant's practice. 18197

(C) An applicant for an initial certificate, registration, 18198
or license shall be at least eighteen years of age, honest, and 18199
truthful and shall present satisfactory evidence to the 18200
superintendent that the applicant has successfully completed any 18201
education requirements the board prescribes by rule. 18202

(D) An applicant for an initial general real estate 18203
appraiser or residential real estate appraiser certificate or 18204
residential real estate appraiser license shall take and 18205
successfully complete a written examination in order to qualify 18206
for the certificate or license. 18207

The board shall prescribe the examination requirements by 18208
rule. 18209

(E) (1) ~~A person who has obtained~~ The board shall issue a 18210
residential real estate appraiser license, a residential real 18211
estate appraiser certificate, real estate appraiser assistant 18212
registration, or a general real estate appraiser certificate 18213
~~from another state may apply to obtain a license or certificate~~ 18214
~~issued under this chapter provided the state that issued the~~ 18215
~~license or certificate has requirements that meet or exceed the~~ 18216
~~requirements found in this chapter. The board shall adopt rules~~ 18217
~~relating to this division. The application for obtaining a~~ 18218

~~license or certificate under this division may include any of~~ 18219
~~the following:~~ 18220

~~(a) A pledge, signed by the applicant, that the applicant~~ 18221
~~will comply with the standards set forth in this chapter;~~ 18222

~~(b) A statement that the applicant understands the types~~ 18223
~~of misconduct for which disciplinary proceedings may be~~ 18224
~~initiated against the applicant pursuant to this chapter;~~ 18225

~~(c) A consent to service of process~~ in accordance with 18226
Chapter 4796. of the Revised Code to an applicant if either of 18227
the following applies: 18228

(a) The applicant holds a certificate, license, or 18229
registration in another state. 18230

(b) The applicant has satisfactory work experience, a 18231
government certification, or a private certification as 18232
described in that chapter as a residential real estate 18233
appraiser, real estate appraiser assistant, or general real 18234
estate appraiser in a state that does not issue that 18235
certificate, license, or registration. 18236

(2) (a) The board shall recognize on a temporary basis a 18237
certification or license issued in another state and shall 18238
register on a temporary basis an appraiser who is certified or 18239
licensed in another state if all of the following apply: 18240

(i) The temporary registration is to perform an appraisal 18241
assignment that is part of a federally related transaction. 18242

(ii) The appraiser's business in this state is of a 18243
temporary nature. 18244

(iii) The appraiser registers with the board pursuant to 18245
this division. 18246

(b) An appraiser who is certified or licensed in another state shall register with the board for temporary practice before performing an appraisal assignment in this state in connection with a federally related transaction.

(c) The board shall adopt rules relating to registration for the temporary recognition of certification and licensure of appraisers from another state. The registration for temporary recognition of certified or licensed appraisers from another state shall not authorize completion of more than one appraisal assignment in this state. The board shall not issue more than two registrations for temporary practice to any one applicant in any calendar year. The application for obtaining a registration under this division may include any of the following:

(i) A pledge, signed by the applicant, that the applicant will comply with the standards set forth in this chapter;

(ii) A statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter;

(iii) A consent to service of process.

~~(3) The board may enter into reciprocal agreements with other states. The board shall prescribe reciprocal agreement requirements by rule.~~
(d) A nonresident appraiser whose certification or license has been recognized by the board on a temporary basis and who is acting in accordance with this section and the board's rules is not required to obtain a license in accordance with Chapter 4796. of the Revised Code.

(F) The superintendent shall not issue a certificate, registration, or license to, or recognize on a temporary basis an appraiser from another state that is a corporation,

partnership, or association. This prohibition shall not be 18276
construed to prevent a certificate holder or licensee from 18277
signing an appraisal report on behalf of a corporation, 18278
partnership, or association. 18279

(G) Every person licensed, registered, or certified under 18280
this chapter shall notify the superintendent, on a form provided 18281
by the superintendent, of a change in the address of the 18282
licensee's, registrant's, or certificate holder's principal 18283
place of business or residence within thirty days of the change. 18284
If a licensee's, registrant's, or certificate holder's license, 18285
registration, or certificate is revoked or not renewed, the 18286
licensee, registrant, or certificate holder immediately shall 18287
return the annual and any renewal certificate, registration, or 18288
license to the superintendent. 18289

(H) (1) The superintendent shall not issue a certificate, 18290
registration, or license to any person, or recognize on a 18291
temporary basis an appraiser from another state, who does not 18292
meet applicable minimum criteria for state certification, 18293
registration, or licensure prescribed by federal law or rule. 18294

(2) The superintendent shall not refuse to issue a general 18295
real estate appraiser certificate, residential real estate 18296
appraiser certificate, residential real estate appraiser 18297
license, or real estate appraiser assistant registration to any 18298
person because of a conviction of or plea of guilty to any 18299
criminal offense unless the refusal is in accordance with 18300
section 9.79 of the Revised Code. 18301

Sec. 4764.10. (A) The superintendent of real estate and 18302
professional licensing may issue a home inspector license to an 18303
applicant who holds a license, registration, or certification as 18304
a home inspector in another jurisdiction other than another 18305

state if that applicant submits an application on a form the 18306
superintendent provides, pays the fee the Ohio home inspector 18307
board prescribes, and satisfies all of the following 18308
requirements: 18309

~~(A)~~ (1) The applicant is licensed, registered, or 18310
certified as a home inspector in a jurisdiction that the board 18311
determines grants the same privileges to persons licensed under 18312
this chapter as this state grants to persons in that 18313
jurisdiction. 18314

~~(B)~~ (2) That other jurisdiction has licensing, 18315
registration, or certification requirements that are 18316
substantially similar to, or exceed, those of this state. 18317

~~(C)~~ (3) The applicant attests that the applicant is 18318
familiar with and will abide by this chapter. 18319

~~(D)~~ (4) The applicant attests to all of the following in a 18320
written statement that the applicant submits to the 18321
superintendent: 18322

~~(1)~~ (a) To provide the superintendent the name and address 18323
of an agent to receive service of process in this state or that 18324
the applicant authorizes the superintendent to act as agent for 18325
that applicant; 18326

~~(2)~~ (b) That service of process in accordance with the 18327
Revised Code is proper and the applicant is subject to the 18328
jurisdiction of the courts of this state; 18329

~~(3)~~ (c) That any cause of action arising out of the 18330
conduct of the applicant's business in this state shall be filed 18331
in the county in which the events that gave rise to that cause 18332
of action occurred. 18333

(B) The board shall issue a home inspector license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 18334
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(1) The applicant holds a license in another state. 18337

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a home inspector in a state that does not issue that license. 18338
18339
18340
18341

Sec. 4765.10. (A) The state board of emergency medical, fire, and transportation services shall do all of the following: 18342
18343

(1) Administer and enforce the provisions of this chapter and the rules adopted under it; 18344
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(2) Approve, in accordance with procedures established in rules adopted under section 4765.11 of the Revised Code, examinations that demonstrate competence to have a certificate to practice renewed without completing a continuing education program; 18346
18347
18348
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18350

(3) Advise applicants for state or federal emergency medical services funds, review and comment on applications for these funds, and approve the use of all state and federal funds designated solely for emergency medical service programs unless federal law requires another state agency to approve the use of all such federal funds; 18351
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18353
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18356

(4) Serve as a statewide clearinghouse for discussion, inquiry, and complaints concerning emergency medical services; 18357
18358

(5) Make recommendations to the general assembly on legislation to improve the delivery of emergency medical services; 18359
18360
18361

(6) Maintain a toll-free long distance telephone number 18362
through which it shall respond to questions about emergency 18363
medical services; 18364

(7) Work with appropriate state offices in coordinating 18365
the training of firefighters and emergency medical service 18366
personnel. Other state offices that are involved in the training 18367
of firefighters or emergency medical service personnel shall 18368
cooperate with the board and its committees and subcommittees to 18369
achieve this goal. 18370

(8) Provide a liaison to the state emergency operation 18371
center during those periods when a disaster, as defined in 18372
section 5502.21 of the Revised Code, has occurred in this state 18373
and the governor has declared an emergency as defined in that 18374
section. 18375

(B) The board may do any of the following: 18376

(1) Investigate complaints concerning emergency medical 18377
services and emergency medical service organizations as it 18378
determines necessary; 18379

~~(2) Enter into reciprocal agreements with other states 18380
that have standards for accreditation of emergency medical 18381
services training programs and for certification of first- 18382
responders, EMTs basic, EMTs I, paramedics, firefighters, or 18383
fire safety inspectors that are substantially similar to those 18384
established under this chapter and the rules adopted under it; 18385~~

~~(3) Establish a statewide public information system and 18386
public education programs regarding emergency medical services; 18387~~

~~(4) (3) Establish an injury prevention program. 18388~~

(C) The state board of emergency medical, fire, and 18389

transportation services shall not regulate any profession that 18390
otherwise is regulated by another board, commission, or similar 18391
regulatory entity. 18392

Sec. 4765.11. (A) The state board of emergency medical, 18393
fire, and transportation services shall adopt, and may amend and 18394
rescind, rules in accordance with Chapter 119. of the Revised 18395
Code and division (C) of this section that establish all of the 18396
following: 18397

(1) Procedures for its governance and the control of its 18398
actions and business affairs; 18399

(2) Standards for the performance of emergency medical 18400
services by first responders, emergency medical technicians- 18401
basic, emergency medical technicians-intermediate, and emergency 18402
medical technicians-paramedic; 18403

(3) Application fees for certificates of accreditation, 18404
certificates of approval, certificates to teach, and 18405
certificates to practice, which shall be deposited into the 18406
trauma and emergency medical services fund created in section 18407
4513.263 of the Revised Code; 18408

(4) Criteria for determining when the application or 18409
renewal fee for a certificate to practice may be waived because 18410
an applicant cannot afford to pay the fee; 18411

(5) Procedures for issuance and renewal of certificates of 18412
accreditation, certificates of approval, certificates to teach, 18413
and certificates to practice, including any measures necessary 18414
to implement section 9.79 of the Revised Code and any procedures 18415
necessary to ensure that adequate notice of renewal is provided 18416
in accordance with division ~~(D)~~ (E) of section 4765.30 of the 18417
Revised Code; 18418

(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;	18419 18420 18421
(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	18422 18423 18424 18425
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	18426 18427
(9) Standards for certificates of accreditation and certificates of approval;	18428 18429
(10) Qualifications for certificates to teach;	18430
(11) Requirements for a certificate to practice;	18431
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;	18432 18433 18434 18435 18436
(13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions;	18437 18438 18439 18440 18441
(14) Examinations for certificates to practice;	18442
(15) Procedures for administering examinations for certificates to practice;	18443 18444
(16) Procedures for approving examinations that	18445

demonstrate competence to have a certificate to practice renewed 18446
without completing an emergency medical services continuing 18447
education program; 18448

(17) Procedures for granting extensions and exemptions of 18449
emergency medical services continuing education requirements; 18450

(18) Procedures for approving the additional emergency 18451
medical services first responders are authorized by division (C) 18452
of section 4765.35 of the Revised Code to perform, EMTs-basic 18453
are authorized by division (C) of section 4765.37 of the Revised 18454
Code to perform, EMTs-I are authorized by division (B) (5) of 18455
section 4765.38 of the Revised Code to perform, and paramedics 18456
are authorized by division (B) (6) of section 4765.39 of the 18457
Revised Code to perform; 18458

(19) Standards and procedures for implementing the 18459
requirements of section 4765.06 of the Revised Code, including 18460
designations of the persons who are required to report 18461
information to the board and the types of information to be 18462
reported; 18463

(20) Procedures for administering the emergency medical 18464
services grant program established under section 4765.07 of the 18465
Revised Code; 18466

(21) Procedures consistent with Chapter 119. of the 18467
Revised Code for appealing decisions of the board; 18468

(22) Minimum qualifications and peer review and quality 18469
improvement requirements for persons who provide medical 18470
direction to emergency medical service personnel; 18471

(23) The manner in which a patient, or a patient's parent, 18472
guardian, or custodian may consent to the board releasing 18473
identifying information about the patient under division (D) of 18474

section 4765.102 of the Revised Code; 18475

(24) Circumstances under which a training program or 18476
continuing education program, or portion of either type of 18477
program, may be taught by a person who does not hold a 18478
certificate to teach issued under section 4765.23 of the Revised 18479
Code; 18480

(25) Certification cycles for certificates issued under 18481
sections 4765.23 and 4765.30 of the Revised Code and 18482
certificates issued by the executive director of the state board 18483
of emergency medical, fire, and transportation services under 18484
section 4765.55 of the Revised Code that establish a common 18485
expiration date for all certificates. 18486

(B) The board may adopt, and may amend and rescind, rules 18487
in accordance with Chapter 119. of the Revised Code and division 18488
(C) of this section that establish the following: 18489

(1) Specifications of information that may be collected 18490
under the trauma system registry and incidence reporting system 18491
created under section 4765.06 of the Revised Code; 18492

(2) Standards and procedures for implementing any of the 18493
recommendations made by any committees of the board or under 18494
section 4765.04 of the Revised Code; 18495

(3) Requirements that a person must meet to receive a 18496
certificate to practice as a first responder pursuant to 18497
division (A) (2) of section 4765.30 of the Revised Code; 18498

(4) Any other rules necessary to implement this chapter. 18499

(C) In developing and administering rules adopted under 18500
this chapter, the state board of emergency medical, fire, and 18501
transportation services shall consult with regional directors 18502

and regional physician advisory boards created by section 18503
4765.05 of the Revised Code and emphasize the special needs of 18504
pediatric and geriatric patients. 18505

(D) Except as otherwise provided in this division, before 18506
adopting, amending, or rescinding any rule under this chapter, 18507
the board shall submit the proposed rule to the director of 18508
public safety for review. The director may review the proposed 18509
rule for not more than sixty days after the date it is 18510
submitted. If, within this sixty-day period, the director 18511
approves the proposed rule or does not notify the board that the 18512
rule is disapproved, the board may adopt, amend, or rescind the 18513
rule as proposed. If, within this sixty-day period, the director 18514
notifies the board that the proposed rule is disapproved, the 18515
board shall not adopt, amend, or rescind the rule as proposed 18516
unless at least twelve members of the board vote to adopt, 18517
amend, or rescind it. 18518

This division does not apply to an emergency rule adopted 18519
in accordance with section 119.03 of the Revised Code. 18520

(E) Notwithstanding any requirement for a certificate 18521
issued in accordance with rules adopted by the board under this 18522
section, the board, in accordance with Chapter 4796. of the 18523
Revised Code, shall issue a certificate that is a license as 18524
defined in section 4796.01 of the Revised Code to an individual 18525
if either of the following applies: 18526

(1) The individual holds a license or certificate in 18527
another state. 18528

(2) The individual has satisfactory work experience, a 18529
government certification, or a private certification as 18530
described in that chapter as a first responder, emergency 18531

medical technician-basic, emergency medical technician- 18532
intermediate, or emergency medical technician-paramedic in a 18533
state that does not issue that license or certificate. 18534

Sec. 4765.30. (A) (1) The state board of emergency medical, 18535
fire, and transportation services shall issue a certificate to 18536
practice as a first responder to an applicant who meets all of 18537
the following conditions: 18538

(a) Except as provided in division (A) (2) of this section, 18539
is a volunteer for a nonprofit emergency medical service 18540
organization or a nonprofit fire department; 18541

(b) Holds the appropriate certificate of completion issued 18542
in accordance with section 4765.24 of the Revised Code; 18543

(c) Passes the appropriate examination conducted under 18544
section 4765.29 of the Revised Code; 18545

(d) Is not in violation of any provision of this chapter 18546
or the rules adopted under it; 18547

(e) Meets any other certification requirements established 18548
in rules adopted under section 4765.11 of the Revised Code. 18549

(2) The board may waive the requirement to be a volunteer 18550
for a nonprofit entity if the applicant meets other requirements 18551
established in rules adopted under division (B) (3) of section 18552
4765.11 of the Revised Code relative to a person's eligibility 18553
to practice as a first responder. 18554

(B) The state board of emergency medical, fire, and 18555
transportation services shall issue a certificate to practice as 18556
an emergency medical technician-basic to an applicant who meets 18557
all of the following conditions: 18558

(1) Holds a certificate of completion in emergency medical 18559

services training-basic issued in accordance with section	18560
4765.24 of the Revised Code;	18561
(2) Passes the examination for emergency medical	18562
technicians-basic conducted under section 4765.29 of the Revised	18563
Code;	18564
(3) Is not in violation of any provision of this chapter	18565
or the rules adopted under it;	18566
(4) Meets any other certification requirements established	18567
in rules adopted under section 4765.11 of the Revised Code.	18568
(C) The state board of emergency medical, fire, and	18569
transportation services shall issue a certificate to practice as	18570
an emergency medical technician-intermediate or emergency	18571
medical technician-paramedic to an applicant who meets all of	18572
the following conditions:	18573
(1) Holds a certificate to practice as an emergency	18574
medical technician-basic;	18575
(2) Holds the appropriate certificate of completion issued	18576
in accordance with section 4765.24 of the Revised Code;	18577
(3) Passes the appropriate examination conducted under	18578
section 4765.29 of the Revised Code;	18579
(4) Is not in violation of any provision of this chapter	18580
or the rules adopted under it;	18581
(5) Meets any other certification requirements established	18582
in rules adopted under section 4765.11 of the Revised Code.	18583
(D) <u>Notwithstanding any requirement for a certificate to</u>	18584
<u>practice issued under this section, the board shall issue a</u>	18585
<u>certificate in accordance with Chapter 4796. of the Revised Code</u>	18586

to an individual if either of the following applies: 18587

(1) The individual holds a license or certificate in another state. 18588
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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 in a state that does not issue that license or certificate. 18590
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(E) A certificate to practice shall have a certification cycle established by the board and may be renewed by the board pursuant to rules adopted under section 4765.11 of the Revised Code. Not later than sixty days prior to the expiration date of an individual's certificate to practice, the board shall notify the individual of the scheduled expiration. 18594
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An application for renewal shall be accompanied by the appropriate renewal fee established in rules adopted under section 4765.11 of the Revised Code, unless the board waives the fee on determining pursuant to those rules that the applicant cannot afford to pay the fee. Except as provided in division (B) of section 4765.31 of the Revised Code, the application shall include evidence of either of the following: 18600
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(1) That the applicant received a certificate of completion from the appropriate emergency medical services continuing education program pursuant to section 4765.24 of the Revised Code; 18607
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(2) That the applicant has successfully passed an examination that demonstrates the competence to have a certificate renewed without completing an emergency medical services continuing education program. The board shall approve such examinations in accordance with rules adopted under section 18611
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4765.11 of the Revised Code. 18616

~~(E)~~ (F) The board shall not require an applicant for 18617
renewal of a certificate to practice to take an examination as a 18618
condition of renewing the certificate. This division does not 18619
preclude the use of examinations by operators of approved 18620
emergency medical services continuing education programs as a 18621
condition for issuance of a certificate of completion in 18622
emergency medical services continuing education. 18623

Sec. 4765.55. (A) The executive director of the state 18624
board of emergency medical, fire, and transportation services, 18625
with the advice and counsel of the firefighter and fire safety 18626
inspector training committee of the state board of emergency 18627
medical, fire, and transportation services, shall assist in the 18628
establishment and maintenance by any state agency, or any 18629
county, township, city, village, school district, or educational 18630
service center of a fire service training program for the 18631
training of all persons in positions of any fire training 18632
certification level approved by the executive director, 18633
including full-time paid firefighters, part-time paid 18634
firefighters, volunteer firefighters, and fire safety inspectors 18635
in this state. The executive director, with the advice and 18636
counsel of the committee, shall adopt rules to regulate those 18637
firefighter and fire safety inspector training programs, and 18638
other training programs approved by the executive director. The 18639
rules may include, but need not be limited to, training 18640
curriculum, certification examinations, training schedules, 18641
minimum hours of instruction, attendance requirements, required 18642
equipment and facilities, basic physical requirements, and 18643
methods of training for all persons in positions of any fire 18644
training certification level approved by the executive director, 18645
including full-time paid firefighters, part-time paid 18646

firefighters, volunteer firefighters, and fire safety 18647
inspectors. The rules adopted to regulate training programs for 18648
volunteer firefighters shall not require more than thirty-six 18649
hours of training. 18650

The executive director, with the advice and counsel of the 18651
committee, shall provide for the classification and chartering 18652
of fire service training programs in accordance with rules 18653
adopted under division (B) of this section, and may take action 18654
against any chartered training program or applicant, in 18655
accordance with rules adopted under divisions (B)(4) and (5) of 18656
this section, for failure to meet standards set by the adopted 18657
rules. 18658

(B) The executive director, with the advice and counsel of 18659
the firefighter and fire safety inspector training committee of 18660
the state board of emergency medical, fire, and transportation 18661
services, shall adopt, and may amend or rescind, rules under 18662
Chapter 119. of the Revised Code that establish all of the 18663
following: 18664

(1) Requirements for, and procedures for chartering, the 18665
training programs regulated by this section; 18666

(2) Requirements for, and requirements and procedures for 18667
obtaining and renewing, an instructor certificate to teach the 18668
training programs and continuing education classes regulated by 18669
this section; 18670

(3) Requirements for, and requirements and procedures for 18671
obtaining and renewing, any of the fire training certificates 18672
regulated by this section; 18673

(4) Grounds and procedures for suspending, revoking, 18674
restricting, or refusing to issue or renew any of the 18675

certificates or charters regulated by this section, which 18676
grounds shall be limited to one of the following: 18677

(a) Failure to satisfy the education or training 18678
requirements of this section; 18679

(b) Conviction of a felony offense; 18680

(c) Conviction of a misdemeanor involving moral turpitude; 18681

(d) Conviction of a misdemeanor committed in the course of 18682
practice; 18683

(e) In the case of a chartered training program or 18684
applicant, failure to meet standards set by the rules adopted 18685
under this division. 18686

(5) Grounds and procedures for imposing and collecting 18687
fines, not to exceed one thousand dollars, in relation to 18688
actions taken under division (B) (4) of this section against 18689
persons holding certificates and charters regulated by this 18690
section, the fines to be deposited into the trauma and emergency 18691
medical services fund established under section 4513.263 of the 18692
Revised Code; 18693

(6) Continuing education requirements for certificate 18694
holders, including a requirement that credit shall be granted 18695
for in-service training programs conducted by local entities; 18696

(7) Procedures for considering the granting of an 18697
extension or exemption of fire service continuing education 18698
requirements; 18699

(8) Certification cycles for which the certificates and 18700
charters regulated by this section are valid. 18701

(C) The executive director, with the advice and counsel of 18702

the firefighter and fire safety inspector training committee of 18703
the state board of emergency medical, fire, and transportation 18704
services, shall issue or renew an instructor certificate to 18705
teach the training programs and continuing education classes 18706
regulated by this section to any applicant that the executive 18707
director determines meets the qualifications established in 18708
rules adopted under division (B) of this section, and may take 18709
disciplinary action against an instructor certificate holder or 18710
applicant in accordance with rules adopted under division (B) of 18711
this section. The executive director, with the advice and 18712
counsel of the committee, shall charter or renew the charter of 18713
any training program that the executive director determines 18714
meets the qualifications established in rules adopted under 18715
division (B) of this section, and may take disciplinary action 18716
against the holder of a charter in accordance with rules adopted 18717
under division (B) of this section. 18718

(D) The executive director shall issue or renew a fire 18719
training certificate for a firefighter, a fire safety inspector, 18720
or another position of any fire training certification level 18721
approved by the executive director, to any applicant that the 18722
executive director determines meets the qualifications 18723
established in rules adopted under division (B) of this section 18724
and may take disciplinary actions against a certificate holder 18725
or applicant in accordance with rules adopted under division (B) 18726
of this section. 18727

(E) Certificates issued under this section shall be on a 18728
form prescribed by the executive director, with the advice and 18729
counsel of the firefighter and fire safety inspector training 18730
committee of the state board of emergency medical, fire, and 18731
transportation services. 18732

(F) (1) The executive director, with the advice and counsel 18733
of the firefighter and fire safety inspector training committee 18734
of the state board of emergency medical, fire, and 18735
transportation services, shall establish criteria for evaluating 18736
the standards maintained by ~~other states and~~ the branches of the 18737
United States military for firefighter, fire safety inspector, 18738
and fire instructor training programs, and other training 18739
programs recognized by the executive director, to determine 18740
whether the standards are equivalent to those established under 18741
this section and shall establish requirements and procedures for 18742
issuing a certificate to each person who presents proof to the 18743
executive director of having satisfactorily completed a training 18744
program that meets those standards. 18745

(2) The executive director, with the committee's advice 18746
and counsel, shall adopt rules establishing requirements and 18747
procedures for issuing a fire training certificate in lieu of 18748
completing a chartered training program. 18749

(G) Notwithstanding any requirement for a certificate 18750
issued under this section, the executive director shall issue a 18751
certificate in accordance with Chapter 4796. of the Revised Code 18752
to an individual if either of the following applies: 18753

(1) The individual holds a license or certificate in 18754
another state. 18755

(2) The individual has satisfactory work experience, a 18756
government certification, or a private certification as 18757
described in that chapter as a firefighter or fire safety 18758
inspector in a state that does not issue that license or 18759
certificate. 18760

(H) Nothing in this section invalidates any other section 18761

of the Revised Code relating to the fire training academy. 18762
Section 4765.11 of the Revised Code does not affect any powers 18763
and duties granted to the executive director under this section. 18764

~~(H)~~ (I) Notwithstanding any provision of division (B) (4) 18765
of this section to the contrary, the executive director shall 18766
not adopt rules for refusing to issue any of the certificates or 18767
charters regulated by this section to an applicant because of a 18768
criminal conviction unless the rules establishing grounds and 18769
procedures for refusal are in accordance with section 9.79 of 18770
the Revised Code. 18771

Sec. 4767.031. (A) The owner or the person responsible for 18772
the operation of each cemetery required to register under 18773
section 4767.03 of the Revised Code shall provide the division 18774
of real estate in the department of commerce, on a form 18775
prescribed by the division, at the same time the owner or other 18776
person applies for registration or renewal of registration as 18777
required by section 4767.03 of the Revised Code, a list of the 18778
names and residence addresses of all persons employed or 18779
otherwise engaged by the cemetery to sell interment rights. The 18780
provision of this information constitutes the registration of 18781
these persons to sell interment rights. 18782

In order for an independent contractor to sell interment 18783
rights for a cemetery, the cemetery shall sponsor and register 18784
the independent contractor with the division. More than one 18785
cemetery may sponsor and register the same independent 18786
contractor. The division shall register an independent 18787
contractor in accordance with Chapter 4796. of the Revised Code 18788
if either of the following applies: 18789

(1) The individual is licensed or registered in another 18790
state. 18791

(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as an independent contractor selling interment rights for a cemetery in a state that does not issue that license or registration. 18792
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(B) The owner or the person responsible for the operation of each cemetery required to register under section 4767.03 of the Revised Code shall provide the division with a revised list of the names and residence addresses of all persons employed or otherwise engaged by the cemetery to sell interment rights within the calendar quarter immediately following the date of the termination of the cemetery's relationship with an existing salesperson or the commencement of a relationship with a new salesperson. As used in this division, "calendar quarter" means the three-month period that commences on the first day of each January, April, July, and October. 18797
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Sec. 4771.08. (A) Upon receipt of all the materials required for application for registration under section 4771.07 of the Revised Code, the Ohio athletic commission shall evaluate the information provided and issue a certificate of registration to the applicant, unless the commission finds that the applicant or an employee or representative of the applicant has committed any of the acts described in division (A) of section 4771.18 of the Revised Code. 18808
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Notwithstanding the requirements for a certificate of registration under this chapter, the commission shall issue a certificate of registration in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 18816
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(1) The applicant is registered in another state. 18821

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an athlete agent in a state that does not issue that certificate of registration. 18822
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(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. 18826
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(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. 18836
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(D) Each certificate of registration issued by the commission to an athlete agent shall contain all the following information: 18845
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(1) The name of the athlete agent; 18848

(2) The address of the primary location in which the athlete agent is authorized to conduct business as an athlete 18849
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agent; 18851

(3) A registration number for the athlete agent and the 18852
date of issuance of the registration. 18853

(E) No registration or certificate of registration is 18854
valid for any individual other than the athlete agent to whom it 18855
is issued. 18856

(F) The commission is not liable for the acts of an 18857
athlete agent who is registered with the commission. 18858

Sec. 4773.03. (A) ~~Each~~ Except as provided in division (G) 18859
of this section, each individual seeking a license to practice 18860
as a general x-ray machine operator, radiographer, radiation 18861
therapy technologist, or nuclear medicine technologist shall 18862
apply to the department of health on a form the department shall 18863
prescribe and provide. The application shall be accompanied by 18864
the appropriate license application fee established in rules 18865
adopted under section 4773.08 of the Revised Code. 18866

(B) ~~The~~ Except as provided in division (G) of this 18867
section, the department shall review all applications received 18868
and issue the appropriate general x-ray machine operator, 18869
radiographer, radiation therapy technologist, or nuclear 18870
medicine technologist license to each applicant who meets all of 18871
the following requirements: 18872

(1) Is eighteen years of age or older; 18873

(2) Except as provided in division (C) of this section, 18874
passes the examination administered under section 4773.04 of the 18875
Revised Code for the applicant's area of practice; 18876

(3) Complies with any other licensing standards 18877
established in rules adopted under section 4773.08 of the 18878

Revised Code.	18879
(C) An applicant is not required to take a licensing examination if one of the following applies to the applicant:	18880 18881
(1) The individual is applying for a license as a general 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.	18882 18883 18884 18885 18886
(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.	18887 18888 18889
(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.	18890 18891 18892 18893
(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.	18894 18895 18896 18897
(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.	18898 18899 18900 18901
(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.	18902 18903 18904 18905
(D) A license issued under this section expires biennially	18906

on the license holder's birthday, except for an initial license 18907
which expires on the license holder's birthday following two 18908
years after it is issued. For an initial license, the fee 18909
established in rules adopted under section 4773.08 of the 18910
Revised Code may be increased in proportion to the amount of 18911
time beyond two years that the license may be valid. 18912

A license may be renewed. To be eligible for renewal, the 18913
license holder must complete the continuing education 18914
requirements specified in rules adopted by the department under 18915
section 4773.08 of the Revised Code. Applications for license 18916
renewal shall be accompanied by the appropriate renewal fee 18917
established in rules adopted under section 4773.08 of the 18918
Revised Code. Renewals shall be made in accordance with the 18919
standard renewal procedure established under Chapter 4745. of 18920
the Revised Code. 18921

(E) (1) A license that has lapsed or otherwise become 18922
inactive may be reinstated. An individual seeking reinstatement 18923
of a license shall apply to the department on a form the 18924
department shall prescribe and provide. The application shall be 18925
accompanied by the appropriate reinstatement fee established in 18926
rules adopted under section 4773.08 of the Revised Code. 18927

(2) To be eligible for reinstatement, both of the 18928
following apply: 18929

(a) An applicant must continue to meet the conditions for 18930
receiving an initial license, including the examination or 18931
certification requirements specified in division (B) or (C) of 18932
this section. In the case of an applicant seeking reinstatement 18933
based on having passed an examination administered under section 18934
4773.04 of the Revised Code, the length of time that has elapsed 18935
since the examination was passed is not a consideration in 18936

determining whether the applicant is eligible for reinstatement. 18937

(b) The applicant must complete the continuing education 18938
requirements for reinstatement established in rules adopted 18939
under section 4773.08 of the Revised Code. 18940

(F) The department shall refuse to issue, renew, or 18941
reinstate and may suspend or revoke a general x-ray machine 18942
operator, radiographer, radiation therapy technologist, or 18943
nuclear medicine technologist license if the applicant or 18944
license holder does not comply with the applicable requirements 18945
of this chapter or rules adopted under it. 18946

(G) The department shall issue a general x-ray machine 18947
operator, radiographer, radiation therapy technologist, or 18948
nuclear medicine technologist license in accordance with Chapter 18949
4796. of the Revised Code to an applicant if either of the 18950
following applies: 18951

(1) The applicant holds a license in another state. 18952

(2) The applicant has satisfactory work experience, a 18953
government certification, or a private certification as 18954
described in that chapter as a general x-ray machine operator, 18955
radiographer, radiation therapy technologist, or nuclear 18956
medicine technologist in a state that does not issue that 18957
license. 18958

Sec. 4774.03. (A) ~~An~~ Except as provided in division (D) of 18959
this section, an individual seeking a license to practice as a 18960
radiologist assistant shall file with the state medical board a 18961
written application on a form prescribed and supplied by the 18962
board. The application shall include all the information the 18963
board considers necessary to process the application, including 18964
evidence satisfactory to the board that the applicant meets the 18965

requirements specified in division (B) of this section. 18966

At the time an application is submitted, the applicant 18967
shall pay the board the application fee specified by the board 18968
in rules adopted under section 4774.11 of the Revised Code. No 18969
part of the fee shall be returned. 18970

(B) ~~To~~ Except as provided in division (D) of this section, 18971
to be eligible to receive a license to practice as a radiologist 18972
assistant, an applicant shall meet all of the following 18973
requirements: 18974

(1) Be at least eighteen years of age; 18975

(2) Hold a current, valid license as a radiographer under 18976
Chapter 4773. of the Revised Code; 18977

(3) Have attained a baccalaureate degree or 18978
postbaccalaureate certificate from an advanced academic program 18979
encompassing a nationally recognized radiologist assistant 18980
curriculum that includes a radiologist-directed clinical 18981
preceptorship; 18982

(4) Hold current certification as a registered radiologist 18983
assistant from the American registry of radiologic technologists 18984
and have attained the certification by meeting the standard 18985
certification requirements established by the registry, 18986
including the registry's requirements for documenting clinical 18987
education in the form of a clinical portfolio and passing an 18988
examination to determine competence to practice; 18989

(5) Hold current certification in advanced cardiac life 18990
support. 18991

(C) The board shall review all applications received under 18992
this section. Not later than sixty days after receiving an 18993

application the board considers to be complete, the board shall 18994
determine whether the applicant meets the requirements to 18995
receive a license to practice as a radiologist assistant. 18996

(D) The board shall issue a license to practice as a 18997
radiologist assistant in accordance with Chapter 4796. of the 18998
Revised Code to an applicant if either of the following applies: 18999

(1) The applicant holds a license in another state. 19000

(2) The applicant has satisfactory work experience, a 19001
government certification, or a private certification as 19002
described in that chapter as a radiologist assistant in a state 19003
that does not issue that license. 19004

Sec. 4775.07. (A) Any person required to be registered as 19005
a motor vehicle repair operator shall apply to the motor vehicle 19006
repair board upon forms prescribed by the board. The forms shall 19007
contain sufficient information to identify the applicant, 19008
including name, address, state tax identification number, and 19009
any other identifying data prescribed by rule of the board. If 19010
the applicant is a partnership, identifying data as prescribed 19011
by the board may be required for each partner. If the applicant 19012
is a corporation, identifying data may be required for each 19013
officer of the corporation and each person in charge of each 19014
place of the motor vehicle repair operator's business in this 19015
state. The applicant shall affirm the application by oath. The 19016
applicant shall include with the application the initial 19017
registration fee set forth in section 4775.08 of the Revised 19018
Code and proof satisfactory to the board that the applicant has 19019
a current state and federal tax identification number, a valid 19020
vendor's license issued pursuant to section 5739.17 of the 19021
Revised Code, a United States environmental protection agency 19022
identification number issued under the "Resource Conservation 19023

and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 6901, as 19024
amended, and regulations adopted under that act, proof of 19025
possession of all permits required under Chapter 3704. of the 19026
Revised Code, general liability insurance and liability 19027
insurance that protects a person against liability for damage to 19028
motor vehicles in the applicant's care, custody, or control in 19029
an amount and form that conforms to the rules the board adopts 19030
under section 4775.04 of the Revised Code, and coverage under 19031
Chapters 4123. and 4141. of the Revised Code. In addition, the 19032
applicant shall affirm that the applicant is in compliance with 19033
all applicable federal and state statutes and rules and all 19034
local ordinances and resolutions, including all applicable 19035
zoning regulations. 19036

(B) Upon receipt of the completed application form and 19037
fees and after the board determines that the applicant meets the 19038
requirements for registration under division (A) of this 19039
section, the board shall direct the executive director to issue 19040
a registration certificate to the applicant for each place of 19041
business. The motor vehicle repair operator shall display the 19042
registration certificate in a conspicuous place on the premises 19043
of the business for which the registration is obtained. The 19044
board and director shall issue a registration certificate in 19045
accordance with Chapter 4796. of the Revised Code to an 19046
applicant if either of the following applies: 19047

(1) The applicant holds a license or registration 19048
certificate in another state. 19049

(2) The applicant has satisfactory work experience, a 19050
government certification, or a private certification as 19051
described in that chapter as a motor vehicle repair operator in 19052
a state that does not issue that license or registration 19053

certificate. 19054

(C) Each registration certificate issued under this 19055
section expires annually on the date of its original issuance 19056
and may be renewed in accordance with the standard renewal 19057
procedure of Chapter 4745. of the Revised Code. The application 19058
for a renewal of a registration certificate shall be accompanied 19059
by the same information and proof as is required to accompany an 19060
initial application under division (A) of this section. 19061

(D) When a motor vehicle repair operator experiences a 19062
change in any information or data required under division (A) of 19063
this section or by rule of the board for registration as a motor 19064
vehicle repair operator, the motor vehicle repair operator shall 19065
submit written notification of the change to the board within 19066
sixty days after the date that the information becomes obsolete. 19067
If a motor vehicle repair operator fails to submit the written 19068
notification of a change in information or data within sixty 19069
days after the change in information or data, the operator's 19070
registration certificate is automatically suspended, except that 19071
the board may waive the suspension for good cause shown. 19072

(E) Notwithstanding section 5703.21 of the Revised Code, 19073
the department of taxation may disclose to the board any 19074
information necessary for the board to verify the existence of 19075
an applicant's valid vendor's license and current state tax 19076
identification number. 19077

Sec. 4778.03. (A) ~~An~~ Except as provided in division (D) of 19078
this section, an individual seeking a license to practice as a 19079
genetic counselor shall file with the state medical board an 19080
application in a manner prescribed by the board. The application 19081
shall include all the information the board considers necessary 19082
to process the application, including evidence satisfactory to 19083

the board that the applicant meets the requirements specified in 19084
division (B) of this section. 19085

At the time an application is submitted, the applicant 19086
shall pay the board an application fee of two hundred dollars. 19087
No part of the fee shall be returned to the applicant or 19088
transferred for purposes of another application. 19089

(B) ~~To~~ Except as provided in division (D) of this section, 19090
to be eligible to receive a license to practice as a genetic 19091
counselor, an applicant shall demonstrate to the board that the 19092
applicant meets all of the following requirements: 19093

(1) Is at least eighteen years of age; 19094

(2) Has attained a master's degree or higher degree from a 19095
genetic counseling graduate program accredited by the American 19096
board of genetic counseling, inc.; 19097

(3) Is a certified genetic counselor; 19098

(4) Has satisfied any other requirements established by 19099
the board in rules adopted under section 4778.12 of the Revised 19100
Code. 19101

(C) The board shall review all applications received under 19102
this section. Not later than sixty days after receiving an 19103
application it considers complete, the board shall determine 19104
whether the applicant meets the requirements for a license to 19105
practice as a genetic counselor. 19106

(D) The board shall issue a license to practice as a 19107
genetic counselor in accordance with Chapter 4796. of the 19108
Revised Code to an applicant if either of the following applies: 19109

(1) The applicant holds a license in another state. 19110

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a genetic counselor in a state that does not issue that license. 19111
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Sec. 4778.08. (A) The—Except as provided in division (C) of this section, the state medical board may issue to an applicant under section 4778.03 of the Revised Code a license to practice as a genetic counselor, designated as a supervised practice license, if both of the following apply: 19115
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(1) The applicant meets the requirements specified in section 4778.03 of the Revised Code other than being a certified genetic counselor; 19120
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(2) The applicant is in active candidate status with the American board of genetic counseling. 19123
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(B) A supervised practice license authorizes the holder to engage in the activities authorized by section 4778.11 of the Revised Code while the holder is under the general supervision of a genetic counselor licensed under section 4778.05 of the Revised Code or a physician. General supervision does not require the supervising licensed genetic counselor or physician to be present while the holder engages in such activities, but does require the licensed genetic counselor or physician to have professional responsibility for the holder and be readily accessible to the holder for professional consultation and assistance. 19125
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A supervised practice license is valid from the date of issuance until the earlier of one year from that date or the date a license is issued under section 4778.05 of the Revised Code. A supervised practice license may not be renewed. 19136
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(C) The board shall issue a supervised practice license to practice as a genetic counselor in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 19140
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(1) The applicant holds a license in another state. 19144

(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. 19145
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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. 19149
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(B) An applicant for a special activity license shall submit to the board all of the following information: 19154
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(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; 19156
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(2) Evidence that the applicant has actively practiced genetic counseling within the two-year period immediately preceding application; 19161
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(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. 19164
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(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.

(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~~ 19198
~~appropriate authority of another state;~~ 19199

~~(C) One of the following applies:~~ 19200

~~(1) In the case of an applicant for a license to practice~~ 19201
~~orthotics, the applicant meets the requirements in divisions (A)~~ 19202
~~(2) and (3) of section 4779.10 of the Revised Code.~~ 19203

~~(2) In the case of an applicant for a license to practice~~ 19204
~~prosthetics, the applicant meets the requirements in divisions~~ 19205
~~(A) (2) and (3) of section 4779.11 of the Revised Code.~~ 19206

~~(3) In the case of an applicant for a license to practice~~ 19207
~~orthotics and prosthetics, the applicant meets the requirements~~ 19208
~~in divisions (A) (2) and (3) of section 4779.12 of the Revised~~ 19209
~~Code.~~ 19210

~~(4) In the case of an applicant for a license to practice~~ 19211
~~pedorthics, the applicant meets the requirements in divisions~~ 19212
~~(B) and (C) of section 4779.13 of the Revised Code.~~ 19213

~~(D) All fees received by the board under this section~~ 19214
~~shall be deposited in the state treasury to the credit of the~~ 19215
~~occupational licensing and regulatory fund established in~~ 19216
~~section 4743.05 accordance with Chapter 4796. of the Revised~~ 19217
~~Code to an applicant if either of the following applies:~~ 19218

~~(A) The applicant holds a license in another state.~~ 19219

~~(B) The applicant has satisfactory work experience, a~~ 19220
~~government certification, or a private certification as~~ 19221
~~described in that chapter in orthotics, prosthetics, orthotics~~ 19222
~~and prosthetics, or pedorthics in a state that does not issue~~ 19223
~~that license.~~ 19224

Sec. 4779.18. (A) The Ohio occupational therapy, physical 19225

therapy, and athletic trainers board shall issue a temporary 19226
license to an individual who meets all of the following 19227
requirements: 19228

(1) Applies to the board in accordance with rules adopted 19229
under section 4779.08 of the Revised Code and pays the 19230
application fee specified in the rules; 19231

(2) Is eighteen years of age or older; 19232

(3) One of the following applies: 19233

(a) In the case of an applicant for a license to practice 19234
orthotics, the applicant meets the requirements in divisions (A) 19235
(2) and (3) of section 4779.10 of the Revised Code. 19236

(b) In the case of an applicant for a license to practice 19237
prosthetics, the applicant meets the requirements in divisions 19238
(A) (2) and (3) of section 4779.11 of the Revised Code. 19239

(c) In the case of an applicant for a license to practice 19240
orthotics and prosthetics, the applicant meets the requirements 19241
in divisions (A) (2) and (3) of section 4779.12 of the Revised 19242
Code. 19243

(d) In the case of an applicant for a license to practice 19244
pedorthics, the applicant meets the requirements in divisions 19245
(B) and (C) of section 4779.13 of the Revised Code. 19246

(B) The board shall issue a temporary license in 19247
accordance with Chapter 4796. of the Revised Code to an 19248
applicant who holds a license in another state, a government 19249
certification, or a private certification as described in that 19250
chapter in a state that does not issue that license. 19251

(C) A temporary license issued under this section is valid 19252
for one year and may be renewed once in accordance with rules 19253

adopted by the board under section 4779.08 of the Revised Code. 19254

(D) An individual who holds a temporary license may 19255
practice orthotics, prosthetics, orthotics and prosthetics, or 19256
pedorthics only under the supervision of an individual who holds 19257
a license issued under section 4779.09 of the Revised Code in 19258
the same area of practice. 19259

~~(C)~~ (E) All fees received by the board under this section 19260
shall be deposited in the state treasury to the credit of the 19261
occupational licensing and regulatory fund established in 19262
section 4743.05 of the Revised Code. 19263

Sec. 4781.07. (A) Pursuant to rules the division of 19264
industrial compliance adopts, the division may certify 19265
municipal, township, and county building departments and the 19266
personnel of those departments, or any private third party, to 19267
exercise the division's enforcement authority, accept and 19268
approve plans and specifications for foundations, support 19269
systems and installations, and inspect manufactured housing 19270
foundations, support systems, and manufactured housing 19271
installations. Any certification is effective for three years. 19272

(B) Following an investigation and finding of facts that 19273
support its action, the division of industrial compliance may 19274
revoke or suspend certification. The division may initiate an 19275
investigation on the division's own motion or the petition of a 19276
person affected by the enforcement or approval of plans. 19277

(C) (1) If a township, municipal corporation, or county 19278
does not have a building department that is certified pursuant 19279
to this section, it may designate by resolution or ordinance 19280
another building department that has been certified pursuant to 19281
this section to exercise the commission's enforcement authority, 19282

accept and approve plans and specifications for foundations, 19283
support systems and installations, and inspect manufactured 19284
housing foundations, support systems, and manufactured housing 19285
installations. The designation is effective upon acceptance by 19286
the designee. 19287

(2) An owner of a manufactured home or an operator of a 19288
manufactured home park may request an inspection and obtain an 19289
approval described in division (C) (1) of this section from any 19290
building department certified pursuant to this section 19291
designated by the township, municipal corporation, or county in 19292
which the owner's manufactured home or operator's manufactured 19293
home park is located. 19294

(D) The board shall certify an individual to exercise 19295
enforcement authority, to accept and approve plans and 19296
specifications, or to make inspections in this state in 19297
accordance with Chapter 4796. of the Revised Code if either of 19298
the following applies: 19299

(1) The individual is certified in another state. 19300

(2) The individual has satisfactory work experience, a 19301
government certification, or a private certification as 19302
described in that chapter in exercising enforcement authority, 19303
accepting and approving plans and specifications for 19304
foundations, support systems and installations, or inspecting 19305
manufactured housing foundations, support systems, and 19306
installations, in a state that does not issue that 19307
certification. 19308

Sec. 4781.08. (A) The division of industrial compliance 19309
shall issue a manufactured housing installer license to any 19310
applicant who is at least eighteen years of age and meets all of 19311

the following requirements:	19312
(1) Submits an application to the division on a form the division prescribes and pays the fee the division requires;	19313 19314
(2) Completes all training requirements the division prescribes;	19315 19316
(3) Meets the experience requirements the division prescribes by rule;	19317 19318
(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;	19319 19320 19321 19322
(5) Has completed an installation training course the division approves, which may be offered by the Ohio manufactured homes association or other entity;	19323 19324 19325
(6) Receives a passing score on the licensure examination the division administers;	19326 19327
(7) Provides information the division requires to demonstrate compliance with this chapter and the rules the division adopts;	19328 19329 19330
(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;	19331 19332 19333 19334 19335 19336
(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	19337 19338 19339

containing the terms and conditions the division requires; 19340

(10) Is in compliance with section 4123.35 of the Revised 19341
Code. 19342

(B) The division of industrial compliance shall not grant 19343
a license to any person who the division finds has engaged in 19344
actions during the previous two years that constitute a ground 19345
for denial, suspension, or revocation of a license or who has 19346
had a license revoked or disciplinary action imposed by the 19347
licensing or certification board of another state or 19348
jurisdiction during the previous two years in connection with 19349
the installation of manufactured housing. 19350

(C) Any person who is licensed, certified, or otherwise 19351
approved under the laws of another state to perform functions 19352
substantially similar to those of a manufactured housing 19353
installer may apply to the division for licensure on a form the 19354
division prescribes. The division shall issue a license ~~if the~~ 19355
~~standards for licensure, certification, or approval in the state~~ 19356
~~in which the applicant is licensed, certified, or approved are~~ 19357
~~substantially similar to or exceed the requirements set forth in~~ 19358
~~this chapter and the rules adopted pursuant to it in accordance~~ 19359
with Chapter 4796. of the Revised Code to an applicant if either 19360
of the following applies: 19361

(1) The applicant holds a license in another state. 19362

(2) The applicant has satisfactory work experience, a 19363
government certification, or a private certification as 19364
described in that chapter as a manufactured housing installer in 19365
a state that does not issue that license. The division may 19366
~~require the applicant to pass the division's licensure~~ 19367
~~examination.~~ 19368

(D) Any license issued pursuant to this section shall bear the licensee's name and post-office address, the issue date, a serial number the division designates, and the signature of the person the division designates pursuant to rules.

(E) A manufactured housing installer license expires two years after it is issued. The division of industrial compliance shall renew a license if the applicant does all of the following:

(1) Meets the requirements of division (A) of this section;

(2) Demonstrates compliance with the requirements of this chapter and the rules adopted pursuant to it;

(3) Meets the division's continuing education requirements.

(F) No manufactured housing installer license may be transferred to another person.

Sec. 4781.17. (A) Each person applying for a manufactured housing dealer's license or manufactured housing broker's license shall complete and deliver to the department of commerce, division of real estate, before the first day of April, a separate application for license for each county in which the business of selling or brokering manufactured or mobile homes is to be conducted. The application shall be in the form prescribed by the division of real estate and accompanied by the fee established by the division of real estate. The applicant shall sign and swear to the application that shall include all of the following:

(1) Name of applicant and location of principal place of business;

(2) Name or style under which business is to be conducted	19398
and, if a corporation, the state of incorporation;	19399
(3) Name and address of each owner or partner and, if a	19400
corporation, the names of the officers and directors;	19401
(4) The county in which the business is to be conducted	19402
and the address of each place of business therein;	19403
(5) A statement of the previous history, record, and	19404
association of the applicant and of each owner, partner,	19405
officer, and director, that is sufficient to establish to the	19406
satisfaction of the division of real estate the reputation in	19407
business of the applicant;	19408
(6) A statement showing whether the applicant has	19409
previously applied for a manufactured housing dealer's license,	19410
manufactured housing broker's license, manufactured housing	19411
salesperson's license, or, prior to July 1, 2010, a motor	19412
vehicle dealer's license, manufactured home broker's license, or	19413
motor vehicle salesperson's license, and the result of the	19414
application, and whether the applicant has ever been the holder	19415
of any such license that was revoked or suspended;	19416
(7) If the applicant is a corporation or partnership, a	19417
statement showing whether any partner, employee, officer, or	19418
director has been refused a manufactured housing dealer's	19419
license, manufactured housing broker's license, manufactured	19420
housing salesperson's license, or, prior to July 1, 2010, a	19421
motor vehicle dealer's license, manufactured home broker's	19422
license, or motor vehicle salesperson's license, or has been the	19423
holder of any such license that was revoked or suspended;	19424
(8) Any other information required by the division of real	19425
estate.	19426

(B) Each person applying for a manufactured housing salesperson's license shall complete and deliver to the division of real estate before the first day of July an application for license. The application shall be in the form prescribed by the division of real estate and shall be accompanied by the fee established by the division. The applicant shall sign and swear to the application that shall include all of the following:

(1) Name and post-office address of the applicant;

(2) Name and post-office address of the manufactured housing dealer or manufactured housing broker for whom the applicant intends to act as salesperson;

(3) A statement of the applicant's previous history, record, and association, that is sufficient to establish to the satisfaction of the division of real estate the applicant's reputation in business;

(4) A statement as to whether the applicant intends to engage in any occupation or business other than that of a manufactured housing salesperson;

(5) A statement as to whether the applicant has ever had any previous application for a manufactured housing salesperson license refused or, prior to July 1, 2010, any application for a motor vehicle salesperson license refused, and whether the applicant has previously had a manufactured housing salesperson or motor vehicle salesperson license revoked or suspended;

(6) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or manufactured housing broker whose license was suspended or revoked;

(7) A statement of the manufactured housing dealer or

manufactured housing broker named therein, designating the 19456
applicant as the dealer's or broker's salesperson; 19457

(8) Any other information required by the division of real 19458
estate. 19459

(C) Any application for a manufactured housing dealer or 19460
manufactured housing broker delivered to the division of real 19461
estate under this section also shall be accompanied by a 19462
photograph, as prescribed by the division, of each place of 19463
business operated, or to be operated, by the applicant. 19464

(D) The division of real estate shall deposit all license 19465
fees into the state treasury to the credit of the manufactured 19466
homes regulatory fund. 19467

(E) Notwithstanding any provision of this chapter to the 19468
contrary, the division shall issue a manufactured housing 19469
dealer's license or manufactured housing broker's license in 19470
accordance with Chapter 4796. of the Revised Code to an 19471
applicant if either of the following applies: 19472

(1) The applicant holds a license in another state. 19473

(2) The applicant has satisfactory work experience, a 19474
government certification, or a private certification as 19475
described in that chapter as a manufactured housing dealer or 19476
manufactured housing broker in a state that does not issue that 19477
license. 19478

Sec. 4783.04. (A) An individual seeking a certificate to 19479
practice as a certified Ohio behavior analyst shall file with 19480
the state board of psychology a written application on a form 19481
prescribed and supplied by the board. To be eligible for a 19482
certificate, the individual shall do all of the following: 19483

(1) Demonstrate that the applicant conducts the applicant's professional activities in accordance with accepted professional and ethical standards;

(2) Comply with sections 4776.01 to 4776.04 of the Revised Code;

(3) Demonstrate an understanding of the law regarding behavioral health practice;

(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;

(5) Pay the fee established by the state board of psychology.

(B) The state board of psychology shall review all applications received under this section. The state board of psychology shall not grant a certificate to an applicant for an initial certificate unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. If the state board of psychology determines that an applicant satisfies the requirements for a certificate to practice as a certified Ohio behavior analyst, the state board of psychology shall issue the applicant a certificate.

(C) The board shall issue a certificate to practice as a certified Ohio behavior analyst in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a certificate or license in

another state. 19513

(2) The applicant has satisfactory work experience, a 19514
government certification, or a private certification as 19515
described in that chapter as a behavior analyst in a state that 19516
does not issue that certificate or license. 19517

Sec. 5123.161. A person or government entity that seeks to 19518
provide supported living shall apply to the director of 19519
developmental disabilities for a supported living certificate. 19520

Except as provided in sections 5123.166 and 5123.169 of 19521
the Revised Code, the director shall issue to the person or 19522
government entity a supported living certificate if the person 19523
or government entity follows the application process established 19524
in rules adopted under section 5123.1611 of the Revised Code, 19525
meets the applicable certification standards established in 19526
those rules, and pays the certification fee established in those 19527
rules. The director shall issue a supported living certificate 19528
in accordance with Chapter 4796. of the Revised Code to a person 19529
if either of the following applies: 19530

(A) The person holds a supported living certificate issued 19531
by another state. 19532

(B) The person has satisfactory work experience, a 19533
government certification, or a private certification as 19534
described in that chapter as a person providing supported living 19535
in a state that does not issue that certificate. 19536

Sec. 5123.45. (A) The department of developmental 19537
disabilities shall establish a program under which the 19538
department issues certificates to the following: 19539

(1) Developmental disabilities personnel, for purposes of 19540
meeting the requirement of division (D) (1) of section 5123.42 of 19541

the Revised Code to obtain a certificate or certificates to 19542
administer medications and perform health-related activities 19543
pursuant to the authority granted under division (C) of that 19544
section; 19545

(2) Registered nurses, for purposes of meeting the 19546
requirement of division (B) of section 5123.441 of the Revised 19547
Code to obtain a certificate or certificates to provide the 19548
developmental disabilities personnel training courses developed 19549
under section 5123.43 of the Revised Code. 19550

(B) To receive a certificate issued under this section, 19551
developmental disabilities personnel and registered nurses shall 19552
successfully complete the applicable training course or courses 19553
and meet all other applicable requirements established in rules 19554
adopted pursuant to this section. The department shall issue the 19555
appropriate certificate or certificates to developmental 19556
disabilities personnel and registered nurses who meet the 19557
requirements for the certificate or certificates. The department 19558
shall issue the appropriate certificate or certificates in 19559
accordance with Chapter 4796. of the Revised Code to an 19560
applicant if either of the following applies: 19561

(1) The applicant holds a certificate or certificates 19562
issued by another state. 19563

(2) The applicant has satisfactory work experience, a 19564
government certification, or a private certification as 19565
described in that chapter as developmental disabilities 19566
personnel in a state that does not issue that certificate. 19567

(C) Certificates issued to developmental disabilities 19568
personnel are valid for one year and may be renewed. 19569
Certificates issued to registered nurses are valid for two years 19570

and may be renewed. 19571

To be eligible for renewal, developmental disabilities 19572
personnel and registered nurses shall meet the applicable 19573
continued competency requirements and continuing education 19574
requirements specified in rules adopted under division (D) of 19575
this section. In the case of registered nurses, continuing 19576
nursing education completed in compliance with the license 19577
renewal requirements established under Chapter 4723. of the 19578
Revised Code may be counted toward meeting the continuing 19579
education requirements established in the rules adopted under 19580
division (D) of this section. 19581

(D) In accordance with section 5123.46 of the Revised 19582
Code, the department shall adopt rules that establish all of the 19583
following: 19584

(1) Requirements that developmental disabilities personnel 19585
and registered nurses must meet to be eligible to take a 19586
training course, including having sufficient written and oral 19587
English skills to communicate effectively and reliably with 19588
patients, their families, and other medical professionals; 19589

(2) Standards that must be met to receive a certificate, 19590
including requirements pertaining to an applicant's criminal 19591
background; 19592

(3) Procedures to be followed in applying for a 19593
certificate and issuing a certificate; 19594

(4) Standards and procedures for renewing a certificate, 19595
including requirements for continuing education and, in the case 19596
of developmental disabilities personnel who administer 19597
prescribed medications, standards that require successful 19598
demonstration of proficiency in administering prescribed 19599

medications; 19600

(5) Any other standards or procedures the department 19601
considers necessary to administer the certification program. 19602

Sec. 5126.25. (A) The director of developmental 19603
disabilities shall adopt rules under division (C) of this 19604
section establishing uniform standards and procedures for the 19605
certification and registration of persons, other than the 19606
persons described in division (I) of this section, who are 19607
seeking employment with or are employed by either of the 19608
following: 19609

(1) A county board of developmental disabilities; 19610

(2) An entity that contracts with a county board to 19611
operate programs and services for individuals with developmental 19612
disabilities. 19613

(B) No person shall be employed in a position for which 19614
certification or registration is required pursuant to the rules 19615
adopted under this section without the certification or 19616
registration that is required for that position. The person 19617
shall not be employed or shall not continue to be employed if 19618
the required certification or registration is denied, revoked, 19619
or not renewed. 19620

(C) The director shall adopt rules in accordance with 19621
Chapter 119. of the Revised Code as the director considers 19622
necessary to implement and administer this section, including 19623
rules establishing all of the following: 19624

(1) Positions of employment that are subject to this 19625
section and, for each position, whether a person must receive 19626
certification or receive registration to be employed in that 19627
position; 19628

(2) Requirements that must be met to receive the certification or registration required to be employed in a particular position, including standards regarding education, specialized training, and experience, taking into account the needs of individuals with developmental disabilities and the specialized techniques needed to serve them, except that the rules shall not require a person designated as a service employee under section 5126.22 of the Revised Code to have or obtain a bachelor's or higher degree;

(3) Procedures to be followed in applying for initial certification or registration and for renewing the certification or registration.

(4) Requirements that must be met for renewal of certification or registration, which may include continuing education and professional training requirements;

(5) Subject to section 5126.23 of the Revised Code, grounds for which certification or registration may be denied, suspended, or revoked and procedures for appealing the denial, suspension, or revocation.

(D) Each person seeking certification or registration for employment shall apply in the manner established in rules adopted under this section.

(E) (1) Except as provided in division (E) (2) of this section, the superintendent of each county board is responsible for taking all actions regarding certification and registration of employees, other than the position of superintendent, early intervention supervisor, early intervention specialist, or investigative agent. For the position of superintendent, early intervention supervisor, early intervention specialist, or

investigative agent, the director of developmental disabilities 19658
is responsible for taking all such actions. 19659

Actions that may be taken by the superintendent or 19660
director include issuing, renewing, denying, suspending, and 19661
revoking certification and registration. All actions shall be 19662
taken in accordance with the rules adopted under this section. 19663

The superintendent may charge a fee to persons applying 19664
for certification or registration. The superintendent shall 19665
establish the amount of the fee according to the costs the 19666
county board incurs in administering its program for 19667
certification and registration of employees. 19668

A person subject to the denial, suspension, or revocation 19669
of certification or registration may appeal the decision. The 19670
appeal shall be made in accordance with the rules adopted under 19671
this section. 19672

(2) Pursuant to division (C) of section 5126.05 of the 19673
Revised Code, the superintendent may enter into a contract with 19674
any other entity under which the entity is given authority to 19675
carry out all or part of the superintendent's responsibilities 19676
under division (E) (1) of this section. 19677

(F) A person with valid certification or registration 19678
under this section on the effective date of any rules adopted 19679
under this section that increase the standards applicable to the 19680
certification or registration shall have such period as the 19681
rules prescribe, but not less than one year after the effective 19682
date of the rules, to meet the new certification or registration 19683
standards. 19684

(G) A person with valid certification or registration is 19685
qualified to be employed according to that certification or 19686

registration by any county board or entity contracting with a 19687
county board. 19688

(H) The director shall monitor county boards to ensure 19689
that their employees and the employees of their contracting 19690
entities have the applicable certification or registration 19691
required under this section and that the employees are 19692
performing only those functions they are authorized to perform 19693
under the certification or registration. The superintendent of 19694
each county board or the superintendent's designee shall 19695
maintain in appropriate personnel files evidence acceptable to 19696
the director that the employees have met the requirements. On 19697
request, representatives of the department of developmental 19698
disabilities shall be given access to the evidence. 19699

(I) The certification and registration requirements of 19700
this section and the rules adopted under it do not apply to 19701
either of the following: 19702

(1) A person who holds a valid license issued or 19703
certificate issued under Chapter 3319. of the Revised Code and 19704
performs no duties other than teaching or supervision of a 19705
teaching program; 19706

(2) A person who holds a valid license or certificate 19707
issued under Title XLVII of the Revised Code and performs only 19708
those duties governed by the license or certificate. 19709

(J) The director shall issue a certification or 19710
registration in accordance with Chapter 4796. of the Revised 19711
Code to a person if either of the following applies: 19712

(1) The person holds a license, certification, or 19713
registration in another state. 19714

(2) The person has satisfactory work experience, a 19715

government certification, or a private certification as 19716
described in that chapter in a state that does not issue that 19717
license, certification, or registration. 19718

Sec. 5902.02. The duties of the director of veterans 19719
services shall include the following: 19720

(A) Furnishing the veterans service commissions of all 19721
counties of the state copies of the state laws, rules, and 19722
legislation relating to the operation of the commissions and 19723
their offices; 19724

(B) Upon application, assisting the general public in 19725
obtaining records of vital statistics pertaining to veterans or 19726
their dependents; 19727

(C) Adopting rules pursuant to Chapter 119. of the Revised 19728
Code pertaining to minimum qualifications for hiring, 19729
certifying, and accrediting county veterans service officers, 19730
pertaining to their required duties, and pertaining to 19731
revocation of the certification of county veterans service 19732
officers; 19733

(D) Adopting rules pursuant to Chapter 119. of the Revised 19734
Code for the education, training, certification, and duties of 19735
veterans service commissioners and for the revocation of the 19736
certification of a veterans service commissioner; 19737

(E) Developing and monitoring programs and agreements 19738
enhancing employment and training for veterans in single or 19739
multiple county areas; 19740

(F) Developing and monitoring programs and agreements to 19741
enable county veterans service commissions to address 19742
homelessness, indigency, and other veteran-related issues 19743
individually or jointly; 19744

(G) Developing and monitoring programs and agreements to 19745
enable state agencies, individually or jointly, that provide 19746
services to veterans, including the veterans' homes operated 19747
under Chapter 5907. of the Revised Code and the director of job 19748
and family services, to address homelessness, indigency, 19749
employment, and other veteran-related issues; 19750

(H) Establishing and providing statistical reporting 19751
formats and procedures for county veterans service commissions; 19752

(I) Publishing electronically a listing of county veterans 19753
service offices and county veterans service commissioners. The 19754
listing shall include the expiration dates of commission 19755
members' terms of office and the organizations they represent; 19756
the names, addresses, and telephone numbers of county veterans 19757
service offices; and the addresses and telephone numbers of the 19758
Ohio offices and headquarters of state and national veterans 19759
service organizations. 19760

(J) Establishing a veterans advisory committee to advise 19761
and assist the department of veterans services in its duties. 19762
Members shall include a member of the national guard association 19763
of the United States who is a resident of this state, a member 19764
of the military officers association of America who is a 19765
resident of this state, a state representative of 19766
congressionally chartered veterans organizations referred to in 19767
section 5901.02 of the Revised Code, a representative of any 19768
other congressionally chartered state veterans organization that 19769
has at least one veterans service commissioner in the state, 19770
three representatives of the Ohio state association of county 19771
veterans service commissioners, who shall have a combined vote 19772
of one, three representatives of the state association of county 19773
veterans service officers, who shall have a combined vote of 19774

one, one representative of the county commissioners association 19775
of Ohio, who shall be a county commissioner not from the same 19776
county as any of the other county representatives, a 19777
representative of the advisory committee on women veterans, a 19778
representative of a labor organization, and a representative of 19779
the office of the attorney general. The department of veterans 19780
services shall submit to the advisory committee proposed rules 19781
for the committee's operation. The committee may review and 19782
revise these proposed rules prior to submitting them to the 19783
joint committee on agency rule review. 19784

(K) Adopting, with the advice and assistance of the 19785
veterans advisory committee, policy and procedural guidelines 19786
that the veterans service commissions shall adhere to in the 19787
development and implementation of rules, policies, procedures, 19788
and guidelines for the administration of Chapter 5901. of the 19789
Revised Code. The department of veterans services shall adopt no 19790
guidelines or rules regulating the purposes, scope, duration, or 19791
amounts of financial assistance provided to applicants pursuant 19792
to sections 5901.01 to 5901.15 of the Revised Code. The director 19793
of veterans services may obtain opinions from the office of the 19794
attorney general regarding rules, policies, procedures, and 19795
guidelines of the veterans service commissions and may enforce 19796
compliance with Chapter 5901. of the Revised Code. 19797

(L) Receiving copies of form DD214 filed in accordance 19798
with the director's guidelines adopted under division (L) of 19799
this section from members of veterans service commissions 19800
appointed under section 5901.02 and from county veterans service 19801
officers employed under section 5901.07 of the Revised Code; 19802

(M) Developing and maintaining and improving a resource, 19803
such as a telephone answering point or a web site, by means of 19804

which veterans and their dependents, through a single portal, 19805
can access multiple sources of information and interaction with 19806
regard to the rights of, and the benefits available to, veterans 19807
and their dependents. The director of veterans services may 19808
enter into agreements with state and federal agencies, with 19809
agencies of political subdivisions, with state and local 19810
instrumentalities, and with private entities as necessary to 19811
make the resource as complete as is possible. 19812

(N) Planning, organizing, advertising, and conducting 19813
outreach efforts, such as conferences and fairs, at which 19814
veterans and their dependents may meet, learn about the 19815
organization and operation of the department of veterans 19816
services and of veterans service commissions, and obtain 19817
information about the rights of, and the benefits and services 19818
available to, veterans and their dependents; 19819

(O) Advertising, in print, on radio and television, and 19820
otherwise, the rights of, and the benefits and services 19821
available to, veterans and their dependents; 19822

(P) Developing and advocating improved benefits and 19823
services for, and improved delivery of benefits and services to, 19824
veterans and their dependents; 19825

(Q) Searching for, identifying, and reviewing statutory 19826
and administrative policies that relate to veterans and their 19827
dependents and reporting to the general assembly statutory and 19828
administrative policies that should be consolidated in whole or 19829
in part within the organization of the department of veterans 19830
services to unify funding, delivery, and accounting of statutory 19831
and administrative policy expressions that relate particularly 19832
to veterans and their dependents; 19833

(R) Encouraging veterans service commissions to innovate 19834
and otherwise to improve efficiency in delivering benefits and 19835
services to veterans and their dependents and to report 19836
successful innovations and efficiencies to the director of 19837
veterans services; 19838

(S) Publishing and encouraging adoption of successful 19839
innovations and efficiencies veterans service commissions have 19840
achieved in delivering benefits and services to veterans and 19841
their dependents; 19842

(T) Establishing advisory committees, in addition to the 19843
veterans advisory committee established under division (K) of 19844
this section, on veterans issues; 19845

(U) Developing and maintaining a relationship with the 19846
United States department of veterans affairs, seeking optimal 19847
federal benefits and services for Ohio veterans and their 19848
dependents, and encouraging veterans service commissions to 19849
maximize the federal benefits and services to which veterans and 19850
their dependents are entitled; 19851

(V) Developing and maintaining relationships with the 19852
several veterans organizations, encouraging the organizations in 19853
their efforts at assisting veterans and their dependents, and 19854
advocating for adequate state subsidization of the 19855
organizations; 19856

(W) Requiring the several veterans organizations that 19857
receive funding from the state annually, not later than the 19858
thirtieth day of July, to report to the director of veterans 19859
services and prescribing the form and content of the report; 19860

(X) Reviewing the reports submitted to the director under 19861
division (W) of this section within thirty days of receipt and 19862

informing the veterans organization of any deficiencies that 19863
exist in the organization's report and that funding will not be 19864
released until the deficiencies have been corrected and a 19865
satisfactory report submitted; 19866

(Y) Releasing funds and processing payments to veterans 19867
organizations when a report submitted to the director under 19868
division (W) of this section has been reviewed and determined to 19869
be satisfactory; 19870

(Z) Furnishing copies of all reports that the director of 19871
veterans services has determined have been submitted 19872
satisfactorily under division (W) of this section to the 19873
chairperson of the finance committees of the general assembly; 19874

(AA) Investigating complaints against county veterans 19875
services commissioners and county veterans service officers if 19876
the director reasonably believes the investigation to be 19877
appropriate and necessary; 19878

(BB) Developing and maintaining a web site that is 19879
accessible by veterans and their dependents and provides a link 19880
to the web site of each state agency that issues a license, 19881
certificate, or other authorization permitting an individual to 19882
engage in an occupation or occupational activity; 19883

(CC) Encouraging state agencies to conduct outreach 19884
efforts through which veterans and their dependents can learn 19885
about available job and education benefits; 19886

(DD) Informing state agencies about changes in statutes 19887
and rules that affect veterans and their dependents; 19888

(EE) Assisting licensing agencies in adopting rules under 19889
section 5903.03 of the Revised Code; 19890

(FF) Administering the provision of grants from the military injury relief fund under section 5902.05 of the Revised Code; 19891
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(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; 19894
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(HH) Taking any other actions required by this chapter. 19905

Sec. 5903.04. Each licensing agency shall adopt rules under Chapter 119. of the Revised Code to establish and implement all of the following: 19906
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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; 19909
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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 19913
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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. 19916
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In establishing these processes, the licensing agency 19920
shall include any special accommodations that may be appropriate 19921
for applicants facing imminent deployment, and for applicants 19922
for a temporary license or certificate under division ~~(D)~~(C) of 19923
section 4743.04 of the Revised Code. 19924

Sec. 6109.04. (A) The director of environmental protection 19925
shall administer and enforce this chapter and rules adopted 19926
under it. 19927

(B) The director shall adopt, amend, and rescind such 19928
rules in accordance with Chapter 119. of the Revised Code as may 19929
be necessary or desirable to do both of the following: 19930

(1) Govern public water systems in order to protect the 19931
public health; 19932

(2) Govern public water systems to protect the public 19933
welfare, including rules governing contaminants in water that 19934
may adversely affect the suitability of the water for its 19935
intended uses or that may otherwise adversely affect the public 19936
health or welfare. 19937

(C) The director may do any or all of the following: 19938

(1) Adopt, amend, and rescind such rules in accordance 19939
with Chapter 119. of the Revised Code as may be necessary or 19940
desirable to do any or all of the following: 19941

(a) Govern the granting of variances and exemptions from 19942
rules adopted under this chapter, subject to requirements of the 19943
Safe Drinking Water Act; 19944

(b) Govern the certification of operators of public water 19945
systems, including establishment of qualifications according to 19946
a classification of public water systems and of provisions for 19947

examination, grounds for revocation, reciprocity with other	19948
states, renewal of certification, and other provisions necessary	19949
or desirable for assurance of proper operation of water systems;	19950
(c) Carry out the powers and duties of the director under	19951
this chapter.	19952
(2) Provide a program for the general supervision of	19953
operation and maintenance of public water systems;	19954
(3) Maintain an inventory of public water systems;	19955
(4) Adopt and implement a program for conducting sanitary	19956
surveys of public water systems;	19957
(5) Establish and maintain a system of record keeping and	19958
reporting of activities of the environmental protection agency	19959
under this chapter;	19960
(6) Establish and maintain a program for the certification	19961
of laboratories conducting analyses of drinking water;	19962
(7) Issue, modify, and revoke orders as necessary to carry	19963
out the director's powers and duties under this chapter and	19964
primary enforcement responsibility for public water systems	19965
under the "Safe Drinking Water Act." Orders issued under this	19966
chapter are subject to Chapter 119. of the Revised Code.	19967
(D) Before adopting, amending, or rescinding a rule	19968
authorized by this chapter, the director shall do all of the	19969
following:	19970
(1) Mail notice to each statewide organization that the	19971
director determines represents persons who would be affected by	19972
the proposed rule, amendment, or rescission at least thirty-five	19973
days before any public hearing thereon;	19974

(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;

(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. 20004
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(B) (1) The agency shall investigate the works or means employed in the collection, treatment, and disposal of sewage and industrial wastes whenever considered necessary or whenever requested to do so by local health officials and may issue and enforce orders and shall adopt rules governing the operation and maintenance of the works or means of treatment and disposal of such sewage and industrial wastes. In adopting rules under this section, the agency shall establish standards governing the construction, operation, and maintenance of the works or means of collection, treatment, and disposal of sewage that is generated at recreational vehicle parks, recreation camps, combined park-camps, and temporary park-camps that are separate from such standards relative to manufactured home parks. 20006
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(2) As used in division (B) (1) of this section: 20019

(a) "Manufactured home parks" has the same meaning as in section 4781.01 of the Revised Code. 20020
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(b) "Recreational vehicle parks," "recreation camps," "combined park-camps," and "temporary park-camps" have the same meanings as in section 3729.01 of the Revised Code. 20022
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(C) The agency may require the submission of records and data of construction, operation, and maintenance, including plans and descriptions of existing works or means of treatment and disposal of such sewage and industrial wastes. When the agency requires the submission of such records or information, the public officials or person, firm, or corporation having the works in charge shall comply promptly with that order. 20025
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(D) If the agency issues a license pursuant to the 20032

authority granted under this section, the agency shall issue the 20033
license in accordance with Chapter 4796. of the Revised Code to 20034
an applicant if either of the following applies: 20035

(1) The applicant holds a license in another state. 20036

(2) The applicant has satisfactory work experience, a 20037
government certification, or a private certification as 20038
described in that chapter in a state that does not issue that 20039
license. 20040

Section 3. That existing sections 109.73, 109.77, 109.771, 20041
109.78, 109.804, 147.01, 147.63, 169.16, 173.21, 173.391, 20042
173.422, 503.41, 715.27, 903.07, 905.321, 917.09, 917.091, 20043
921.06, 921.11, 921.12, 921.24, 921.26, 926.30, 928.02, 943.09, 20044
956.05, 956.06, 1315.23, 1321.04, 1321.37, 1321.53, 1321.64, 20045
1321.74, 1322.07, 1322.10, 1322.21, 1513.07, 1513.161, 1514.12, 20046
1514.47, 1531.40, 1533.051, 1533.51, 1561.14, 1561.15, 1561.16, 20047
1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 1565.06, 20048
1565.15, 1707.15, 1707.151, 1707.16, 1707.161, 1707.163, 20049
1707.165, 1717.06, 3101.10, 3301.071, 3301.074, 3319.088, 20050
3319.22, 3319.226, 3319.229, 3319.26, 3319.261, 3319.262, 20051
3319.27, 3319.28, 3319.301, 3319.303, 3319.361, 3327.10, 20052
3703.01, 3703.21, 3704.14, 3713.05, 3717.09, 3723.03, 3723.06, 20053
3737.83, 3737.881, 3742.05, 3743.03, 3743.16, 3743.40, 3743.51, 20054
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4703.10, 4703.33, 4703.35, 4703.37, 4707.07, 4707.072, 4707.09, 20059
4709.07, 4709.08, 4709.10, 4712.02, 4713.10, 4713.28, 4713.30, 20060
4713.31, 4713.34, 4713.37, 4713.69, 4715.03, 4715.09, 4715.10, 20061
4715.16, 4715.27, 4715.362, 4715.363, 4715.39, 4715.42, 20062

4715.421, 4715.53, 4715.62, 4717.05, 4717.051, 4717.10, 4723.08, 20063
4723.09, 4723.26, 4723.32, 4723.41, 4723.651, 4723.75, 4723.76, 20064
4723.85, 4725.13, 4725.18, 4725.26, 4725.48, 4725.52, 4725.57, 20065
4725.591, 4727.03, 4728.03, 4729.09, 4729.11, 4729.15, 4729.901, 20066
4729.92, 4729.921, 4730.10, 4731.151, 4731.19, 4731.293, 20067
4731.294, 4731.295, 4731.297, 4731.299, 4731.52, 4731.572, 20068
4732.10, 4732.12, 4732.22, 4733.18, 4733.19, 4734.23, 4734.27, 20069
4734.283, 4735.023, 4735.07, 4735.08, 4735.09, 4735.10, 4735.27, 20070
4735.28, 4736.10, 4736.14, 4740.08, 4741.12, 4741.13, 4741.14, 20071
4741.15, 4741.19, 4743.04, 4743.041, 4747.04, 4747.05, 4747.10, 20072
4749.12, 4751.01, 4751.15, 4751.20, 4751.201, 4751.202, 4751.21, 20073
4751.32, 4752.05, 4752.12, 4753.07, 4753.071, 4753.072, 20074
4753.073, 4753.08, 4753.09, 4753.12, 4755.08, 4755.09, 4755.411, 20075
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4760.031, 4761.04, 4761.05, 4762.03, 4763.05, 4764.10, 4765.10, 20078
4765.11, 4765.30, 4765.55, 4767.031, 4771.08, 4773.03, 4774.03, 20079
4775.07, 4778.03, 4778.08, 4778.09, 4779.17, 4779.18, 4781.07, 20080
4781.08, 4781.17, 4783.04, 5123.161, 5123.45, 5126.25, 5902.02, 20081
5903.04, 6109.04, and 6111.46 of the Revised Code are hereby 20082
repealed. 20083

Section 4. That sections 921.08, 1322.24, 4707.12, and 20084
4757.25 of the Revised Code are hereby repealed. 20085

Section 5. Sections 147.01, 169.16, 1315.23, 1321.04, 20086
1321.37, 1321.53, 1321.64, 1321.74, 1322.10, 1322.21, 3319.088, 20087
3327.10, 3743.03, 3743.16, 4104.19, 4508.03, 4508.04, 4701.06, 20088
4701.07, 4703.10, 4707.07. 4707.09. 4709.07, 4709.08, 4709.10, 20089
4713.28, 4713.30, 4713.31, 4713.34, 4713.69, 4717.05, 4717.051, 20090
4723.09, 4723.651, 4723.75, 4723.76, 4725.18, 4725.48, 4725.52, 20091
4727.03, 4728.03, 4729.09, 4729.92, 4730.10, 4731.19, 4731.299, 20092
4731.52, 4732.10, 4734.23, 4734.27, 4735.07, 4735.09, 4735.10, 20093

4735.27, 4735.28, 4741.12, 4747.04, 4747.05, 4747.10, 4751.202, 20094
4751.21, 4751.32, 4755.08, 4755.62, 4759.06, 4760.03, 4761.04, 20095
4761.05, 4762.03, 4763.05, 4765.11, 4765.55, 4773.03, 4774.03, 20096
4778.03, 4779.18, and 4783.04 of the Revised Code as presented 20097
in this act take effect on the later of October 9, 2021, or the 20098
effective date of this section. (October 9, 2021, is the 20099
effective date of an earlier amendment to those sections by H.B. 20100
263 of the 133rd General Assembly.) 20101

Section 6. That the version of section 1322.24 of the 20102
Revised Code that is scheduled to take effect on October 9, 20103
2021, is hereby repealed. 20104

Section 7. That the version of section 3319.22 of the 20105
Revised Code that is scheduled to take effect April 12, 2023, be 20106
amended to read as follows: 20107

Sec. 3319.22. (A) (1) The state board of education shall 20108
issue the following educator licenses: 20109

(a) A resident educator license, which shall be valid for 20110
two years and shall be renewable for reasons specified by rules 20111
adopted by the state board pursuant to division (A) (3) of this 20112
section. The state board, on a case-by-case basis, may extend 20113
the license's duration as necessary to enable the license holder 20114
to complete the Ohio teacher residency program established under 20115
section 3319.223 of the Revised Code; 20116

(b) A professional educator license, which shall be valid 20117
for five years and shall be renewable; 20118

(c) A senior professional educator license, which shall be 20119
valid for five years and shall be renewable; 20120

(d) A lead professional educator license, which shall be 20121
valid for five years and shall be renewable. 20122

Licenses issued under division (A)(1) of this section on 20123
and after November 2, 2018, shall specify whether the educator 20124
is licensed to teach grades pre-kindergarten through five, 20125
grades four through nine, or grades seven through twelve. The 20126
changes to the grade band specifications under this amendment 20127
shall not apply to a person who holds a license under division 20128
(A)(1) of this section prior to November 2, 2018. Further, the 20129
changes to the grade band specifications under this amendment 20130
shall not apply to any license issued to teach in the area of 20131
computer information science, bilingual education, dance, drama 20132
or theater, world language, health, library or media, music, 20133
physical education, teaching English to speakers of other 20134
languages, career-technical education, or visual arts or to any 20135
license issued to an intervention specialist, including a gifted 20136
intervention specialist, or to any other license that does not 20137
align to the grade band specifications. 20138

(2) The state board may issue any additional educator 20139
licenses of categories, types, and levels the board elects to 20140
provide. 20141

(3) ~~The~~ Except as provided in division (I) of this 20142
section, the state board shall adopt rules establishing the 20143
standards and requirements for obtaining each educator license 20144
issued under this section. The rules shall also include the 20145
reasons for which a resident educator license may be renewed 20146
under division (A)(1)(a) of this section. 20147

(B) ~~The~~ Except as provided in division (I) of this 20148
section, the rules adopted under this section shall require at 20149
least the following standards and qualifications for the 20150
educator licenses described in division (A)(1) of this section: 20151

(1) An applicant for a resident educator license shall 20152

hold at least a bachelor's degree from an accredited teacher 20153
preparation program or be a participant in the teach for America 20154
program and meet the qualifications required under section 20155
3319.227 of the Revised Code. 20156

(2) An applicant for a professional educator license 20157
shall: 20158

(a) Hold at least a bachelor's degree from an institution 20159
of higher education accredited by a regional accrediting 20160
organization; 20161

(b) Have successfully completed the Ohio teacher residency 20162
program established under section 3319.223 of the Revised Code, 20163
if the applicant's current or most recently issued license is a 20164
resident educator license issued under this section or an 20165
alternative resident educator license issued under section 20166
3319.26 of the Revised Code. 20167

(3) An applicant for a senior professional educator 20168
license shall: 20169

(a) Hold at least a master's degree from an institution of 20170
higher education accredited by a regional accrediting 20171
organization; 20172

(b) Have previously held a professional educator license 20173
issued under this section or section 3319.222 or under former 20174
section 3319.22 of the Revised Code; 20175

(c) Meet the criteria for the accomplished or 20176
distinguished level of performance, as described in the 20177
standards for teachers adopted by the state board under section 20178
3319.61 of the Revised Code. 20179

(4) An applicant for a lead professional educator license 20180

shall: 20181

(a) Hold at least a master's degree from an institution of 20182
higher education accredited by a regional accrediting 20183
organization; 20184

(b) Have previously held a professional educator license 20185
or a senior professional educator license issued under this 20186
section or a professional educator license issued under section 20187
3319.222 or former section 3319.22 of the Revised Code; 20188

(c) Meet the criteria for the distinguished level of 20189
performance, as described in the standards for teachers adopted 20190
by the state board under section 3319.61 of the Revised Code; 20191

(d) Either hold a valid certificate issued by the national 20192
board for professional teaching standards or meet the criteria 20193
for a master teacher or other criteria for a lead teacher 20194
adopted by the educator standards board under division (F) (4) or 20195
(5) of section 3319.61 of the Revised Code. 20196

(C) The state board shall align the standards and 20197
qualifications for obtaining a principal license with the 20198
standards for principals adopted by the state board under 20199
section 3319.61 of the Revised Code. 20200

(D) If the state board requires any examinations for 20201
educator licensure, the department of education shall provide 20202
the results of such examinations received by the department to 20203
the chancellor of higher education, in the manner and to the 20204
extent permitted by state and federal law. 20205

(E) Any rules the state board of education adopts, amends, 20206
or rescinds for educator licenses under this section, division 20207
(D) of section 3301.07 of the Revised Code, or any other law 20208
shall be adopted, amended, or rescinded under Chapter 119. of 20209

the Revised Code except as follows: 20210

(1) Notwithstanding division (E) of section 119.03 and 20211
division (A)(1) of section 119.04 of the Revised Code, in the 20212
case of the adoption of any rule or the amendment or rescission 20213
of any rule that necessitates institutions' offering preparation 20214
programs for educators and other school personnel that are 20215
approved by the chancellor of higher education under section 20216
3333.048 of the Revised Code to revise the curriculum of those 20217
programs, the effective date shall not be as prescribed in 20218
division (E) of section 119.03 and division (A)(1) of section 20219
119.04 of the Revised Code. Instead, the effective date of such 20220
rules, or the amendment or rescission of such rules, shall be 20221
the date prescribed by section 3333.048 of the Revised Code. 20222

(2) Notwithstanding the authority to adopt, amend, or 20223
rescind emergency rules in division (G) of section 119.03 of the 20224
Revised Code, this authority shall not apply to the state board 20225
of education with regard to rules for educator licenses. 20226

(F)(1) The rules adopted under this section establishing 20227
standards requiring additional coursework for the renewal of any 20228
educator license shall require a school district and a chartered 20229
nonpublic school to establish local professional development 20230
committees. In a nonpublic school, the chief administrative 20231
officer shall establish the committees in any manner acceptable 20232
to such officer. The committees established under this division 20233
shall determine whether coursework that a district or chartered 20234
nonpublic school teacher proposes to complete meets the 20235
requirement of the rules. The department of education shall 20236
provide technical assistance and support to committees as the 20237
committees incorporate the professional development standards 20238
adopted by the state board of education pursuant to section 20239

3319.61 of the Revised Code into their review of coursework that 20240
is appropriate for license renewal. The rules shall establish a 20241
procedure by which a teacher may appeal the decision of a local 20242
professional development committee. 20243

(2) In any school district in which there is no exclusive 20244
representative established under Chapter 4117. of the Revised 20245
Code, the professional development committees shall be 20246
established as described in division (F) (2) of this section. 20247

Not later than the effective date of the rules adopted 20248
under this section, the board of education of each school 20249
district shall establish the structure for one or more local 20250
professional development committees to be operated by such 20251
school district. The committee structure so established by a 20252
district board shall remain in effect unless within thirty days 20253
prior to an anniversary of the date upon which the current 20254
committee structure was established, the board provides notice 20255
to all affected district employees that the committee structure 20256
is to be modified. Professional development committees may have 20257
a district-level or building-level scope of operations, and may 20258
be established with regard to particular grade or age levels for 20259
which an educator license is designated. 20260

Each professional development committee shall consist of 20261
at least three classroom teachers employed by the district, one 20262
principal employed by the district, and one other employee of 20263
the district appointed by the district superintendent. For 20264
committees with a building-level scope, the teacher and 20265
principal members shall be assigned to that building, and the 20266
teacher members shall be elected by majority vote of the 20267
classroom teachers assigned to that building. For committees 20268
with a district-level scope, the teacher members shall be 20269

elected by majority vote of the classroom teachers of the 20270
district, and the principal member shall be elected by a 20271
majority vote of the principals of the district, unless there 20272
are two or fewer principals employed by the district, in which 20273
case the one or two principals employed shall serve on the 20274
committee. If a committee has a particular grade or age level 20275
scope, the teacher members shall be licensed to teach such grade 20276
or age levels, and shall be elected by majority vote of the 20277
classroom teachers holding such a license and the principal 20278
shall be elected by all principals serving in buildings where 20279
any such teachers serve. The district superintendent shall 20280
appoint a replacement to fill any vacancy that occurs on a 20281
professional development committee, except in the case of 20282
vacancies among the elected classroom teacher members, which 20283
shall be filled by vote of the remaining members of the 20284
committee so selected. 20285

Terms of office on professional development committees 20286
shall be prescribed by the district board establishing the 20287
committees. The conduct of elections for members of professional 20288
development committees shall be prescribed by the district board 20289
establishing the committees. A professional development 20290
committee may include additional members, except that the 20291
majority of members on each such committee shall be classroom 20292
teachers employed by the district. Any member appointed to fill 20293
a vacancy occurring prior to the expiration date of the term for 20294
which a predecessor was appointed shall hold office as a member 20295
for the remainder of that term. 20296

The initial meeting of any professional development 20297
committee, upon election and appointment of all committee 20298
members, shall be called by a member designated by the district 20299
superintendent. At this initial meeting, the committee shall 20300

select a chairperson and such other officers the committee deems 20301
necessary, and shall adopt rules for the conduct of its 20302
meetings. Thereafter, the committee shall meet at the call of 20303
the chairperson or upon the filing of a petition with the 20304
district superintendent signed by a majority of the committee 20305
members calling for the committee to meet. 20306

(3) In the case of a school district in which an exclusive 20307
representative has been established pursuant to Chapter 4117. of 20308
the Revised Code, professional development committees shall be 20309
established in accordance with any collective bargaining 20310
agreement in effect in the district that includes provisions for 20311
such committees. 20312

If the collective bargaining agreement does not specify a 20313
different method for the selection of teacher members of the 20314
committees, the exclusive representative of the district's 20315
teachers shall select the teacher members. 20316

If the collective bargaining agreement does not specify a 20317
different structure for the committees, the board of education 20318
of the school district shall establish the structure, including 20319
the number of committees and the number of teacher and 20320
administrative members on each committee; the specific 20321
administrative members to be part of each committee; whether the 20322
scope of the committees will be district levels, building 20323
levels, or by type of grade or age levels for which educator 20324
licenses are designated; the lengths of terms for members; the 20325
manner of filling vacancies on the committees; and the frequency 20326
and time and place of meetings. However, in all cases, except as 20327
provided in division (F)(4) of this section, there shall be a 20328
majority of teacher members of any professional development 20329
committee, there shall be at least five total members of any 20330

professional development committee, and the exclusive 20331
representative shall designate replacement members in the case 20332
of vacancies among teacher members, unless the collective 20333
bargaining agreement specifies a different method of selecting 20334
such replacements. 20335

(4) Whenever an administrator's coursework plan is being 20336
discussed or voted upon, the local professional development 20337
committee shall, at the request of one of its administrative 20338
members, cause a majority of the committee to consist of 20339
administrative members by reducing the number of teacher members 20340
voting on the plan. 20341

(G) (1) The department of education, educational service 20342
centers, county boards of developmental disabilities, college 20343
and university departments of education, head start programs, 20344
and the Ohio education computer network may establish local 20345
professional development committees to determine whether the 20346
coursework proposed by their employees who are licensed or 20347
certificated under this section or section 3319.222 of the 20348
Revised Code, or under the former version of either section as 20349
it existed prior to October 16, 2009, meet the requirements of 20350
the rules adopted under this section. They may establish local 20351
professional development committees on their own or in 20352
collaboration with a school district or other agency having 20353
authority to establish them. 20354

Local professional development committees established by 20355
county boards of developmental disabilities shall be structured 20356
in a manner comparable to the structures prescribed for school 20357
districts in divisions (F) (2) and (3) of this section, as shall 20358
the committees established by any other entity specified in 20359
division (G) (1) of this section that provides educational 20360

services by employing or contracting for services of classroom 20361
teachers licensed or certificated under this section or section 20362
3319.222 of the Revised Code, or under the former version of 20363
either section as it existed prior to October 16, 2009. All 20364
other entities specified in division (G)(1) of this section 20365
shall structure their committees in accordance with guidelines 20366
which shall be issued by the state board. 20367

(2) Educational service centers may establish local 20368
professional development committees to serve educators who are 20369
not employed in schools in this state, including pupil services 20370
personnel who are licensed under this section. Local 20371
professional development committees shall be structured in a 20372
manner comparable to the structures prescribed for school 20373
districts in divisions (F)(2) and (3) of this section. 20374

These committees may agree to review the coursework, 20375
continuing education units, or other equivalent activities 20376
related to classroom teaching or the area of licensure that is 20377
proposed by an individual who satisfies both of the following 20378
conditions: 20379

(a) The individual is licensed or certificated under this 20380
section or under the former version of this section as it 20381
existed prior to October 16, 2009. 20382

(b) The individual is not currently employed as an 20383
educator or is not currently employed by an entity that operates 20384
a local professional development committee under this section. 20385

Any committee that agrees to work with such an individual 20386
shall work to determine whether the proposed coursework, 20387
continuing education units, or other equivalent activities meet 20388
the requirements of the rules adopted by the state board under 20389

this section. 20390

(3) Any public agency that is not specified in division 20391
(G) (1) or (2) of this section but provides educational services 20392
and employs or contracts for services of classroom teachers 20393
licensed or certificated under this section or section 3319.222 20394
of the Revised Code, or under the former version of either 20395
section as it existed prior to October 16, 2009, may establish a 20396
local professional development committee, subject to the 20397
approval of the department of education. The committee shall be 20398
structured in accordance with guidelines issued by the state 20399
board. 20400

(H) Not later than July 1, 2016, the state board, in 20401
accordance with Chapter 119. of the Revised Code, shall adopt 20402
rules pursuant to division (A) (3) of this section that do both 20403
of the following: 20404

(1) Exempt consistently high-performing teachers from the 20405
requirement to complete any additional coursework for the 20406
renewal of an educator license issued under this section or 20407
section 3319.26 of the Revised Code. The rules also shall 20408
specify that such teachers are exempt from any requirements 20409
prescribed by professional development committees established 20410
under divisions (F) and (G) of this section. 20411

(2) For purposes of division (H) (1) of this section, the 20412
state board shall define the term "consistently high-performing 20413
teacher." 20414

(I) The state board shall issue a resident educator 20415
license, professional educator license, senior professional 20416
educator license, lead professional educator license, or any 20417
other educator license in accordance with Chapter 4796. of the 20418

<u>Revised Code to an applicant if either of the following applies:</u>	20419
<u>(1) The applicant holds a license in another state.</u>	20420
<u>(2) The applicant has satisfactory work experience, a</u>	20421
<u>government certification, or a private certification as</u>	20422
<u>described in that chapter as a resident educator, professional</u>	20423
<u>educator, senior professional educator, lead professional</u>	20424
<u>educator, or any other type of educator in a state that does not</u>	20425
<u>issue one or more of those licenses.</u>	20426
Section 8. That the existing version of section 3319.22 of	20427
the Revised Code that is scheduled to take effect April 12,	20428
2023, is hereby repealed.	20429
Section 9.	20430
Sections 7 and 8 of this act take effect April 12, 2023.	20431
Section 10. The General Assembly, applying the principle	20432
stated in division (B) of section 1.52 of the Revised Code that	20433
amendments are to be harmonized if reasonably capable of	20434
simultaneous operation, finds that the the following sections,	20435
presented in this act as composites of the sections as amended	20436
by the acts indicated, are the resulting versions of the section	20437
in effect prior to the effective date of the sections as	20438
presented in this act:	20439
Section 109.73 of the Revised Code as amended by both H.B.	20440
24 and S.B. 68 of the 133rd General Assembly.	20441
Section 3319.22 of the Revised Code as amended by both	20442
H.B. 438 and S.B. 216 of the 132nd General Assembly.	20443
Section 4701.06 of the Revised Code as amended by both	20444
H.B. 263 and H.B. 442 of the 133rd General Assembly.	20445

Section 4715.09 of the Revised Code as amended by both	20446
H.B. 541 and S.B. 259 of the 132nd General Assembly.	20447
Section 4731.19 of the Revised Code as amended by both	20448
H.B. 263 and H.B. 442 of the 133rd General Assembly.	20449
Section 4779.18 of the Revised Code as amended by both	20450
H.B. 263 and S.B. 68 of the 133rd General Assembly.	20451
Section 5123.45 of the Revised Code as amended by both	20452
H.B. 158 and H.B. 483 of the 131st General Assembly.	20453