

As Reported by the Senate Workforce and Higher Education Committee

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 509

Representatives John, Fowler Arthur

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

A BILL

To amend sections 109.572, 169.16, 1716.05, 1
1716.08, 1716.99, 2925.01, 3310.41, 3319.22, 2
3701.74, 3737.881, 3772.13, 3772.131, 3905.471, 3
3905.81, 4709.07, 4709.10, 4713.28, 4715.13, 4
4715.14, 4715.141, 4715.21, 4715.24, 4715.25, 5
4715.27, 4717.01, 4717.02, 4717.03, 4717.04, 6
4717.05, 4717.06, 4717.07, 4717.08, 4717.09, 7
4717.11, 4717.13, 4717.15, 4717.36, 4717.41, 8
4723.01, 4723.07, 4723.08, 4723.091, 4723.092, 9
4723.114, 4723.18, 4723.181, 4723.35, 4723.48, 10
4723.481, 4723.50, 4723.72, 4723.73, 4723.75, 11
4723.79, 4725.01, 4725.011, 4725.02, 4725.07, 12
4725.09, 4725.091, 4725.092, 4725.12, 4725.13, 13
4725.15, 4725.16, 4725.18, 4725.19, 4725.20, 14
4725.24, 4725.27, 4725.34, 4725.35, 4725.40, 15
4725.41, 4725.44, 4725.48, 4725.49, 4725.50, 16
4725.51, 4725.52, 4725.53, 4725.63, 4725.66, 17
4725.67, 4729.01, 4729.12, 4729.15, 4731.16, 18
4731.17, 4731.19, 4732.01, 4732.02, 4732.05, 19
4732.09, 4732.10, 4732.11, 4732.12, 4732.13, 20
4732.14, 4732.141, 4732.142, 4732.17, 4732.171, 21
4732.173, 4732.18, 4732.19, 4732.20, 4732.21, 22

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

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

Section 1. That sections 109.572, 169.16, 1716.05,	47
1716.08, 1716.99, 2925.01, 3310.41, 3319.22, 3701.74, 3737.881,	48
3772.13, 3772.131, 3905.471, 3905.81, 4709.07, 4709.10, 4713.28,	49

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

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 74
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 75
Code, a completed form prescribed pursuant to division (C) (1) of 76
this section, and a set of fingerprint impressions obtained in 77
the manner described in division (C) (2) of this section, the 78
superintendent of the bureau of criminal identification and 79
investigation shall conduct a criminal records check in the 80

manner described in division (B) of this section to determine 81
whether any information exists that indicates that the person 82
who is the subject of the request previously has been convicted 83
of or pleaded guilty to any of the following: 84

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

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

(c) If the request is made pursuant to section 3319.39 of 107
the Revised Code for an applicant who is a teacher, any offense 108
specified under section 9.79 of the Revised Code or in section 109
3319.31 of the Revised Code. 110

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

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

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

(3) On receipt of a request pursuant to section 173.27, 138
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 139
5123.081, or 5123.169 of the Revised Code, a completed form 140

prescribed pursuant to division (C)(1) of this section, and a 141
set of fingerprint impressions obtained in the manner described 142
in division (C)(2) of this section, the superintendent of the 143
bureau of criminal identification and investigation shall 144
conduct a criminal records check of the person for whom the 145
request is made. The superintendent shall conduct the criminal 146
records check in the manner described in division (B) of this 147
section to determine whether any information exists that 148
indicates that the person who is the subject of the request 149
previously has been convicted of, has pleaded guilty to, or 150
(except in the case of a request pursuant to section 5164.34,
5164.341, or 5164.342 of the Revised Code) has been found 151
eligible for intervention in lieu of conviction for any of the 152
following, regardless of the date of the conviction, the date of 153
entry of the guilty plea, or (except in the case of a request 154
pursuant to section 5164.34, 5164.341, or 5164.342 of the 155
Revised Code) the date the person was found eligible for 156
intervention in lieu of conviction: 157
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(a) A violation of section 959.13, 959.131, 2903.01, 159
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 160
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 161
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 162
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 163
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 164
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 165
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 166
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 167
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 168
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 169
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 170
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 171

2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24,	172
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,	173
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21,	174
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,	175
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22,	176
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11	177
of the Revised Code;	178
(b) Felonious sexual penetration in violation of former	179
section 2907.12 of the Revised Code;	180
(c) A violation of section 2905.04 of the Revised Code as	181
it existed prior to July 1, 1996;	182
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	183
the Revised Code when the underlying offense that is the object	184
of the conspiracy, attempt, or complicity is one of the offenses	185
listed in divisions (A) (3) (a) to (c) of this section;	186
(e) A violation of an existing or former municipal	187
ordinance or law of this state, any other state, or the United	188
States that is substantially equivalent to any of the offenses	189
listed in divisions (A) (3) (a) to (d) of this section.	190
(4) On receipt of a request pursuant to section 2151.86 or	191
2151.904 of the Revised Code, a completed form prescribed	192
pursuant to division (C) (1) of this section, and a set of	193
fingerprint impressions obtained in the manner described in	194
division (C) (2) of this section, the superintendent of the	195
bureau of criminal identification and investigation shall	196
conduct a criminal records check in the manner described in	197
division (B) of this section to determine whether any	198
information exists that indicates that the person who is the	199
subject of the request previously has been convicted of or	200

pleaded guilty to any of the following:	201
(a) A violation of section 959.13, 2903.01, 2903.02,	202
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16,	203
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05,	204
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	205
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32,	206
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22,	207
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49,	208
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12,	209
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06,	210
2927.12, or 3716.11 of the Revised Code, a violation of section	211
2905.04 of the Revised Code as it existed prior to July 1, 1996,	212
a violation of section 2919.23 of the Revised Code that would	213
have been a violation of section 2905.04 of the Revised Code as	214
it existed prior to July 1, 1996, had the violation been	215
committed prior to that date, a violation of section 2925.11 of	216
the Revised Code that is not a minor drug possession offense,	217
two or more OVI or OVUAC violations committed within the three	218
years immediately preceding the submission of the application or	219
petition that is the basis of the request, or felonious sexual	220
penetration in violation of former section 2907.12 of the	221
Revised Code;	222
(b) A violation of an existing or former law of this	223
state, any other state, or the United States that is	224
substantially equivalent to any of the offenses listed in	225
division (A) (4) (a) of this section.	226
(5) Upon receipt of a request pursuant to section 5104.013	227
of the Revised Code, a completed form prescribed pursuant to	228
division (C) (1) of this section, and a set of fingerprint	229
impressions obtained in the manner described in division (C) (2)	230

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

(a) A violation of section 2151.421, 2903.01, 2903.02, 237
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 238
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 239
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 240
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 241
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 242
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 243
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 244
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 245
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 246
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 247
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 248
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 249
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 250
3716.11 of the Revised Code, felonious sexual penetration in 251
violation of former section 2907.12 of the Revised Code, a 252
violation of section 2905.04 of the Revised Code as it existed 253
prior to July 1, 1996, a violation of section 2919.23 of the 254
Revised Code that would have been a violation of section 2905.04 255
of the Revised Code as it existed prior to July 1, 1996, had the 256
violation been committed prior to that date, a violation of 257
section 2925.11 of the Revised Code that is not a minor drug 258
possession offense, a violation of section 2923.02 or 2923.03 of 259
the Revised Code that relates to a crime specified in this 260
division, or a second violation of section 4511.19 of the 261

Revised Code within five years of the date of application for licensure or certification. 262
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(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (A) (5) (a) of this section. 264
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(6) Upon receipt of a request pursuant to section 5153.111 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: 268
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as 279
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it existed prior to July 1, 1996, had the violation been 292
committed prior to that date, or a violation of section 2925.11 293
of the Revised Code that is not a minor drug possession offense; 294

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

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

(8) On receipt of a request pursuant to section 1321.37, 318
1321.53, or 4763.05 of the Revised Code, a completed form 319
prescribed pursuant to division (C)(1) of this section, and a 320
set of fingerprint impressions obtained in the manner described 321

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

(9) On receipt of a request for a criminal records check 333
from the treasurer of state under section 113.041 of the Revised 334
Code or from an individual under section 928.03, 4701.08, 335
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 336
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 337
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 338
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, ~~4751.202,~~ 339
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 340
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 341
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 342
Code, accompanied by a completed form prescribed under division 343
(C) (1) of this section and a set of fingerprint impressions 344
obtained in the manner described in division (C) (2) of this 345
section, the superintendent of the bureau of criminal 346
identification and investigation shall conduct a criminal 347
records check in the manner described in division (B) of this 348
section to determine whether any information exists that 349
indicates that the person who is the subject of the request has 350
been convicted of or pleaded guilty to any criminal offense in 351
this state or any other state. Subject to division (F) of this 352

section, the superintendent shall send the results of a check 353
requested under section 113.041 of the Revised Code to the 354
treasurer of state and shall send the results of a check 355
requested under any of the other listed sections to the 356
licensing board specified by the individual in the request. 357

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

(11) On receipt of a request for a criminal records check 371
from an appointing or licensing authority under section 3772.07 372
of the Revised Code, a completed form prescribed under division 373
(C) (1) of this section, and a set of fingerprint impressions 374
obtained in the manner prescribed in division (C) (2) of this 375
section, the superintendent of the bureau of criminal 376
identification and investigation shall conduct a criminal 377
records check in the manner described in division (B) of this 378
section to determine whether any information exists that 379
indicates that the person who is the subject of the request 380
previously has been convicted of or pleaded guilty or no contest 381
to any offense under any existing or former law of this state, 382
any other state, or the United States that makes the person 383

ineligible for appointment or retention under section 3772.07 of 384
the Revised Code or that is a disqualifying offense as defined 385
in that section or substantially equivalent to a disqualifying 386
offense, as applicable. 387

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

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

(b) An existing or former law of this state, any other 410
state, or the United States that is substantially equivalent to 411
any of the offenses listed in division (A)(12)(a) of this 412
section. 413

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

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

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

(14) On receipt of a request required by section 3796.13 441
of the Revised Code, a completed form prescribed pursuant to 442
division (C)(1) of this section, and a set of fingerprint 443

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

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

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

(15) On receipt of a request pursuant to section 4768.06 462
of the Revised Code, a completed form prescribed under division 463
(C) (1) of this section, and a set of fingerprint impressions 464
obtained in the manner described in division (C) (2) of this 465
section, the superintendent of the bureau of criminal 466
identification and investigation shall conduct a criminal 467
records check in the manner described in division (B) of this 468
section to determine whether any information exists indicating 469
that the person who is the subject of the request has been 470
convicted of or pleaded guilty to any criminal offense in this 471
state or in any other state. 472

(16) On receipt of a request pursuant to division (B) of 473

section 4764.07 or division (A) of section 4735.143 of the Revised Code, a completed form prescribed under division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in any state or the United States.

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

(18) Upon receipt of a request pursuant to division (F) of section 2915.081 or division (E) of section 2915.082 of the Revised Code, a completed form prescribed under division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the

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

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

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

(1) The superintendent shall review or cause to be 530
reviewed any relevant information gathered and compiled by the 531
bureau under division (A) of section 109.57 of the Revised Code 532
that relates to the person who is the subject of the criminal 533
records check, including, if the criminal records check was 534

requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 535
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 536
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 537
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 538
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 539
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 540
5123.169, or 5153.111 of the Revised Code, any relevant 541
information contained in records that have been sealed under 542
section 2953.32 of the Revised Code; 543

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

(3) The superintendent or the superintendent's designee 559
may request criminal history records from other states or the 560
federal government pursuant to the national crime prevention and 561
privacy compact set forth in section 109.571 of the Revised 562
Code. 563

(4) The superintendent shall include in the results of the 564

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

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

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

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

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

(2) The superintendent shall prescribe standard impression 589
sheets to obtain the fingerprint impressions of any person for 590
whom a criminal records check is to be conducted under this 591
section. Any person for whom a records check is to be conducted 592
under this section shall obtain the fingerprint impressions at a 593

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

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

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

(D) The results of a criminal records check conducted 615
under this section, other than a criminal records check 616
specified in division (A)(7) of this section, are valid for the 617
person who is the subject of the criminal records check for a 618
period of one year from the date upon which the superintendent 619
completes the criminal records check. If during that period the 620
superintendent receives another request for a criminal records 621
check to be conducted under this section for that person, the 622
superintendent shall provide the results from the previous 623

criminal records check of the person at a lower fee than the fee 624
prescribed for the initial criminal records check. 625

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

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

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

(G) As used in this section: 651

(1) "Criminal records check" means any criminal records 652

check conducted by the superintendent of the bureau of criminal 653
identification and investigation in accordance with division (B) 654
of this section. 655

(2) "Minor drug possession offense" has the same meaning 656
as in section 2925.01 of the Revised Code. 657

(3) "OVI or OVUAC violation" means a violation of section 658
4511.19 of the Revised Code or a violation of an existing or 659
former law of this state, any other state, or the United States 660
that is substantially equivalent to section 4511.19 of the 661
Revised Code. 662

(4) "Registered private provider" means a nonpublic school 663
or entity registered with the superintendent of public 664
instruction under section 3310.41 of the Revised Code to 665
participate in the autism scholarship program or section 3310.58 666
of the Revised Code to participate in the Jon Peterson special 667
needs scholarship program. 668

Sec. 169.16. (A) No person, on behalf of any other person, 669
shall engage in any activity for the purpose of locating, 670
delivering, recovering, or assisting in the recovery of 671
unclaimed funds or contents of a safe deposit box, and receive a 672
fee, compensation, commission, or other remuneration for such 673
activity, without first having obtained a certificate of 674
registration from the director of commerce in accordance with 675
this section. 676

(B) An application for a certificate of registration shall 677
be in writing and in the form prescribed by the director. The 678
application shall be accompanied by ~~a recent full-face color~~ 679
~~photograph of the applicant and~~ notarized reference letters from 680
two reputable witnesses. The application shall, at a minimum, 681

provide all of the following:	682
(1) The applicant's full name, home address, and work address;	683
	684
(2) The name, address, and telephone number of the two witnesses who have provided the reference letters;	685
	686
(3) A statement that the applicant has not, during the five-year period immediately preceding the submission of the application, violated division (A) of this section on or after the effective date of this section, or division (C) of section 169.13 of the Revised Code;	687
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	689
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(4) A statement that the applicant has not been convicted of, or pleaded guilty to, any disqualifying offense as determined in accordance with section 9.79 of the Revised Code;	692
	693
	694
(5) The notarized signature of the applicant immediately following an acknowledgment that any false or perjured statement subjects the applicant to criminal liability under section 2921.13 of the Revised Code.	695
	696
	697
	698
(C) Upon the filing of the application with the division of unclaimed funds, the division may investigate the applicant to verify the information provided in the application and to determine the applicant's eligibility for a certificate of registration under this section. False information on an application is grounds for the denial or revocation of the applicant's certificate of registration.	699
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(D) The director shall issue a certificate of registration to an applicant if the director finds that the following conditions are met:	706
	707
	708
(1) The applicant has not, during the five-year period	709

immediately preceding the submission of the application, 710
violated division (A) of this section on or after the effective 711
date of this section, or division (C) of section 169.13 of the 712
Revised Code; 713

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

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

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

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

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

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

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

Sec. 1716.05. (A) No person shall act as a fund-raising 737

counsel unless the person first has complied with the 738
requirements of this chapter and any rules adopted under this 739
chapter. 740

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

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

~~(2) At the time of making an application for registration 763
or renewal of registration, file with and have approved by the 764
attorney general a bond in which the fund-raising counsel shall 765
be the principal obligor, in the sum of twenty-five thousand 766
dollars, with one or more sureties authorized to do business in 767~~

~~this state. The fund raising counsel shall maintain the bond in effect as long as the registration is in effect; however, the liability of the surety under the bond shall not exceed an all-time aggregate liability of twenty five thousand dollars. The bond, which may be in the form of a rider to a larger blanket liability bond, shall run to the state and to any person who may have a cause of action against the principal obligor of the bond for any liability arising out of a violation by the obligor of any provision of this chapter or any rule adopted pursuant to this chapter.~~

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

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

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

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

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

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

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

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

(F) If a fund-raising counsel fails to comply in a timely 826
or complete manner with any of the requirements under this 827

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

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

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

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

(a) The assumptions upon which the estimate is based, 856
which assumptions shall be based upon all of the relevant facts 857

known to the professional solicitor regarding the solicitation 858
to be conducted and the past performance of the solicitation 859
campaigns conducted by the professional solicitor; 860

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

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

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

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

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

(b) The name and address of each charitable organization 882
on behalf of which all or any part of the contribution collected 883
will be used. If the charitable organization has not received 884
from the internal revenue service a determination letter that is 885
currently in effect, stating that the organization is exempt 886

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

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

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

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

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

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

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

(3) Not later than seven calendar days prior to the date 915

of the event, the professional solicitor shall give all donated 916
tickets to each person that made the written commitment to 917
accept them. 918

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

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

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

Each occurrence of a solicitation of a contribution from 941
any person in violation of any provision of sections 1716.02 to 942
1716.17 of the Revised Code, other than division (A)(1) of 943
section 1716.14 of the Revised Code, is considered a separate 944
offense. 945

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

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

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

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

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

(d) If the value of the contribution or contributions made 972
in the violation is one hundred fifty thousand dollars or more, 973
a felony of the third degree. 974

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

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

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

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

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

(d) If the value of the contributions made in the

violation is thirty-seven thousand five hundred dollars or more, 1004
a felony of the second degree. 1005

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

Sec. 2925.01. As used in this chapter: 1014

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

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

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

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

(1) For any compound, mixture, preparation, or substance 1030
included in schedule I, schedule II, or schedule III, with the 1031
exception of any controlled substance analog, marihuana, 1032

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

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

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

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

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

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

(f) An amount equal to or exceeding one hundred twenty 1056
grams or thirty times the maximum daily dose in the usual dose 1057
range specified in a standard pharmaceutical reference manual of 1058
a compound, mixture, preparation, or substance that is or 1059
contains any amount of a schedule II stimulant that is in a 1060
final dosage form manufactured by a person authorized by the 1061

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

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

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

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

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

(5) An amount equal to or exceeding two hundred solid 1089
dosage units, sixteen grams, or sixteen milliliters of a 1090

compound, mixture, preparation, or substance that is or contains 1091
any amount of a schedule III anabolic steroid; 1092

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

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

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

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

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

(2) A violation of an existing or former law of this or 1118
any other state or of the United States that is substantially 1119

equivalent to any section listed in division (G) (1) of this section; 1120
1121

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element; 1122
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(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G) (1), (2), or (3) of this section. 1129
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(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States. 1132
1133
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(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following: 1135
1136

(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following: 1137
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(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent; 1143
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1145
1146

(b) Any aerosol propellant; 1147

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Revised Code;	1290
(12) A person licensed to act as a pawnbroker under	1291
Chapter 4727. of the Revised Code;	1292
(13) A person licensed to act as a precious metals dealer	1293
under Chapter 4728. of the Revised Code;	1294
(14) A person licensed under Chapter 4729. of the Revised	1295
Code as a pharmacist or pharmacy intern or registered under that	1296
chapter as a registered pharmacy technician, certified pharmacy	1297
technician, or pharmacy technician trainee;	1298
(15) A person licensed under Chapter 4729. of the Revised	1299
Code as a manufacturer of dangerous drugs, outsourcing facility,	1300
third-party logistics provider, repackager of dangerous drugs,	1301
wholesale distributor of dangerous drugs, or terminal	1302
distributor of dangerous drugs;	1303
(16) A person who is authorized to practice as a physician	1304
assistant under Chapter 4730. of the Revised Code;	1305
(17) A person who has been issued a license to practice	1306
medicine and surgery, osteopathic medicine and surgery, or	1307
podiatric medicine and surgery under Chapter 4731. of the	1308
Revised Code or has been issued a certificate to practice a	1309
limited branch of medicine under that chapter;	1310
(18) A person licensed as a psychologist, <u>independent</u>	1311
<u>school psychologist</u> , or school psychologist under Chapter 4732.	1312
of the Revised Code;	1313
(19) A person registered to practice the profession of	1314
engineering or surveying under Chapter 4733. of the Revised	1315
Code;	1316
(20) A person who has been issued a license to practice	1317

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

therapist or physical therapist under Chapter 4755. of the	1345
Revised Code;	1346
(32) A person who is licensed as a licensed professional	1347
clinical counselor, licensed professional counselor, social	1348
worker, independent social worker, independent marriage and	1349
family therapist, or marriage and family therapist, or	1350
registered as a social work assistant under Chapter 4757. of the	1351
Revised Code;	1352
(33) A person issued a license to practice dietetics under	1353
Chapter 4759. of the Revised Code;	1354
(34) A person who has been issued a license or limited	1355
permit to practice respiratory therapy under Chapter 4761. of	1356
the Revised Code;	1357
(35) A person who has been issued a real estate appraiser	1358
certificate under Chapter 4763. of the Revised Code;	1359
(36) A person who has been issued a home inspector license	1360
under Chapter 4764. of the Revised Code;	1361
(37) A person who has been admitted to the bar by order of	1362
the supreme court in compliance with its prescribed and	1363
published rules.	1364
(X) "Cocaine" means any of the following:	1365
(1) A cocaine salt, isomer, or derivative, a salt of a	1366
cocaine isomer or derivative, or the base form of cocaine;	1367
(2) Coca leaves or a salt, compound, derivative, or	1368
preparation of coca leaves, including ecgonine, a salt, isomer,	1369
or derivative of ecgonine, or a salt of an isomer or derivative	1370
of ecgonine;	1371

(3) A salt, compound, derivative, or preparation of a substance identified in division (X) (1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

either of the following apply: 1512

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The child either: 1583

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

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

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

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

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

child's education. 1627

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

program and meet the qualifications required under section	1775
3319.227 of the Revised Code.	1776
(2) An applicant for a professional educator license	1777
shall:	1778
(a) Hold at least a bachelor's degree from an institution	1779
of higher education accredited by a regional accrediting	1780
organization;	1781
(b) Have successfully completed the Ohio teacher residency	1782
program established under section 3319.223 of the Revised Code,	1783
if the applicant's current or most recently issued license is a	1784
resident educator license issued under this section or an	1785
alternative resident educator license issued under section	1786
3319.26 of the Revised Code.	1787
(3) An applicant for a senior professional educator	1788
license shall:	1789
(a) Hold at least a master's degree from an institution of	1790
higher education accredited by a regional accrediting	1791
organization;	1792
(b) Have previously held a professional educator license	1793
issued under this section or section 3319.222 or under former	1794
section 3319.22 of the Revised Code;	1795
(c) Meet the criteria for the accomplished or	1796
distinguished level of performance, as described in the	1797
standards for teachers adopted by the state board under section	1798
3319.61 of the Revised Code.	1799
(4) An applicant for a lead professional educator license	1800
shall:	1801
(a) Hold at least a master's degree from an institution of	1802

higher education accredited by a regional accrediting organization; 1803
1804

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

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

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

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

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

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

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

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

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

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

professional development committee. 1863

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) A physician; 2065

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

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

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

facility, or health care practitioner.	2096
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	2097 2098
(7) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; a nursing facility, as defined in section 5165.01 of the Revised Code; a skilled nursing facility, as defined in section 5165.01 of the Revised Code; and an intermediate care facility for individuals with intellectual disabilities, as defined in section 5124.01 of the Revised Code.	2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109
(8) "Medical record" means data in any form that pertains to a patient's medical history, diagnosis, prognosis, or medical condition and that is generated and maintained by a health care provider in the process of the patient's health care treatment.	2110 2111 2112 2113
(9) "Medical records company" means a person who stores, locates, or copies medical records for a health care provider, or is compensated for doing so by a health care provider, and charges a fee for providing medical records to a patient or patient's representative.	2114 2115 2116 2117 2118
(10) "Patient" means either of the following:	2119
(a) An individual who received health care treatment from a health care provider;	2120 2121
(b) A guardian, as defined in section 1337.11 of the Revised Code, of an individual described in division (A) (10) (a) of this section.	2122 2123 2124

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Individuals involved in operating casino games; 2441

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Provide advice concerning the substantive benefits, 2504

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

of the Revised Code. 2621

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

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

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

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

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

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

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

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

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

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

(i) An employee of the reinsurer; 2655

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

at least one year, unless, for good cause, the board waives this	2825
requirement;	2826
(2) Meets such other requirements as adopted by rule by	2827
the board;	2828
(3) Passes the required examination; and	2829
(4) Pays the required fees.	2830
The board shall only issue an assistant barber teacher	2831
license to a person who holds a current barber license issued	2832
pursuant to this chapter and pays the required fees.	2833
(D) Any person who meets the qualifications of an	2834
assistant teacher pursuant to division (C) of this section, may	2835
be employed as an assistant teacher, provided that within five	2836
days after the commencement of the employment the barber school	2837
submits to the board, on forms provided by the board, the	2838
applicant's qualifications.	2839
Sec. 4713.28. (A) The state cosmetology and barber board	2840
shall issue a practicing license to an applicant who satisfies	2841
all of the following applicable conditions:	2842
(1) Is at least sixteen years of age;	2843
(2) Has the equivalent of an Ohio public school tenth	2844
grade education;	2845
(3) Has submitted a written application on a form	2846
furnished by the board that contains all of the following:	2847
(a) The name of the individual and any other identifying	2848
information required by the board;	2849
(b) A recent photograph of the individual that meets the	2850
specifications established by the board;	2851

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

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

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

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

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

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

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

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

loss of the original, twenty dollars; 2909

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 4715.25. (A) Every person licensed to practice as a 3024
dental hygienist and required to register with the state dental 3025
board shall certify to the board at the time of applying for a 3026
renewal of registration that in the two-year period preceding 3027
the registration period for which renewal is sought the 3028
registrant completed a minimum of ~~twenty-four~~ twenty hours of 3029
continuing dental hygiene education. Certification shall be made 3030
upon the application for registration prescribed by the board 3031
pursuant to section 4715.24 of the Revised Code. 3032

(B) (1) The board shall apply toward the satisfaction of a 3033
registrant's continuing dental hygiene education requirement any 3034
of the following courses that the registrant completed: 3035

(a) The basic life-support training course required by 3036
section 4715.251 of the Revised Code; 3037

(b) Any course required by statute or rule of the board 3038
for registration; 3039

(c) Any course required by statute or rule of the board as 3040
a condition of performing a particular function; 3041

(d) Any other course that the board determines acceptable. 3042

(2) In the case of a registrant whose license was 3043
reinstated under section 4715.242 of the Revised Code, the board 3044
shall apply toward the satisfaction of the registrant's 3045
continuing dental hygiene education requirement any course that 3046
the board applied toward the continuing dental hygiene education 3047
requirement for reinstatement of the license if the course was 3048
completed during the two-year period immediately preceding the 3049
registration period for which renewal is sought. 3050

(C) Continuing education programs may be developed and 3051
offered to dental hygienists by any of the following agencies or 3052

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

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

(1) Arterial injection; 3084

(2) Cavity treatment; 3085

(3) Hypodermic tissue injection. 3086

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

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

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

home, regardless of common ownership or management. 3109

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

experienced in the operation of a crematory facility⁷ and who is 3285
not affiliated with a cemetery or a funeral home to serve on the 3286
crematory review board for such time as the crematory review 3287
board finds appropriate. Members serving on the crematory review 3288
board shall not receive any additional compensation for serving 3289
on the board, but may be reimbursed for their actual and 3290
necessary expenses incurred in the performance of official 3291
duties as members of the board. Members of the crematory review 3292
board shall designate one from among its members to serve as a 3293
chairperson for such time as the board finds appropriate. Costs 3294
associated with conducting an adjudicatory hearing in accordance 3295
with division (F) of this section shall be paid from funds 3296
available to the board of embalmers and funeral directors. 3297

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Committing unprofessional conduct; 3499

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

of the Revised Code. 3668

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

of an examination required under this chapter. 3844

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The location of the funeral home; 3920

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

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

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

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

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

(a) The location of the embalming facility; 3940

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

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

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

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

the following: 3960

(a) The location of the crematory facility; 3961

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) All the cremated remains; 4067

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

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

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

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

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

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

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

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

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

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

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

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

business and will close; 4135

(2) The expected date of closure; 4136

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) To make reimbursements on approved applications; 4479

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

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

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

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

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

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

Sec. 4723.01. As used in this chapter: 4510

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

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

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

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

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

of health care settings;	4551
(2) Contributions to the planning, implementation, and evaluation of nursing;	4552 4553
(3) Administration of medications and treatments authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice on the condition that the licensed practical nurse is authorized under section 4723.17 of the Revised Code to administer medications;	4554 4555 4556 4557 4558 4559
(4) Administration to an adult of intravenous therapy authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice, on the condition that the licensed practical nurse is authorized under section 4723.18 or 4723.181 of the Revised Code to perform intravenous therapy and performs intravenous therapy only in accordance with those sections;	4560 4561 4562 4563 4564 4565 4566
(5) Delegation of nursing tasks as directed by a registered nurse;	4567 4568
(6) Teaching nursing tasks to licensed practical nurses and individuals to whom the licensed practical nurse is authorized to delegate nursing tasks as directed by a registered nurse.	4569 4570 4571 4572
(G) "Certified registered nurse anesthetist" means an advanced practice registered nurse who holds a current, valid license issued under this chapter and is designated as a certified registered nurse anesthetist in accordance with section 4723.42 of the Revised Code and rules adopted by the board of nursing.	4573 4574 4575 4576 4577 4578
(H) "Clinical nurse specialist" means an advanced practice	4579

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Appropriate use of hand washing; 4719

(2) Disinfection and sterilization of equipment; 4720

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

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

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

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

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

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

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

~~(15)~~ (14) For reinstatement of a lapsed license or 4791
certificate issued under this chapter, one hundred dollars 4792
except as provided in section 5903.10 of the Revised Code; 4793

~~(16)~~ (15) For processing a check returned to the board by 4794
a financial institution, twenty-five dollars; 4795

~~(17)~~ (16) The amounts specified in rules adopted under 4796
section 4723.88 of the Revised Code pertaining to the issuance 4797
of certificates to community health workers, including fees for 4798
application for a certificate, renewal of a certificate, 4799
processing a late application for renewal of a certificate, 4800
reinstatement of a lapsed certificate, application for approval 4801
of a community health worker training program for community 4802
health workers, and renewal of the approval of a training 4803
program for community health workers. 4804

(B) Each quarter, for purposes of transferring funds under 4805
section 4743.05 of the Revised Code to the nurse education 4806
assistance fund created in section 3333.28 of the Revised Code, 4807

the board of nursing shall certify to the director of budget and 4808
management the number of licenses renewed under this chapter 4809
during the preceding quarter and the amount equal to that number 4810
times five dollars. 4811

(C) The board may charge a participant in a board- 4812
sponsored continuing education activity an amount not exceeding 4813
fifteen dollars for each activity. 4814

(D) The board may contract for services pertaining to the 4815
process of providing written verification of a license or 4816
certificate when the verification is performed for purposes 4817
other than providing verification to another jurisdiction. The 4818
contract may include provisions pertaining to the collection of 4819
the fee charged for providing the written verification. As part 4820
of these provisions, the board may permit the contractor to 4821
retain a portion of the fees as compensation, before any amounts 4822
are deposited into the state treasury. 4823

Sec. 4723.091. (A) An individual who applies for licensure 4824
under section 4723.09 of the Revised Code; issuance of a 4825
certificate under section 4723.651, 4723.75, ~~4723.76~~, or 4723.85 4826
of the Revised Code; reactivation of a license, under division 4827
(D) of section 4723.24 of the Revised Code, that has been 4828
inactive for at least five years; or reinstatement of a license, 4829
under division (D) of section 4723.24 of the Revised Code, that 4830
has lapsed for at least five years shall submit a request to the 4831
bureau of criminal identification and investigation for a 4832
criminal records check of the applicant. The request shall be 4833
made in accordance with section 109.572 of the Revised Code. 4834

(B) An applicant requesting a criminal records check under 4835
division (A) of this section shall also ask the superintendent 4836
of the bureau of criminal identification and investigation to 4837

request that the federal bureau of investigation send to the 4838
superintendent any information the federal bureau of 4839
investigation has with respect to the applicant. 4840

(C) On receipt of all items required for the commencement 4841
of a criminal records check pursuant to division (A) of this 4842
section, the bureau of criminal identification and investigation 4843
shall conduct a criminal records check of the applicant. On the 4844
completion of the criminal records check, the bureau shall send 4845
the results to the board of nursing. 4846

(D) The results of a criminal records check conducted 4847
pursuant to a request made under division (A) of this section, 4848
and any report containing those results, are not public records 4849
for purposes of section 149.43 of the Revised Code and shall not 4850
be made available to any person or for any purpose other than 4851
the following: 4852

(1) The results may be made available to any person for 4853
use in determining under section 4723.09, 4723.651, 4723.75, 4854
~~4723.76,~~ or 4723.85 of the Revised Code whether the individual 4855
who is the subject of the check should be granted a license or 4856
certificate under this chapter or whether any temporary permit 4857
granted to the individual under ~~either of the following has~~ 4858
~~terminated automatically:~~ 4859

~~(a) Section section 4723.09 of the Revised Code;~~ 4860

~~(b) Section 4723.76 of the Revised Code as that section~~ 4861
~~existed at any time before March 20, 2013 has terminated~~ 4862
~~automatically.~~ 4863

(2) The results may be made available to any person for 4864
use in determining under division (D) of section 4723.24 of the 4865
Revised Code whether the individual who is the subject of the 4866

check should have the individual's license or certificate 4867
reactivated or reinstated. 4868

(3) The results may be made available to any person for 4869
use in determining under section 4723.28 of the Revised Code 4870
whether the individual who is the subject of the check should be 4871
subject to disciplinary action in accordance with that section. 4872

(4) The results may be made available to the individual 4873
who is the subject of the check or that individual's 4874
representative. 4875

Sec. 4723.092. The board of nursing shall not refuse to 4876
issue a license under section 4723.09 of the Revised Code or a 4877
certificate under section 4723.651, 4723.75, ~~4723.76~~, or 4723.85 4878
of the Revised Code—because of a conviction of, plea of guilty 4879
to, a judicial finding of guilt of, a judicial finding of guilt 4880
resulting from a plea of no contest to, or a judicial finding of 4881
eligibility for a pretrial diversion or similar program or for 4882
intervention in lieu of a conviction for a criminal offense 4883
unless the refusal is in accordance with section 9.79 of the 4884
Revised Code. 4885

Sec. 4723.114. (A) As used in this section, "person" has 4886
the same meaning as in section 1.59 of the Revised Code. 4887

(B) A person or governmental entity that employs, or 4888
contracts directly or through another person or governmental 4889
entity for the provision of services by, a nurse holding a 4890
multistate license to practice registered or licensed practical 4891
nursing issued pursuant to section 4723.11 of the Revised Code 4892
shall do both of the following if the nurse's home state, as 4893
defined in that section, is not Ohio: 4894

(1) Report to the board of nursing the ~~name~~ number of ~~each~~ 4895

~~nurses~~ nurses holding a multistate license, as well as any other
information pertaining to the nurse as required by rules of the
~~board~~ licenses who are employed by, or providing services for,
the person or governmental entity;

(2) Provide each nurse holding a multistate license a copy
of board-developed information concerning laws and rules
specific to the practice of nursing in Ohio.

~~(B)~~ (C) The board shall develop information concerning
laws and rules specific to the practice of nursing in Ohio and
make that information available on its internet web site.

~~(C)~~ (D) The board may adopt rules in accordance with
Chapter 119. of the Revised Code to implement this section.

Sec. 4723.18. ~~(A) The board of nursing shall authorize a
licensed practical nurse to administer to an adult intravenous
therapy if the nurse supplies evidence satisfactory to the board
that the conditions of divisions (A) (1) to (3) of this section
have been met:~~

~~(1) The nurse holds a current, valid license issued under
this chapter to practice nursing as a licensed practical nurse.~~

~~(2) The nurse has been authorized under section 4723.17 of
the Revised Code to administer medications.~~

~~(3) The nurse successfully completed either of the
following:~~

~~(a) A course of study in the safe performance of
intravenous therapy approved by the board pursuant to section
4723.19 of the Revised Code or by an agency in another
jurisdiction that regulates the practice of nursing and has
requirements for intravenous therapy course approval that are~~

~~substantially similar to the requirements in division (B) of~~ 4924
~~section 4723.19 of the Revised Code, as determined by the board;~~ 4925

~~(b) A continuing education course or program approved by~~ 4926
~~the board pursuant to section 4723.06 of the Revised Code that~~ 4927
~~includes all of the following:~~ 4928

~~(i) The curriculum established by rules adopted by the~~ 4929
~~board;~~ 4930

~~(ii) Training in the anatomy and physiology of the~~ 4931
~~cardiovascular system, signs and symptoms of local and systemic~~ 4932
~~complications in the administration of fluids and antibiotic~~ 4933
~~additives, and guidelines for management of these complications;~~ 4934

~~(iii) Any other training or instruction the board~~ 4935
~~considers appropriate;~~ 4936

~~(iv) A testing component that requires the nurse to~~ 4937
~~perform a successful demonstration of the intravenous~~ 4938
~~procedures, including all skills needed to perform them safely.~~ 4939

~~(B) Except as provided in section 4723.181 of the Revised~~ 4940
~~Code and subject to the restrictions in division (D) (C) of this~~ 4941
~~section, a licensed practical nurse may perform intravenous~~ 4942
~~therapy on an adult patient only if authorized by the board~~ 4943
~~pursuant to division (A) of this section and only at the~~ 4944
~~direction of one of the following:~~ 4945

(1) A physician, physician assistant, dentist, 4946
optometrist, or podiatrist who is authorized to practice in this 4947
state and, except as provided in division ~~(C) (2)~~ (B) (2) of this 4948
section, is present and readily available at the facility where 4949
the intravenous therapy procedure is performed; 4950

(2) A registered nurse in accordance with division ~~(C)~~ (B) 4951

of this section. 4952

~~(C)(1)~~ (B)(1) Except as provided in division ~~(C)(2)~~ (B)(2) 4953
of this section and section 4723.181 of the Revised Code, when a 4954
licensed practical nurse ~~authorized by the board to perform~~ 4955
~~intravenous therapy~~ performs an intravenous therapy procedure at 4956
the direction of a registered nurse, the registered nurse or 4957
another registered nurse shall be readily available at the site 4958
where the intravenous therapy is performed, and before the 4959
licensed practical nurse initiates the intravenous therapy, the 4960
registered nurse shall personally perform an on-site assessment 4961
of the adult patient who is to receive the intravenous therapy. 4962

(2) When a licensed practical nurse ~~authorized by the~~ 4963
~~board to perform intravenous therapy~~ performs an intravenous 4964
therapy procedure in a home as defined in section 3721.10 of the 4965
Revised Code, or in an intermediate care facility for 4966
individuals with intellectual disabilities as defined in section 4967
5124.01 of the Revised Code, at the direction of a registered 4968
nurse or licensed a physician, physician assistant, dentist, 4969
optometrist, or podiatrist who is authorized to practice in this 4970
state, a registered nurse shall be on the premises of the home 4971
or facility or accessible by some form of telecommunication. 4972

~~(D)~~ (C) No licensed practical nurse shall perform any of 4973
the following intravenous therapy procedures: 4974

(1) Initiating or maintaining any of the following: 4975

(a) Blood or blood components; 4976

(b) Solutions for total parenteral nutrition; 4977

(c) Any cancer therapeutic medication including, but not 4978
limited to, cancer chemotherapy or an anti-neoplastic agent; 4979

(d) Solutions administered through any central venous line 4980
or arterial line or any other line that does not terminate in a 4981
peripheral vein, except that a licensed practical nurse 4982
~~authorized by the board to perform intravenous therapy~~ may 4983
maintain the solutions specified in division ~~(D) (6) (a)~~ (C) (6) (a) 4984
of this section that are being administered through a central 4985
venous line or peripherally inserted central catheter; 4986

(e) Any investigational or experimental medication. 4987

(2) Initiating intravenous therapy in any vein, except 4988
that a licensed practical nurse ~~authorized by the board to~~ 4989
~~perform intravenous therapy~~ may initiate intravenous therapy in 4990
accordance with this section in a vein of the hand, forearm, or 4991
antecubital fossa; 4992

(3) Discontinuing a central venous, arterial, or any other 4993
line that does not terminate in a peripheral vein; 4994

(4) Initiating or discontinuing a peripherally inserted 4995
central catheter; 4996

(5) Mixing, preparing, or reconstituting any medication 4997
for intravenous therapy, except that a licensed practical nurse 4998
~~authorized by the board to perform intravenous therapy~~ may 4999
prepare or reconstitute an antibiotic additive; 5000

(6) Administering medication via the intravenous route, 5001
including all of the following activities: 5002

(a) Adding medication to an intravenous solution or to an 5003
existing infusion, except that a licensed practical nurse 5004
~~authorized by the board to perform intravenous therapy~~ may do 5005
any of the following: 5006

(i) Initiate an intravenous infusion containing one or 5007

more of the following elements: dextrose 5%, normal saline, 5008
lactated ringers, sodium chloride.45%, sodium chloride 0.2%, 5009
sterile water; 5010

(ii) Hang subsequent containers of the intravenous 5011
solutions specified in division ~~(D) (6) (a) (i)~~ (C) (6) (a) (i) of 5012
this section that contain vitamins or electrolytes, if a 5013
registered nurse initiated the infusion of that same intravenous 5014
solution; 5015

(iii) Initiate or maintain an intravenous infusion 5016
containing an antibiotic additive. 5017

(b) Injecting medication via a direct intravenous route, 5018
except that a licensed practical nurse ~~authorized by the board~~ 5019
~~to perform intravenous therapy~~ may inject heparin or normal 5020
saline to flush an intermittent infusion device or heparin lock 5021
including, but not limited to, bolus or push. 5022

(7) Changing tubing on any line including, but not limited 5023
to, an arterial line or a central venous line, except that a 5024
licensed practical nurse ~~authorized by the board to perform~~ 5025
~~intravenous therapy~~ may change tubing on an intravenous line 5026
that terminates in a peripheral vein; 5027

(8) Programming or setting any function of a patient 5028
controlled infusion pump. 5029

~~(E) (D)~~ Notwithstanding divisions ~~(A) (B)~~ and ~~(D) (C)~~ of 5030
this section, at the direction of a physician or a registered 5031
nurse, a licensed practical nurse ~~authorized by the board to~~ 5032
~~perform intravenous therapy~~ may perform the following activities 5033
for the purpose of performing dialysis: 5034

(1) The routine administration and regulation of saline 5035
solution for the purpose of maintaining an established fluid 5036

plan; 5037

(2) The administration of a heparin dose intravenously; 5038

(3) The administration of a heparin dose peripherally via
a fistula needle; 5039
5040

(4) The loading and activation of a constant infusion
pump; 5041
5042

(5) The intermittent injection of a dose of medication 5043
that is administered via the hemodialysis blood circuit and 5044
through the patient's venous access. 5045

~~(F) No person shall employ or direct a licensed practical- 5046
nurse to perform an intravenous therapy procedure without first- 5047
verifying that the licensed practical nurse is authorized by the- 5048
board to perform intravenous therapy. 5049~~

Sec. 4723.181. (A) A licensed practical nurse may perform 5050
on any person any of the intravenous therapy procedures 5051
specified in division (B) of this section ~~without receiving- 5052
authorization to perform intravenous therapy from the board of- 5053
nursing under section 4723.18 of the Revised Code, if both of 5054
the following apply: 5055~~

(1) The licensed practical nurse acts at the direction of 5056
a registered nurse or a physician, physician assistant, dentist, 5057
optometrist, or podiatrist who is authorized to practice in this 5058
state and the registered nurse, physician, physician assistant, 5059
dentist, optometrist, or podiatrist is on the premises where the 5060
procedure is to be performed or accessible by some form of 5061
telecommunication. 5062

(2) The licensed practical nurse can demonstrate the 5063
knowledge, skills, and ability to perform the procedure safely. 5064

(B) The intravenous therapy procedures that a licensed practical nurse may perform pursuant to division (A) of this section are limited to the following:

(1) Verification of the type of peripheral intravenous solution being administered;

(2) Examination of a peripheral infusion site and the extremity for possible infiltration;

(3) Regulation of a peripheral intravenous infusion according to the prescribed flow rate;

(4) Discontinuation of a peripheral intravenous device at the appropriate time;

(5) Performance of routine dressing changes at the insertion site of a peripheral venous or arterial infusion, peripherally inserted central catheter infusion, or central venous pressure subclavian infusion.

Sec. 4723.35. (A) As used in this section, "substance use disorder" means either of the following:

(1) The chronic and habitual use of alcoholic beverages to the extent that the user no longer can control the use of alcohol or endangers the user's health, safety, or welfare or that of others;

(2) The use of a controlled substance as defined in section 3719.01 of the Revised Code, a harmful intoxicant as defined in section 2925.01 of the Revised Code, or a dangerous drug as defined in section 4729.01 of the Revised Code, to the extent that the user becomes physically or psychologically dependent on the substance, intoxicant, or drug or endangers the user's health, safety, or welfare or that of others.

(B) The board of nursing may abstain from taking 5093
disciplinary action under section 4723.28 or 4723.86 of the 5094
Revised Code against an individual with a substance use disorder 5095
if it finds that the individual can be treated effectively and 5096
there is no impairment of the individual's ability to practice 5097
according to acceptable and prevailing standards of safe care. 5098
The board shall establish a substance use disorder monitoring 5099
program to monitor the registered nurses, licensed practical 5100
nurses, dialysis technicians, and certified community health 5101
workers against whom the board has abstained from taking action. 5102
The board shall either develop the program, select the program's 5103
name, and designate a coordinator to administer the program or, 5104
in the alternative, the board may contract with a third-party 5105
vendor to administer the program. 5106

(C) Determinations regarding an individual's eligibility 5107
for admission to, continued participation in, and successful 5108
completion of the monitoring program shall be made by the 5109
board's supervising member for disciplinary matters in 5110
accordance with rules adopted under division (D) of this 5111
section. 5112

(D) The board shall adopt rules in accordance with Chapter 5113
119. of the Revised Code that establish the following: 5114

(1) Eligibility requirements for admission to and 5115
continued participation in the monitoring program; 5116

(2) Terms and conditions that must be met to participate 5117
in and successfully complete the program; 5118

(3) Procedures for keeping confidential records regarding 5119
participants; 5120

(4) Any other requirements or procedures necessary to 5121

establish and administer the program. 5122

(E) (1) As a condition of being admitted to the monitoring 5123
program, an individual shall surrender to the program 5124
coordinator the license or certificate that the individual 5125
holds. While the surrender is in effect, the individual is 5126
prohibited from engaging in the practice of nursing, engaging in 5127
the provision of dialysis care, or engaging in the provision of 5128
services that were being provided as a certified community 5129
health worker. 5130

If the board's supervising member for disciplinary matters 5131
determines that a participant is capable of resuming practice 5132
according to acceptable and prevailing standards of safe care, 5133
the program coordinator shall return the participant's license 5134
or certificate. If the participant violates the terms and 5135
conditions of resumed practice, the coordinator shall require 5136
the participant to surrender the license or certificate as a 5137
condition of continued participation in the program. The 5138
coordinator may require the surrender only on the approval of 5139
the board's supervising member for disciplinary matters. 5140

The surrender of a license or certificate on admission to 5141
the monitoring program or while participating in the program 5142
does not constitute an action by the board under section 4723.28 5143
or 4723.86 of the Revised Code. The participant may rescind the 5144
surrender at any time and the board may proceed by taking action 5145
under section 4723.28 or 4723.86 of the Revised Code. 5146

(2) If the program coordinator or third-party vendor 5147
determines that a participant is significantly out of compliance 5148
with the terms and conditions for participation, the coordinator 5149
or other staff designated by the board shall notify the board's 5150
supervising member for disciplinary matters and the supervising 5151

member shall determine whether to temporarily suspend the 5152
participant's license or certificate. The board shall notify the 5153
participant of the suspension by certified mail sent to the 5154
participant's last known address and shall refer the matter to 5155
the board for formal action under section 4723.28 or 4723.86 of 5156
the Revised Code. 5157

(F) All of the following apply with respect to the 5158
receipt, release, and maintenance of records and information by 5159
the monitoring program: 5160

(1) The program coordinator or third-party vendor shall 5161
maintain all program records in the board's office a manner that 5162
protects the confidentiality of the record, and for each 5163
participant, shall retain the records for a period of two years 5164
following the participant's date of successful completion of the 5165
program. 5166

(2) When applying to participate in the monitoring 5167
program, the applicant shall sign a waiver permitting the board 5168
to receive and release information necessary to determine 5169
whether the individual is eligible for admission. After being 5170
admitted, the participant shall sign a waiver permitting the 5171
board to receive and release information necessary to determine 5172
whether the individual is eligible for continued participation 5173
in the program. Information that may be necessary for the 5174
board's supervising member for disciplinary matters to determine 5175
eligibility for admission or continued participation in the 5176
monitoring program includes, but is not limited to, information 5177
provided to and by employers, probation officers, law 5178
enforcement agencies, peer assistance programs, health 5179
professionals, and treatment providers. No entity with knowledge 5180
that the information has been provided to the monitoring program 5181

shall divulge that knowledge to any other person. 5182

(3) Except as provided in division (F) (4) of this section, 5183
all records pertaining to an individual's application for or 5184
participation in the monitoring program, including medical 5185
records, treatment records, and mental health records, shall be 5186
confidential. The records are not public records for the 5187
purposes of section 149.43 of the Revised Code and are not 5188
subject to discovery by subpoena or admissible as evidence in 5189
any judicial proceeding. 5190

(4) The board may disclose information regarding a 5191
participant's progress in the program to any person or 5192
government entity that the participant authorizes in writing to 5193
be given the information. In disclosing information under this 5194
division, the board shall not include any information that is 5195
protected under section 5119.27 of the Revised Code or any 5196
federal statute or regulation that provides for the 5197
confidentiality of medical, mental health, or substance abuse 5198
records. 5199

(G) In the absence of fraud or bad faith, the board as a 5200
whole, its individual members, and its employees and 5201
representatives are not liable for damages in any civil action 5202
as a result of disclosing information in accordance with 5203
division (F) (4) of this section. In the absence of fraud or bad 5204
faith, any person reporting to the program with regard to an 5205
individual's substance use disorder, or the progress or lack of 5206
progress of that individual with regard to treatment, is not 5207
liable for damages in any civil action as a result of the 5208
report. 5209

Sec. 4723.48. (A) A clinical nurse specialist, certified 5210
nurse-midwife, or certified nurse practitioner who holds a 5211

license to practice nursing issued under section 4723.42 of the 5212
Revised Code may delegate to a person not otherwise authorized 5213
to administer drugs the authority to administer to a specified 5214
patient a drug, unless the drug is a controlled substance or is 5215
listed in the formulary established in rules adopted under 5216
section 4723.50 of the Revised Code. The delegation shall be in 5217
accordance with division (B) of this section and standards and 5218
procedures established in rules adopted under division ~~(O)~~(N) 5219
of section 4723.07 of the Revised Code. 5220

(B) Prior to delegating the authority, the nurse shall do 5221
both of the following: 5222

(1) Assess the patient and determine that the drug is 5223
appropriate for the patient; 5224

(2) Determine that the person to whom the authority will 5225
be delegated has met the conditions specified in division (D) of 5226
section 4723.489 of the Revised Code. 5227

Sec. 4723.481. This section establishes standards and 5228
conditions regarding the authority of an advanced practice 5229
registered nurse who is designated as a clinical nurse 5230
specialist, certified nurse-midwife, or certified nurse 5231
practitioner to prescribe and personally furnish drugs and 5232
therapeutic devices under a license issued under section 4723.42 5233
of the Revised Code. 5234

(A) ~~Except as provided in division (F) of this section, a~~ 5235
A clinical nurse specialist, certified nurse-midwife, or 5236
certified nurse practitioner shall not prescribe or furnish any 5237
drug or therapeutic device that is listed on the exclusionary 5238
formulary established in rules adopted under section 4723.50 of 5239
the Revised Code. 5240

(B) The prescriptive authority of a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall not exceed the prescriptive authority of the collaborating physician or podiatrist, including the collaborating physician's authority to treat chronic pain with controlled substances and products containing tramadol as described in section 4731.052 of the Revised Code.

(C) (1) Except as provided in division (C) (2) or (3) of this section, a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may prescribe to a patient a schedule II controlled substance only if all of the following are the case:

(a) The patient has a terminal condition, as defined in section 2133.01 of the Revised Code.

(b) A physician initially prescribed the substance for the patient.

(c) The prescription is for an amount that does not exceed the amount necessary for the patient's use in a single, seventy-two-hour period.

(2) The restrictions on prescriptive authority in division (C) (1) of this section do not apply if a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner issues the prescription to the patient from any of the following ~~locations~~entities:

(a) A hospital registered under section 3701.07 of the Revised Code;

(b) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;

(c) A health care facility operated by the department of mental health and addiction services or the department of developmental disabilities;	5270 5271 5272
(d) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;	5273 5274 5275
(e) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;	5276 5277 5278
(f) A hospice care program, as defined in section 3712.01 of the Revised Code;	5279 5280
(g) A community mental health services provider, as defined in section 5122.01 of the Revised Code;	5281 5282
(h) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;	5283 5284
(i) A freestanding birthing center, as defined in section 3702.141 of the Revised Code;	5285 5286
(j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	5287 5288
(k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	5289 5290
(l) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	5291 5292 5293 5294
(m) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also	5295 5296

are owners of the practice; the practice is organized to provide 5297
direct patient care; and the clinical nurse specialist, 5298
certified nurse-midwife, or certified nurse practitioner 5299
providing services at the site has a standard care arrangement 5300
and collaborates with at least one of the physician owners who 5301
practices primarily at that site; 5302

(n) A residential care facility, as defined in section 5303
3721.01 of the Revised Code. 5304

(3) A clinical nurse specialist, certified nurse-midwife, 5305
or certified nurse practitioner shall not issue to a patient a 5306
prescription for a schedule II controlled substance from a 5307
convenience care clinic even if the clinic is owned or operated 5308
by an entity specified in division (C) (2) of this section. 5309

(D) A pharmacist who acts in good faith reliance on a 5310
prescription issued by a clinical nurse specialist, certified 5311
nurse-midwife, or certified nurse practitioner under division 5312
(C) (2) of this section is not liable for or subject to any of 5313
the following for relying on the prescription: damages in any 5314
civil action, prosecution in any criminal proceeding, or 5315
professional disciplinary action by the state board of pharmacy 5316
under Chapter 4729. of the Revised Code. 5317

(E) A clinical nurse specialist, certified nurse-midwife, 5318
or certified nurse practitioner shall comply with section 5319
3719.061 of the Revised Code if the nurse prescribes for a 5320
minor, as defined in that section, an opioid analgesic, as 5321
defined in section 3719.01 of the Revised Code. 5322

~~(F) Until the board of nursing establishes a new formulary 5323
in rules adopted under section 4723.50 of the Revised Code, a 5324
clinical nurse specialist, certified nurse-midwife, or certified 5325~~

~~nurse practitioner who prescribes or furnishes any drug or
therapeutic device shall do so in accordance with the formulary
established by the board prior to the effective date of this
amendment.~~

Sec. 4723.50. (A) As used in this section: 5330

(1) "Controlled substance" has the same meaning as in 5331
section 3719.01 of the Revised Code. 5332

(2) "Medication-assisted treatment" has the same meaning 5333
as in section 340.01 of the Revised Code. 5334

(B) In accordance with Chapter 119. of the Revised Code, 5335
the board of nursing shall adopt rules as necessary to implement 5336
the provisions of this chapter pertaining to the authority of 5337
advanced practice registered nurses who are designated as 5338
clinical nurse specialists, certified nurse-midwives, and 5339
certified nurse practitioners to prescribe and furnish drugs and 5340
therapeutic devices. 5341

~~The board shall adopt rules that are consistent with a
recommended exclusionary formulary the board received from the
former committee on prescriptive governance that was established
pursuant to H.B. 216 of the 131st general assembly. After
reviewing a formulary submitted by the committee, the board may
either adopt the formulary as a rule or ask the committee to
reconsider and resubmit the formulary. The board shall not adopt
any rule that does not conform to a formulary developed by the
committee.~~

The establishing an exclusionary formulary. The 5351
exclusionary formulary shall permit, in a manner consistent with 5352
section 4723.481 of the Revised Code, the prescribing of 5353
controlled substances, including drugs that contain 5354

buprenorphine used in medication-assisted treatment and both 5355
oral and long-acting opioid antagonists. The formulary shall not 5356
permit the prescribing or furnishing of any of the following: 5357

(1) A drug or device to perform or induce an abortion; 5358

(2) A drug or device prohibited by federal or state law. 5359

(C) In addition to the rules described in division (B) of 5360
this section, the board shall adopt rules under this section 5361
that do the following: 5362

(1) Establish standards for board approval of the course 5363
of study in advanced pharmacology and related topics required by 5364
section 4723.482 of the Revised Code; 5365

(2) Establish requirements for board approval of the two- 5366
hour course of instruction in the laws of this state as required 5367
under division (C) (1) of section 4723.482 of the Revised Code; 5368

(3) Establish criteria for the components of the standard 5369
care arrangements described in section 4723.431 of the Revised 5370
Code that apply to the authority to prescribe, including the 5371
components that apply to the authority to prescribe schedule II 5372
controlled substances. The rules shall be consistent with that 5373
section and include all of the following: 5374

(a) Quality assurance standards; 5375

(b) Standards for periodic review by a collaborating 5376
physician or podiatrist of the records of patients treated by 5377
the clinical nurse specialist, certified nurse-midwife, or 5378
certified nurse practitioner; 5379

(c) Acceptable travel time between the location at which 5380
the clinical nurse specialist, certified nurse-midwife, or 5381
certified nurse practitioner is engaging in the prescribing 5382

components of the nurse's practice and the location of the	5383
nurse's collaborating physician or podiatrist;	5384
(d) Any other criteria recommended by the former committee	5385
on prescriptive governance.	5386
Sec. 4723.72. (A) A dialysis technician or dialysis	5387
technician intern may engage in dialysis care by doing the	5388
following:	5389
(1) Performing and monitoring dialysis procedures,	5390
including initiating, monitoring, and discontinuing dialysis;	5391
(2) Drawing blood;	5392
(3) Administering medications as specified in division (C)	5393
of this section when the administration is essential to the	5394
dialysis process;	5395
(4) Responding to complications that arise during	5396
dialysis.	5397
(B) (1) Subject to divisions (B) (2) and (3) of this	5398
section, a dialysis technician or dialysis technician intern may	5399
provide the dialysis care specified in division (A) of this	5400
section only if the care has been delegated to the technician or	5401
intern by a physician, <u>physician assistant</u> , or registered nurse	5402
and the technician or intern is under the supervision of a	5403
physician, <u>physician assistant</u> , or registered nurse. Supervision	5404
requires that the dialysis technician or dialysis technician	5405
intern be in the immediate presence of a physician, <u>physician</u>	5406
<u>assistant</u> , or registered nurse.	5407
(2) In accordance with division (E) of section 4723.73 of	5408
the Revised Code, a dialysis technician intern shall not provide	5409
dialysis care in a patient's home.	5410

- (3) In the case of dialysis care provided in a patient's home by a dialysis technician, both of the following apply: 5411
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- (a) The technician shall be supervised in accordance with the rules adopted under section 4723.79 of the Revised Code for supervision of dialysis technicians who provide dialysis care in a patient's home. 5413
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- (b) Division ~~(D) (5)~~ (D) (6) of section 4723.73 of the Revised Code does not allow a dialysis technician who provides dialysis care in a patient's home to provide dialysis care that is not authorized under this section. 5417
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- (C) A dialysis technician or dialysis technician intern may administer only the following medications as ordered by a licensed health professional authorized to prescribe drugs as defined in section 4729.01 of the Revised Code and in accordance with the standards for the delegation of dialysis care established in division (B) of this section and in rules adopted under section 4723.79 of the Revised Code: 5421
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- (1) Intradermal lidocaine or other single therapeutically equivalent local anesthetic for the purpose of initiating dialysis treatment; 5428
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- (2) Intravenous heparin or other single therapeutically equivalent anticoagulant for the purpose of initiating and maintaining dialysis treatment; 5431
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- (3) Intravenous normal saline; 5434
- (4) Patient-specific dialysate, to which the technician or intern may add electrolytes but no other additives or medications; 5435
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- (5) Oxygen. 5438

Sec. 4723.73. (A) No person who does not hold a current, 5439
valid certificate issued under section 4723.75 or renewed under 5440
section 4723.77 of the Revised Code shall do either of the 5441
following: 5442

(1) Claim to the public to be a dialysis technician; 5443

(2) Use the title "Ohio certified dialysis technician," 5444
the initials "OCDT," or any other title or initials to represent 5445
that the person is authorized to perform dialysis care as a 5446
dialysis technician. 5447

(B) No person who ~~does has not hold a current, valid~~ 5448
~~dialysis technician intern certificate issued under successfully~~ 5449
completed a dialysis training program approved by the board of 5450
nursing under section 4723.76-4723.74 of the Revised Code within 5451
the previous eighteen months shall do either of the following: 5452

(1) Claim to the public to be a dialysis technician 5453
intern; 5454

(2) Use the title "dialysis technician intern," the 5455
initials "DTI," or any other title or initials to represent that 5456
the person is authorized to perform dialysis care as a dialysis 5457
technician intern. 5458

(C) No dialysis technician or dialysis technician intern 5459
shall engage in dialysis care in a manner that is inconsistent 5460
with section 4723.72 of the Revised Code. 5461

(D) No person other than a dialysis technician or dialysis 5462
technician intern shall engage in the dialysis care that is 5463
authorized by section 4723.72 of the Revised Code, unless the 5464
person is one or more of the following: 5465

(1) A registered nurse or licensed practical nurse; 5466

(2) A physician;	5467
(3) <u>A physician assistant;</u>	5468
<u>(4)</u> A student performing dialysis care under the supervision of an instructor as an integral part of a dialysis training program approved by the board of nursing under section 4723.74 of the Revised Code;	5469 5470 5471 5472
(4) <u>(5)</u> A dialysis patient who has been trained to engage in the dialysis care with little or no professional assistance by completing a medicare-approved self-dialysis or home dialysis training program;	5473 5474 5475 5476
(5) <u>(6)</u> A family member or friend of a dialysis patient who engages in self-dialysis or home dialysis, and the person engages in the dialysis care by assisting the patient in performing the self-dialysis or home dialysis, after the person providing the assistance has completed a medicare-approved self-dialysis or home dialysis training program for the particular dialysis patient being assisted.	5477 5478 5479 5480 5481 5482 5483
(E) No dialysis technician intern shall do either of the following:	5484 5485
(1) Serve as a trainer or preceptor in a dialysis training program;	5486 5487
(2) Provide dialysis care in a patient's home.	5488
(F) No person shall operate a dialysis training program, unless the program is approved by the board of nursing under section 4723.74 of the Revised Code.	5489 5490 5491
Sec. 4723.75. (A) The board of nursing shall issue a certificate to practice as a dialysis technician to an applicant if the following conditions are met:	5492 5493 5494

(1) The application is submitted to the board in 5495
accordance with rules adopted under section 4723.79 of the 5496
Revised Code and includes both of the following: 5497

(a) The fee established in rules adopted under section 5498
4723.79 of the Revised Code; 5499

(b) The name and address of each approved dialysis 5500
training program in which the applicant has enrolled and the 5501
dates during which the applicant was enrolled in each program. 5502

(2) The applicant meets the requirements established by 5503
the board's rules. 5504

(3) The applicant demonstrates competency to practice as a 5505
dialysis technician, as specified in division (B) of this 5506
section. 5507

(4) In the case of an applicant who entered a dialysis 5508
training program on or after June 1, 2003, the results of a 5509
criminal records check conducted in accordance with section 5510
4723.091 of the Revised Code demonstrate that the applicant is 5511
not ineligible for certification in accordance with section 5512
4723.092 of the Revised Code. 5513

(B) For an applicant to demonstrate competence to practice 5514
as a dialysis technician, one of the following must apply: 5515

(1) The applicant has successfully completed a dialysis 5516
training program approved by the board under section 4723.74 of 5517
the Revised Code and meets both of the following requirements: 5518

(a) Has performed dialysis care for a dialysis provider 5519
for not less than six months immediately prior to the date of 5520
application; 5521

(b) Has passed a certification examination demonstrating 5522

competence to perform dialysis care not later than eighteen 5523
months after successfully completing a dialysis training program 5524
approved by the board under section 4723.74 of the Revised Code. 5525

(2) The applicant does all of the following: 5526

(a) Has a testing organization approved by the board 5527
submit evidence satisfactory to the board that the applicant 5528
passed an examination, in another jurisdiction, that 5529
demonstrates the applicant's competence to provide dialysis 5530
care; 5531

(b) Submits evidence satisfactory to the board that the 5532
applicant has been employed to perform dialysis care in another 5533
jurisdiction for not less than six months immediately prior to 5534
the date of application for certification under this section; 5535

(c) Submits evidence satisfactory to the board that the 5536
applicant completed at least two hours of education directly 5537
related to this chapter and the rules adopted under it. 5538

(C) An applicant who does not pass the certification 5539
examination described in division (B) (1) (b) of this section 5540
within the time period prescribed in that division may continue 5541
to pursue certification by repeating the entire training and 5542
application process, including doing all of the following: 5543

(1) Enrolling in and successfully completing a dialysis 5544
training program approved by the board; 5545

(2) Submitting a request to the bureau of criminal 5546
identification and investigation for a criminal records check 5547
and check of federal bureau of investigation records pursuant to 5548
section 4723.091 of the Revised Code; 5549

(3) ~~Submitting an application for a dialysis technician~~ 5550

~~intern certificate in accordance with section 4723.76 of the Revised Code;~~ 5551
5552

~~(4)~~ Demonstrating competence to perform dialysis care in accordance with division (B) of this section. 5553
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Sec. 4723.79. The board of nursing shall adopt rules to administer and enforce sections 4723.71 to 4723.79 of the Revised Code. The board shall adopt the rules in accordance with Chapter 119. of the Revised Code. The rules shall establish or specify all of the following: 5555
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(A) The application process, fee, and requirements for approval, reapproval, and withdrawing the approval of a dialysis training program under section 4723.74 of the Revised Code. The requirements shall include standards that must be satisfied regarding curriculum, length of training, and instructions in patient care. 5560
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(B) The application process, fee, and requirements for issuance of a dialysis technician certificate under section 4723.75 of the Revised Code, except that the amount of the fee shall be no greater than the fee charged under division (A) (1) of section 4723.08 of the Revised Code; 5566
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~~(C) The application process, fee, and requirements for issuance of a dialysis technician intern certificate under section 4723.76 of the Revised Code;~~ 5571
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~~(D)~~ The process for approval of testing organizations under section 4723.751 of the Revised Code; 5574
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~~(E)~~ (D) Subjects to be included in a certification examination pursuant to section 4723.751 of the Revised Code; 5576
5577

~~(F)~~ (E) The schedule, fees, and continuing education 5578

requirements for renewal of a dialysis technician certificate 5579
under section 4723.77 of the Revised Code, except that the 5580
amount of the fee for renewal shall be no greater than the fee 5581
charged under division ~~(A) (10)~~ (A) (9) of section 4723.08 of the 5582
Revised Code; 5583

~~(G)~~ (F) Standards for approval of continuing education 5584
programs and courses for dialysis technicians; 5585

~~(H)~~ (G) Standards for the administration of medication by 5586
dialysis technicians and dialysis technician interns under 5587
section 4723.72 of the Revised Code; 5588

~~(I)~~ (H) Standards and procedures for the supervision of 5589
dialysis technicians who provide dialysis care in a patient's 5590
home, including monthly home visits by a registered nurse to 5591
monitor the quality of the dialysis care; 5592

~~(J)~~ (I) Any other procedures or requirements necessary for 5593
the administration and enforcement of sections 4723.71 to 5594
4723.79 of the Revised Code. 5595

Sec. 4725.01. As used in this chapter: 5596

~~(A) (1)~~ (A) The "practice of optometry" means all of the 5597
following: 5598

(1) The application of optical principles, through 5599
technical methods and devices, in the examination of human eyes 5600
for the purpose of ascertaining departures from the normal, 5601
measuring their functional powers, adapting optical accessories 5602
for the aid thereof, and detecting ocular abnormalities that may 5603
be evidence of disease, pathology, or injury; ~~i~~ 5604

~~(2) In the case of a licensed optometrist who holds a~~ 5605
~~topical ocular pharmaceutical agents certificate, the "practice~~ 5606

~~of optometry" has the same meaning as in division (A) (1) of this section, except that it also includes administering topical ocular pharmaceutical agents.~~ 5607
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~~(3) In the case of a licensed optometrist who holds a therapeutic pharmaceutical agents certificate, the "practice of optometry" has the same meaning as in division (A) (1) of this section, except that it also includes all of the following:~~ 5610
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~~(a) Employing, applying, administering, and prescribing instruments, devices, and procedures, other than invasive procedures, for purpose of examination, investigation, diagnosis, treatment, or prevention of any disease, injury, or other abnormal condition of the visual system;~~ 5614
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~~(b) (3) Employing, applying, administering, and prescribing topical ocular pharmaceutical agents;~~ 5619
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~~(c) (4) Employing, applying, administering, and prescribing therapeutic pharmaceutical agents;~~ 5621
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~~(d) (5) Assisting an individual in determining the individual's blood glucose level by using a commercially available glucose-monitoring device. Nothing in this section precludes a licensed optometrist who holds a therapeutic pharmaceutical agents certificate from using any particular type of commercially available glucose-monitoring device;~~ 5623
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~~(6) Designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye.~~ 5629
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(B) "Topical ocular pharmaceutical agent" means a drug or dangerous drug that is a topical drug and used ~~in the practice of optometry as follows:~~ 5632
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~~(1) In the case of a licensed optometrist who holds a
topical ocular pharmaceutical agents certificate, for evaluative
purposes in the practice of optometry as set forth in division
(A)(1) of this section;~~

~~(2) In the case of a licensed optometrist who holds a
therapeutic pharmaceutical agents certificate, or for purposes
of examination, investigation, diagnosis, treatment, or
prevention of any disease, injury, or other abnormal condition
of the visual system.~~

(C) "Therapeutic pharmaceutical agent" means a drug or
dangerous drug that is used for examination, investigation,
diagnosis, treatment, or prevention of any disease, injury, or
other abnormal condition of the visual system in the practice of
optometry by a licensed optometrist ~~who holds a therapeutic
pharmaceutical agents certificate,~~ and is any of the following:

(1) An oral drug or dangerous drug in one of the following
classifications:

(a) Anti-infectives, including antibiotics, antivirals,
antimicrobials, and antifungals;

(b) Anti-allergy agents;

(c) Antiglaucoma agents;

(d) Analgesics, including only analgesic drugs that are
available without a prescription, analgesic drugs or dangerous
drugs that require a prescription but are not controlled
substances, and, to the extent authorized by the state vision
professionals board in rules adopted under section 4725.091 of
the Revised Code, analgesic controlled substances;

(e) Anti-inflammatories, excluding all drugs or dangerous

drugs classified as oral steroids other than methylpredisolone, 5663
except that methylpredisolone may be used ~~under a therapeutic-~~ 5664
~~pharmaceutical agents certificate~~ only if it is prescribed under 5665
all of the following conditions: 5666

(i) For use in allergy cases; 5667

(ii) For use by an individual who is eighteen years of age 5668
or older; 5669

(iii) On the basis of an individual's particular episode 5670
of illness; 5671

(iv) In an amount that does not exceed the amount packaged 5672
for a single course of therapy. 5673

(2) Epinephrine administered by injection to individuals 5674
in emergency situations to counteract anaphylaxis or 5675
anaphylactic shock. Notwithstanding any provision of this 5676
section to the contrary, administration of epinephrine in this 5677
manner does not constitute performance of an invasive procedure. 5678

(3) An oral drug or dangerous drug that is not included 5679
under division (C)(1) of this section, if the drug or dangerous 5680
drug is approved, exempt from approval, certified, or exempt 5681
from certification by the federal food and drug administration 5682
for ophthalmic purposes and the drug or dangerous drug is 5683
specified in rules adopted by the board under section 4725.09 of 5684
the Revised Code. 5685

(D) "Controlled substance" has the same meaning as in 5686
section 3719.01 of the Revised Code. 5687

(E) "Drug" and "dangerous drug" have the same meanings as 5688
in section 4729.01 of the Revised Code. 5689

(F) "Invasive procedure" means any procedure that involves 5690

cutting or otherwise infiltrating human tissue by mechanical 5691
means including surgery, laser surgery, ionizing radiation, 5692
therapeutic ultrasound, administering medication by injection, 5693
or the removal of intraocular foreign bodies. 5694

(G) "Visual system" means the human eye and its accessory 5695
or subordinate anatomical parts. 5696

(H) "Certificate of licensure" means a certificate issued 5697
by the board under section 4725.13 of the Revised Code 5698
authorizing the holder to engage in the practice of optometry ~~as~~ 5699
~~provided in division (A) (1) of this section.~~ 5700

~~(I) "Topical ocular pharmaceutical agents certificate" 5701
means a certificate issued by the board under section 4725.13 of 5702
the Revised Code authorizing the holder to practice optometry as 5703
provided in division (A) (2) of this section. 5704~~

~~(J) "Therapeutic pharmaceutical agents certificate" means 5705
a certificate issued by the board under division (A) (3) or (4) 5706
of section 4725.13 of the Revised Code authorizing the holder to 5707
practice optometry as provided in division (A) (3) of this 5708
section. 5709~~

Sec. 4725.011. In prescribing and dispensing vision 5710
correction devices ~~under a therapeutic pharmaceutical agents~~ 5711
~~certificate~~, a licensed optometrist may prescribe and dispense 5712
any device that has vision correction as its primary purpose but 5713
also combines with that purpose the delivery of a drug or 5714
dangerous drug through the device, if the drug delivered by the 5715
device would otherwise be a topical ocular pharmaceutical agent 5716
or oral therapeutic pharmaceutical agent. Devices authorized by 5717
this section include, but are not limited to, vision-correcting 5718
contact lenses that deliver such drugs or dangerous drugs. 5719

Sec. 4725.02. (A) Except as provided in section 4725.26 of 5720
the Revised Code, no person shall engage in the practice of 5721
optometry, including the determination of the kind of procedure, 5722
treatment, or optical accessories needed by a person or the 5723
examination of the eyes of any person for the purpose of fitting 5724
the same with optical accessories, unless the person holds a 5725
current, valid certificate of licensure from the state vision 5726
professionals board. No person shall claim to be the lawful 5727
holder of a certificate of licensure when in fact the person is 5728
not such lawful holder, or impersonate any licensed optometrist. 5729

~~(B) No optometrist shall administer topical ocular 5730
pharmaceutical agents unless the optometrist holds a valid 5731
topical ocular pharmaceutical agents certificate or therapeutic 5732
pharmaceutical agents certificate and fulfills the other 5733
requirements of this chapter. 5734~~

~~(C) No optometrist shall practice optometry as described 5735
in division (A) (3) of section 4725.01 of the Revised Code unless 5736
the optometrist holds a valid therapeutic pharmaceutical agents 5737
certificate. 5738~~

~~(D) No optometrist shall personally furnish a therapeutic 5739
pharmaceutical agent to any person, except that a licensed 5740
optometrist who holds a therapeutic pharmaceutical agents 5741
certificate may personally furnish a therapeutic pharmaceutical 5742
agent to a patient if no charge is imposed for the agent or for 5743
furnishing it and the amount furnished does not exceed a 5744
seventy-two hour supply, except that if the minimum available 5745
quantity of the agent is greater than a seventy-two hour supply, 5746
the optometrist may furnish the minimum available quantity. 5747~~

Sec. 4725.07. The state vision professionals board shall 5748
adopt a seal and certificate of suitable design and shall keep a 5749

record of its proceedings, a register of every individual 5750
holding a certificate of licensure, license, registration, or 5751
endorsement issued under this chapter, and a register of every 5752
individual whose certificate of licensure, license, 5753
registration, or endorsement has been revoked under this 5754
chapter. 5755

The board shall have an office in Franklin county, where 5756
all its permanent records shall be kept. On request of the 5757
board, the director of administrative services shall supply the 5758
board with office space and supplies, including stationery and 5759
furniture. All printing and binding necessary for the work of 5760
the board shall be done upon an order issued by the board 5761
through its president and executive director to the department 5762
of administrative services. 5763

Except as provided in this chapter, the records of the 5764
board, including its registers, shall be open to public 5765
inspection at all reasonable times. A copy of an entry in such 5766
records, certified by the executive director under the seal of 5767
the board, shall be prima-facie evidence of the facts therein 5768
stated. 5769

The board annually, on or before the first day of 5770
February, shall make a report to the governor of all its 5771
official acts during the preceding year, its receipts and 5772
disbursements, and a complete report of the conditions of 5773
optometry and optical dispensing in this state. The board shall 5774
submit its first report to the governor not later than February 5775
1, 2019. The board shall submit its reports to the governor 5776
electronically. 5777

Sec. 4725.09. (A) The state vision professionals board 5778
shall adopt rules as it considers necessary to govern the 5779

practice of optometry and to administer and enforce sections 5780
4725.01 to 4725.34 of the Revised Code. All rules adopted under 5781
those sections shall be adopted in accordance with Chapter 119. 5782
of the Revised Code. 5783

(B) The board, in consultation with the state board of 5784
pharmacy, shall adopt rules specifying any oral drugs or 5785
dangerous drugs that are therapeutic pharmaceutical agents under 5786
division (C) (3) of section 4725.01 of the Revised Code. 5787

(C) The board shall adopt rules that establish standards 5788
to be met and procedures to be followed with respect to the 5789
delegation by an optometrist of the performance of an optometric 5790
task to a person who is not licensed or otherwise specifically 5791
authorized by the Revised Code to perform the task. The rules 5792
shall permit an optometrist ~~who holds a topical ocular-~~ 5793
~~pharmaceutical agents certificate or therapeutic pharmaceutical-~~ 5794
~~agents certificate~~ to delegate the administration of drugs 5795
included in the optometrist's scope of practice. 5796

The rules adopted under this division shall provide for 5797
all of the following: 5798

(1) On-site supervision when the delegation occurs in an 5799
institution or other facility that is used primarily for the 5800
purpose of providing health care, unless the board established a 5801
specific exception to the on-site supervision requirement with 5802
respect to routine administration of a topical drug; 5803

(2) Evaluation of whether delegation is appropriate 5804
according to the acuity of the patient involved; 5805

(3) Training and competency requirements that must be met 5806
by the person administering the drugs; 5807

(4) Other standards and procedures the board considers 5808

relevant. 5809

(D) The board shall adopt rules establishing criminal 5810
records checks requirements for applicants under section 4776.03 5811
of the Revised Code. 5812

Sec. 4725.091. (A) The state vision professionals board 5813
shall adopt rules governing the authority of licensed 5814
optometrists ~~practicing under therapeutic pharmaceutical agents-~~ 5815
~~certificates~~ to employ, apply, administer, and prescribe 5816
analgesic controlled substances. The rules shall be adopted in 5817
accordance with Chapter 119. of the Revised Code and in 5818
consultation with the state board of pharmacy. 5819

(B) All of the following apply to the state vision 5820
professionals board in the adoption of rules under this section: 5821

(1) The board shall not permit an optometrist to employ, 5822
apply, administer, or prescribe an analgesic controlled 5823
substance other than a drug product that is used for the 5824
treatment of pain and meets one of the following conditions: 5825

(a) The product is a preparation that contains an amount 5826
of codeine per dosage unit, as specified by the board, and also 5827
contains other active, nonnarcotic ingredients, such as 5828
acetaminophen or aspirin, in a therapeutic amount. 5829

(b) The product is a preparation that contains an amount 5830
of hydrocodone per dosage unit, as specified by the board, and 5831
also contains other active, nonnarcotic ingredients, such as 5832
acetaminophen, aspirin, or ibuprofen, in a therapeutic amount. 5833

(c) The product contains or consists of a drug or 5834
dangerous drug that was an analgesic included in the practice of 5835
optometry under a therapeutic pharmaceutical agents certificate 5836
immediately prior to March 23, 2015, was not a controlled 5837

substance at that time, and subsequently becomes a schedule II,
III, IV, or V controlled substance. 5838
5839

(2) The board shall limit the analgesic controlled 5840
substances that optometrists may employ, apply, administer, or 5841
prescribe to the drugs that the board determines are appropriate 5842
for use in the practice of optometry ~~under a therapeutic~~ 5843
~~pharmaceutical agents certificate.~~ 5844

(3) With regard to the prescribing of analgesic controlled 5845
substances, the board shall establish prescribing standards to 5846
be followed by optometrists ~~who hold therapeutic pharmaceutical~~ 5847
~~agents certificates.~~ The board shall take into account the 5848
prescribing standards that exist within the health care 5849
marketplace. 5850

(4) The board shall establish standards and procedures for 5851
employing, applying, administering, and prescribing analgesic 5852
controlled substances ~~under a therapeutic pharmaceutical agents~~ 5853
~~certificate~~ by taking into consideration and examining issues 5854
that include the appropriate length of drug therapy, appropriate 5855
standards for drug treatment, necessary monitoring systems, and 5856
any other factors the board considers relevant. 5857

Sec. 4725.092. (A) As used in this section, "drug 5858
database" means the database established and maintained by the 5859
state board of pharmacy pursuant to section 4729.75 of the 5860
Revised Code. 5861

(B) The state vision professionals board shall adopt rules 5862
that establish standards and procedures to be followed by an 5863
optometrist ~~who holds a therapeutic pharmaceutical agents~~ 5864
~~certificate~~ regarding the review of patient information 5865
available through the drug database under division (A) (5) of 5866

section 4729.80 of the Revised Code. The rules shall be adopted 5867
in accordance with Chapter 119. of the Revised Code. 5868

(C) This section and the rules adopted under it do not 5869
apply if the state board of pharmacy no longer maintains the 5870
drug database. 5871

Sec. 4725.12. (A) Each person who desires to commence the 5872
practice of optometry in the state shall file with the executive 5873
director of the state vision professionals board an application 5874
for a certificate of licensure ~~and a therapeutic pharmaceutical~~ 5875
~~agents certificate~~. The application shall be accompanied by the 5876
~~fees~~ fee specified under section 4725.34 of the Revised Code and 5877
shall contain all information the board considers necessary to 5878
determine whether an applicant is qualified to receive the 5879
~~certificates~~ certificate of licensure. The application shall be 5880
made upon the form prescribed by the board and shall be verified 5881
by the oath of the applicant. 5882

(B) To receive a certificate of licensure ~~and a~~ 5883
~~therapeutic pharmaceutical agents certificate~~, an applicant must 5884
meet all of the following conditions: 5885

(1) Be at least eighteen years of age; 5886

(2) Complete satisfactorily a course of study of at least 5887
six college years; 5888

(3) Graduate from a school of optometry approved by the 5889
board under section 4725.10 of the Revised Code; 5890

(4) Pass the licensing examination accepted by the board 5891
under section 4725.11 of the Revised Code. 5892

Sec. 4725.13. (A) The state vision professionals board, by 5893
an affirmative vote of a majority of its members, shall issue 5894

~~certificates a certificate of licensure authorizing the holder~~ 5895
~~to engage in the practice of optometry under its seal as~~ 5896
~~follows:~~ 5897

~~(1) Every applicant who, prior to May 19, 1992, passed the~~ 5898
~~licensing examination then in effect, and who otherwise complies~~ 5899
~~with sections 4725.01 to 4725.34 of the Revised Code shall~~ 5900
~~receive from the board a certificate of licensure authorizing~~ 5901
~~the holder to engage in the practice of optometry as provided in~~ 5902
~~division (A) (1) of section 4725.01 of the Revised Code.~~ 5903

~~(2) Every applicant who, prior to May 19, 1992, passed the~~ 5904
~~general and ocular pharmacology examination then in effect, and~~ 5905
~~who otherwise complies with sections 4725.01 to 4725.34 of the~~ 5906
~~Revised Code, shall receive from the board a separate topical~~ 5907
~~ocular pharmaceutical agents certificate authorizing the holder~~ 5908
~~to administer topical ocular pharmaceutical agents as provided~~ 5909
~~in division (A) (2) of section 4725.01 of the Revised Code and in~~ 5910
~~accordance with sections 4725.01 to 4725.34 of the Revised Code.~~ 5911

~~(3) Every applicant who holds a valid certificate of~~ 5912
~~licensure issued prior to May 19, 1992, and meets the~~ 5913
~~requirements of section 4725.14 of the Revised Code shall~~ 5914
~~receive from the board a separate therapeutic pharmaceutical~~ 5915
~~agents certificate authorizing the holder to engage in the~~ 5916
~~practice of optometry as provided in division (A) (3) of section~~ 5917
~~4725.01 of the Revised Code.~~ 5918

~~(4) Every to every applicant who, on or after May 19,~~ 5919
~~1992, passes all parts of the licensing examination accepted by~~ 5920
~~the board under section 4725.11 of the Revised Code and~~ 5921
~~otherwise complies with the requirements of sections 4725.01 to~~ 5922
~~4725.34 of the Revised Code shall receive from the board a~~ 5923
~~certificate of licensure authorizing the holder to engage in the~~ 5924

~~practice of optometry as provided in division (A) (1) of section 5925
4725.01 of the Revised Code and a separate therapeutic 5926
pharmaceutical agents certificate authorizing the holder to 5927
engage in the practice of optometry as provided in division (A) 5928
(3) of that section. 5929~~

(B) Each person to whom a certificate of licensure is 5930
issued pursuant to this section by the board shall keep the 5931
certificate of licensure displayed in a conspicuous place in the 5932
location at which that person practices optometry and shall 5933
whenever required exhibit the certificate of licensure to any 5934
member or agent of the board. If an optometrist practices 5935
outside of or away from the location at which the optometrist's 5936
certificate of licensure is displayed, the optometrist shall 5937
deliver to each person examined or fitted with optical 5938
accessories by the optometrist, a receipt signed by the 5939
optometrist in which the optometrist shall set forth the amounts 5940
charged, the optometrist's post-office address, and the number 5941
assigned to the optometrist's certificate of licensure. The 5942
information may be provided as part of a prescription given to 5943
the person. 5944

~~(C) A person who, on May 19, 1992, holds a valid 5945
certificate of licensure or topical ocular pharmaceutical agents 5946
certificate issued by the board may continue to engage in the 5947
practice of optometry as provided by the certificate of 5948
licensure or topical ocular pharmaceutical agents certificate if 5949
the person continues to comply with sections 4725.01 to 4725.34 5950
of the Revised Code as required by the certificate of licensure 5951
or topical ocular pharmaceutical agents certificate. 5952~~

Sec. 4725.131. (A) An individual who, before the effective 5953
date of this section, holds a valid certificate of licensure or 5954

topical ocular pharmaceutical agents certificate issued by the 5955
state vision professionals board may continue to engage in the 5956
practice of optometry as defined in former division (A) (1) or 5957
(2) of section 4725.01 of the Revised Code, if the individual 5958
continues to comply with this chapter. 5959

(B) An individual described in division (A) of this 5960
section may complete a course of study prescribed by former 5961
section 4725.14 of the Revised Code to engage in the practice of 5962
optometry under this chapter. 5963

Sec. 4725.15. If the state vision professionals board 5964
receives notice under division (D) of section 4725.11 of the 5965
Revised Code that an applicant has failed four times the 5966
licensing examination or part of the examination that must be 5967
passed pursuant to section 4725.12 ~~or 4725.14~~ of the Revised 5968
Code, the board shall not give further consideration to the 5969
application until the applicant completes thirty hours of 5970
remedial training approved by the board in the specific subject 5971
area or areas covered by the examination or part of the 5972
examination that was failed. 5973

Sec. 4725.16. (A) (1) Each certificate of licensure for the 5974
practice of optometry, ~~topical ocular pharmaceutical agents~~ 5975
~~certificate, and therapeutic pharmaceutical agents certificate~~ 5976
issued by the state vision professionals board shall expire 5977
~~annually~~ on the last day of December of each even-numbered year, 5978
and may be renewed in accordance with this section and the 5979
standard renewal procedure established under Chapter 4745. of 5980
the Revised Code. 5981

(2) An optometrist seeking to continue to practice 5982
optometry shall file with the board an application for license 5983
renewal. The application shall be in such form and require such 5984

pertinent professional biographical data as the board may 5985
require. 5986

(3) (a) Except as provided in division (A) (3) (b) of this 5987
section, in the case of an optometrist seeking renewal ~~who holds~~ 5988
~~a therapeutic pharmaceutical agents certificate and who~~ 5989
prescribes or personally furnishes analgesic controlled 5990
substances authorized pursuant to section 4725.091 of the 5991
Revised Code that are opioid analgesics, as defined in section 5992
3719.01 of the Revised Code, the optometrist shall certify to 5993
the board whether the optometrist has been granted access to the 5994
drug database established and maintained by the state board of 5995
pharmacy pursuant to section 4729.75 of the Revised Code. 5996

(b) The requirement in division (A) (3) (a) of this section 5997
does not apply if any of the following is the case: 5998

(i) The state board of pharmacy notifies the state vision 5999
professionals board pursuant to section 4729.861 of the Revised 6000
Code that the ~~certificate~~-license holder has been restricted 6001
from obtaining further information from the drug database. 6002

(ii) The state board of pharmacy no longer maintains the 6003
drug database. 6004

(iii) The ~~certificate~~-license holder does not practice 6005
optometry in this state. 6006

(c) If an optometrist certifies to the state vision 6007
professionals board that the optometrist has been granted access 6008
to the drug database and the board finds through an audit or 6009
other means that the optometrist has not been granted access, 6010
the board may take action under section 4725.19 of the Revised 6011
Code. 6012

(B) All licensed optometrists shall ~~annually~~ complete 6013

continuing education in subjects relating to the practice of 6014
optometry, to the end that the utilization and application of 6015
new techniques, scientific and clinical advances, and the 6016
achievements of research will assure comprehensive care to the 6017
public. The board shall prescribe by rule the continuing 6018
optometric education that licensed optometrists must complete. 6019
The length of study shall be ~~twenty-five~~ forty clock hours each 6020
~~year~~ biennial licensing period, including ~~ten~~ twenty clock hours 6021
of instruction in pharmacology to be completed by all licensed 6022
optometrists. 6023

Unless the continuing education required under this 6024
division is waived or deferred under division (D) of this 6025
section, the continuing education must be completed during the 6026
~~twelve-month~~ biennial licensing period beginning on the first 6027
day of ~~October~~ January of each odd-numbered year and ending on 6028
the last day of ~~September~~ December of each even-numbered year. If 6029
the board receives notice from a continuing education program 6030
indicating that an optometrist completed the program after the 6031
last day of ~~September~~ December of an even-numbered year, and the 6032
optometrist wants to use the continuing education completed 6033
after that day to renew the license ~~that expires on the last day~~ 6034
~~of December of that year~~, the optometrist shall pay the penalty 6035
specified under section 4725.34 of the Revised Code for late 6036
completion of continuing education. 6037

At least once annually, the board shall post on its web 6038
site and shall mail, or send by electronic mail, to each 6039
licensed optometrist a list of courses approved in accordance 6040
with standards prescribed by board rule. Upon the request of a 6041
licensed optometrist, the executive director of the board shall 6042
supply a list of additional courses that the board has approved 6043
subsequent to the most recent web site posting, electronic mail 6044

transmission, or mailing of the list of approved courses. 6045

(C) (1) ~~Annually, not~~ Not later than the first day of 6046
November of each even-numbered year, the board shall mail or 6047
send by electronic mail a notice regarding license renewal to 6048
each licensed optometrist who may be eligible for renewal. The 6049
notice shall be sent to the optometrist's most recent electronic 6050
mail or mailing address shown in the board's records. If the 6051
board knows that the optometrist has completed the required 6052
continuing optometric education for the yearbiennium, the board 6053
may include with the notice an application for license renewal. 6054

(2) Filing a license renewal application with the board 6055
shall serve as notice by the optometrist that the continuing 6056
optometric education requirement has been successfully 6057
completed. If the board finds that an optometrist has not 6058
completed the required continuing optometric education, the 6059
board shall disapprove the optometrist's application. The 6060
board's disapproval of renewal is effective without a hearing, 6061
unless a hearing is requested pursuant to Chapter 119. of the 6062
Revised Code. 6063

(3) The board shall refuse to accept an application for 6064
renewal from any applicant whose license is not in good standing 6065
or who is under disciplinary review pursuant to section 4725.19 6066
of the Revised Code. 6067

(4) Notice of an applicant's failure to qualify for 6068
renewal shall be served upon the applicant by mail. ~~The notice~~ 6069
~~shall be sent not later than the fifteenth day of November~~ to 6070
the applicant's last address shown in the board's records. 6071

(D) In cases of certified illness or undue hardship, the 6072
board may waive or defer for up to twelve months the requirement 6073

of continuing optometric education, except that in such cases 6074
the board may not waive or defer the continuing education in 6075
pharmacology required to be completed by optometrists ~~who hold~~ 6076
~~topical ocular pharmaceutical agents certificates or therapeutic~~ 6077
~~pharmaceutical agents certificates~~. The board shall waive the 6078
requirement of continuing optometric education for any 6079
optometrist who is serving on active duty in the armed forces of 6080
the United States or a reserve component of the armed forces of 6081
the United States, including the Ohio national guard or the 6082
national guard of any other state or who has received an initial 6083
certificate of licensure during the nine-month period which 6084
ended on the last day of ~~September~~ December of an even-numbered 6085
year. 6086

(E) An optometrist whose renewal application has been 6087
approved may renew ~~each certificate~~ the license held by paying 6088
to the treasurer of state the ~~fees~~ fee for renewal specified 6089
under section 4725.34 of the Revised Code. On payment of all 6090
applicable fees, the board shall issue a renewal of the 6091
optometrist's certificate of licensure, ~~topical ocular~~ 6092
~~pharmaceutical agents certificate, and therapeutic~~ 6093
~~pharmaceutical agents certificate, as appropriate.~~ 6094

(F) Not later than the fifteenth day of ~~December~~ January of 6095
each odd-numbered year, the board shall mail or send by 6096
electronic mail a second notice regarding license renewal to 6097
each licensed optometrist who may be eligible for renewal but 6098
did not respond to the notice sent under division (C) (1) of this 6099
section. The notice shall be sent to the optometrist's most 6100
recent electronic mail or mailing address shown in the board's 6101
records. If an optometrist fails to file a renewal application 6102
after the second notice is sent, the board shall send a third 6103
notice regarding license renewal prior to any action under 6104

division (I) of this section to classify the optometrist's 6105
~~certificates~~ license as delinquent ~~expired~~. 6106

(G) The failure of an optometrist to apply for license 6107
renewal or the failure to pay the applicable ~~annual renewal fees~~ 6108
fee on or before the date of expiration, shall automatically 6109
work a forfeiture of the optometrist's authority to practice 6110
optometry in this state. 6111

(H) The board shall accept renewal applications and 6112
renewal fees that are submitted from the first day of January to 6113
the last day of ~~April~~ January of the odd-numbered year next 6114
succeeding the date of expiration. An individual who submits 6115
such a late renewal application or fee shall pay the late 6116
renewal fee specified in section 4725.34 of the Revised Code. 6117

(I) (1) If the ~~certificates~~ date of expiration of a 6118
certificate of licensure issued by the board to an individual 6119
~~have expired~~ has passed and the individual has not filed a 6120
complete application during the late renewal period, the 6121
individual's ~~certificates~~ certificate of licensure shall be 6122
classified in the board's records as ~~delinquent~~ expired. 6123

(2) Any optometrist ~~subject to delinquent classification~~ 6124
whose certificate of licensure has been classified as expired 6125
may submit an application to the board for reinstatement. For 6126
reinstatement to occur, the applicant must meet all of the 6127
following conditions: 6128

(a) Submit to the board evidence of compliance with board 6129
rules requiring continuing optometric education in a sufficient 6130
number of hours to make up for any delinquent compliance; 6131

(b) Pay the renewal fees for the year ~~biennium~~ in which 6132
application for reinstatement is made ~~and the reinstatement fee~~ 6133

~~specified under division (A) (8) of section 4725.34 of the~~ 6134
~~Revised Code;~~ 6135

(c) Pass all or part of the licensing examination accepted 6136
by the board under section 4725.11 of the Revised Code as the 6137
board considers appropriate to determine whether the application 6138
for reinstatement should be approved; 6139

(d) If the applicant has been practicing optometry in 6140
another state or country, submit evidence that the applicant's 6141
license to practice optometry in the other state or country is 6142
in good standing. 6143

(3) The board shall approve an application for 6144
reinstatement if the conditions specified in division (I) (2) of 6145
this section are met. An optometrist who receives reinstatement 6146
is subject to the continuing education requirements specified 6147
under division (B) of this section for the year in which 6148
reinstatement occurs. 6149

Sec. 4725.18. (A) The state vision professionals board may 6150
issue a certificate of licensure ~~and therapeutic pharmaceutical~~ 6151
~~agents certificate~~ by endorsement to an individual licensed as 6152
an optometrist by another state or a Canadian province if the 6153
board determines that the other state or province has standards 6154
for the practice of optometry that are at least as stringent as 6155
the standards established under sections 4725.01 to 4725.34 of 6156
the Revised Code and the individual meets the conditions 6157
specified in division (B) of this section. The ~~certificates~~ 6158
certificate of licensure may be issued only by an affirmative 6159
vote of a majority of the board's members. 6160

(B) An individual seeking a certificate of licensure ~~and~~ 6161
~~therapeutic pharmaceutical agents certificate~~ pursuant to this 6162

section shall submit an application to the board. To receive the ~~certificates~~certificate of licensure, an applicant must meet all of the following conditions:

(1) Meet the same qualifications that an individual must meet under divisions (B) (1) to (3) of section 4725.12 of the Revised Code to receive a certificate of licensure ~~and~~ ~~therapeutic pharmaceutical agents certificate~~ under that section;

(2) Be licensed to practice optometry by a state or province that requires passage of a written, entry-level examination at the time of initial licensure;

(3) Be licensed in good standing by the optometry licensing agency of the other state or province, evidenced by submission of a letter from the licensing agency of the other state or province attesting to the applicant's good standing;

(4) Provide the board with certified reports from the optometry licensing agencies of all states and provinces in which the applicant is licensed or has been licensed to practice optometry describing all past and pending actions taken by those agencies with respect to the applicant's authority to practice optometry in those jurisdictions, including such actions as investigations, entering into consent agreements, suspensions, revocations, and refusals to issue or renew a license;

(5) Have been actively engaged in the practice of optometry, including the use of therapeutic pharmaceutical agents, for at least three years immediately preceding making application under this section;

(6) Pay the nonrefundable application ~~fees~~fee established under section 4725.34 of the Revised Code for a certificate of

licensure and therapeutic pharmaceutical agents certificate;	6192
(7) Submit all transcripts, reports, or other information the board requires;	6193 6194
(8) Participate in a two-hour instruction session provided by the board on the optometry statutes and rules of this state or pass an Ohio optometry jurisprudence test administered by the board;	6195 6196 6197 6198
(9) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code, if the board determines that testing is necessary to determine whether the applicant's qualifications are sufficient for issuance of a certificate of licensure and therapeutic pharmaceutical agents certificate under this section;	6199 6200 6201 6202 6203 6204
(10) Not have been previously denied issuance of a certificate <u>of licensure</u> by the board.	6205 6206
Sec. 4725.19. (A) In accordance with Chapter 119. of the Revised Code and by an affirmative vote of a majority of its members, the state vision professionals board, for any of the reasons specified in division (B) of this section, shall refuse to grant a certificate of licensure to practice optometry to an applicant and may, with respect to a licensed optometrist, do one or more of the following:	6207 6208 6209 6210 6211 6212 6213
(1) Suspend the operation of any certificate of licensure, topical ocular pharmaceutical agents certificate, or therapeutic pharmaceutical agents certificate, or all certificates granted by it to the optometrist;	6214 6215 6216 6217
(2) Permanently revoke any or all of the certificates <u>certificate of licensure</u> ;	6218 6219

- (3) Limit or otherwise place restrictions on ~~any or all of~~ the ~~certificates~~ certificate of licensure; 6220
6221
- (4) Reprimand the optometrist; 6222
- (5) Impose a monetary penalty. If the reason for which the board is imposing the penalty involves a criminal offense that carries a fine under the Revised Code, the penalty shall not exceed the maximum fine that may be imposed for the criminal offense. In any other case, the penalty imposed by the board shall not exceed five hundred dollars. 6223
6224
6225
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- (6) Require the optometrist to take corrective action courses. 6229
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- The amount and content of corrective action courses shall be established by the board in rules adopted under section 4725.09 of the Revised Code. 6231
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6233
- (B) Except as provided in division (E) of this section, the sanctions specified in division (A) of this section may be taken by the board for any of the following reasons: 6234
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6236
- (1) Committing fraud in passing the licensing examination or making false or purposely misleading statements in an application for a certificate of licensure; 6237
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6239
- (2) Being at any time guilty of immorality, regardless of the jurisdiction in which the act was committed; 6240
6241
- (3) Being guilty of dishonesty or unprofessional conduct in the practice of optometry; 6242
6243
- (4) Being at any time guilty of a felony, regardless of the jurisdiction in which the act was committed; 6244
6245
- (5) Being at any time guilty of a misdemeanor committed in 6246

the course of practice, regardless of the jurisdiction in which 6247
the act was committed; 6248

(6) Violating the conditions of any limitation or other 6249
restriction placed by the board on ~~any a~~ certificate of 6250
licensure issued by the board; 6251

(7) Engaging in the practice of optometry as provided in 6252
~~division (A) (1), (2), or (3) of~~ section 4725.01 of the Revised 6253
Code when the certificate of licensure authorizing that practice 6254
is under suspension, in which case the board shall permanently 6255
revoke the certificate of licensure; 6256

(8) Being denied a license to practice optometry in 6257
another state or country or being subject to any other sanction 6258
by the optometric licensing authority of another state or 6259
country, other than sanctions imposed for the nonpayment of 6260
fees; 6261

(9) Departing from or failing to conform to acceptable and 6262
prevailing standards of care in the practice of optometry as 6263
followed by similar practitioners under the same or similar 6264
circumstances, regardless of whether actual injury to a patient 6265
is established; 6266

(10) Failing to maintain comprehensive patient records; 6267

(11) Advertising a price of optical accessories, eye 6268
examinations, or other products or services by any means that 6269
would deceive or mislead the public; 6270

(12) Being addicted to the use of alcohol, stimulants, 6271
narcotics, or any other substance which impairs the intellect 6272
and judgment to such an extent as to hinder or diminish the 6273
performance of the duties included in the person's practice of 6274
optometry; 6275

- (13) Engaging in the practice of optometry as provided in 6276
~~division (A) (2) or (3) of section 4725.01 of the Revised Code~~ 6277
without authority to do so or, if authorized, in a manner 6278
inconsistent with the authority granted; 6279
- (14) Failing to make a report to the board as required by 6280
division (A) of section 4725.21 or section 4725.31 of the 6281
Revised Code; 6282
- (15) Soliciting patients from door to door or establishing 6283
temporary offices, in which case the board shall suspend ~~all~~ 6284
~~certificates~~ the certificate of licensure held by the 6285
optometrist; 6286
- (16) Except as provided in division (D) of this section: 6287
- (a) Waiving the payment of all or any part of a deductible 6288
or copayment that a patient, pursuant to a health insurance or 6289
health care policy, contract, or plan that covers optometric 6290
services, would otherwise be required to pay if the waiver is 6291
used as an enticement to a patient or group of patients to 6292
receive health care services from that optometrist. 6293
- (b) Advertising that the optometrist will waive the 6294
payment of all or any part of a deductible or copayment that a 6295
patient, pursuant to a health insurance or health care policy, 6296
contract, or plan that covers optometric services, would 6297
otherwise be required to pay. 6298
- (17) Failing to comply with the requirements in section 6299
3719.061 of the Revised Code before issuing for a minor a 6300
prescription for an analgesic controlled substance authorized 6301
pursuant to section 4725.091 of the Revised Code that is an 6302
opioid analgesic, as defined in section 3719.01 of the Revised 6303
Code; 6304

(18) Violating the rules adopted under section 4725.66 of the Revised Code; 6305
6306

(19) A pattern of continuous or repeated violations of division (E) (2) or (3) of section 3963.02 of the Revised Code. 6307
6308

(C) Any person who is the holder of a certificate of licensure, or who is an applicant for a certificate of licensure against whom is preferred any charges, shall be furnished by the board with a copy of the complaint and shall have a hearing before the board in accordance with Chapter 119. of the Revised Code. 6309
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(D) Sanctions shall not be imposed under division ~~(B) (17)~~ (B) (16) of this section against any optometrist who waives deductibles and copayments: 6315
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(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request. 6318
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(2) For professional services rendered to any other optometrist licensed by the board, to the extent allowed by sections 4725.01 to 4725.34 of the Revised Code and the rules of the board. 6324
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6327

(E) The board shall not refuse to grant a certificate of licensure to practice optometry to an applicant because of a conviction of or plea of guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 6328
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6330
6331

(F) If a violation described in this section has caused, is causing, or is about to cause substantial and material harm, 6332
6333

the board may issue an order requiring that person to cease and 6334
desist from engaging in the violation. Notice of the order shall 6335
be mailed by certified mail, return receipt requested, 6336
immediately after its issuance to the person subject to the 6337
order and to all persons known to be involved in the violation. 6338
The board may thereafter publicize or otherwise make known to 6339
all interested parties that the order has been issued. 6340

The notice shall specify the particular act, omission, 6341
practice, or transaction that is subject to the cease-and-desist 6342
order and shall set a date, not more than fifteen days after the 6343
date of the order, for a hearing on the continuation or 6344
revocation of the order. The person shall comply with the order 6345
immediately upon receipt of notice of the order. 6346

The board may, on the application of a party and for good 6347
cause shown, continue the hearing. Chapter 119. of the Revised 6348
Code applies to the hearing to the extent that that chapter does 6349
not conflict with the procedures set forth in this section. The 6350
board shall, within fifteen days after objections are submitted 6351
to the hearing officer's report and recommendation, issue a 6352
final order either confirming or revoking the cease-and-desist 6353
order. The final order may be appealed as provided under section 6354
119.12 of the Revised Code. 6355

The remedy under this division is cumulative and 6356
concurrent with the other remedies available under this section. 6357

Sec. 4725.20. On receipt of a notice pursuant to section 6358
3123.43 of the Revised Code, the state vision professionals 6359
board shall comply with sections 3123.41 to 3123.50 of the 6360
Revised Code and any applicable rules adopted under section 6361
3123.63 of the Revised Code with respect to a ~~license or~~ 6362
certificate of licensure issued by the board under this chapter. 6363

Sec. 4725.231. The state vision professionals board may 6364
issue a cease-and-desist order against any person engaging in 6365
the practice of optometry without having received a license 6366
under sections 4725.01 to 4725.34 of the Revised Code that the 6367
board reasonably suspects has violated, is currently violating, 6368
or is about to violate this chapter. The board's authority to 6369
issue a cease-and-desist order under this section is in addition 6370
to any action the board may take under section 4725.23 of the 6371
Revised Code. 6372

Sec. 4725.24. If the secretary of the state vision 6373
professionals board and the board's supervising member of 6374
investigations determine that there is clear and convincing 6375
evidence that an optometrist has violated division (B) of 6376
section 4725.19 of the Revised Code and that the optometrist's 6377
continued practice presents a danger of immediate and serious 6378
harm to the public, they may recommend that the board suspend 6379
without a prior hearing the optometrist's certificate of 6380
~~licensure and any other certificates held by the optometrist.~~ 6381
Written allegations shall be prepared for consideration by the 6382
full board. 6383

The board, upon review of those allegations and by an 6384
affirmative vote of three members other than the secretary and 6385
supervising member may order the suspension without a prior 6386
hearing. A telephone conference call may be utilized for 6387
reviewing the allegations and taking the vote on the summary 6388
suspension. 6389

The board shall issue a written order of suspension by 6390
certified mail or in person in accordance with section 119.07 of 6391
the Revised Code. The order shall not be subject to suspension 6392
by the court during pendency of any appeal filed under section 6393

119.12 of the Revised Code. If the individual subject to the 6394
summary suspension requests an adjudicatory hearing by the 6395
board, the date set for the hearing shall be within fifteen 6396
days, but not earlier than seven days, after the individual 6397
requests the hearing, unless otherwise agreed to by both the 6398
board and the individual. 6399

Any summary suspension imposed under this division shall 6400
remain in effect, unless reversed on appeal, until a final 6401
adjudicative order issued by the board pursuant to section 6402
4725.19 of the Revised Code and Chapter 119. of the Revised Code 6403
becomes effective. The board shall issue its final adjudicative 6404
order within sixty days after completion of its hearing. A 6405
failure to issue the order within sixty days shall result in 6406
dissolution of the summary suspension order but shall not 6407
invalidate any subsequent, final adjudicative order. 6408

Sec. 4725.27. The testimony and reports of an optometrist 6409
licensed by the state vision professionals board under this 6410
chapter shall be received by any state, county, municipal, 6411
school district, or other public board, body, agency, 6412
institution, or official and by any private educational or other 6413
institution receiving public funds as competent evidence with 6414
respect to any matter within the scope of the practice of 6415
optometry. No such board, body, agency, official, or institution 6416
shall interfere with any individual's right to a free choice of 6417
receiving services from either an optometrist or a physician. No 6418
such board, body, agency, official, or institution shall 6419
discriminate against an optometrist performing procedures that 6420
are included in the practice of optometry as provided in 6421
~~division (A) (2) or (3) of~~ section 4725.01 of the Revised Code if 6422
the optometrist is licensed under this chapter to perform those 6423
procedures. 6424

Sec. 4725.34. (A) The state vision professionals board 6425
shall charge the following nonrefundable fees: 6426

(1) ~~One~~ Three hundred ~~thirty~~ fifty dollars for application 6427
for a certificate of licensure to practice optometry; 6428

(2) ~~Forty five dollars for application for a therapeutic~~ 6429
~~pharmaceutical agents certificate, except when the certificate~~ 6430
~~is to be issued pursuant to division (A) (3) of section 4725.13~~ 6431
~~of the Revised Code, in which case the fee shall be thirty five~~ 6432
~~dollars;~~ 6433

~~(3)~~ One Three hundred ~~thirty~~ fifty dollars for renewal of 6434
a certificate of licensure to practice optometry; 6435

~~(4)~~ Forty five dollars for renewal of a topical ocular 6436
~~pharmaceutical agents certificate;~~ 6437

~~(5)~~ Forty five dollars for renewal of a therapeutic 6438
~~pharmaceutical agents certificate;~~ 6439

~~(6)~~ (3) One hundred twenty-five dollars for late 6440
completion or submission, or both, of continuing optometric 6441
education; 6442

~~(7)~~ (4) One hundred twenty-five dollars for late renewal 6443
of ~~one or more certificates~~ a certificate of licensure that ~~have~~ 6444
has expired; 6445

~~(8)~~ Seventy five dollars for reinstatement of ~~one or more~~ 6446
~~certificates classified as delinquent under section 4725.16 of~~ 6447
~~the Revised Code, multiplied by the number of years the one or~~ 6448
~~more certificates have been classified as delinquent;~~ 6449

~~(9)~~ Seventy five dollars for reinstatement of ~~one or more~~ 6450
~~certificates placed on inactive status under section 4725.17 of~~ 6451
~~the Revised Code;~~ 6452

~~(10) Seventy five dollars for reinstatement under section 4725.171 of the Revised Code of one or more expired certificates;~~ 6453
6454
6455

~~(11)~~ (5) Additional fees to cover administrative costs 6456
incurred by the board, including fees for replacing licenses 6457
issued by the board and providing rosters of currently licensed 6458
optometrists. Such fees shall be established at a regular 6459
meeting of the board and shall comply with any applicable 6460
guidelines or policies set by the department of administrative 6461
services or the office of budget and management. 6462

(B) The board, subject to the approval of the controlling 6463
board, may establish fees in excess of the amounts specified in 6464
division (A) of this section if the fees do not exceed the 6465
amounts specified by more than fifty per cent. 6466

(C) All receipts of the board, from any source, shall be 6467
deposited in the state treasury to the credit of the 6468
occupational licensing and regulatory fund created in section 6469
4743.05 of the Revised Code. 6470

Sec. 4725.35. An optometrist ~~who holds a therapeutic~~ 6471
~~pharmaceutical agents certificate issued~~ licensed under this 6472
chapter may provide telehealth services in accordance with 6473
section 4743.09 of the Revised Code. 6474

Sec. 4725.40. As used in sections 4725.40 to 4725.59 of 6475
the Revised Code: 6476

(A) "Optical aid" means both of the following: 6477

(1) Spectacles or other instruments or devices that are 6478
not contact lenses, if the spectacles or other instruments or 6479
devices may aid or correct human vision and have been prescribed 6480
by a physician or optometrist licensed by any state; 6481

(2) Contact lenses, regardless of whether they address visual function, if they are designed to fit over the cornea of the eye or are otherwise designed for use in or on the eye or orbit.

All contact lenses shall be dispensed only in accordance with a valid written prescription designated for contact lenses, including the following:

(a) Zero-powered plano contact lenses;

(b) Cosmetic contact lenses;

(c) Performance-enhancing contact lenses;

(d) Any other contact devices determined by the state vision professionals board to be contact lenses.

(B) "Optical dispensing" means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer; duplicating lenses, other than contact lenses, accurately as to power without a prescription; and duplicating nonprescription eyewear and parts of eyewear. "Optical dispensing" does not include selecting frames, placing an order for the delivery of an optical aid, transacting a sale, transferring an optical aid to the wearer after an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.

(C) "Licensed dispensing optician" means a person holding a current, valid license issued under sections 4725.48 to 4725.51 of the Revised Code that authorizes the person to engage in optical dispensing. Nothing in this chapter shall be

construed to permit a licensed dispensing optician to alter the 6511
specifications of a prescription. 6512

(D) "Licensed spectacle dispensing optician" means a 6513
licensed dispensing optician authorized to engage in both of the 6514
following: 6515

(1) The dispensing of optical aids other than contact 6516
lenses; 6517

(2) The dispensing of prepackaged soft contact lenses in 6518
accordance with section 4725.411 of the Revised Code. 6519

~~(E) "Licensed contact lens dispensing optician" means a~~ 6520
~~licensed dispensing optician authorized to engage only in the~~ 6521
~~dispensing of contact lenses.~~ 6522

~~(F)~~ "Licensed spectacle-contact lens dispensing optician" 6523
means a licensed dispensing optician authorized to engage in the 6524
dispensing of any optical aid. 6525

~~(G)~~ (F) "Apprentice" means any person dispensing optical 6526
aids under the direct supervision of a licensed dispensing 6527
optician. 6528

~~(H)~~ (G) "Prescription" means the written or verbal 6529
directions or instructions as specified by a physician or 6530
optometrist licensed by any state for preparing an optical aid 6531
for a patient. 6532

~~(I)~~ (H) "Supervision" means the provision of direction and 6533
control through personal inspection and evaluation of work. 6534

~~(J) "Licensed ocularist" means a person holding a current,~~ 6535
~~valid license issued under sections 4725.48 to 4725.51 of the~~ 6536
~~Revised Code to engage in the practice of designing,~~ 6537
~~fabricating, and fitting artificial eyes or prostheses~~ 6538

~~associated with the appearance or function of the human eye.~~ 6539

Sec. 4725.41. No person shall engage in optical dispensing 6540
or hold self out as being engaged in optical dispensing unless 6541
the person has fulfilled the requirements of sections 4725.48 to 6542
4725.51 of the Revised Code and has been certified as a licensed 6543
dispensing optician by the state vision professionals board. 6544

~~No person shall engage in the designing, fabricating, and 6545
fitting of an artificial eye or of prostheses associated with 6546
the appearance or function of the human eye unless the person is 6547
licensed as an ocularist under sections 4725.48 to 4725.51 of 6548
the Revised Code.~~ 6549

Sec. 4725.44. (A) The state vision professionals board 6550
shall be responsible for the administration of sections 4725.40 6551
to 4725.59 of the Revised Code and, in particular, shall process 6552
applications for licensure as licensed dispensing opticians ~~and~~ 6553
~~ocularists~~; schedule, administer, and supervise the qualifying 6554
examinations for licensure or contract with a testing service to 6555
schedule, administer, and supervise the qualifying examination 6556
for licensure; issue licenses to qualified individuals; and 6557
revoke and suspend licenses. 6558

(B) The board shall adopt, amend, or rescind rules, 6559
pursuant to Chapter 119. of the Revised Code, for the licensure 6560
of dispensing opticians ~~and ocularists~~, and such other rules as 6561
are required by or necessary to carry out the responsibilities 6562
imposed by sections 4725.40 to 4725.59 of the Revised Code, 6563
including rules establishing criminal records check requirements 6564
under section 4776.03 of the Revised Code and rules establishing 6565
disqualifying offenses for licensure as a dispensing optician or 6566
certification as an apprentice dispensing optician pursuant to 6567
sections 9.79, 4725.48, 4725.52, 4725.53, and 4776.10 of the 6568

Revised Code. 6569

(C) The board shall have no authority to adopt rules 6570
governing the employment of dispensing opticians, the location 6571
or number of optical stores, advertising of optical products or 6572
services, or the manner in which optical products can be 6573
displayed. 6574

Sec. 4725.48. (A) Any person who desires to engage in 6575
optical dispensing shall file a properly completed application 6576
for an examination with the state vision professionals board or 6577
with the testing service the board has contracted with pursuant 6578
to section 4725.49 of the Revised Code. The application for 6579
examination shall be made using a form provided by the board and 6580
shall be accompanied by an examination fee the board shall 6581
establish by rule. 6582

(B) Any person who desires to engage in optical dispensing 6583
shall file a properly completed application for a license with 6584
the board with a licensure application fee of ~~fifty-one hundred~~ 6585
ninety-five dollars. 6586

No person shall be eligible to apply for a license under 6587
this division, unless the person is at least eighteen years of 6588
age, is free of contagious or infectious disease, has received a 6589
passing score, as determined by the board, on the examination 6590
administered under division (A) of this section, is a graduate 6591
of an accredited high school of any state, or has received an 6592
equivalent education and has successfully completed ~~either one~~ 6593
of the following: 6594

(1) ~~Two years~~ For a spectacle dispensing optician license, 6595
one thousand hours of supervised experience under a licensed 6596
dispensing optician, optometrist, or physician engaged in the 6597

practice of ophthalmology, ~~up to one year of which may be~~ 6598
~~continuous experience of not less than thirty hours a week in an~~ 6599
~~optical laboratory;~~ 6600

(2) For a spectacle-contact lens dispensing optician 6601
license, one thousand five hundred hours of supervised 6602
experience under a licensed dispensing optician, optometrist, or 6603
physician engaged in the practice of ophthalmology; 6604

(3) A two-year college level program in optical dispensing 6605
that has been approved by the board and that includes, but is 6606
not limited to, courses of study in mathematics, science, 6607
English, anatomy and physiology of the eye, applied optics, 6608
ophthalmic optics, measurement and inspection of lenses, lens 6609
grinding and edging, ophthalmic lens design, keratometry, and 6610
the fitting and adjusting of spectacle lenses and frames and 6611
contact lenses, including methods of fitting contact lenses and 6612
post-fitting care. 6613

~~(C) Any person who desires to obtain a license to practice~~ 6614
~~as an ocularist shall file a properly completed application with~~ 6615
~~the board accompanied by the appropriate fee and proof that the~~ 6616
~~applicant has met the requirements for licensure. The board~~ 6617
~~shall establish, by rule, the application fee and the minimum~~ 6618
~~requirements for licensure, including education, examination, or~~ 6619
~~experience standards recognized by the board as national~~ 6620
~~standards for ocularists. The board shall issue a license to~~ 6621
~~practice as an ocularist to an applicant who satisfies the~~ 6622
~~requirements of this division and rules adopted pursuant to this~~ 6623
~~division.~~ 6624

~~(D) (1)~~ (C) (1) Subject to divisions ~~(D) (3)~~ (C) (3) and (4) 6625
of this section, the board shall not adopt, maintain, renew, or 6626
enforce any rule that precludes an individual from renewing a 6627

license as a dispensing optician issued under sections 4725.40 6628
to 4725.59 of the Revised Code due to any past criminal activity 6629
or interpretation of moral character, unless the individual has 6630
committed a crime of moral turpitude or a disqualifying offense 6631
as those terms are defined in section 4776.10 of the Revised 6632
Code. 6633

If the board denies an individual a license or license 6634
renewal, the reasons for such denial shall be put in writing. 6635

(2) The board may refuse to issue a license to an 6636
applicant because of a conviction of or plea of guilty to an 6637
offense if the refusal is in accordance with section 9.79 of the 6638
Revised Code. 6639

(3) In considering a renewal of an individual's license, 6640
the board shall not consider any conviction or plea of guilty 6641
prior to the initial licensing. However, the board may consider 6642
a conviction or plea of guilty if it occurred after the 6643
individual was initially licensed, or after the most recent 6644
license renewal. 6645

(4) The board may grant an individual a conditional 6646
license that lasts for one year. After the one-year period has 6647
expired, the license is no longer considered conditional, and 6648
the individual shall be considered fully licensed. 6649

~~(E)~~ (D) The board, subject to the approval of the 6650
controlling board, may establish examination fees in excess of 6651
the amount established by rule pursuant to this section, 6652
provided that such fees do not exceed those amounts established 6653
in rule by more than fifty per cent. 6654

Sec. 4725.49. (A) The state vision professionals board may 6655
provide for the examination of applicants by designing, 6656

preparing, and administering the qualifying examinations or by 6657
contracting with a testing service that is nationally recognized 6658
as being capable of determining competence to dispense optical 6659
aids as a licensed spectacle dispensing optician, ~~a licensed~~ 6660
~~contact lens dispensing optician,~~ or a licensed spectacle- 6661
contact lens dispensing optician. Any examination used shall be 6662
designed to measure specific performance requirements, be 6663
professionally constructed and validated, and be independently 6664
and objectively administered and scored in order to determine 6665
the applicant's competence to dispense optical aids. 6666

(B) (1) The board shall ensure that it, or the testing 6667
service it contracts with, does all of the following: 6668

(a) Provides public notice as to the date, time, and place 6669
for each examination at least ninety days prior to the 6670
examination; 6671

(b) Offers each qualifying examination at least twice each 6672
year in Columbus, except as provided in division (C) of this 6673
section; 6674

(c) Provides all materials and equipment necessary for the 6675
applicant to take the examination. 6676

(2) The board shall provide to each applicant all forms 6677
necessary to apply for examination. 6678

(C) If the number of applicants for any qualifying 6679
examination is less than ten, the examination may be postponed. 6680
The board or testing service shall provide the applicant with 6681
written notification of the postponement and of the next date 6682
the examination is scheduled to be administered. 6683

(D) No limitation shall be placed upon the number of times 6684
that an applicant may repeat any qualifying examination, except 6685

that, if an applicant fails an examination for a third time, the 6686
board may require that the applicant, prior to retaking the 6687
examination, undergo additional study in the areas of the 6688
examination in which the applicant experienced difficulty. 6689

Sec. 4725.50. (A) ~~Except for a person who qualifies for~~ 6690
~~licensure as an oecularist, each~~ Each person who qualifies for 6691
licensure under sections 4725.40 to 4725.59 of the Revised Code 6692
shall receive from the state vision professionals board, under 6693
its seal, a certificate of licensure entitling the person to 6694
practice as a licensed spectacle dispensing optician, ~~licensed~~ 6695
~~contact lens dispensing optician,~~ or a licensed spectacle- 6696
contact lens dispensing optician. The appropriate certificate of 6697
licensure shall be issued by the board no later than sixty days 6698
after it has notified the applicant of the applicant's approval 6699
for licensure. 6700

(B) Each licensed dispensing optician shall display the 6701
licensed dispensing optician's certificate of licensure in a 6702
conspicuous place in the licensed dispensing optician's office 6703
or place of business. If a licensed dispensing optician 6704
maintains more than one office or place of business, the 6705
licensed dispensing optician shall display a duplicate copy of 6706
such certificate at each location. The board shall issue 6707
duplicate copies of the appropriate certificate of licensure for 6708
this purpose upon the filing of an application form therefor and 6709
the payment of a five-dollar fee for each duplicate copy. 6710

Sec. 4725.51. (A) (1) Each license issued under sections 6711
4725.40 to 4725.59 of the Revised Code shall expire on the ~~first-~~ 6712
last day of January in the December of each odd-numbered year 6713
~~after it was issued.~~ Each person holding a valid, current 6714
license may apply to the state vision professionals board for 6715

the extension of the license under the standard renewal 6716
procedures of Chapter 4745. of the Revised Code. Each 6717
application for renewal shall be accompanied by a renewal fee 6718
~~the board shall establish by rule of one hundred ninety-five~~ 6719
dollars. In addition, except as provided in division (A) (2) of 6720
this section, the application shall contain evidence that the 6721
applicant has completed continuing education within ~~the~~ 6722
~~immediately preceding one year~~ each biennial licensing period as 6723
follows: 6724

(a) Licensed spectacle dispensing opticians shall have 6725
~~pursued both of the following~~ completed a length of study of 6726
twelve clock hours, approved by the board. 6727

~~(i) Four hours of study in spectacle dispensing.~~ 6728

~~(ii) Two hours of study in contact lens dispensing.~~ 6729

~~(b) Licensed contact lens dispensing opticians shall have~~ 6730
~~pursued eight hours of study in contact lens dispensing,~~ 6731
~~approved by the board.~~ 6732

~~(c) Licensed spectacle-contact lens dispensing opticians~~ 6733
~~shall have pursued both of the following~~ completed a length of 6734
study of twenty-four clock hours, approved by the board. 6735

~~(i) Four hours of study in spectacle dispensing.~~ 6736

~~(ii) Eight hours of study in contact lens dispensing.~~ 6737

~~(d) Licensed ocularists shall have pursued courses of~~ 6738
~~study as prescribed by rule of the board.~~ 6739

(2) An application for the initial renewal of a license 6740
issued under sections 4725.40 to 4725.55 of the Revised Code is 6741
not required to contain evidence that the applicant has 6742
completed the continuing education requirements of division (A) 6743

(1) of this section. 6744

(B) No person who fails to renew the person's license 6745
under division (A) of this section shall be required to take a 6746
qualifying examination under section 4725.48 of the Revised Code 6747
as a condition of renewal, provided that the application for 6748
renewal and proof of the requisite continuing education hours 6749
are submitted within ~~ninety~~thirty days from the date the 6750
license expired and the applicant pays the ~~annual~~ renewal fee 6751
and a penalty of seventy-five dollars. The board may provide, by 6752
rule, for an extension of the grace period for licensed 6753
dispensing opticians who are serving in the armed forces of the 6754
United States or a reserve component of the armed forces of the 6755
United States, including the Ohio national guard or the national 6756
guard of any other state and for waiver of the continuing 6757
education requirements or the penalty in cases of hardship or 6758
illness. 6759

(C) The board shall approve continuing education programs 6760
and shall adopt rules as necessary for approving the programs. 6761
The rules shall permit programs to be conducted either in person 6762
or through electronic or other self-study means. Approved 6763
programs shall be scheduled, sponsored, and conducted in 6764
accordance with the board's rules. 6765

(D) Any license given a grandfathered issuance or renewal 6766
between March 22, 1979, and March 22, 1980, shall be renewed in 6767
accordance with this section. 6768

Sec. 4725.52. Any licensed dispensing optician may 6769
supervise a maximum of three apprentices who shall be permitted 6770
to engage in optical dispensing only under the supervision of 6771
the licensed dispensing optician. 6772

To serve as an apprentice, a person shall register with
the state vision professionals board on a form provided by the
board and in the form of a statement giving the name and address
of the supervising licensed dispensing optician, the location at
which the apprentice will be employed, and any other information
required by the board. For the duration of the apprenticeship,
the apprentice shall register annually on the form provided by
the board and in the form of a statement.

Each apprentice shall pay an initial registration fee of
twenty dollars. ~~For each registration renewal thereafter, each~~
The board shall not charge an apprentice shall pay a
~~registration renewal fee of twenty dollars to renew the~~
apprentice's registration.

The board shall not deny registration as an apprentice
under this section to any individual based on the individual's
past criminal history or an interpretation of moral character
unless the denial is for a disqualifying offense in accordance
with section 9.79 of the Revised Code. In considering a renewal
of an individual's registration, the board shall not consider
any conviction or plea of guilty prior to the initial
registration. However, the board may consider a conviction or
plea of guilty if it occurred after the individual was initially
registered, or after the most recent registration renewal. If
the board denies an individual for a registration or
registration renewal, the reasons for such denial shall be put
in writing. Additionally, the board may grant an individual a
conditional registration that lasts for one year. After the one-
year period has expired, the registration is no longer
considered conditional, and the individual shall be considered
fully registered.

A person who is gaining experience under the supervision 6803
of a licensed optometrist or ophthalmologist that would qualify 6804
the person under division (B) (1) of section 4725.48 of the 6805
Revised Code to take the examination for optical dispensing is 6806
not required to register with the board. 6807

Sec. 4725.53. (A) Except as provided in division (D) of 6808
this section, the state vision professionals board, by a 6809
majority vote of its members, may refuse to grant a license and, 6810
in accordance with Chapter 119. of the Revised Code, may suspend 6811
or revoke the license of a licensed dispensing optician or 6812
impose a fine or order restitution pursuant to division (B) of 6813
this section on any of the following grounds: 6814

(1) Conviction of a crime involving moral turpitude or a 6815
disqualifying offense as those terms are defined in section 6816
4776.10 of the Revised Code; 6817

(2) Obtaining or attempting to obtain a license by fraud 6818
or deception; 6819

(3) Obtaining any fee or making any sale of an optical aid 6820
by means of fraud or misrepresentation; 6821

(4) Habitual indulgence in the use of controlled 6822
substances or other habit-forming drugs, or in the use of 6823
alcoholic liquors to an extent that affects professional 6824
competency; 6825

(5) Finding by a court of competent jurisdiction that the 6826
applicant or licensee is incompetent by reason of mental illness 6827
and no subsequent finding by the court of competency; 6828

(6) Finding by a court of law that the licensee is guilty 6829
of incompetence or negligence in the dispensing of optical aids; 6830

(7) Knowingly permitting or employing a person whose license has been suspended or revoked or an unlicensed person to engage in optical dispensing; 6831
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(8) Permitting another person to use the licensee's license; 6834
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(9) Engaging in optical dispensing not pursuant to the prescription of a licensed physician or licensed optometrist, but nothing in this section shall prohibit the duplication or replacement of previously prepared optical aids, except contact lenses shall not be duplicated or replaced without a written prescription; 6836
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(10) Violation of sections 4725.40 to 4725.59 of the Revised Code; 6842
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(11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider; 6844
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(12) Advertising that the licensee will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay; 6850
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(13) Violating the code of ethical conduct adopted under section 4725.66 of the Revised Code. 6855
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(B) The board may impose a fine of not more than five hundred dollars for a first occurrence of an action that is grounds for discipline under this section and of not less than 6857
6858
6859

five hundred nor more than one thousand dollars for a subsequent
occurrence, or may order the licensee to make restitution to a
person who has suffered a financial loss as a result of the
licensee's failure to comply with sections 4725.40 to 4725.59 of
the Revised Code.

(C) Notwithstanding divisions (A) (11) and (12) of this
section, sanctions shall not be imposed against any licensee who
waives deductibles and copayments:

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

(2) For professional services rendered to any other person
licensed pursuant to this chapter to the extent allowed by this
chapter and the rules of the board.

(D) The board shall not refuse to grant a license to an
applicant because of a conviction unless the refusal is in
accordance with section 9.79 of the Revised Code.

(E) If a violation described in this section has caused,
is causing, or is about to cause substantial and material harm,
the board may issue an order requiring that person to cease and
desist from engaging in the violation. Notice of the order shall
be mailed by certified mail, return receipt requested,
immediately after its issuance to the person subject to the
order and to all persons known to be involved in the violation.
The board may thereafter publicize or otherwise make known to
all interested parties that the order has been issued.

The notice shall specify the particular act, omission,

practice, or transaction that is subject to the cease-and-desist 6889
order and shall set a date, not more than fifteen days after the 6890
date of the order, for a hearing on the continuation or 6891
revocation of the order. The person shall comply with the order 6892
immediately upon receipt of notice of the order. 6893

The board may, on the application of a party and for good 6894
cause shown, continue the hearing. Chapter 119. of the Revised 6895
Code applies to the hearing to the extent that that chapter does 6896
not conflict with the procedures set forth in this section. The 6897
board shall, within fifteen days after objections are submitted 6898
to the hearing officer's report and recommendation, issue a 6899
final order either confirming or revoking the cease-and-desist 6900
order. The final order may be appealed as provided under section 6901
119.12 of the Revised Code. 6902

The remedy under this division is cumulative and 6903
concurrent with the other remedies available under this section 6904
or section 4725.54 of the Revised Code. 6905

Sec. 4725.541. The state vision professionals board may 6906
issue a cease-and-desist order against any person engaged in 6907
optical dispensing without having received a license under 6908
sections 4725.40 to 4725.59 of the Revised Code that the board 6909
reasonably suspects has violated, is currently violating, or is 6910
about to violate this chapter. The board shall notify the 6911
prosecuting attorney for the county in which the alleged 6912
unlicensed activity took place for additional action in 6913
accordance with section 4725.54 of the Revised Code. 6914

Sec. 4725.63. The state vision professionals board may 6915
appoint committees or other groups to assist in fulfilling its 6916
duties. A committee or group may consist of board members, other 6917
individuals with appropriate backgrounds, or both board members 6918

and other individuals with appropriate backgrounds. Any 6919
appointed committee or group shall act under the board's 6920
direction and shall perform its functions within the limits 6921
established by the board. 6922

If the board appoints a committee or group to address 6923
issues concerning optical dispensing or the practice of licensed 6924
dispensing opticians ~~and licensed ocularists~~ under sections 6925
4725.40 to 4725.59 of the Revised Code, the board shall include 6926
as a member of that committee or group a physician licensed by 6927
the state medical board who engages in the practice of 6928
ophthalmology and is recommended by a professional association 6929
representing the interests of the profession of ophthalmology. 6930

Except as otherwise provided in the Revised Code, a 6931
committee or group organized under this section is advisory in 6932
nature and may not act independently of the board or act on the 6933
board's behalf. 6934

Members of a committee or group may be reimbursed by the 6935
board for any expenses incurred in the performance of their 6936
duties, in accordance with section 126.31 of the Revised Code 6937
and with approval from the director of administrative services. 6938

Sec. 4725.66. The state vision professionals board shall 6939
establish a code of ethical practice for individuals who hold a 6940
certificate of licensure issued by, or who are licensed, 6941
~~certified, or registered,~~ by the board in accordance with rules 6942
adopted under Chapter 119. of the Revised Code. In establishing 6943
the codes of ethical practice, the board shall define 6944
unprofessional conduct in the rules, which shall include 6945
engaging in a dual relationship with a client or former client, 6946
committing an act of sexual abuse, misconduct, or exploitation 6947
of a client or former client, and, except as permitted by law, 6948

violating client confidentiality. 6949

The codes of ethical practice may be based on any codes of 6950
ethical practice developed by national organizations 6951
representing the interests of optometrists and dispensing 6952
opticians. The board may establish standards in its codes of 6953
ethical practice that are more stringent than those established 6954
by national organizations. 6955

The board may take disciplinary action against an 6956
applicant or license holder for violating any code of ethical 6957
practice established under this section. 6958

Sec. 4725.67. The state vision professionals board and any 6959
committees established by the board shall not discriminate 6960
against an applicant or holder of a certificate of licensure, 6961
license, registration, or endorsement issued under this chapter 6962
because of the person's race, color, religion, sex, national 6963
origin, disability as defined in section 4112.01 of the Revised 6964
Code, or age. A person who files with the board or committee a 6965
statement alleging discrimination based on any of those reasons 6966
may request a hearing with the board or committee, as 6967
appropriate. 6968

Sec. 4729.01. As used in this chapter: 6969

(A) "Pharmacy," except when used in a context that refers 6970
to the practice of pharmacy, means any area, room, rooms, place 6971
of business, department, or portion of any of the foregoing 6972
where the practice of pharmacy is conducted. 6973

(B) "Practice of pharmacy" means providing pharmacist care 6974
requiring specialized knowledge, judgment, and skill derived 6975
from the principles of biological, chemical, behavioral, social, 6976
pharmaceutical, and clinical sciences. As used in this division, 6977

"pharmacist care" includes the following:	6978
(1) Interpreting prescriptions;	6979
(2) Dispensing drugs and drug therapy related devices;	6980
(3) Compounding drugs;	6981
(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;	6982 6983 6984 6985 6986
(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;	6987 6988 6989
(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;	6990 6991 6992 6993 6994
(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	6995 6996 6997
(8) Acting pursuant to a consult agreement, if an agreement has been established;	6998 6999
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	7000 7001
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	7002 7003
(C) "Compounding" means the preparation, mixing,	7004

assembling, packaging, and labeling of one or more drugs in any 7005
of the following circumstances: 7006

(1) Pursuant to a prescription issued by a licensed health 7007
professional authorized to prescribe drugs; 7008

(2) Pursuant to the modification of a prescription made in 7009
accordance with a consult agreement; 7010

(3) As an incident to research, teaching activities, or 7011
chemical analysis; 7012

(4) In anticipation of orders for drugs pursuant to 7013
prescriptions, based on routine, regularly observed dispensing 7014
patterns; 7015

(5) Pursuant to a request made by a licensed health 7016
professional authorized to prescribe drugs for a drug that is to 7017
be used by the professional for the purpose of direct 7018
administration to patients in the course of the professional's 7019
practice, if all of the following apply: 7020

(a) At the time the request is made, the drug is not 7021
commercially available regardless of the reason that the drug is 7022
not available, including the absence of a manufacturer for the 7023
drug or the lack of a readily available supply of the drug from 7024
a manufacturer. 7025

(b) A limited quantity of the drug is compounded and 7026
provided to the professional. 7027

(c) The drug is compounded and provided to the 7028
professional as an occasional exception to the normal practice 7029
of dispensing drugs pursuant to patient-specific prescriptions. 7030

(D) "Consult agreement" means an agreement that has been 7031
entered into under section 4729.39 of the Revised Code. 7032

(E) "Drug" means:	7033
(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	7034 7035 7036 7037
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	7038 7039 7040
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	7041 7042
(4) Any article intended for use as a component of any article specified in division (E) (1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.	7043 7044 7045 7046
"Drug" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Revised Code.	7047 7048
(F) "Dangerous drug" means any of the following:	7049
(1) Any drug to which either of the following applies:	7050
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;	7051 7052 7053 7054 7055 7056 7057
(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	7058 7059

(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;

(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.

(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.

(H) "Prescription" means all of the following:

(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs;

(2) For purposes of sections 2925.61, 4723.484, 4730.434, and 4731.94 of the Revised Code, a written, electronic, or oral order for an overdose reversal drug issued to and in the name of a family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose.

(3) For purposes of section 4729.44 of the Revised Code, a written, electronic, or oral order for an overdose reversal drug issued to and in the name of either of the following:

(a) An individual who there is reason to believe is at risk of experiencing an opioid-related overdose;

(b) A family member, friend, or other individual in a position to assist an individual who there is reason to believe

is at risk of experiencing an opioid-related overdose. 7088

(4) For purposes of sections 4723.4810, 4729.282, 7089
4730.432, and 4731.93 of the Revised Code, a written, 7090
electronic, or oral order for a drug to treat chlamydia, 7091
gonorrhea, or trichomoniasis issued to and in the name of a 7092
patient who is not the intended user of the drug but is the 7093
sexual partner of the intended user; 7094

(5) For purposes of sections 3313.7110, 3313.7111, 7095
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 7096
4731.96, and 5101.76 of the Revised Code, a written, electronic, 7097
or oral order for an epinephrine autoinjector issued to and in 7098
the name of a school, school district, or camp; 7099

(6) For purposes of Chapter 3728. and sections 4723.483, 7100
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 7101
electronic, or oral order for an epinephrine autoinjector issued 7102
to and in the name of a qualified entity, as defined in section 7103
3728.01 of the Revised Code; 7104

(7) For purposes of sections 3313.7115, 3313.7116, 7105
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 7106
5101.78 of the Revised Code, a written, electronic, or oral 7107
order for injectable or nasally administered glucagon in the 7108
name of a school, school district, or camp. 7109

(I) "Licensed health professional authorized to prescribe 7110
drugs" or "prescriber" means an individual who is authorized by 7111
law to prescribe drugs or dangerous drugs or drug therapy 7112
related devices in the course of the individual's professional 7113
practice, including only the following: 7114

(1) A dentist licensed under Chapter 4715. of the Revised 7115
Code; 7116

(2) A clinical nurse specialist, certified nurse-midwife, 7117
or certified nurse practitioner who holds a current, valid 7118
license issued under Chapter 4723. of the Revised Code to 7119
practice nursing as an advanced practice registered nurse; 7120

(3) A certified registered nurse anesthetist who holds a 7121
current, valid license issued under Chapter 4723. of the Revised 7122
Code to practice nursing as an advanced practice registered 7123
nurse, but only to the extent of the nurse's authority under 7124
sections 4723.43 and 4723.434 of the Revised Code; 7125

(4) An optometrist licensed under Chapter 4725. of the 7126
Revised Code to practice optometry ~~under a therapeutic-~~ 7127
~~pharmaceutical agents certificate;~~ 7128

(5) A physician authorized under Chapter 4731. of the 7129
Revised Code to practice medicine and surgery, osteopathic 7130
medicine and surgery, or podiatric medicine and surgery; 7131

(6) A physician assistant who holds a license to practice 7132
as a physician assistant issued under Chapter 4730. of the 7133
Revised Code, holds a valid prescriber number issued by the 7134
state medical board, and has been granted physician-delegated 7135
prescriptive authority; 7136

(7) A veterinarian licensed under Chapter 4741. of the 7137
Revised Code. 7138

(J) "Sale" or "sell" includes any transaction made by any 7139
person, whether as principal proprietor, agent, or employee, to 7140
do or offer to do any of the following: deliver, distribute, 7141
broker, exchange, gift or otherwise give away, or transfer, 7142
whether the transfer is by passage of title, physical movement, 7143
or both. 7144

(K) "Wholesale sale" and "sale at wholesale" mean any sale 7145

in which the purpose of the purchaser is to resell the article 7146
purchased or received by the purchaser. 7147

(L) "Retail sale" and "sale at retail" mean any sale other 7148
than a wholesale sale or sale at wholesale. 7149

(M) "Retail seller" means any person that sells any 7150
dangerous drug to consumers without assuming control over and 7151
responsibility for its administration. Mere advice or 7152
instructions regarding administration do not constitute control 7153
or establish responsibility. 7154

(N) "Price information" means the price charged for a 7155
prescription for a particular drug product and, in an easily 7156
understandable manner, all of the following: 7157

(1) The proprietary name of the drug product; 7158

(2) The established (generic) name of the drug product; 7159

(3) The strength of the drug product if the product 7160
contains a single active ingredient or if the drug product 7161
contains more than one active ingredient and a relevant strength 7162
can be associated with the product without indicating each 7163
active ingredient. The established name and quantity of each 7164
active ingredient are required if such a relevant strength 7165
cannot be so associated with a drug product containing more than 7166
one ingredient. 7167

(4) The dosage form; 7168

(5) The price charged for a specific quantity of the drug 7169
product. The stated price shall include all charges to the 7170
consumer, including, but not limited to, the cost of the drug 7171
product, professional fees, handling fees, if any, and a 7172
statement identifying professional services routinely furnished 7173

by the pharmacy. Any mailing fees and delivery fees may be 7174
stated separately without repetition. The information shall not 7175
be false or misleading. 7176

(O) "Wholesale distributor of dangerous drugs" or 7177
"wholesale distributor" means a person engaged in the sale of 7178
dangerous drugs at wholesale and includes any agent or employee 7179
of such a person authorized by the person to engage in the sale 7180
of dangerous drugs at wholesale. 7181

(P) "Manufacturer of dangerous drugs" or "manufacturer" 7182
means a person, other than a pharmacist or prescriber, who 7183
manufactures dangerous drugs and who is engaged in the sale of 7184
those dangerous drugs. 7185

(Q) "Terminal distributor of dangerous drugs" or "terminal 7186
distributor" means a person who is engaged in the sale of 7187
dangerous drugs at retail, or any person, other than a 7188
manufacturer, repackager, outsourcing facility, third-party 7189
logistics provider, wholesale distributor, or pharmacist, who 7190
has possession, custody, or control of dangerous drugs for any 7191
purpose other than for that person's own use and consumption. 7192
"Terminal distributor" includes pharmacies, hospitals, nursing 7193
homes, and laboratories and all other persons who procure 7194
dangerous drugs for sale or other distribution by or under the 7195
supervision of a pharmacist, licensed health professional 7196
authorized to prescribe drugs, or other person authorized by the 7197
state board of pharmacy. 7198

(R) "Promote to the public" means disseminating a 7199
representation to the public in any manner or by any means, 7200
other than by labeling, for the purpose of inducing, or that is 7201
likely to induce, directly or indirectly, the purchase of a 7202
dangerous drug at retail. 7203

(S) "Person" includes any individual, partnership, 7204
association, limited liability company, or corporation, the 7205
state, any political subdivision of the state, and any district, 7206
department, or agency of the state or its political 7207
subdivisions. 7208

(T) (1) "Animal shelter" means a facility operated by a 7209
humane society or any society organized under Chapter 1717. of 7210
the Revised Code or a dog pound operated pursuant to Chapter 7211
955. of the Revised Code. 7212

(2) "County dog warden" means a dog warden or deputy dog 7213
warden appointed or employed under section 955.12 of the Revised 7214
Code. 7215

(U) "Food" has the same meaning as in section 3715.01 of 7216
the Revised Code. 7217

(V) "Pain management clinic" has the same meaning as in 7218
section 4731.054 of the Revised Code. 7219

(W) "Investigational drug or product" means a drug or 7220
product that has successfully completed phase one of the United 7221
States food and drug administration clinical trials and remains 7222
under clinical trial, but has not been approved for general use 7223
by the United States food and drug administration. 7224
"Investigational drug or product" does not include controlled 7225
substances in schedule I, as defined in section 3719.01 of the 7226
Revised Code. 7227

(X) "Product," when used in reference to an 7228
investigational drug or product, means a biological product, 7229
other than a drug, that is made from a natural human, animal, or 7230
microorganism source and is intended to treat a disease or 7231
medical condition. 7232

(Y) "Third-party logistics provider" means a person that 7233
provides or coordinates warehousing or other logistics services 7234
pertaining to dangerous drugs including distribution, on behalf 7235
of a manufacturer, wholesale distributor, or terminal 7236
distributor of dangerous drugs, but does not take ownership of 7237
the drugs or have responsibility to direct the sale or 7238
disposition of the drugs. 7239

(Z) "Repackager of dangerous drugs" or "repackager" means 7240
a person that repacks and relabels dangerous drugs for sale or 7241
distribution. 7242

(AA) "Outsourcing facility" means a facility that is 7243
engaged in the compounding and sale of sterile drugs and is 7244
registered as an outsourcing facility with the United States 7245
food and drug administration. 7246

(BB) "Laboratory" means a laboratory licensed under this 7247
chapter as a terminal distributor of dangerous drugs and 7248
entrusted to have custody of any of the following drugs and to 7249
use the drugs for scientific and clinical purposes and for 7250
purposes of instruction: dangerous drugs that are not controlled 7251
substances, as defined in section 3719.01 of the Revised Code; 7252
dangerous drugs that are controlled substances, as defined in 7253
that section; and controlled substances in schedule I, as 7254
defined in that section. 7255

(CC) "Overdose reversal drug" means both of the following: 7256

(1) Naloxone; 7257

(2) Any other drug that the state board of pharmacy, 7258
through rules adopted in accordance with Chapter 119. of the 7259
Revised Code, designates as a drug that is approved by the 7260
federal food and drug administration for the reversal of a known 7261

or suspected opioid-related overdose. 7262

Sec. 4729.12. A license issued by the state board of 7263
pharmacy under section 4729.08 or 4729.11 of the Revised Code 7264
entitles the individual to whom it is issued to practice as a 7265
pharmacist or as a pharmacy intern in this state until the next 7266
renewal date. 7267

Licenses shall be renewed according to the standard 7268
renewal procedure of Chapter 4745. of the Revised Code and rules 7269
adopted by the board under section 4729.26 of the Revised Code. 7270
Licenses are valid for the period specified in the rules, unless 7271
earlier revoked or suspended by the board. The period shall not 7272
exceed twenty-four months unless the board extends the period in 7273
the rules to adjust license renewal schedules. 7274

A pharmacist or pharmacy intern who desires to continue in 7275
the practice of pharmacy shall file with the board an 7276
application in such form and containing such data as the board 7277
may require for renewal of a license. In the case of a 7278
pharmacist who dispenses or plans to dispense controlled 7279
substances in this state, the pharmacist shall certify, as part 7280
of the application, that the pharmacist has been granted access 7281
to the drug database established and maintained by the board 7282
pursuant to section 4729.75 of the Revised Code, unless the 7283
board has restricted the pharmacist from obtaining further 7284
information from the database or the board no longer maintains 7285
the database. If the pharmacist certifies to the board that the 7286
applicant has been granted access to the drug database and the 7287
board finds through an audit or other means that the pharmacist 7288
has not been granted access, the board may take action under 7289
section 4729.16 of the Revised Code. 7290

An application filed under this section for renewal of a 7291

license may not be withdrawn without the approval of the board. 7292

~~If~~ The board shall renew an applicant's license if the 7293
board finds ~~that an~~ all of the following: 7294

(A) The applicant's license has not been revoked or placed 7295
under suspension ~~and that the.~~ 7296

(B) The applicant has paid the renewal fee~~.~~ 7297

(C) If the applicant is a pharmacist, the applicant has 7298
completed thirty hours of continued pharmacy education in the 7299
previous two years in accordance with ~~the~~ any rules of the 7300
board, ~~and.~~ 7301

(D) The applicant is entitled to continue in the practice 7302
of pharmacy, ~~the board shall renew the applicant's license.~~ 7303

When a license has expired but an application is made 7304
within three years after the expiration of the license, the 7305
applicant's license shall be renewed without further examination 7306
if the applicant meets the requirements of this section and pays 7307
the fee designated under division (A) (5) of section 4729.15 of 7308
the Revised Code. 7309

A pharmacist or pharmacy intern who fails to renew the 7310
pharmacist's or intern's license by the renewal date prescribed 7311
by the board shall not engage in the practice of pharmacy until 7312
a valid license is issued by the board. 7313

Sec. 4729.15. (A) Except as provided in ~~division~~ divisions 7314
(B) and (C) of this section, the state board of pharmacy shall 7315
charge the following fees: 7316

(1) For applying for a license to practice as a 7317
pharmacist, an amount adequate to cover all expenses of the 7318
board related to examination except the expenses of procuring 7319

and grading the examination, which fee shall not be returned if
the applicant fails to pass the examination; 7320
7321

(2) For the examination of an applicant for licensure as a
pharmacist, an amount adequate to cover any expenses to the
board of procuring and grading the examination or any part
thereof, which fee shall not be returned if the applicant fails
to pass the examination; 7322
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(3) For issuing a license to an individual who passes the
examination described in section 4729.07 of the Revised Code, an
amount that is adequate to cover the expense; 7327
7328
7329

(4) For a pharmacist applying for renewal of a license
before the expiration date, two hundred fifty dollars, which fee
shall not be returned if the applicant fails to qualify for
renewal; 7330
7331
7332
7333

(5) For a pharmacist applying for renewal of a license
that has been expired for less than three years, the renewal fee
identified in division (A) (4) of this section plus a penalty of
thirty-seven dollars and fifty cents, which fee shall not be
returned if the applicant fails to qualify for renewal; 7334
7335
7336
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(6) For a pharmacist applying for renewal of a license
that has been expired for more than three years, three hundred
thirty-seven dollars and fifty cents, which fee shall not be
returned if the applicant fails to qualify for renewal; 7339
7340
7341
7342

(7) For a pharmacist applying for a license on
presentation of a pharmacist license granted by another state,
three hundred thirty-seven dollars and fifty cents, which fee
shall not be returned if the applicant fails to qualify for
licensure. 7343
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(8) For a license to practice as a pharmacy intern, ~~forty~~ 7348

~~five-thirty~~ dollars, which fee shall not be returned if the 7349
applicant fails to qualify for licensure; 7350

(9) For the renewal of a pharmacy intern license, ~~forty-~~ 7351
~~five-thirty~~ dollars, which fee shall not be returned if the 7352
applicant fails to qualify for renewal; 7353

(10) For certifying licensure and grades for reciprocal 7354
licensure, thirty-five dollars; 7355

(11) For making copies of any application, affidavit, or 7356
other document filed in the state board of pharmacy office, an 7357
amount fixed by the board that is adequate to cover the expense, 7358
except that for copies required by federal or state agencies or 7359
law enforcement officers for official purposes, no charge need 7360
be made; 7361

(12) For certifying and affixing the seal of the board, an 7362
amount fixed by the board that is adequate to cover the expense, 7363
except that for certifying and affixing the seal of the board to 7364
a document required by federal or state agencies or law 7365
enforcement officers for official purposes, no charge need be 7366
made; 7367

(13) For each copy of a book or pamphlet that includes 7368
laws administered by the ~~state board of pharmacy~~, rules adopted 7369
by the board, and chapters of the Revised Code with which the 7370
board is required to comply, an amount fixed by the board that 7371
is adequate to cover the expense of publishing and furnishing 7372
the book or pamphlet. 7373

(B) (1) Subject to division (B) (2) of this section, the 7374
fees described in divisions (A) (1) to (10) of this section do 7375
not apply to an individual who is on active duty in the armed 7376
forces of the United States, as defined in section 5903.01 of 7377

the Revised Code, to the spouse of an individual who is on 7378
active duty in the armed forces of the United States, or to an 7379
individual who served in the armed forces of the United States 7380
and presents documentation that the individual has been 7381
discharged under honorable conditions from the armed forces or 7382
has been transferred to the reserve with evidence of 7383
satisfactory service. 7384

(2) The ~~state board of pharmacy~~ may establish limits with 7385
respect to the individuals for whom fees are not applicable 7386
under division (B) (1) of this section. 7387

(C) Notwithstanding divisions (A) (8) and (9) of this 7388
section, the board may gradually reduce the fee in effect before 7389
the changes by H.B. 509 of the 134th general assembly, provided 7390
that the board shall require the fee amount specified in 7391
divisions (A) (8) and (9) of this section not later than January 7392
1, 2028. 7393

Sec. 4731.16. (A) The state medical board shall determine 7394
the standing of the schools, colleges, or institutions giving 7395
instruction in the limited branch of medicine of massage 7396
therapy. 7397

(B) The board may administer an examination of competency 7398
to practice ~~a~~ the limited branch of medicine of massage therapy. 7399
If it administers an examination, the board shall establish by 7400
rule a fee to cover the cost of administering the examination. 7401

If it does not administer an examination, the board shall 7402
adopt rules under section 4731.05 of the Revised Code that 7403
specify both of the following: 7404

(1) An examination acceptable to the board as an 7405
examination of competency to practice ~~a~~ the limited branch of 7406

medicine of massage therapy; 7407

(2) The score that constitutes evidence of passing the 7408
examination. 7409

Sec. 4731.17. (A) The state medical board shall review all 7410
applications received under section 4731.19 of the Revised Code. 7411
The board shall determine whether an applicant meets the 7412
requirements for a license to practice the ~~applicable~~-limited 7413
branch of medicine of massage therapy. 7414

(B) If the board determines that the applicant meets the 7415
requirements for a license and that the documentation required 7416
for a license is acceptable, the board shall issue to the 7417
applicant the ~~appropriate~~-license to practice. Each license 7418
shall be signed by the president and secretary of the board and 7419
attested by its seal. 7420

(C) A license to practice a limited branch of medicine 7421
shall authorize the holder to practice the limited branch of 7422
medicine for which the license was issued. No person who holds a 7423
license to practice a limited branch of medicine issued by the 7424
board ~~under this section~~ shall do any of the following: 7425

(1) Practice a limited branch of medicine other than the 7426
limited branch of medicine for which the license was issued; 7427

(2) Treat infectious, contagious, or venereal diseases; 7428

(3) Prescribe or administer drugs; 7429

(4) Perform surgery or practice medicine in any other 7430
form. 7431

Sec. 4731.19. (A) A person seeking a license to practice a- 7432
the limited branch of medicine of massage therapy shall file 7433
with the state medical board an application in a manner 7434

prescribed by the board. The application shall include or be 7435
accompanied by all of the following: 7436

(1) Evidence that the applicant is at least eighteen years 7437
of age; 7438

(2) Evidence that the applicant has attained high school 7439
graduation or its equivalent; 7440

(3) Evidence that the applicant holds one of the 7441
following: 7442

(a) A diploma or certificate from a school, college, or 7443
institution in good standing as determined by the board in 7444
accordance with rules adopted under section 4731.05 of the 7445
Revised Code, showing the completion of ~~the following required~~ 7446
~~courses of instruction:~~ 7447

~~(i) Two hundred seventy five hours in anatomy and~~ 7448
~~physiology and pathology;~~ 7449

~~(ii) Two hundred seventy five hours in massage theory and~~ 7450
~~practical, including hygiene;~~ 7451

~~(iii) Twenty five hours in ethics;~~ 7452

~~(iv) Twenty five hours in business and law~~ a course of 7453
instruction in massage therapy of at least six hundred clock 7454
hours. 7455

(b) A diploma or certificate from a school, college, or 7456
institution in another state or jurisdiction ~~showing completion~~ 7457
~~of a course of instruction that meets the requirements of~~ 7458
~~division (A) (3) (a) of this section and any other course~~ 7459
~~requirements~~ meeting standards determined by the board through 7460
rules adopted under section 4731.05 of the Revised Code, that 7461
require the completion of a course of instruction in massage 7462

therapy of at least six hundred clock hours; 7463

(c) During the five-year period immediately preceding the 7464
date of application, a current license, registration, or 7465
certificate in good standing in another state for massage 7466
therapy. 7467

(4) Evidence that the applicant has successfully passed an 7468
examination, prescribed in rules described in section 4731.16 of 7469
the Revised Code, to determine competency to practice ~~the~~ 7470
~~applicable limited branch of medicine~~massage therapy; 7471

(5) An attestation that the information submitted under 7472
this section is accurate and truthful and that the applicant 7473
consents to release of information; 7474

(6) Any other information the board requires. 7475

(B) An applicant for a license to practice ~~a limited~~ 7476
~~branch of medicine~~massage therapy shall comply with the 7477
requirements of section 4731.171 of the Revised Code. 7478

(C) At the time of making application for a license to 7479
practice ~~a limited branch of medicine~~massage therapy, the 7480
applicant shall pay to the board a fee of one hundred fifty 7481
dollars, no part of which shall be returned. No application 7482
shall be considered filed until the board receives the 7483
appropriate fee. 7484

(D) The board may investigate the application materials 7485
received under this section and contact any agency or 7486
organization for recommendations or other information about the 7487
applicant. 7488

Sec. 4732.01. As used in this chapter: 7489

(A) "Psychologist" means any person who holds self out to 7490

the public by any title or description of services incorporating 7491
the words "psychologic," "psychological," "psychologist," 7492
"psychology," or any other terms that imply the person is 7493
trained, experienced, or an expert in the field of psychology. 7494

(B) "The practice of psychology" means rendering or 7495
offering to render to individuals, groups, organizations, or the 7496
public any service involving the application of psychological 7497
procedures to assessment, diagnosis, prevention, treatment, or 7498
amelioration of psychological problems or emotional or mental 7499
disorders of individuals or groups; or to the assessment or 7500
improvement of psychological adjustment or functioning of 7501
individuals or groups, whether or not there is a diagnosable 7502
pre-existing psychological problem. Practice of psychology 7503
includes the practice of independent school psychology and the 7504
practice of school psychology. For purposes of this chapter, 7505
teaching or research shall not be regarded as the practice of 7506
psychology, even when dealing with psychological subject matter, 7507
provided it does not otherwise involve the professional practice 7508
of psychology in which an individual's welfare is directly 7509
affected by the application of psychological procedures. 7510

(C) "Psychological procedures" include but are not 7511
restricted to application of principles, methods, or procedures 7512
of understanding, predicting, or influencing behavior, such as 7513
the principles pertaining to learning, conditioning, perception, 7514
motivation, thinking, emotions, or interpersonal relationships; 7515
the methods or procedures of verbal interaction, interviewing, 7516
counseling, behavior modification, environmental manipulation, 7517
group process, psychological psychotherapy, or hypnosis; and the 7518
methods or procedures of administering or interpreting tests of 7519
mental abilities, aptitudes, interests, attitudes, personality 7520
characteristics, emotions, or motivation. 7521

~~(D)~~ (D) (1) "School psychologist" means any person who, 7522
within the scope of employment as described in division (D) (2) 7523
of this section, holds self out to the public by any title or 7524
description of services incorporating the words "school 7525
psychologist" or "school psychology," or who holds self out to 7526
be trained, experienced, or an expert in the practice of school 7527
psychology. 7528

(2) A school psychologist is limited in employment for the 7529
purposes of practicing school psychology to the following: 7530

(a) By a board of education or by a private school meeting 7531
the standards prescribed by the state board of education under 7532
division (D) of section 3301.07 of the Revised Code; 7533

(b) In a program for children with disabilities 7534
established under Chapter 3323. or 5126. of the Revised Code. 7535

(E) "Independent school psychologist" means any person 7536
who, outside of the scope of employment as described in division 7537
(D) (2) of this section, holds self out to the public by any 7538
title or description of services incorporating the words 7539
"independent school psychologist" or "independent school 7540
psychology," or who holds self out to be trained, experienced, 7541
or an expert in the practice of independent school psychology. 7542

(F) "Practice of school psychology" means rendering or 7543
offering to render to individuals, groups, organizations, or the 7544
public any of the following services: 7545

(1) Evaluation, diagnosis, or test interpretation limited 7546
to assessment of intellectual ability, learning patterns, 7547
achievement, motivation, behavior, or personality factors 7548
directly related to learning problems; 7549

(2) Intervention services, including counseling, for 7550

children or adults for amelioration or prevention of 7551
educationally related learning problems, including emotional and 7552
behavioral aspects of such problems; 7553

(3) Psychological, educational, or vocational consultation 7554
or direct educational services. This does not include industrial 7555
consultation or counseling services to clients undergoing 7556
vocational rehabilitation. 7557

~~(F)~~ (G) "Practice of independent school psychology" means 7558
the practice of school psychology outside of the scope of 7559
employment as described in division (D)(2) of this section. 7560

(H) "Licensed psychologist" means an individual holding a 7561
current, valid license to practice psychology issued under 7562
section 4732.12 or 4732.15 of the Revised Code. 7563

~~(G) "School psychologist licensed by the state board of~~ 7564
~~psychology" means an individual~~ (I) "Licensed school 7565
psychologist" means an individual holding a current, valid 7566
license to practice school psychology issued under section 7567
4732.12 or 4732.15 of the Revised Code. 7568

(J) "Licensed independent school psychologist" means an 7569
individual holding a current, valid license to practice 7570
independent school psychology issued under section 4732.12 or 7571
4732.15 of the Revised Code. 7572

~~(H) "School psychologist licensed by the state board of~~ 7573
~~education" means an individual holding a current, valid school~~ 7574
~~psychologist license issued under rules adopted under section~~ 7575
~~3319.22 of the Revised Code.~~ 7576

~~(I)~~ (K) "Mental health professional" and "mental health 7577
service" have the same meanings as in section 2305.51 of the 7578
Revised Code. 7579

~~(J)-(L)~~ "Telepsychology" means the practice of psychology, independent school psychology, or school psychology by distance communication technology, including telephone, electronic mail, internet-based communications, and video conferencing.

Sec. 4732.02. The governor, with the advice and consent of the senate, shall appoint a state board of psychology consisting of ~~nine ten~~ persons who are citizens of the United States and residents of this state. Three members shall be patient advocates who are not mental health professionals and who either are parents or other relatives of a person who has received or is receiving mental health services or are representatives of organizations that represent persons who have received or are receiving mental health services. At least one patient advocate member shall be a parent or other relative of a mental health service recipient, and at least one patient advocate member shall be a representative of an organization representing mental health service recipients. One member shall be a certified Ohio behavior analyst who holds a current, valid certificate issued under section 4783.04 of the Revised Code. Each of the remaining members shall be a licensed psychologist, licensed independent school psychologist, or a school psychologist ~~licensed by the state board of psychology~~. Terms of office for all members shall be for five years, commencing on the sixth day of October and ending on the fifth day of October. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of

sixty days has elapsed, whichever occurs first. No person shall 7611
be appointed to more than two five-year terms in succession. The 7612
licensed psychologist, licensed independent school psychologist, 7613
and licensed school psychologist members of the board shall be 7614
so chosen that they represent the diverse fields of 7615
specialization and practice in the profession-professions of 7616
psychology and the profession of, independent school psychology, 7617
and school psychology. The governor may make such appointments 7618
from lists submitted annually by the Ohio psychological 7619
association, the Ohio school psychologists association, and the 7620
Ohio association of black psychologists. A vacancy in an 7621
unexpired term shall be filled in the same manner as the 7622
original appointment. 7623

The governor may remove any member for malfeasance, 7624
misfeasance, or nonfeasance after a hearing in accordance with 7625
Chapter 119. of the Revised Code. The governor shall remove, 7626
after a hearing in accordance with Chapter 119. of the Revised 7627
Code, any member who has been convicted of or pleaded guilty to 7628
the commission of a felony offense under any law of this state, 7629
another state, or the United States. No person may be appointed 7630
to the board who has been convicted of or pleaded guilty to a 7631
felony offense under any law of this state, another state, or 7632
the United States. 7633

Sec. 4732.05. The members of the state board of psychology 7634
~~and the members of the school psychology examination committee~~ 7635
shall receive an amount fixed under division (J) of section 7636
124.15 of the Revised Code for each day employed in the 7637
discharge of their official duties, and their necessary expenses 7638
while engaged therein. 7639

Sec. 4732.09. Each person who desires to practice 7640

psychology, independent school psychology, or school psychology 7641
shall file with the executive director of the state board of 7642
psychology a written application, under oath, on a form 7643
prescribed by the board. 7644

Sec. 4732.10. (A) The state board of psychology shall 7645
appoint an entrance examiner who shall determine the sufficiency 7646
of an applicant's qualifications for admission to the 7647
appropriate examination. A member of the board or the executive 7648
director may be appointed as the entrance examiner. 7649

(B) Requirements for admission to examination for a 7650
psychologist license shall be that the applicant: 7651

(1) Is at least twenty-one years of age; 7652

(2) Meets one of the following requirements: 7653

(a) Received an earned doctoral degree from an institution 7654
accredited or recognized by a national or regional accrediting 7655
agency and a program accredited by any of the following: 7656

(i) The American psychological association, office of 7657
program consultation and accreditation; 7658

(ii) The accreditation office of the Canadian 7659
psychological association; 7660

(iii) A program listed by the association of state and 7661
provincial psychology boards/national register designation 7662
committee; 7663

(iv) The national association of school psychologists. 7664

(b) Received an earned doctoral degree in psychology or 7665
school psychology from an institution accredited or recognized 7666
by a national or regional accrediting agency but the program 7667

does not meet the program accreditation requirements of division 7668
(B) (2) (a) of this section; 7669

(c) Received from an academic institution outside of the 7670
United States or Canada a degree determined, under rules adopted 7671
by the board under division ~~(E)~~ (F) of this section, to be 7672
equivalent to a doctoral degree in psychology from a program 7673
described in division (B) (2) (a) of this section; 7674

(d) Held a psychologist license, certificate, or 7675
registration required for practice in another United States or 7676
Canadian jurisdiction for a minimum of ten years and meets 7677
educational, experience, and professional requirements 7678
established under rules adopted by the board. 7679

(3) Has had at least two years of supervised professional 7680
experience in psychological work of a type satisfactory to the 7681
board, at least one year of which must be a predoctoral 7682
internship. The board shall adopt guidelines for the kind of 7683
supervised professional experience that fulfill this 7684
requirement. 7685

(4) If applying under division (B) (2) (b) or (c) of this 7686
section, has had at least two years of supervised professional 7687
experience in psychological work of a type satisfactory to the 7688
board, at least one year of which must be postdoctoral. The 7689
board shall adopt guidelines for the kind of supervised 7690
professional experience that fulfill this requirement. 7691

(C) Requirements for admission to examination for ~~a~~ an 7692
independent school psychologist license shall be that the 7693
applicant: 7694

(1) Has received from an educational institution 7695
accredited or recognized by national or regional accrediting 7696

agencies as maintaining satisfactory standards, including those 7697
approved by the state board of education for the training of 7698
independent school psychologists, at least a master's degree in 7699
school psychology, or a degree considered equivalent by the 7700
board; 7701

(2) Is at least twenty-one years of age; 7702

(3) Has completed at least sixty quarter hours, or the 7703
semester hours equivalent, at the graduate level, of accredited 7704
study in course work relevant to the study of school psychology; 7705

(4) Has completed an internship in an educational 7706
institution approved by the Ohio department of education for 7707
school psychology supervised experience or one year of other 7708
training experience acceptable to the board, such as supervised 7709
professional experience under the direction of a licensed 7710
psychologist, licensed independent school psychologist, or 7711
licensed school psychologist; 7712

(5) Furnishes proof of at least twenty-seven months, 7713
exclusive of internship, of full-time experience as a 7714
certificated school psychologist employed by a board of 7715
education or a private school meeting the standards prescribed 7716
by the state board of education, or of experience that the board 7717
deems equivalent. 7718

(D) Requirements for admission to examination for a school 7719
psychologist shall be that the applicant: 7720

(1) Has received from an educational institution 7721
accredited or recognized by national or regional accrediting 7722
agencies as maintaining satisfactory standards, including those 7723
approved by the state board of education for the training of 7724
school psychologists, at least a master's degree in school 7725

psychology, or a degree considered equivalent by the board; 7726

(2) Is at least twenty-one years of age; 7727

(3) Has completed a nine month, full-time internship in an 7728
approved school setting as described in rules adopted by the 7729
board. 7730

(E) If the entrance examiner finds that the applicant 7731
meets the requirements set forth in this section, the applicant 7732
shall be admitted to the appropriate examination. 7733

~~(E)~~ (F) The board shall adopt under Chapter 119. of the 7734
Revised Code rules for determining for the purposes of division 7735
~~(B) (2) (b)~~ (B) (2) (c) of this section whether a degree is 7736
equivalent to a degree in psychology from an institution in the 7737
United States. 7738

Sec. 4732.11. (A) (1) Each applicant for a license to 7739
practice as a psychologist shall be required to earn a score 7740
acceptable to the state board of psychology on an examination 7741
selected by the board. The applicant shall follow all necessary 7742
procedures and pay all necessary fees for the examination. An 7743
applicant who fails to earn a score acceptable to the board may 7744
be admitted to a subsequent examination no less than thirty days 7745
after the initial examination. After failing to earn a passing 7746
score three consecutive times, an applicant may not be admitted 7747
to the examination for a period of six months following the 7748
third examination attempt. An applicant who fails to achieve an 7749
acceptable score in nine attempts is not eligible for additional 7750
admissions to the examination, and the application shall be 7751
permanently closed. 7752

An applicant who achieves an acceptable score on the 7753
examination selected by the board as a candidate in another 7754

state or Canadian province before or after submitting an 7755
application to the board must cause the score to be submitted 7756
directly to the board's executive director. 7757

(2) The board may also require that an applicant for a 7758
license to practice as a psychologist earn a passing score on an 7759
examination that covers one or more of the following: 7760

(a) Chapter 4732. of the Revised Code; 7761

(b) Rules promulgated under Chapter 4732. of the Revised 7762
Code; 7763

(c) Related provisions of the Revised Code; 7764

(d) Professional ethical principles; 7765

(e) Professional standards of care. 7766

The examination may be administered orally or in writing 7767
in accordance with rules adopted by the board. 7768

(B) (1) Each applicant for a license to practice as ~~a~~an 7769
independent school psychologist licensed by the state board of 7770
psychology or school psychologist shall be required to earn a 7771
score acceptable to the board on an examination selected by the 7772
board. The applicant shall follow all necessary procedures and 7773
pay all necessary fees for the examination. 7774

(2) The board may also require that an applicant for a 7775
license to practice as ~~a~~an independent school psychologist or 7776
school psychologist licensed by the state board of psychology 7777
earn a passing score on an examination that covers one or more 7778
of the following: 7779

(a) Chapter 4732. of the Revised Code; 7780

(b) Rules promulgated under Chapter 4732. of the Revised 7781

Code;	7782
(c) Related provisions of the Revised Code;	7783
(d) Professional ethical principles;	7784
(e) Professional standards of care.	7785
The examination may be administered orally or in writing	7786
in accordance with rules adopted by the board.	7787
(C) The board may establish procedures designed to expose	7788
applicants to the subject matter of the examinations described	7789
in divisions (A) (2) and (B) (2) of this section.	7790
(D) The board shall appoint a school psychology	7791
examination committee responsible to the board. The committee	7792
shall consist of five school psychologists each of whom holds	7793
either of the following:	7794
(1) A school psychologist license issued under this	7795
chapter;	7796
(2) A psychologist license issued under this chapter and a	7797
certificate or license issued by the state board of education.	7798
Committee members shall be appointed by the state board of	7799
psychology for staggered five year terms, according to rules	7800
adopted by that board. The board may delegate to the committee	7801
authority to develop the examination described in division (B)	7802
(2) of this section and any procedures to be established under	7803
division (C) of this section.	7804
Sec. 4732.12. If an applicant for a license issued by the	7805
state board of psychology to practice as a psychologist, <u> </u>	7806
<u>independent school psychologist,</u> or school psychologist receives	7807
a score acceptable to the board on the appropriate examination	7808

required by section 4732.11 of the Revised Code and has paid the fee required by section 4732.15 of the Revised Code, the board shall issue the appropriate license.

Sec. 4732.13. A license issued by the state board of psychology shall remain active until it expires pursuant to section 4732.14 of the Revised Code, or is suspended, revoked, or placed in retired status. An active psychologist license shall entitle the holder to practice psychology. An active independent school psychologist license shall entitle the holder to practice independent school psychology. An active school psychologist license shall entitle the holder to practice school psychology.

Sec. 4732.14. (A) On or before the thirty-first day of August of each even-numbered year, each ~~person who holds an active license issued by the state board of psychology~~ licensed psychologist and licensed independent school psychologist shall register with the board in a format and manner prescribed by the board, giving the person's name, address, license number, the continuing education information required by section 4732.141 of the Revised Code, and such other reasonable information as the board requires. The person shall pay to the board a biennial registration fee, ~~as follows:~~

~~(1) From the effective date of this amendment through June 30, 2016, three hundred fifty dollars;~~

~~(2) From July 1, 2016, through June 30, 2020, three hundred sixty dollars;~~

~~(3) July 1, 2020, and thereafter~~ of three hundred sixty-five dollars.

A person licensed for the first time on or before the

thirtieth day of September of an even-numbered year shall next 7838
be required to register on or before the thirtieth day of 7839
September of the next even-numbered year. 7840

(B) On or before the thirty-first day of August of each 7841
year that ends with a zero or a five, each licensed school 7842
psychologist shall register with the board in a format and 7843
manner prescribed by the board, giving the school psychologist's 7844
name, address, license number, the continuing education 7845
information required by section 4732.141 of the Revised Code, 7846
and such other reasonable information as the board requires. The 7847
school psychologist shall pay to the board a quinquennial 7848
registration fee of three hundred dollars. 7849

The board may adopt rules providing for reductions of the 7850
registration fee required by this section for school 7851
psychologists registering after their first registration period, 7852
if the initial registration was less than five years. 7853

(C) Before the first day of August of each even-numbered 7854
year, the board shall send a notice to each ~~license~~ 7855
~~holder~~ licensed psychologist or licensed independent school 7856
psychologist, whether a resident or not, at the license holder's 7857
last provided official mailing address, that the license 7858
holder's continuing education compliance must be completed on or 7859
before the last day of August and the biennial registration form 7860
and fee are due on or before the last day of September. A 7861
license of any ~~license holder~~ psychologist or independent school 7862
psychologist shall automatically expire if any of the following 7863
are not received on or before the thirtieth day of September of 7864
a renewal year: 7865

(1) The biennial registration fee; 7866

(2) The registration form;	7867
(3) A report of compliance with continuing education requirements.	7868 7869
Within five years thereafter, the board may reinstate any expired <u>psychologist or independent school psychologist</u> license upon payment of the current registration fee and a penalty fee established by the board, not to exceed two hundred fifty dollars, and receipt of the registration form completed by the registrant in accordance with this section and section 4732.141 of the Revised Code or in accordance with any modifications authorized by the board under division (F) of section 4732.141 of the Revised Code.	7870 7871 7872 7873 7874 7875 7876 7877 7878
The board may by rule waive the payment of the registration fee and completion of the continuing psychology education required by section 4732.141 of the Revised Code by a license holder <u>psychologist or independent school psychologist</u> when the license holder is on active duty in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state.	7879 7880 7881 7882 7883 7884 7885 7886
An individual who has had a license placed on retired status under section 4732.142 of the Revised Code may seek reinstatement of the license in accordance with rules adopted by the board.	7887 7888 7889 7890
<u>(D) Before the first day of August of each year that ends with a zero or a five, the board shall send a notice to each licensed school psychologist, whether a resident or not, at the school psychologist's last provided official mailing address, that the school psychologist's continuing education compliance</u>	7891 7892 7893 7894 7895

must be completed on or before the last day of August and the 7896
quinquennial registration form and fee are due on or before the 7897
last day of September. A license of any school psychologist 7898
shall automatically expire if any of the following are not 7899
received on or before the thirtieth day of September of a 7900
renewal year: 7901

(1) The quinquennial registration fee; 7902

(2) The registration form; 7903

(3) A report of compliance with continuing education 7904
requirements. 7905

Within five years thereafter, the board may reinstate any 7906
expired school psychologist license upon payment of the current 7907
registration fee and a penalty fee established by the board, not 7908
to exceed two hundred fifty dollars, and receipt of the 7909
registration form completed by the registrant in accordance with 7910
this section and section 4732.141 of the Revised Code or in 7911
accordance with any modifications authorized by the board under 7912
division (F) of section 4732.141 of the Revised Code. 7913

The board may by rule waive the payment of the 7914
registration fee and completion of the continuing psychology 7915
education required by section 4732.141 of the Revised Code by a 7916
school psychologist when the school psychologist is on active 7917
duty in the armed forces of the United States or a reserve 7918
component of the armed forces of the United States, including 7919
the Ohio national guard or the national guard of any other 7920
state. 7921

A school psychologist who has had a license placed on 7922
retired status under section 4732.142 of the Revised Code may 7923
seek reinstatement of the license in accordance with rules 7924

adopted by the board. 7925

~~(C)~~ (E) Each license holder licensed psychologist, 7926
licensed independent school psychologist, and licensed school 7927
psychologist shall notify the executive director of any change 7928
in the license holder's official mailing address, office 7929
address, or employment within sixty days of such change. 7930

Sec. 4732.141. ~~(A) (1)~~ (A) (1) (a) Except as provided in 7931
division (D) of this section, on or before the thirty-first day 7932
of August of each even-numbered year, each person who holds a 7933
psychologist or independent school psychologist license issued 7934
by the state board of psychology shall have completed, in the 7935
preceding two-year period, not less than twenty-three hours of 7936
continuing education in psychology, including not less than four 7937
hours of continuing education in one or more of the following: 7938

~~(a)~~ (i) Professional conduct; 7939

~~(b)~~ (ii) Ethics; 7940

~~(c)~~ (iii) The role of culture, ethnic identity, or both in 7941
the provision of psychological assessment, consultation, or 7942
psychological interventions, or a combination thereof. 7943

(b) Except as provided in division (D) of this section, on 7944
or before the thirty-first day of August of each year ending in 7945
zero or five, each person who holds a school psychologist 7946
license issued by the state board of psychology shall have 7947
completed, in the preceding five-year period, not less than 7948
fifty hours of continuing education in psychology, including not 7949
less than four hours of continuing education in one or more of 7950
the following: 7951

(i) Professional conduct; 7952

(ii) Ethics; 7953

(iii) The role of culture, ethnic identity, or both in the 7954
provision of psychological assessment, consultation, or 7955
psychological interventions, or a combination thereof. 7956

(2) Each license holder shall certify to the board, at the 7957
time of biennial or quinquennial registration pursuant to 7958
section 4732.14 of the Revised Code and on the registration form 7959
prescribed by the board under that section, that in the 7960
preceding two ~~years~~ or five-year period, as applicable, the 7961
license holder has completed continuing psychology education in 7962
compliance with this section. The board shall adopt rules 7963
establishing the procedure for a license holder to certify to 7964
the board and for properly recording with the Ohio psychological 7965
association or the Ohio school psychologists association 7966
completion of the continuing education. 7967

(B) Continuing psychology education may be applied to meet 7968
the requirement of division (A) of this section if both of the 7969
following requirements are met: 7970

(1) It is obtained through a program or course approved by 7971
the state board of psychology, the Ohio psychological 7972
association, the Ohio association of black psychologists, or the 7973
American psychological association or, in the case of ~~a~~ an 7974
independent school psychologist or school psychologist ~~who holds~~ 7975
~~a license issued under this chapter~~ or a licensed psychologist 7976
with a school psychology specialty, by the state board of 7977
education, the Ohio school psychologists association, or the 7978
national association of school psychologists; 7979

(2) Completion of the program or course is recorded with 7980
the Ohio psychological association or the Ohio school 7981

psychologists association in accordance with rules adopted by 7982
the state board of psychology in accordance with division (A) of 7983
this section. 7984

The state board of psychology may disapprove any program 7985
or course that has been approved by the Ohio psychological 7986
association, Ohio association of black psychologists, American 7987
psychological association, state board of education, Ohio school 7988
psychologists association, or national association of school 7989
psychologists. Such program or course may not be applied to meet 7990
the requirement of division (A) of this section. 7991

(C) Each license holder shall be given a sufficient choice 7992
of continuing education programs or courses in psychology, 7993
including programs or courses on professional conduct and ethics 7994
when required under division (A) (2) of this section, to ensure 7995
that the license holder has had a reasonable opportunity to 7996
participate in programs or courses that are relevant to the 7997
license holder's practice in terms of subject matter and level. 7998

(D) The board shall adopt rules providing for reductions 7999
of the hours of continuing psychology education required by this 8000
section for license holders in their first registration period. 8001

(E) Each license holder shall retain in the license 8002
holder's records for at least three years the receipts, 8003
vouchers, or certificates necessary to document completion of 8004
continuing psychology education. Proof of continuing psychology 8005
education recorded with the Ohio psychological association or 8006
the Ohio school psychologists association in accordance with the 8007
procedures established pursuant to division (A) of this section 8008
shall serve as sufficient documentation of completion. With 8009
cause, the board may request the documentation from the license 8010
holder. The board may review any continuing psychology education 8011

records recorded by the Ohio psychological association or the 8012
Ohio school psychologists association. 8013

(F) The board may excuse license holders, as a group or as 8014
individuals, from all or any part of the requirements of this 8015
section because of an unusual circumstance, emergency, or 8016
special hardship. 8017

(G) The state board of psychology shall approve one or 8018
more continuing education courses of study that assist 8019
psychologists, independent school psychologists, and school 8020
psychologists in recognizing the signs of domestic violence and 8021
its relationship to child abuse. Psychologists, independent 8022
school psychologists, and school psychologists are not required 8023
to take the courses. 8024

(H) The board may require a license holder to evidence 8025
completion of specific continuing education coursework as part 8026
of the process of registering or continuing to register a person 8027
working under the license holder's supervision under division 8028
(B) of section 4732.22 of the Revised Code and conducting 8029
psychological or psychological work or training supervision. 8030
Procedures for the completion, verification, and documentation 8031
of such continuing education shall be specified in rules adopted 8032
by the board. A license holder completing this continuing 8033
education may receive credit toward the four-hour requirement in 8034
division (A) (1) of this section during the next continuing 8035
education period following the completion of this continuing 8036
education. 8037

Sec. 4732.142. (A) The holder of a license issued under 8038
this chapter who retires from the practice of psychology, 8039
independent school psychology, or school psychology may request 8040
during the biennial or quinquennial license registration process 8041

that the license holder's license be placed in "licensed 8042
psychologist-retired," "licensed independent school 8043
psychologist-retired," or "licensed school psychologist-retired" 8044
status. Once the license is placed in retired status, the 8045
license holder shall not practice psychology, independent school 8046
psychology, or school psychology in this state. A license holder 8047
selecting this status shall pay to the state board of psychology 8048
a fee of fifty dollars. 8049

(B) Procedures for reinstating a retired license shall be 8050
established in rules adopted by the board. 8051

Sec. 4732.17. (A) Subject to division (F) of this section 8052
and except as provided in division (G) of this section, the 8053
state board of psychology may take any of the actions specified 8054
in division (C) of this section against an applicant for or a 8055
person who holds a license issued under this chapter on any of 8056
the following grounds as applicable: 8057

(1) Conviction, including a plea of guilty or no contest, 8058
of a felony, or of any offense involving moral turpitude, in a 8059
court of this or any other state or in a federal court; 8060

(2) A judicial finding of eligibility for intervention in 8061
lieu of conviction for a felony or any offense involving moral 8062
turpitude in a court of this or any other state or in a federal 8063
court; 8064

(3) Using fraud or deceit in the procurement of the 8065
license to practice psychology, independent school psychology, 8066
or school psychology or knowingly assisting another in the 8067
procurement of such a license through fraud or deceit; 8068

(4) Accepting commissions or rebates or other forms of 8069
remuneration for referring persons to other professionals; 8070

- (5) Willful, unauthorized communication of information 8071
received in professional confidence; 8072
- (6) Being negligent in the practice of psychology, 8073
independent school psychology, or school psychology; 8074
- (7) Inability to practice according to acceptable and 8075
prevailing standards of care by reason of a mental, emotional, 8076
physiological, or pharmacological condition or substance abuse; 8077
- (8) Subject to section 4732.28 of the Revised Code, 8078
violating any rule of professional conduct promulgated by the 8079
board; 8080
- (9) Practicing in an area of psychology for which the 8081
person is clearly untrained or incompetent; 8082
- (10) An adjudication by a court, as provided in section 8083
5122.301 of the Revised Code, that the person is incompetent for 8084
the purpose of holding the license. Such person may have the 8085
person's license issued or restored only upon determination by a 8086
court that the person is competent for the purpose of holding 8087
the license and upon the decision by the board that such license 8088
be issued or restored. The board may require an examination 8089
prior to such issuance or restoration. 8090
- (11) Waiving the payment of all or any part of a 8091
deductible or copayment that a patient, pursuant to a health 8092
insurance or health care policy, contract, or plan that covers 8093
psychological services, would otherwise be required to pay if 8094
the waiver is used as an enticement to a patient or group of 8095
patients to receive health care services from that provider; 8096
- (12) Advertising that the person will waive the payment of 8097
all or any part of a deductible or copayment that a patient, 8098
pursuant to a health insurance or health care policy, contract, 8099

or plan that covers psychological services, would otherwise be	8100
required to pay;	8101
(13) Any of the following actions taken by the agency	8102
responsible for authorizing or certifying the person to practice	8103
or regulating the person's practice of a health care occupation	8104
or provision of health care services in this state or another	8105
jurisdiction, as evidenced by a certified copy of that agency's	8106
records and findings for any reason other than the nonpayment of	8107
fees:	8108
(a) Limitation, revocation, or suspension of the person's	8109
license to practice;	8110
(b) Acceptance of the person's license surrender;	8111
(c) Denial of a license to the person;	8112
(d) Refuse to renew or reinstate the person's license;	8113
(e) Imposition of probation on the person;	8114
(f) Issuance of an order of censure or other reprimand	8115
against the person;	8116
(g) Other negative action or finding against the person	8117
about which information is available to the public.	8118
(14) Offering or rendering psychological services after a	8119
license issued under this chapter has expired due to a failure	8120
to timely register under section 4732.14 of the Revised Code or	8121
complete continuing education requirements;	8122
(15) Offering or rendering psychological services after a	8123
license issued under this chapter has been placed in retired	8124
status pursuant to section 4732.142 of the Revised Code;	8125
(16) Unless the person is a <u>an independent school</u>	8126

psychologist or school psychologist licensed by the state board	8127
of education under this chapter:	8128
(a) Offering or rendering <u>independent school psychological</u>	8129
<u>or school</u> psychological services after a license issued under	8130
this chapter has expired due to a failure to timely register	8131
under section 4732.14 of the Revised Code or complete continuing	8132
education requirements;	8133
(b) Offering or rendering <u>independent school psychological</u>	8134
<u>or school</u> psychological services after a license issued under	8135
this chapter has been placed in retired status pursuant to	8136
section 4732.142 of the Revised Code.	8137
(17) Violating any adjudication order or consent agreement	8138
adopted by the board;	8139
(18) Failure to submit to mental, cognitive, substance	8140
abuse, or medical evaluations, or a combination of these	8141
evaluations, ordered by the board under division (E) of this	8142
section.	8143
(B) Notwithstanding divisions (A) (11) and (12) of this	8144
section, sanctions shall not be imposed against any license	8145
holder who waives deductibles and copayments:	8146
(1) In compliance with the health benefit plan that	8147
expressly allows such a practice. Waiver of the deductibles or	8148
copays shall be made only with the full knowledge and consent of	8149
the plan purchaser, payer, and third-party administrator. Such	8150
consent shall be made available to the board upon request.	8151
(2) For professional services rendered to any other person	8152
licensed pursuant to this chapter to the extent allowed by this	8153
chapter and the rules of the board.	8154

(C) For any of the reasons specified in division (A) of	8155
this section, the board may do one or more of the following:	8156
(1) Refuse to issue a license to an applicant;	8157
(2) Issue a reprimand to a license holder;	8158
(3) Suspend the license of a license holder;	8159
(4) Revoke the license of a license holder;	8160
(5) Limit or restrict the areas of practice of an	8161
applicant or a license holder;	8162
(6) Require mental, substance abuse, or physical	8163
evaluations, or any combination of these evaluations, of an	8164
applicant or a license holder;	8165
(7) Require remedial education and training of an	8166
applicant or a license holder.	8167
(D) When it revokes the license of a license holder under	8168
division (C)(4) of this section, the board may specify that the	8169
revocation is permanent. An individual subject to permanent	8170
revocation is forever thereafter ineligible to hold a license,	8171
and the board shall not accept an application for reinstatement	8172
of the license or issuance of a new license.	8173
(E) When the board issues a notice of opportunity for a	8174
hearing on the basis of division (A)(7) of this section, the	8175
supervising member of the board, with cause and upon	8176
consultation with the board's executive director and the board's	8177
legal counsel, may compel the applicant or license holder to	8178
submit to mental, cognitive, substance abuse, or medical	8179
evaluations, or a combination of these evaluations, by a person	8180
or persons selected by the board. Notice shall be given to the	8181
applicant or license holder in writing signed by the supervising	8182

member, the executive director, and the board's legal counsel. 8183
The applicant or license holder is deemed to have given consent 8184
to submit to these evaluations and to have waived all objections 8185
to the admissibility of testimony or evaluation reports that 8186
constitute a privileged communication. The expense of the 8187
evaluation or evaluations shall be the responsibility of the 8188
applicant or license holder who is evaluated. 8189

(F) Before the board may take action under this section, 8190
written charges shall be filed with the board by the secretary 8191
and a hearing shall be had thereon in accordance with Chapter 8192
119. of the Revised Code, except as follows: 8193

(1) On receipt of a complaint that any of the grounds 8194
listed in division (A) of this section exist, the state board of 8195
psychology may suspend a license issued under this chapter prior 8196
to holding a hearing in accordance with Chapter 119. of the 8197
Revised Code if it determines, based on the complaint, that 8198
there is an immediate threat to the public. A telephone 8199
conference call may be used to conduct an emergency meeting for 8200
review of the matter by a quorum of the board, taking the vote, 8201
and memorializing the action in the minutes of the meeting. 8202

After suspending a license pursuant to division (F)(1) of 8203
this section, the board shall notify the license holder of the 8204
suspension in accordance with section 119.07 of the Revised 8205
Code. If the individual whose license is suspended fails to make 8206
a timely request for an adjudication under Chapter 119. of the 8207
Revised Code, the board shall enter a final order permanently 8208
revoking the license. 8209

(2) The board shall adopt rules establishing a case 8210
management schedule for pre-hearing procedures by the hearing 8211
examiner or presiding board member. The schedule shall include 8212

applicable deadlines related to the hearing process, including	8213
all of the following:	8214
(a) The date of the hearing;	8215
(b) The date for the disclosure of witnesses and exhibits;	8216
(c) The date for the disclosure of the identity of expert	8217
witnesses and the exchange of written reports;	8218
(d) The deadline for submitting a request for the issuance	8219
of a subpoena for the hearing as provided under Chapter 119. of	8220
the Revised Code and division (F) (4) of this section.	8221
(3) Either party to the hearing may submit a written	8222
request to the other party for a list of witnesses and copies of	8223
documents intended to be introduced at the hearing. The request	8224
shall be in writing and shall be served not less than thirty-	8225
seven days prior to the hearing, unless the hearing officer or	8226
presiding board member grants an extension of time to make the	8227
request. Not later than thirty days before the hearing, the	8228
responding party shall provide the requested list of witnesses,	8229
summary of their testimony, and copies of documents to the	8230
requesting party, unless the hearing officer or presiding board	8231
member grants an extension. Failure to timely provide a list or	8232
copies requested in accordance with this section may, at the	8233
discretion of the hearing officer or presiding board member,	8234
result in exclusion from the hearing of the witnesses,	8235
testimony, or documents.	8236
(4) In addition to subpoenas for the production of books,	8237
records, and papers requested under Chapter 119. of the Revised	8238
Code, either party may ask the board to issue a subpoena for the	8239
production of other tangible items.	8240
The person subject to a subpoena for the production of	8241

books, records, papers, or other tangible items shall respond to 8242
the subpoena at least twenty days prior to the date of the 8243
hearing. If a person fails to respond to a subpoena issued by 8244
the board, after providing reasonable notice to the person, the 8245
board, the hearing officer, or both may proceed with enforcement 8246
of the subpoena pursuant to section 119.09 of the Revised Code. 8247

(G) The board shall not refuse to issue a license to an 8248
applicant because of a conviction or plea of guilty or no 8249
contest to an offense or a judicial finding of eligibility for 8250
intervention in lieu of conviction, unless the refusal is in 8251
accordance with section 9.79 of the Revised Code. 8252

Sec. 4732.171. (A) Except as provided in division (B) of 8253
this section, if, at the conclusion of a hearing required by 8254
section 4732.17 of the Revised Code, the state board of 8255
psychology determines that a licensed psychologist, licensed 8256
independent school psychologist, or licensed school psychologist 8257
~~licensed by the state board of psychology~~ has engaged in sexual 8258
conduct or had sexual contact with the license holder's patient 8259
or client in violation of any prohibition contained in Chapter 8260
2907. of the Revised Code, the board shall do one of the 8261
following: 8262

- (1) Suspend the license holder's license; 8263
- (2) Permanently revoke the license holder's license. 8264

(B) If it determines at the conclusion of the hearing that 8265
neither of the sanctions described in division (A) of this 8266
section is appropriate, the board shall impose another sanction 8267
it considers appropriate and issue a written finding setting 8268
forth the reasons for the sanction imposed and the reason that 8269
neither of the sanctions described in division (A) of this 8270

section is appropriate. 8271

Sec. 4732.173. (A) The state board of psychology may 8272
approve or establish a colleague assistance program for the 8273
purpose of affording holders of licenses issued under this 8274
chapter, license applicants, and persons subject to discipline 8275
pursuant to division (B) of section 4731.22 of the Revised Code 8276
access to all of the following: 8277

(1) Resources concerning the prevention of distress; 8278

(2) Evaluation and intervention services concerning 8279
mental, emotional, substance use, and other conditions that may 8280
impair competence, objectivity, and judgment in the provision of 8281
psychological, independent school psychological, or school 8282
psychological services; 8283

(3) Consultation and mentoring services for practice 8284
oversight and remediation of professional skill deficits. 8285

The board may compel a license holder, applicant, or 8286
registered person to participate in the program in conjunction 8287
with the board's actions under section 4732.17 of the Revised 8288
Code. 8289

(B) If a program is approved or established, the board 8290
shall adopt rules specifying the circumstances under which self- 8291
referred participants may receive confidential services from the 8292
program. 8293

Sec. 4732.18. At any time after the suspension or 8294
revocation of a license, the state board of psychology may 8295
restore the license upon the written finding by the board that 8296
circumstances so warrant. At the time it restores a license, the 8297
board may impose restrictions and limitations on the practice of 8298
the license holder. 8299

The board may require a person seeking restoration of a license to submit to mental, substance abuse, cognitive, or physical evaluations, or a combination of these evaluations. Evaluations shall be conducted by qualified individuals selected by the board. The costs of any evaluative processes shall be paid by the applicant for restoration. A person requesting restoration of a license is deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

As a further condition of license restoration, the board may require the applicant to do both of the following:

(A) Take the examination selected by the board under section 4732.11 of the Revised Code and receive a score acceptable to the board;

(B) Participate in board processes designed to expose the applicant to Chapter 4732. of the Revised Code and rules promulgated thereunder, which may include passing a written or oral examination on the Ohio laws and rules governing psychologists, independent school psychologists, and school psychologists.

Sec. 4732.19. The confidential relations and communications between a licensed psychologist, licensed independent school psychologist, or licensed school psychologist and client are placed upon the same basis as those between physician and patient under division (B) of section 2317.02 of the Revised Code. Nothing in this chapter shall be construed to require any such privileged communication to be disclosed.

Sec. 4732.20. This chapter does not authorize any person 8329
to engage in any of the acts which are regarded as practicing 8330
medicine under section 4731.34 of the Revised Code. In order to 8331
make provision for the diagnosis and treatment of medical 8332
problems, a licensed psychologist engaging in psychological 8333
psychotherapy with clients shall maintain a consultative 8334
relationship with a physician licensed to practice medicine by 8335
this state. The practice of psychology, the practice of 8336
independent school psychology, the practice of school 8337
psychology, or the use of psychological procedures does not 8338
include the diagnosis or correction of optical defects or 8339
conditions through the utilization of optical principles, 8340
including optical devices or orthoptics. 8341

Sec. 4732.21. Except as provided in section 4732.22 of the 8342
Revised Code: 8343

(A) No person who is not a licensed psychologist shall 8344
offer or render services as a psychologist or otherwise engage 8345
in the practice of psychology. 8346

(B) No person who is not a licensed psychologist, ~~a~~ 8347
~~licensed independent school psychologist, or licensed school~~ 8348
~~psychologist licensed by the state board of psychology, or a~~ 8349
~~school psychologist licensed by the state board of education~~ 8350
shall offer or render services as a school psychologist or 8351
otherwise engage in the practice of school psychology. 8352

Sec. 4732.22. (A) The following persons are exempted from 8353
the licensing requirements of this chapter: 8354

(1) ~~A person who holds a license or certificate issued by~~ 8355
~~the state board of education authorizing the practice of school~~ 8356
~~psychology, while practicing school psychology within the scope~~ 8357

~~of employment by a board of education or by a private school- 8358~~
~~meeting the standards prescribed by the state board of education- 8359~~
~~under division (D) of section 3301.07 of the Revised Code, or- 8360~~
~~while acting as a school psychologist within the scope of- 8361~~
~~employment in a program for children with disabilities- 8362~~
~~established under Chapter 3323. or 5126. of the Revised Code. A- 8363~~
~~person exempted under this division shall not offer- 8364~~
~~psychological services to any other individual, organization, or- 8365~~
~~group for remuneration, monetary or otherwise, unless the person- 8366~~
~~is licensed by the state board of psychology. 8367~~

~~(2)~~ Any nonresident temporarily employed in this state to 8368
render psychological services for not more than thirty days a 8369
year, who, in the opinion of the board, meets the standards for 8370
entrance in division (B) of section 4732.10 of the Revised Code, 8371
who has paid the required fee and submitted an application 8372
prescribed by the board, and who holds whatever license or 8373
certificate, if any, is required for such practice in the 8374
person's home state or home country. 8375

~~(3)~~ (2) Any person working under the supervision of a 8376
psychologist, independent school psychologist, or school 8377
psychologist licensed under this chapter, while carrying out 8378
specific tasks, under the license holder's supervision, as an 8379
extension of the license holder's legal and ethical authority as 8380
specified under this chapter if the person is registered under 8381
division (B) of this section. All fees shall be billed under the 8382
name of the license holder. The person working under the license 8383
holder's supervision shall not represent self to the public as a 8384
psychologist, independent school psychologist, or school 8385
psychologist, although supervised persons and persons in 8386
training may be ascribed such titles as "psychology trainee," 8387
"psychology assistant," "psychology intern," or other 8388

appropriate term that clearly implies their supervised or 8389
training status. 8390

~~(4)~~ (3) Any student in an accredited educational 8391
institution, while carrying out activities that are part of the 8392
student's prescribed course of study, provided such activities 8393
are supervised by a professional person who is qualified to 8394
perform such activities and is licensed under this chapter or is 8395
a qualified supervisor pursuant to rules of the board; 8396

~~(5)~~ (4) Recognized religious officials, including 8397
ministers, priests, rabbis, imams, Christian science 8398
practitioners, and other persons recognized by the board, 8399
conducting counseling when the counseling activities are within 8400
the scope of the performance of their regular duties and are 8401
performed under the auspices or sponsorship of an established 8402
and legally cognizable religious denomination or sect, as 8403
defined in current federal tax regulations, and when the 8404
religious official does not refer to the official's self as a 8405
psychologist and remains accountable to the established 8406
authority of the religious denomination or sect; 8407

~~(6)~~ (5) Persons in the employ of the federal government 8408
insofar as their activities are a part of the duties of their 8409
positions; 8410

~~(7)~~ (6) Persons licensed, certified, or registered under 8411
any other provision of the Revised Code who are practicing those 8412
arts and utilizing psychological procedures that are allowed and 8413
within the standards and ethics of their profession or within 8414
new areas of practice that represent appropriate extensions of 8415
their profession, provided that they do not hold themselves out 8416
to the public by the title of psychologist; 8417

~~(8)~~ (7) Persons using the term "social psychologist," 8418
"experimental psychologist," "developmental psychologist," 8419
"research psychologist," "cognitive psychologist," and other 8420
terms used by those in academic and research settings who 8421
possess a doctoral degree in psychology from an educational 8422
institution accredited or recognized by national or regional 8423
accrediting agencies as maintaining satisfactory standards and 8424
who do not use such a term in the solicitation or rendering of 8425
professional psychological services. 8426

(B) The license holder who is supervising a person 8427
described in division ~~(A) (3)~~ (A) (2) of this section shall 8428
register the person with the board. The board shall adopt rules 8429
regarding the registration process and the supervisory 8430
relationship. 8431

Sec. 4732.221. A nonresident applicant seeking a review of 8432
qualifications and permission of the state board of psychology 8433
to practice psychology in Ohio for no more than thirty days per 8434
year under division ~~(A) (2)~~ (A) (1) of section 4732.22 of the 8435
Revised Code shall pay a fee established by the board of not 8436
less than seventy-five dollars and not more than one hundred 8437
fifty dollars, no part of which shall be returned. The board may 8438
adopt rules for the purpose of recognizing a nonresident's 8439
interjurisdictional practice credentials granted by the 8440
association of state and provincial psychology boards and other 8441
relevant professional organizations. 8442

Sec. 4732.24. On complaint by the state board of 8443
psychology, the unlawful practice of psychology, independent 8444
school psychology, or school psychology may be enjoined by the 8445
common pleas court of the county in which such practice is 8446
occurring. 8447

Sec. 4732.31. (A) The state board of psychology shall 8448
provide access to the following information through the 8449
internet: 8450

(1) The names of all licensed psychologists ~~and all,~~ 8451
licensed independent school psychologists, and licensed school 8452
psychologists licensed by the state board of psychology; 8453

(2) The names of all licensed psychologists ~~and all,~~ 8454
licensed independent school psychologists, and licensed school 8455
psychologists licensed by the state board of psychology who have 8456
been reprimanded by the board for misconduct, the names of all 8457
licensed psychologists~~,~~ licensed independent school 8458
psychologists, or licensed school psychologists licensed by the 8459
state board of psychology whose licenses are under an active 8460
suspension imposed for misconduct, the names of all former 8461
licensed psychologists~~,~~ licensed independent school 8462
psychologists, and licensed school psychologists licensed by the 8463
state board of psychology whose licenses have been suspended or 8464
revoked for misconduct, and the reason for each reprimand, 8465
suspension, or revocation; 8466

(3) Written findings made under division (B) of section 8467
4732.171 of the Revised Code. 8468

(B) Division (A)(2) of this section does not apply to a 8469
suspension of the license of a psychologist, independent school 8470
psychologist, or school psychologist that is an automatic 8471
suspension imposed under section 4732.14 of the Revised Code. 8472

Sec. 4732.33. (A) The state board of psychology shall 8473
adopt rules governing the use of telepsychology for the purpose 8474
of protecting the welfare of recipients of telepsychology 8475
services and establishing requirements for the responsible use 8476

of telepsychology in the practice of psychology, independent 8477
school psychology, and school psychology, including supervision 8478
of persons registered with the state board of psychology as 8479
described in division (B) of section 4732.22 of the Revised 8480
Code. The rules adopted by the board shall be consistent with 8481
section 4743.09 of the Revised Code. The rules are not subject 8482
to the requirements of division (F) of section 121.95 of the 8483
Revised Code. 8484

(B) A psychologist, independent school psychologist, or 8485
school psychologist may provide telehealth services in 8486
accordance with section 4743.09 of the Revised Code. 8487

Sec. 4734.211. (A) In consultation with the state medical 8488
board, the state chiropractic board shall approve courses of 8489
study in acupuncture that prepare a chiropractor licensed under 8490
this chapter to receive a certificate to practice acupuncture 8491
issued under section 4734.283 of the Revised Code. 8492

(B) To be approved, a course of study must require the 8493
successful completion of at least ~~three~~two hundred hours of 8494
instruction. Of the ~~three~~two hundred hours of instruction, at 8495
least ~~two~~one hundred hours must consist of direct clinical 8496
instruction that covers all of the following: 8497

- (1) Application of acupuncture techniques; 8498
- (2) An introduction to traditional Chinese acupuncture; 8499
- (3) Acupuncture points; 8500
- (4) Applications of acupuncture in modern western 8501
medicine; 8502
- (5) Guidelines on safety in acupuncture; 8503
- (6) Treatment techniques. 8504

(C) In determining whether to approve a course of study, 8505
the state chiropractic board shall take into consideration the 8506
qualifications of the entity that administers the course of 8507
study. The board may approve a course of study that is 8508
administered by any of the following: 8509

(1) A school or college of chiropractic that has been 8510
approved by a national entity acceptable to the board; 8511

(2) An institution with an acupuncture program that is 8512
accredited by the accreditation commission for acupuncture and 8513
oriental medicine; 8514

(3) A school or college of medicine and surgery, 8515
osteopathic medicine and surgery, or podiatric medicine and 8516
surgery; 8517

(4) A hospital; 8518

(5) An institution that holds a certificate of 8519
authorization from the board of regents; 8520

(6) An institution that holds program authorization from 8521
the state board of career colleges and schools under section 8522
3332.05 of the Revised Code. 8523

Sec. 4735.27. (A) An application to act as a foreign real 8524
estate dealer shall be in writing and filed with the 8525
superintendent of real estate. It shall be in the form the 8526
superintendent prescribes and shall contain the following 8527
information: 8528

(1) The name and address of the applicant; 8529

(2) ~~A description of the applicant, including, if~~ If the 8530
applicant is a partnership, unincorporated association, or any 8531
similar form of business organization, the names and the 8532

residence and business addresses of all partners, officers, 8533
directors, trustees, or managers of the organization, and the 8534
limitation of the liability of any partner or member; ~~and or~~ if 8535
the applicant is a corporation, a list of its officers and 8536
directors, and the residence and business addresses of each, 8537
and, if it is a foreign corporation, a copy of its articles of 8538
incorporation in addition; 8539

(3) The location and addresses of the principal office and 8540
all other offices of the applicant; 8541

(4) A general description of the business of the applicant 8542
prior to the application, including a list of states in which 8543
the applicant is a licensed foreign real estate dealer; 8544

(5) The names and addresses of all salespersons of the 8545
applicant at the date of the application; 8546

(6) The nature of the business of the applicant, and its 8547
places of business, for the ten-year period preceding the date 8548
of application. 8549

(B) Every nonresident applicant shall name a person within 8550
this state upon whom process against the applicant may be served 8551
and shall give the complete residence and business address of 8552
the person designated. Every applicant shall file an irrevocable 8553
written consent, executed and acknowledged by an individual duly 8554
authorized to give such consent, that actions growing out of a 8555
fraud committed by the applicant in connection with the sale in 8556
this state of foreign real estate may be commenced against it, 8557
in the proper court of any county in this state in which a cause 8558
of action for such fraud may arise or in which the plaintiff in 8559
such action may reside, by serving on the secretary of state any 8560
proper process or pleading authorized by the laws of this state, 8561

in the event that the applicant if a resident of this state, or 8562
the person designated by the nonresident applicant, cannot be 8563
found at the address given. The consent shall stipulate that the 8564
service of process on the secretary of state shall be taken in 8565
all courts to be as valid and binding as if service had been 8566
made upon the foreign real estate dealer. If the applicant is a 8567
corporation or an unincorporated association, the consent shall 8568
be accompanied by a certified copy of the resolution of the 8569
board of directors, trustees, or managers of the corporation or 8570
association, authorizing such individual to execute the consent. 8571

(C) The superintendent may investigate any applicant for a 8572
dealer's license, and may require any additional information the 8573
superintendent considers necessary to determine the 8574
qualifications of the applicant to act as a foreign real estate 8575
dealer. If the application for a dealer's license involves 8576
investigation outside this state, the superintendent may require 8577
the applicant to advance sufficient funds to pay any of the 8578
actual expenses of the investigation, and an itemized statement 8579
of such expense shall be furnished to the applicant. 8580

(D) Every applicant shall take a written examination, 8581
prescribed and conducted by the superintendent, which covers the 8582
applicant's knowledge of the principles of real estate practice, 8583
real estate law, financing and appraisal, real estate 8584
transactions and instruments relating to them, canons of 8585
business ethics relating to real estate transactions, and the 8586
duties of foreign real estate dealers and salespersons. The fee 8587
for the examination, when administered by the superintendent, is 8588
one hundred one dollars. If the applicant does not appear for 8589
the examination, the fee shall be forfeited and a new 8590
application and fee shall be filed, unless good cause for the 8591
failure to appear is shown to the superintendent. The 8592

requirement of an examination may be waived in whole or in part 8593
by the superintendent if an applicant is licensed as a real 8594
estate broker by any state. 8595

Any applicant who fails the examination twice shall wait 8596
six months before applying to retake the examination. 8597

(E) No person shall take the foreign real estate dealer's 8598
examination who has not established to the satisfaction of the 8599
superintendent that the person: 8600

(1) Has not been convicted of a disqualifying offense as 8601
determined in accordance with section 9.79 of the Revised Code; 8602

(2) Has not been finally adjudged by a court to have 8603
violated any municipal, state, or federal civil rights laws 8604
relevant to the protection of purchasers or sellers of real 8605
estate or, if the applicant has been so adjudged, at least two 8606
years have passed since the court decision and the 8607
superintendent has disregarded the adjudication because the 8608
applicant has proven, by a preponderance of the evidence, that 8609
the applicant's activities and employment record since the 8610
adjudication show that the applicant is honest and truthful, and 8611
there is no basis in fact for believing that the applicant again 8612
will violate the laws involved; 8613

(3) Has not, during any period for which the applicant was 8614
licensed under this chapter or any former section of the Revised 8615
Code applicable to licensed foreign real estate dealers or 8616
salespersons, violated any provision of, or any rule adopted 8617
pursuant to, this chapter or that section, or, if the applicant 8618
has violated any such provision or rule, has established to the 8619
satisfaction of the superintendent that the applicant will not 8620
again violate the provision or rule. 8621

(F) If the superintendent finds that an applicant for a license as a foreign real estate dealer, or each named member, manager, or officer of a partnership, association, or corporate applicant is at least eighteen years of age, has passed the examination required under this section or has had the requirement of an examination waived, and appears otherwise qualified, the superintendent shall issue a license to the applicant to engage in business in this state as a foreign real estate dealer. Dealers licensed pursuant to this section shall employ as salespersons of foreign real estate only persons licensed pursuant to section 4735.28 of the Revised Code. If at any time such salespersons resign or are discharged or new salespersons are added, the dealer forthwith shall notify the superintendent and shall file with the division of real estate the names and addresses of new salespersons.

(G) If the applicant merely is renewing the applicant's license for the previous year, the application need contain only the information required by divisions (A) (2), (3), and (6) of this section.

Sec. 4741.17. (A) Applicants or registrants shall pay to the state veterinary medical licensing board:

(1) ~~For~~ Except as otherwise provided in division (B) of this section, for an initial veterinary license, on or after the first day of March in an even-numbered year, four two hundred twenty five seventy-five dollars, and on or after the first day of March in an odd-numbered year, three hundred dollars;

(2) For an initial limited license to practice veterinary medicine for an intern, resident in a veterinary specialty, or graduate student, thirty-five dollars;

(3) For an initial limited license to practice veterinary medicine for an instructor, researcher, or diagnostician, one hundred fifty-five dollars; 8651
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(4) For a veterinary temporary permit, one hundred dollars; 8654
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(5) For a duplicate license, thirty-five dollars; 8656

(6) For the veterinary license biennial renewal fee, where the application is postmarked no later than the first day of March, one hundred fifty-five dollars; where the application is postmarked after the first day of March, but no later than the first day of April, two hundred twenty-five dollars; and where the application is postmarked after the first day of April, four hundred fifty dollars. Notwithstanding section 4741.25 of the Revised Code, the board shall deposit ten dollars of each veterinary license biennial renewal fee that it collects into the state treasury to the credit of the veterinarian loan repayment fund created in section 4741.46 of the Revised Code. 8657
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(7) For the limited license to practice veterinary medicine biennial renewal fee, where the application is postmarked not later than the first day of July, one hundred fifty-five dollars; where the application is postmarked after the first day of July, but not later than the first day of August, two hundred twenty-five dollars; and where the application is postmarked after the first day of August, four hundred fifty dollars. Notwithstanding section 4741.25 of the Revised Code, the board shall deposit ten dollars of each limited license biennial renewal fee that it collects from instructors, researchers, and diagnosticians into the state treasury to the credit of the veterinarian loan repayment fund. 8668
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(8) For an initial registered veterinary technician 8680
~~registration fee on or after the first day of March in an odd-~~ 8681
~~numbered year, thirty-five thirty dollars, and on or after the~~ 8682
~~first day of March in an even-numbered year, twenty-five-~~ 8683
~~dollars;~~ 8684

(9) For the biennial renewal registration fee of a 8685
registered veterinary technician, ~~where the application is-~~ 8686
~~postmarked no later than the first day of March, thirty-five-~~ 8687
~~dollars; where the application is postmarked after the first day-~~ 8688
~~of March, but no later than the first day of April, forty-five-~~ 8689
~~dollars; and where the application is postmarked after the first-~~ 8690
~~day of April, sixty thirty dollars;~~ 8691

(10) For a specialist certificate, fifty dollars. The 8692
certificate is not subject to renewal. 8693

(11) For the reinstatement of a suspended license, or for 8694
reinstatement of a license that has lapsed more than one year, 8695
an additional fee of seventy-five dollars; 8696

(12) For a provisional veterinary graduate license, one 8697
hundred dollars. 8698

(B) A person who holds a provisional veterinary graduate 8699
license and who does all of the following shall receive an 8700
initial veterinary license free of charge; 8701

(1) Applies for a license to practice veterinary medicine; 8702

(2) Successfully passes a nationally recognized 8703
examination approved by the board for a license to practice 8704
veterinary medicine; 8705

(3) Provides to the board's satisfaction proof of passage 8706
of the examination. 8707

(C) For the purposes of divisions (A) (6), (7), and (9) of this section, a date stamp of the office of the board may serve in lieu of a postmark. 8708
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(D) Regarding the fees in this section that are reduced by H.B. 509 of the 134th general assembly, the board may gradually reduce the fees, provided that the board implements the full reduction not later than January 1, 2028. 8711
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Sec. 4743.09. (A) As used in this section: 8715

(1) "Durable medical equipment" means a type of equipment, 8716
such as a remote monitoring device utilized by a physician, 8717
physician assistant, or advanced practice registered nurse in 8718
accordance with this section, that can withstand repeated use, 8719
is primarily and customarily used to serve a medical purpose, 8720
and generally is not useful to a person in the absence of 8721
illness or injury and, in addition, includes repair and 8722
replacement parts for the equipment. 8723

(2) "Facility fee" means any fee charged or billed for 8724
telehealth services provided in a facility that is intended to 8725
compensate the facility for its operational expenses and is 8726
separate and distinct from a professional fee. 8727

(3) "Health care professional" means: 8728

(a) An advanced practice registered nurse, as defined in 8729
section 4723.01 of the Revised Code; 8730

(b) An optometrist licensed under Chapter 4725. of the 8731
Revised Code to practice optometry ~~under a therapeutic~~ 8732
~~pharmaceutical agents certificate;~~ 8733

(c) A pharmacist licensed under Chapter 4729. of the 8734
Revised Code; 8735

(d) A physician assistant licensed under Chapter 4730. of the Revised Code;	8736 8737
(e) A physician licensed under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	8738 8739 8740
(f) A psychologist, <u>independent school psychologist</u> , or school psychologist licensed under Chapter 4732. of the Revised Code or under rules adopted in accordance with sections 3301.07 and 3319.22 of the Revised Code;	8741 8742 8743 8744
(g) A chiropractor licensed under Chapter 4734. of the Revised Code;	8745 8746
(h) An audiologist or speech-language pathologist licensed under Chapter 4753. of the Revised Code;	8747 8748
(i) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	8749 8750
(j) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code;	8751 8752 8753
(k) A professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code;	8754 8755 8756
(l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	8757 8758
(m) A dietitian licensed under Chapter 4759. of the Revised Code;	8759 8760
(n) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	8761 8762

(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	8763 8764
(p) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code.	8765 8766
(4) "Health care professional licensing board" means any of the following:	8767 8768
(a) The board of nursing;	8769
(b) The state vision professionals board;	8770
(c) The state board of pharmacy;	8771
(d) The state medical board;	8772
(e) The state board of psychology;	8773
(f) The state board of education with respect to the licensure of school psychologists;	8774 8775
(g) The state chiropractic board;	8776
(h) <u>(g)</u> The state speech and hearing professionals board;	8777
(i) <u>(h)</u> The Ohio occupational therapy, physical therapy, and athletic trainers board;	8778 8779
(j) <u>(i)</u> The counselor, social worker, and marriage and family therapist board;	8780 8781
(k) <u>(j)</u> The chemical dependency professionals board.	8782
(5) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.	8783 8784
(6) "Telehealth services" means health care services provided through the use of information and communication technology by a health care professional, within the	8785 8786 8787

professional's scope of practice, who is located at a site other 8788
than the site where either of the following is located: 8789

(a) The patient receiving the services; 8790

(b) Another health care professional with whom the 8791
provider of the services is consulting regarding the patient. 8792

(B) (1) Each health care professional licensing board shall 8793
permit a health care professional under its jurisdiction to 8794
provide the professional's services as telehealth services in 8795
accordance with this section. Subject to division (B) (2) of this 8796
section, a board may adopt any rules it considers necessary to 8797
implement this section. All rules adopted under this section 8798
shall be adopted in accordance with Chapter 119. of the Revised 8799
Code. Any such rules adopted by a board are not subject to the 8800
requirements of division (F) of section 121.95 of the Revised 8801
Code. 8802

(2) (a) Except as provided in division (B) (2) (b) of this 8803
section, the rules adopted by a health care professional 8804
licensing board under this section shall establish a standard of 8805
care for telehealth services that is equal to the standard of 8806
care for in-person services. 8807

(b) Subject to division (B) (2) (c) of this section, a board 8808
may require an initial in-person visit prior to prescribing a 8809
schedule II controlled substance to a new patient, equivalent to 8810
applicable state and federal requirements. 8811

(c) (i) A board shall not require an initial in-person 8812
visit for a new patient whose medical record indicates that the 8813
patient is receiving hospice or palliative care, who is 8814
receiving medication-assisted treatment or any other medication 8815
for opioid-use disorder, who is a patient with a mental health 8816

condition, or who, as determined by the clinical judgment of a health care professional, is in an emergency situation.

(ii) Notwithstanding division (B) of section 3796.01 of the Revised Code, medical marijuana shall not be considered a schedule II controlled substance.

(C) With respect to the provision of telehealth services, all of the following apply:

(1) A health care professional may use synchronous or asynchronous technology to provide telehealth services to a patient during an initial visit if the appropriate standard of care for an initial visit is satisfied.

(2) A health care professional may deny a patient telehealth services and, instead, require the patient to undergo an in-person visit.

(3) When providing telehealth services in accordance with this section, a health care professional shall comply with all requirements under state and federal law regarding the protection of patient information. A health care professional shall ensure that any username or password information and any electronic communications between the professional and a patient are securely transmitted and stored.

(4) A health care professional may use synchronous or asynchronous technology to provide telehealth services to a patient during an annual visit if the appropriate standard of care for an annual visit is satisfied.

(5) In the case of a health care professional who is a physician, physician assistant, or advanced practice registered nurse, both of the following apply:

(a) The professional may provide telehealth services to a patient located outside of this state if permitted by the laws of the state in which the patient is located.

(b) The professional may provide telehealth services through the use of medical devices that enable remote monitoring, including such activities as monitoring a patient's blood pressure, heart rate, or glucose level.

(D) When a patient has consented to receiving telehealth services, the health care professional who provides those services is not liable in damages under any claim made on the basis that the services do not meet the same standard of care that would apply if the services were provided in-person.

(E) (1) A health care professional providing telehealth services shall not charge a patient or a health plan issuer covering telehealth services under section 3902.30 of the Revised Code any of the following: a facility fee, an origination fee, or any fee associated with the cost of the equipment used at the provider site to provide telehealth services.

A health care professional providing telehealth services may charge a health plan issuer for durable medical equipment used at a patient or client site.

(2) A health care professional may negotiate with a health plan issuer to establish a reimbursement rate for fees associated with the administrative costs incurred in providing telehealth services as long as a patient is not responsible for any portion of the fee.

(3) A health care professional providing telehealth services shall obtain a patient's consent before billing for the

cost of providing the services, but the requirement to do so 8874
applies only once. 8875

(F) Nothing in this section limits or otherwise affects 8876
any other provision of the Revised Code that requires a health 8877
care professional who is not a physician to practice under the 8878
supervision of, in collaboration with, in consultation with, or 8879
pursuant to the referral of another health care professional. 8880

(G) It is the intent of the general assembly, through the 8881
amendments to this section, to expand access to and investment 8882
in telehealth services in this state in congruence with the 8883
expansion and investment in telehealth services made during the 8884
COVID-19 pandemic. 8885

Sec. 4749.03. (A) (1) Any individual, including a partner 8886
in a partnership, may be licensed as a private investigator 8887
under a class B license, or as a security guard provider under a 8888
class C license, or as a private investigator and a security 8889
guard provider under a class A license, if the individual meets 8890
all of the following requirements: 8891

(a) Has not been adjudicated incompetent for the purpose 8892
of holding the license, as provided in section 5122.301 of the 8893
Revised Code, without having been restored to legal capacity for 8894
that purpose. 8895

(b) Depending upon the class of license for which 8896
application is made, for a continuous period of at least two 8897
years immediately preceding application for a license, has been 8898
engaged in investigatory or security services work for a law 8899
enforcement or other public agency engaged in investigatory 8900
activities, or for a private investigator or security guard 8901
provider, or engaged in the practice of law, or has acquired 8902

equivalent experience as determined by rule of the director of public safety. 8903
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(c) Demonstrates competency as a private investigator or security guard provider by passing an examination devised for this purpose by the director, except that any individually licensed person who qualifies a corporation for licensure shall not be required to be reexamined if the person qualifies the corporation in the same capacity that the person was individually licensed. 8905
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(d) Submits evidence of comprehensive general liability insurance coverage, or other equivalent guarantee approved by the director in such form and in principal amounts satisfactory to the director, but not less than one hundred thousand dollars for each person and three hundred thousand dollars for each occurrence for bodily injury liability, and one hundred thousand dollars for property damage liability. 8912
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(e) Pays the requisite examination and license fees. 8919

(2) A corporation may be licensed as a private investigator under a class B license, or as a security guard provider under a class C license, or as a private investigator and a security guard provider under a class A license, if an application for licensure is filed by an officer of the corporation and the officer, another officer, or the qualifying agent of the corporation satisfies the requirements of divisions (A) (1) and (F) (1) of this section. Officers and the statutory agent of a corporation shall be determined in accordance with Chapter 1701. of the Revised Code. 8920
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(3) At least one partner in a partnership shall be licensed as a private investigator, or as a security guard 8930
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provider, or as a private investigator and a security guard 8932
provider. Partners in a partnership shall be determined as 8933
provided for in Chapter 1775. or 1776. of the Revised Code. 8934

(B) An application for a class A, B, or C license shall be 8935
completed in the form the director prescribes. In the case of an 8936
individual, the application shall state the applicant's name, 8937
birth date, citizenship, ~~physical description,~~ current 8938
residence, residences for the preceding ten years, current 8939
employment, employment for the preceding seven years, experience 8940
qualifications, the location of each of the applicant's offices 8941
in this state, and any other information that is necessary in 8942
order for the director to comply with the requirements of this 8943
chapter. In the case of a corporation, the application shall 8944
state the name of the officer or qualifying agent filing the 8945
application; the state in which the corporation is incorporated 8946
and the date of incorporation; the states in which the 8947
corporation is authorized to transact business; the name of its 8948
qualifying agent; the name of the officer or qualifying agent of 8949
the corporation who satisfies the requirements of divisions (A) 8950
(1) and (F)(1) of this section and the birth date, citizenship, 8951
physical description, current residence, residences for the 8952
preceding ten years, current employment, employment for the 8953
preceding seven years, and experience qualifications of that 8954
officer or qualifying agent; and other information that the 8955
director requires. A corporation may specify in its application 8956
information relative to one or more individuals who satisfy the 8957
requirements of divisions (A)(1) and (F)(1) of this section. 8958

The application described in this division shall be 8959
accompanied by ~~all~~ both of the following: 8960

(1) ~~One recent full face photograph of the applicant or,~~ 8961

~~in the case of a corporation, of each officer or qualifying agent specified in the application as satisfying the requirements of divisions (A) (1) and (F) (1) of this section;~~

~~(2)~~ References from at least five reputable citizens for the applicant or, in the case of a corporation, for each officer or qualifying agent specified in the application as satisfying the requirements of divisions (A) (1) and (F) (1) of this section, each of whom has known the applicant, officer, or qualifying agent for at least five years preceding the application, and none of whom are connected with the applicant, officer, or qualifying agent by blood or marriage;

~~(3)~~ (2) An examination fee of twenty-five dollars for the applicant or, in the case of a corporation, for each officer or qualifying agent specified in the application as satisfying the requirements of divisions (A) (1) and (F) (1) of this section, and a license fee in the amount the director determines, not to exceed three hundred seventy-five dollars. The license fee shall be refunded if a license is not issued.

(C) (1) Each individual applying for a license and each individual specified by a corporation as an officer or qualifying agent in an application shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The individual shall provide the fingerprints using a method the superintendent prescribes pursuant to division (C) (2) of section 109.572 of the Revised Code and fill out the form the superintendent prescribes pursuant to division (C) (1) of section 109.572 of the Revised Code. An applicant who intends to carry a firearm as defined in section 2923.11 of the Revised Code in the course of business or

employment shall so notify the superintendent. This notification 8992
is in addition to any other requirement related to carrying a 8993
firearm that applies to the applicant. The individual or 8994
corporation requesting the criminal records check shall pay the 8995
fee the superintendent prescribes. 8996

(2) The superintendent shall conduct the criminal records 8997
check as set forth in division (B) of section 109.572 of the 8998
Revised Code. If an applicant intends to carry a firearm in the 8999
course of business or employment, the superintendent shall make 9000
a request to the federal bureau of investigation for any 9001
information and review the information the bureau provides 9002
pursuant to division (B)(2) of section 109.572 of the Revised 9003
Code. The superintendent shall submit all results of the 9004
completed investigation to the director of public safety. 9005

(3) If the director determines that the applicant, 9006
officer, or qualifying agent meets the requirements of divisions 9007
(A)(1)(a), (b), and (d) of this section and that an officer or 9008
qualifying agent meets the requirement of division (F)(1) of 9009
this section, the director shall notify the applicant, officer, 9010
or agent of the time and place for the examination. If the 9011
director determines that an applicant does not meet the 9012
requirements of divisions (A)(1)(a), (b), and (d) of this 9013
section, the director shall notify the applicant that the 9014
applicant's application is refused and refund the license fee. 9015
If the director determines that none of the individuals 9016
specified in the application of a corporation as satisfying the 9017
requirements of divisions (A)(1) and (F)(1) of this section meet 9018
the requirements of divisions (A)(1)(a), (b), and (d) and (F)(1) 9019
of this section, the director shall notify the corporation that 9020
its application is refused and refund the license fee. If the 9021
bureau assesses the director a fee for any investigation, the 9022

director, in addition to any other fee assessed pursuant to this 9023
chapter, may assess the applicant, officer, or qualifying agent, 9024
as appropriate, a fee that is equal to the fee assessed by the 9025
bureau. 9026

(4) (a) Subject to division (C) (4) (c) of this section, the 9027
director shall not adopt, maintain, renew, or enforce any rule, 9028
or otherwise preclude in any way, an individual from renewing a 9029
license under this chapter due to any past criminal activity or 9030
interpretation of moral character. If the director denies an 9031
individual a license renewal, the reasons for such denial shall 9032
be put in writing. 9033

(b) The director may refuse to issue a license to an 9034
applicant because of a conviction of or plea of guilty to an 9035
offense if the refusal is in accordance with section 9.79 of the 9036
Revised Code. 9037

(c) In considering a renewal of an individual's license, 9038
the director shall not consider any conviction or plea of guilty 9039
prior to the initial licensing. However, the director may 9040
consider a conviction or plea of guilty if it occurred after the 9041
individual was initially licensed, or after the most recent 9042
license renewal. 9043

(d) The director may grant an individual a conditional 9044
license that lasts for one year. After the one-year period has 9045
expired, the license is no longer considered conditional, and 9046
the individual shall be considered fully licensed. 9047

(D) If upon application, investigation, and examination, 9048
the director finds that the applicant or, in the case of a 9049
corporation, any officer or qualifying agent specified in the 9050
application as satisfying the requirements of divisions (A) (1) 9051

and (F) (1) of this section, meets the applicable requirements, 9052
the director shall issue the applicant or the corporation a 9053
class A, B, or C license. The director also shall issue an 9054
identification card to an applicant, but not an officer or 9055
qualifying agent of a corporation, who meets the applicable 9056
requirements. The license and identification card shall state 9057
the licensee's name, the classification of the license, the 9058
location of the licensee's principal place of business in this 9059
state, and the expiration date of the license, and, in the case 9060
of a corporation, it also shall state the name of each officer 9061
or qualifying agent who satisfied the requirements of divisions 9062
(A) (1) and (F) (1) of this section. 9063

Licenses expire on the first day of March following the 9064
date of initial issue, and on the first day of March of each 9065
year thereafter. Annual renewals shall be according to the 9066
standard renewal procedures contained in Chapter 4745. of the 9067
Revised Code, upon payment of an annual renewal fee the director 9068
determines, not to exceed two hundred seventy-five dollars. No 9069
license shall be renewed if the licensee or, in the case of a 9070
corporation, each officer or qualifying agent who qualified the 9071
corporation for licensure no longer meets the applicable 9072
requirements of this section. No license shall be renewed unless 9073
the licensee provides evidence of workers' compensation risk 9074
coverage and unemployment compensation insurance coverage, other 9075
than for clerical employees and excepting sole proprietors who 9076
are exempted therefrom, as provided for in Chapters 4123. and 9077
4141. of the Revised Code, respectively, as well as the 9078
licensee's state tax identification number. No reexamination 9079
shall be required for renewal of a current license. 9080

For purposes of this chapter, a class A, B, or C license 9081
issued to a corporation shall be considered as also having 9082

licensed the individuals who qualified the corporation for 9083
licensure, for as long as they are associated with the 9084
corporation. 9085

For purposes of this division, "sole proprietor" means an 9086
individual licensed under this chapter who does not employ any 9087
other individual. 9088

(E) The director may issue a duplicate copy of a license 9089
issued under this section for the purpose of replacement of a 9090
lost, spoliated, or destroyed license, upon payment of a fee the 9091
director determines, not exceeding twenty-five dollars. Any 9092
change in license classification requires new application and 9093
application fees. 9094

(F) (1) In order to qualify a corporation for a class A, B, 9095
or C license, an officer or qualifying agent may qualify another 9096
corporation for similar licensure, provided that the officer or 9097
qualifying agent is actively engaged in the business of both 9098
corporations. 9099

(2) Each officer or qualifying agent who qualifies a 9100
corporation for class A, B, or C licensure shall surrender any 9101
personal license of a similar nature that the officer or 9102
qualifying agent possesses. 9103

(3) Upon written notification to the director, completion 9104
of an application similar to that for original licensure, 9105
surrender of the corporation's current license, and payment of a 9106
twenty-five-dollar fee, a corporation's class A, B, or C license 9107
may be transferred to another corporation. 9108

(4) Upon written notification to the director, completion 9109
of an application similar to that for an individual seeking 9110
class A, B, or C licensure, payment of a twenty-five-dollar fee, 9111

and, if the individual was the only individual that qualified a corporation for licensure, surrender of the corporation's license, any officer or qualifying agent who qualified a corporation for licensure under this chapter may obtain a similar license in the individual's own name without reexamination. A request by an officer or qualifying agent for an individual license shall not affect a corporation's license unless the individual is the only individual that qualified the corporation for licensure or all the other individuals who qualified the corporation for licensure submit such requests.

(G) If a corporation is for any reason no longer associated with an individual who qualified it for licensure under this chapter, an officer of the corporation shall notify the director of that fact by certified mail, return receipt requested, within ten days after the association terminates. If the notification is so given, the individual was the only individual that qualified the corporation for licensure, and the corporation submits the name of another officer or qualifying agent to qualify the corporation for the license within thirty days after the association terminates, the corporation may continue to operate in the business of private investigation, the business of security services, or both businesses in this state under that license for ninety days after the association terminates. If the officer or qualifying agent whose name is submitted satisfies the requirements of divisions (A) (1) and (F) (1) of this section, the director shall issue a new license to the corporation within that ninety-day period. The names of more than one individual may be submitted.

Sec. 4751.01. As used in this chapter:

(A) "Health-care licensing agency" means any department,

division, board, section of a board, or other government unit 9142
that is authorized by a statute of this or another state to 9143
issue a license, certificate, permit, card, or other authority 9144
to do either of the following in the context of health care: 9145

(1) Engage in a specific profession, occupation, or 9146
occupational activity; 9147

(2) Have charge of and operate certain specified 9148
equipment, machinery, or premises. 9149

(B) "Licensed health services executive" means an 9150
individual who holds a valid health services executive license. 9151

(C) "Licensed nursing home administrator" means an 9152
individual who holds a valid nursing home administrator license. 9153

~~(D) "Licensed temporary nursing home administrator" means~~ 9154
~~an individual who holds a valid temporary nursing home~~ 9155
~~administrator license.~~ 9156

~~(E)~~ "Long-term services and supports setting" means any 9157
institutional or community-based setting in which medical, 9158
health, psychosocial, habilitative, rehabilitative, or personal 9159
care services are provided to individuals on a post-acute care 9160
basis. 9161

~~(F)~~ (E) "Nursing home" means a nursing home as defined by 9162
or under the authority of section 3721.01 of the Revised Code, 9163
or a nursing home operated by a governmental agency. 9164

~~(G)~~ (F) "Nursing home administration" means planning, 9165
organizing, directing, and managing the operation of a nursing 9166
home. 9167

~~(H)~~ (G) "Nursing home administrator" means any individual 9168
who engages in the practice of nursing home administration, 9169

whether or not the individual shares the functions and duties of 9170
nursing home administration with one or more other individuals. 9171

~~(I)~~ (H) "Valid health services executive license" means a 9172
health services executive license to which all of the following 9173
apply: 9174

(1) It was issued by the board of executives of long-term 9175
services and supports under section 4751.21, 4751.23, 4751.25, 9176
or 4751.33 of the Revised Code; 9177

(2) It was not sold, fraudulently furnished, or 9178
fraudulently obtained in violation of division ~~(F)~~ (E) of 9179
section 4751.10 of the Revised Code; 9180

(3) It is current and in good standing. 9181

~~(J)~~ (I) "Valid nursing home administrator license" means a 9182
nursing home administrator license to which all of the following 9183
apply: 9184

(1) It was issued by the board under section 4751.20, 9185
4751.201, 4751.23, 4751.24, or 4751.33 of the Revised Code; 9186

(2) It was not sold, fraudulently furnished, or 9187
fraudulently obtained in violation of division (F) of section 9188
4751.10 of the Revised Code; 9189

(3) It is current and in good standing. 9190

~~(K) "Valid temporary nursing home administrator license" 9191
means a temporary nursing home administrator license to which 9192
all of the following apply: 9193~~

~~(1) It was issued by the board under section 4751.202, 9194
4751.23, or 4751.33 of the Revised Code; 9195~~

~~(2) It was not sold, fraudulently furnished, or 9196~~

fraudulently obtained in violation of division (F) of section	9197
4751.10 of the Revised Code;	9198
(3) It is current and in good standing.	9199
Sec. 4751.10. No person shall knowingly do any of the	9200
following:	9201
(A) Operate a nursing home unless it is under the	9202
supervision of an administrator whose principal occupation is	9203
nursing home administration or hospital administration and who	9204
is a licensed nursing home administrator or licensed temporary	9205
nursing home administrator;	9206
(B) Practice or offer to practice nursing home	9207
administration unless the person is a licensed nursing home	9208
administrator or licensed temporary nursing home administrator;	9209
(C) Use any of the following unless the person is a	9210
licensed nursing home administrator:	9211
(1) The title "licensed nursing home administrator,"	9212
"nursing home administrator," "licensed assistant nursing home	9213
administrator," or "assistant nursing home administrator";	9214
(2) The acronym "LNHA," "L.N.H.A.," "NHA," "N.H.A.,"	9215
"LANHA," "L.A.N.H.A.," "ANHA," or "A.N.H.A." after the person's	9216
name;	9217
(3) Any other words, letters, signs, cards, or devices	9218
that tend to indicate or imply that the person is a licensed	9219
nursing home administrator.	9220
(D) Use any of the following unless the person is a	9221
licensed temporary nursing home administrator;	9222
(1) The title "licensed temporary nursing home	9223

~~administrator," "temporary nursing home administrator,"~~ 9224
~~"licensed temporary assistant nursing home administrator," or~~ 9225
~~"temporary assistant nursing home administrator";~~ 9226

~~(2) The acronym "LTNHA," "L.T.N.H.A.," "TNHA," "T.N.H.A.,"~~ 9227
~~"LTANHA," "L.T.A.N.H.A.," "TANHA," or "T.A.N.H.A." after the~~ 9228
~~person's name;~~ 9229

~~(3) Any other words, letters, signs, cards, or devices~~ 9230
~~that tend to indicate or imply that the person is a licensed~~ 9231
~~temporary nursing home administrator.~~ 9232

~~(E)~~ Use any of the following unless the person is a 9233
licensed health services executive: 9234

(1) The title "licensed health services executive" or 9235
"health services executive"; 9236

(2) The acronym "LHSE," "L.H.S.E.," "HSE," or "H.S.E." 9237
after the person's name; 9238

(3) Any other words, letters, signs, cards, or devices 9239
that tend to indicate or imply that the person is a licensed 9240
health services executive. 9241

~~(F)~~ (E) Sell, fraudulently furnish, fraudulently obtain, 9242
or aid or abet another person in selling, fraudulently 9243
furnishing, or fraudulently obtaining ~~any~~ either of the 9244
following: 9245

(1) A nursing home administrator license; 9246

(2) ~~A temporary nursing home administrator license;~~ 9247

~~(3)~~ A health services executive license. 9248

~~(G)~~ (F) Otherwise violate any of the provisions of this 9249
chapter or the rules adopted under section 4751.04 of the 9250

Revised Code.	9251
Sec. 4751.101. Nothing in this chapter or the rules	9252
adopted under it shall be construed as requiring either of the	9253
following:	9254
(A) An individual to be a licensed health services	9255
executive in order to do either of the following:	9256
(1) Practice nursing home administration;	9257
(2) Serve in a leadership position at a long-term services	9258
and supports setting or direct the practices of others in such a	9259
setting.	9260
(B) An applicant for a nursing home administrator license	9261
or temporary nursing home administrator license who is employed	9262
by an institution for the care and treatment of the sick to	9263
demonstrate proficiency in any medical techniques or to meet any	9264
medical educational qualifications or medical standards not in	9265
accord with the remedial care and treatment provided by the	9266
institution if all of the following apply to the institution:	9267
(1) It is operated exclusively for patients who use	9268
spiritual means for healing and for whom the acceptance of	9269
medical care is inconsistent with their religious beliefs.	9270
(2) It is accredited by a national accrediting	9271
organization.	9272
(3) It is exempt from federal income taxation under	9273
section 501 of the "Internal Revenue Code of 1986," 26 U.S.C.	9274
501.	9275
(4) It provides twenty-four hour nursing care pursuant to	9276
the exemption in division (E) of section 4723.32 of the Revised	9277
Code from the licensing requirements of Chapter 4723. of the	9278

Revised Code. 9279

Sec. 4751.102. Every operator of a nursing home shall 9280
report to the board of executives of long-term services and 9281
supports the name and license number of each licensed nursing 9282
home administrator ~~and licensed temporary nursing home~~ 9283
~~administrator~~ who practices nursing home administration at the 9284
nursing home not later than ten days after the following dates: 9285

(A) The date the licensed nursing home administrator ~~or~~ 9286
~~licensed temporary nursing home administrator~~ begins to practice 9287
nursing home administration at the nursing home; 9288

(B) The date the licensed nursing home administrator ~~or~~ 9289
~~licensed temporary nursing home administrator~~ ceases to practice 9290
nursing home administration at the nursing home. 9291

Sec. 4751.20. (A) Subject to section 4751.32 of the 9292
Revised Code, the board of executives of long-term services and 9293
supports shall issue a nursing home administrator license to an 9294
individual under this section if all of the following 9295
requirements are satisfied: 9296

(1) The individual has submitted to the board a completed 9297
application for the license in accordance with rules adopted 9298
under section 4751.04 of the Revised Code. 9299

(2) If the individual is required by rules adopted under 9300
section 4751.04 of the Revised Code to serve as a nursing home 9301
administrator in training, the individual has paid to the board 9302
the administrator in training fee of fifty dollars. 9303

(3) The individual is at least twenty-one years of age. 9304

(4) The individual has successfully completed educational 9305
requirements and work experience specified in rules adopted 9306

under section 4751.04 of the Revised Code, including, if so 9307
required by the rules, experience obtained as a nursing home 9308
administrator in training. 9309

(5) The individual has complied with section 4776.02 of 9310
the Revised Code regarding a criminal records check. 9311

(6) The board, in accordance with section 9.79 of the 9312
Revised Code, has determined that the results of the criminal 9313
records check do not make the individual ineligible for the 9314
license. 9315

(7) ~~The~~ Except as provided in division (B) of this 9316
section, the individual has passed the licensing examination 9317
administered under section 4751.15 of the Revised Code. 9318

(8) The individual has paid to the board a license fee of 9319
two hundred fifty dollars. 9320

(9) The individual has satisfied any additional 9321
requirements as may be prescribed in rules adopted under section 9322
4751.04 of the Revised Code. 9323

(B) Beginning January 1, 2025, the operator of a nursing 9324
home may request that the board issue a nursing home 9325
administrator license to an individual who meets the 9326
requirements specified in division (A) of this section but has 9327
not passed the licensing examination administered under section 9328
4751.15 of the Revised Code, in order to fill a vacancy in the 9329
position of nursing home administrator at the nursing home 9330
resulting from a death, illness, or other unexpected cause. An 9331
individual issued a license under division (B) of this section 9332
shall submit to the board, not later than one hundred eighty 9333
days after a license is issued, satisfactory evidence that the 9334
individual has passed the licensing examination administered 9335

under section 4751.15 of the Revised Code. 9336

(C) A nursing home administrator license shall certify 9337
that the individual to whom it was issued has met the applicable 9338
requirements of this chapter and any applicable rules adopted 9339
under section 4751.04 of the Revised Code and is authorized to 9340
practice nursing home administration while the license is valid. 9341

Sec. 4751.23. (A) Subject to section 4751.32 of the 9342
Revised Code, the board of executives of long-term services and 9343
supports may issue to a licensed nursing home administrator, ~~9344
licensed temporary nursing home administrator,~~ or licensed 9345
health services executive a duplicate of the individual's 9346
nursing home administrator license, ~~temporary nursing home 9347
administrator license,~~ or health services executive license if 9348
the license or temporary license has been lost, mutilated, or 9349
destroyed and the individual does both of the following: 9350

(1) Submits to the board a notarized statement explaining 9351
the conditions of the loss, mutilation, or destruction; 9352

(2) Pays to the board a fee of twenty-five dollars. 9353

(B) Subject to section 4751.32 of the Revised Code, the 9354
board may issue to a licensed nursing home administrator, ~~9355
licensed temporary nursing home administrator,~~ or licensed 9356
health services executive whose name has been legally changed a 9357
duplicate of the individual's nursing home administrator 9358
license, ~~temporary nursing home administrator license,~~ or health 9359
services executive license that has the individual's new name if 9360
the individual does all of the following: 9361

(1) Submits to the board a certified copy of the court 9362
order or marriage license establishing the change of name; 9363

(2) Returns to the board the license or temporary license 9364

that has the individual's previous name; 9365

(3) Pays to the board a fee of twenty-five dollars. 9366

Sec. 4751.24. (A) Subject to section 4751.32 of the 9367
Revised Code, a nursing home administrator license is valid for 9368
~~one year~~ two years and may be renewed and reinstated in 9369
accordance with this section. 9370

(B) If a licensed nursing home administrator intends to 9371
continue to practice nursing home administration without 9372
interruption after the administrator's license expires, the 9373
administrator shall apply to the board of executives of long- 9374
term services and supports for a renewed nursing home 9375
administrator license. Subject to section 4751.32 of the Revised 9376
Code, the board shall renew the license if the administrator 9377
does all of the following before the license expires: 9378

(1) Submits to the board a completed application for 9379
license renewal in accordance with rules adopted under section 9380
4751.04 of the Revised Code; 9381

(2) Pays to the board the license renewal fee of ~~three~~ six 9382
hundred dollars; 9383

(3) Submits to the board satisfactory evidence of having 9384
attended such continuing education programs or courses of study 9385
as may be prescribed in rules adopted under section 4751.04 of 9386
the Revised Code; 9387

(4) Satisfies any other requirements as may be prescribed 9388
in rules adopted under section 4751.04 of the Revised Code. 9389

(C) If a nursing home administrator license issued under 9390
section 4751.20 or 4751.201 of the Revised Code is not renewed 9391
before it expires, the individual who held the license may apply 9392

to the board for the license's reinstatement. Subject to section 9393
4751.32 of the Revised Code, the board shall reinstate the 9394
license if the individual does all of the following not later 9395
than one year after the date the license expired: 9396

(1) Submits to the board the completed application for 9397
license reinstatement in accordance with rules adopted under 9398
section 4751.04 of the Revised Code; 9399

(2) Pays to the board the license reinstatement fee equal 9400
to the sum of the following: 9401

(a) Three hundred dollars; 9402

(b) Fifty dollars for each calendar quarter that occurs 9403
during the period beginning on the date the license expires and 9404
ending on the last day of the calendar quarter during which the 9405
individual applies for license reinstatement, up to a maximum of 9406
two hundred dollars. 9407

(3) Submits to the board satisfactory evidence of having 9408
attended such continuing education programs or courses of study 9409
as may be prescribed in rules adopted by the board under section 9410
4751.04 of the Revised Code; 9411

(4) Satisfies any other requirements as may be prescribed 9412
in rules adopted under section 4751.04 of the Revised Code. 9413

(D) A licensed nursing home administrator who determines 9414
to temporarily abandon the practice of nursing home 9415
administration shall notify the board in writing immediately. 9416
The former administrator may thereafter resume the practice of 9417
nursing home administration within the state upon complying with 9418
the requirements of this section regarding ~~annual~~ biennial 9419
license renewal or license reinstatement, whichever is 9420
applicable. 9421

Sec. 4751.32. (A) Except as provided in division (D) of 9422
this section, the board of executives of long-term services and 9423
supports may take any of the actions authorized by division (B) 9424
of this section against an individual who has applied for or 9425
holds a nursing home administrator license, ~~temporary nursing~~ 9426
~~home administrator license,~~ or health services executive license 9427
if any of the following apply to the individual: 9428

(1) The individual has failed to satisfy any requirement 9429
established by this chapter or the rules adopted under section 9430
4751.04 of the Revised Code that must be satisfied to obtain the 9431
license or temporary license. 9432

(2) The individual has violated, or failed to comply with 9433
a requirement of, this chapter or a rule adopted under section 9434
4751.04 of the Revised Code regarding the practice of nursing 9435
home administration, including the requirements of sections 9436
4751.40 and 4751.41 of the Revised Code. 9437

(3) The individual is unfit or incompetent to practice 9438
nursing home administration, serve in a leadership position at a 9439
long-term services and supports setting, or direct the practices 9440
of others in such a setting by reason of negligence, habits, or 9441
other causes, including the individual's habitual or excessive 9442
use or abuse of drugs, alcohol, or other substances. 9443

(4) The individual has acted in a manner inconsistent with 9444
the health and safety of either of the following: 9445

(a) The residents of the nursing home at which the 9446
individual practices nursing home administration; 9447

(b) The consumers of services and supports provided by a 9448
long-term services and supports setting at which the individual 9449
serves in a leadership position or directs the practices of 9450

others.	9451
(5) The individual has been convicted of, or pleaded guilty to, either of the following in a court of competent jurisdiction, either within or without this state:	9452 9453 9454
(a) A felony;	9455
(b) An offense of moral turpitude that constitutes a misdemeanor in this state.	9456 9457
(6) The individual made a false, fraudulent, deceptive, or misleading statement in seeking to obtain, or obtaining, a nursing home administrator license, temporary nursing home administrator license, or health services executive license.	9458 9459 9460 9461
(7) The individual made a fraudulent misrepresentation in attempting to obtain, or obtaining, money or anything of value in the practice of nursing home administration or while serving in a leadership position at a long-term services and supports setting or directing the practices of others in such a setting.	9462 9463 9464 9465 9466
(8) The individual has substantially deviated from the board's code of ethics.	9467 9468
(9) Another health care licensing agency has taken any of the following actions against the individual for any reason other than nonpayment of a fee:	9469 9470 9471
(a) Denied, refused to renew or reinstate, limited, revoked, or suspended, or accepted the surrender of, a license or other authorization to practice;	9472 9473 9474
(b) Imposed probation;	9475
(c) Issued a censure or other reprimand.	9476
(10) The individual has failed to do any of the following:	9477

(a) Cooperate with an investigation conducted by the board under section 4751.31 of the Revised Code;	9478 9479
(b) Respond to or comply with a subpoena issued by the board in an investigation of the individual;	9480 9481
(c) Comply with any disciplinary action the board has taken against the individual pursuant to this section.	9482 9483
(B) The following are the actions that the board may take for the purpose of division (A) of this section:	9484 9485
(1) Deny the individual any of the following:	9486
(a) A nursing home administrator license under section 4751.20, 4751.201, 4751.23, or 4751.24 of the Revised Code;	9487 9488
(b) A temporary nursing home administrator license under section 4751.202 or 4751.23 of the Revised Code;	9489 9490
(c) A health services executive license under section 4751.21, 4751.23, or 4751.25 of the Revised Code.	9491 9492
(2) Suspend the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license;	9493 9494 9495
(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;	9496 9497 9498 9499
(4) Place a limitation on the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license;	9500 9501 9502
(5) Place the individual on probation;	9503
(6) Issue a written reprimand of the individual;	9504

(7) Impose on the individual a civil penalty, fine, or 9505
other sanction specified in rules adopted under section 4751.04 9506
of the Revised Code. 9507

(C) The board shall take actions authorized by division 9508
(B) of this section in accordance with Chapter 119. of the 9509
Revised Code, except that the board may enter into a consent 9510
agreement with an individual to resolve an alleged violation of 9511
this chapter or a rule adopted under section 4751.04 of the 9512
Revised Code in lieu of making an adjudication regarding the 9513
alleged violation. A consent agreement constitutes the board's 9514
findings and order with respect to the matter addressed in the 9515
consent agreement if the board ratifies the consent agreement. 9516
Any admissions or findings included in a proposed consent 9517
agreement have no force or effect if the board refuses to ratify 9518
the consent agreement. 9519

(D) The board shall not refuse to issue an initial nursing 9520
home administrator license, ~~temporary nursing home administrator~~ 9521
~~license,~~ or health services executive license, unless the 9522
refusal is in accordance with section 9.79 of the Revised Code. 9523

Sec. 4751.33. (A) The board of executives of long-term 9524
services and supports may, in its discretion, reissue a nursing 9525
home administrator license, ~~temporary nursing home administrator~~ 9526
~~license,~~ or health services executive license to any individual 9527
whose license or temporary license has been revoked. Application 9528
for the reissuance shall not be made prior to one year after 9529
revocation and shall be made in such manner as the board may 9530
direct. 9531

(B) If an individual who has been convicted of, or pleaded 9532
guilty to, a felony is subsequently pardoned by the governor of 9533
the state where such conviction or plea was had or by the 9534

president of the United States, or receives a final release 9535
granted by the adult parole authority of this state or its 9536
equivalent agency of another state, the board may, in its 9537
discretion, on application of the individual and on the 9538
submission of evidence satisfactory to the board, restore the 9539
individual's nursing home administrator license, ~~temporary~~ 9540
~~nursing home administrator license,~~ or health services executive 9541
license. 9542

Sec. 4751.40. Each licensed nursing home administrator, ~~—~~ 9543
~~licensed temporary nursing home administrator,~~ and licensed 9544
health services executive shall report to the board of 9545
executives of long-term services and supports any change in any 9546
of the following not later than ten days after the change: 9547

(A) The individual's residence mailing address; 9548

(B) The name and address of each place at which the 9549
individual practices nursing home administration; 9550

(C) The name and address of each long-term services and 9551
supports setting at which the individual serves in a leadership 9552
position or directs the practices of others. 9553

Sec. 4751.41. Every licensed nursing home administrator, ~~—~~ 9554
~~licensed temporary nursing home administrator,~~ and licensed 9555
health services executive shall display the individual's license 9556
or temporary license in the place at which the individual 9557
practices nursing home administration and the long-term services 9558
and supports setting at which the individual serves in a 9559
leadership position or directs the practices of others. 9560

Sec. 4751.45. An individual who is a licensed nursing home 9561
administrator, ~~licensed temporary nursing home administrator,~~ or 9562
licensed health services executive may request that the board of 9563

executives of long-term services and supports provide to a 9564
licensing board or agency of another state verification of the 9565
individual's licensure status under this chapter and other 9566
related information in the board's possession. The board shall 9567
provide the licensing board or agency of the other state the 9568
verification and other related information so requested if the 9569
individual pays to the board the fee for this service. The board 9570
shall adopt a rule under section 4751.04 of the Revised Code 9571
establishing the fee. 9572

Sec. 4753.06. No person is eligible for licensure as a 9573
speech-language pathologist or audiologist unless: 9574

(A) The person has obtained a broad general education to 9575
serve as a background for the person's specialized academic 9576
training and preparatory professional experience. Such 9577
background may include study from among the areas of human 9578
psychology, sociology, psychological and physical development, 9579
the physical sciences, especially those that pertain to acoustic 9580
and biological phenomena, and human anatomy and physiology, 9581
including neuroanatomy and neurophysiology. 9582

(B) If the person seeks licensure as a speech-language 9583
pathologist, the person submits to the state speech and hearing 9584
professionals board an official transcript demonstrating that 9585
the person has at least a master's degree in speech-language 9586
pathology or the equivalent as determined by the board. The 9587
person's academic credit must include course work accumulated in 9588
the completion of a well-integrated course of study approved by 9589
the board and delineated by rule dealing with the normal aspects 9590
of human communication, development and disorders thereof, and 9591
clinical techniques for the evaluation and the improvement or 9592
eradication of such disorders. The course work must have been 9593

completed at colleges or universities accredited by regional or 9594
national accrediting organizations recognized by the board. 9595

~~(C) Except as provided in division (F)(1)(b) of this~~ 9596
~~section, if~~ If the person seeks licensure as an audiologist, the 9597
person submits to the board an official transcript demonstrating 9598
that the person has at least a doctor of audiology degree or the 9599
equivalent as determined by the board. The person's academic 9600
credit must include course work accumulated in the completion of 9601
a well-integrated course of study approved by the board and 9602
delineated by rules dealing with the normal aspects of human 9603
hearing, balance, and related development and clinical 9604
evaluation, audiologic diagnosis, and treatment of disorders of 9605
human hearing, balance, and related development. The course work 9606
must have been completed in an audiology program that is 9607
accredited by an organization recognized by the United States 9608
department of education and operated by a college or university 9609
accredited by a regional or national accrediting organization 9610
recognized by the board. 9611

(D) The person submits to the board evidence of the 9612
completion of appropriate, supervised clinical experience in the 9613
professional area, speech-language pathology or audiology, for 9614
which licensure is requested, dealing with a variety of 9615
communication disorders. The appropriateness of the experience 9616
shall be determined under rules of the board. This experience 9617
shall have been obtained in an accredited college or university, 9618
in a cooperating program of an accredited college or university, 9619
or in another program approved by the board. 9620

(E) The person submits to the board evidence that the 9621
person has passed the examination for licensure to practice 9622
speech-language pathology or audiology pursuant to division (B) 9623

of section 4753.05 of the Revised Code. 9624

~~(F)(1)(F)~~ In the case of either of the following a person 9625
seeking licensure as a speech-language pathologist, the person 9626
presents to the board written evidence that the person has 9627
obtained professional experience+ 9628

~~(a) The person seeks licensure as a speech language~~ 9629
~~pathologist;~~ 9630

~~(b) The person seeks licensure as an audiologist and does~~ 9631
~~not meet the requirements of division (C) of this section~~ 9632
~~regarding a doctor of audiology degree, but before January 1,~~ 9633
~~2006, the person met the requirements of division (E) of this~~ 9634
~~section regarding a master's degree in audiology as that~~ 9635
~~division existed on December 31, 2005.~~ 9636

~~(2)~~The professional experience shall be appropriately 9637
supervised as determined by board rule. The amount of 9638
professional experience shall be determined by board rule and 9639
shall be bona fide clinical work that has been accomplished in 9640
~~the major professional area, speech-language pathology or~~ 9641
~~audiology, in which licensure is being sought. If the person~~ 9642
~~seeks licensure as a speech language pathologist, this This~~ 9643
experience shall not begin until the requirements of divisions 9644
(B), (D), and (E) of this section have been completed unless 9645
approved by the board. ~~If the person seeks licensure as an~~ 9646
~~audiologist, this experience shall not begin until the~~ 9647
~~requirements of division (B) of this section, as that division~~ 9648
~~existed on December 31, 2005, and divisions (D) and (E) of this~~ 9649
~~section have been completed unless approved by the board. Before~~ 9650
beginning the supervised professional experience pursuant to 9651
this section, the applicant ~~for licensure to practice speech-~~ 9652
~~language pathology or audiology shall obtain a conditional~~ 9653

license pursuant to section 4753.071 of the Revised Code. 9654

Sec. 4753.071. A person who is required to meet the 9655
supervised professional experience requirement of division (F) 9656
of section 4753.06 of the Revised Code shall submit to the state 9657
speech and hearing professionals board an application for a 9658
conditional license. The application shall include a plan for 9659
the content of the supervised_professional experience on a form 9660
the board shall prescribe. The board shall issue the conditional 9661
license to the applicant if the applicant meets the requirements 9662
of section 4753.06 of the Revised Code, other than the 9663
requirement to have obtained the supervised professional 9664
experience, and pays to the board the appropriate fee for a 9665
conditional license. An applicant may not begin employment until 9666
the conditional license has been issued. 9667

A conditional license authorizes an individual to practice 9668
speech-language pathology ~~or audiology~~ while completing the 9669
supervised professional experience as required by division (F) 9670
of section 4753.06 of the Revised Code. A person holding a 9671
conditional license may practice speech-language pathology ~~or~~ 9672
~~audiology~~ while working under the supervision of a person fully 9673
licensed in accordance with this chapter. A conditional license 9674
is valid for eighteen months unless suspended or revoked 9675
pursuant to section 3123.47 or 4753.10 of the Revised Code. 9676

A person holding a conditional license may perform 9677
services for which payment will be sought under the medicare 9678
program or the medicaid program but all requests for payment for 9679
such services shall be made by the person who supervises the 9680
person performing the services. 9681

Sec. 4753.12. Nothing in this chapter shall be construed 9682
to: 9683

(A) Prohibit a person other than an individual from 9684
engaging in the business of speech-language pathology or 9685
audiology without licensure if it employs a licensed individual 9686
in the direct practice of speech-language pathology and 9687
audiology. Such entity shall file a statement with the state 9688
speech and hearing professionals board, on a form approved by 9689
the board for this purpose, swearing that it submits itself to 9690
the rules of the board and the provisions of this chapter which 9691
the board determines applicable. 9692

(B) Prevent or restrict the practice of a person employed 9693
as a speech-language pathologist or audiologist by any agency of 9694
the federal government. 9695

(C) Restrict the activities and services of a student or 9696
intern in speech-language pathology or audiology from pursuing a 9697
course of study leading to a degree in these areas at a college 9698
or university accredited by a recognized regional or national 9699
accrediting body or in one of its cooperating clinical training 9700
facilities, if these activities and services are supervised by a 9701
person licensed in the area of study or certified by the 9702
American speech-language-hearing association in the area of 9703
study and if the student is designated by a title such as 9704
"speech-language pathology intern," "audiology intern," 9705
"trainee," or other such title clearly indicating the training 9706
status. 9707

(D) Prevent a person from performing speech-language 9708
pathology ~~or audiology~~ services when performing these services 9709
in pursuit of the required supervised professional experience as 9710
prescribed in section 4753.06 of the Revised Code and that 9711
person has been issued a conditional license pursuant to section 9712
4753.071 of the Revised Code. 9713

(E) Restrict a speech-language pathologist or audiologist 9714
who holds the certification of the American speech-language- 9715
hearing association, or who is licensed as a speech-language 9716
pathologist or audiologist in another state and who has made 9717
application to the board for a license in this state from 9718
practicing speech-language pathology or audiology without a 9719
valid license pending the disposition of the application. 9720

(F) Restrict a person not a resident of this state from 9721
offering speech-language pathology or audiology services in this 9722
state if such services are performed for not more than one 9723
period of thirty consecutive calendar days in any year, if the 9724
person is licensed in the state of the person's residence or 9725
certified by the American speech-language-hearing association 9726
and files a statement as prescribed by the board in advance of 9727
providing these services. Such person shall be subject to the 9728
rules of the board and the provisions of this chapter. 9729

(G) Restrict a person licensed under Chapter 4747. of the 9730
Revised Code from engaging in the duties as defined in that 9731
chapter related to measuring, testing, and counseling for the 9732
purpose of identifying or modifying hearing conditions in 9733
connection with the fitting, dispensing, or servicing of a 9734
hearing aid, or affect the authority of hearing aid dealers to 9735
deal in hearing aids or advertise the practice of dealing in 9736
hearing aids in accordance with Chapter 4747. of the Revised 9737
Code. 9738

(H) Restrict a physician from engaging in the practice of 9739
medicine and surgery or osteopathic medicine and surgery or 9740
prevent any individual from carrying out any properly delegated 9741
responsibilities within the normal practice of medicine and 9742
surgery or osteopathic medicine and surgery. 9743

(I) Restrict a person registered or licensed under Chapter 9744
4723. of the Revised Code from performing those acts and 9745
utilizing those procedures that are within the scope of the 9746
practice of professional or practical nursing as defined in 9747
Chapter 4723. of the Revised Code and the ethics of the nursing 9748
profession, provided such a person does not claim to the public 9749
to be a speech-language pathologist or audiologist. 9750

(J) Restrict an individual licensed as an audiologist 9751
under this chapter from fitting, selling, or dispensing hearing 9752
aids. 9753

(K) Authorize the practice of medicine and surgery or 9754
entitle a person licensed pursuant to this chapter to engage in 9755
the practice of medicine or surgery or any of its branches. 9756

(L) Restrict a person licensed pursuant to Chapter 4755. 9757
of the Revised Code from performing those acts and utilizing 9758
those procedures that are within the scope of the practice of 9759
occupational therapy or occupational therapy assistant as 9760
defined in Chapter 4755. of the Revised Code, provided the 9761
person does not claim to the public to be a speech-language 9762
pathologist or audiologist. 9763

Sec. 4755.01. (A) There is hereby created the Ohio 9764
occupational therapy, physical therapy, and athletic trainers 9765
board consisting of sixteen residents of this state, who shall 9766
be appointed by the governor with the advice and consent of the 9767
senate. The board shall be composed of a physical therapy 9768
section, an occupational therapy section, and an athletic 9769
trainers section. 9770

(1) ~~Five-Four~~ members of the board shall be physical 9771
therapists who are licensed to practice physical therapy and who 9772

have been engaged in or actively associated with the practice of 9773
physical therapy in this state for at least five years 9774
immediately preceding appointment. One member shall be a 9775
licensed physical therapist assistant who has been engaged in or 9776
actively associated with the practice of assisting in the 9777
provision of physical therapy treatments in this state for at 9778
least five years immediately preceding appointment. Such members 9779
of the board shall sit on the physical therapy section. The 9780
physical therapy section also shall consist of four additional 9781
members, appointed by the governor with the advice and consent 9782
of the senate, who satisfy the same qualifications as the 9783
members of the board sitting on the physical therapy section, 9784
but who are not members of the board. Of the additional physical 9785
therapy section members, at least three shall be physical 9786
therapists. The fourth additional member shall be either a 9787
physical therapist or a physical therapist assistant. Of the 9788
additional physical therapy section members whose terms commence 9789
on August 28, 2007, one shall be for a term of one year, one for 9790
a term of two years, one for a term of three years, and one for 9791
a term of four years. Such additional members of the physical 9792
therapy section are vested with only such powers and shall 9793
perform only such duties as relate to the affairs of that 9794
section. 9795

(2) Four members of the board shall be occupational 9796
therapists and one member shall be a licensed occupational 9797
therapy assistant, all of whom have been engaged in or actively 9798
associated with the practice of occupational therapy or practice 9799
as an occupational therapy assistant in this state for at least 9800
five years immediately preceding appointment. Such members of 9801
the board shall sit on the occupational therapy section. 9802

(3) Four members of the board shall be athletic trainers 9803

who have been engaged in the practice of athletic training in 9804
Ohio for at least five years immediately preceding appointment. 9805
One member of the board shall be a physician licensed to 9806
practice medicine and surgery in this state. Such members of the 9807
board shall sit on the athletic trainers section. 9808

(4) One member of the board shall represent the public. 9809
This member shall sit on the board and shall attend each year at 9810
least three meetings of the physical therapy section, three 9811
meetings of the occupational therapy section, and three meetings 9812
of the athletic trainers section. 9813

(B) Except for the terms of office specified in division 9814
(A) (1) of this section for the additional members of the 9815
physical therapy section commencing on August 28, 2007, terms 9816
for the members of the board and the additional members of the 9817
physical therapy section are for three years. Each member's term 9818
shall commence on the twenty-eighth day of August and end on the 9819
twenty-seventh day of August. Each member shall serve subsequent 9820
to the expiration of the member's term until the member's 9821
successor is appointed and qualifies, or until a period of 9822
ninety days has elapsed, whichever occurs first. A member shall 9823
not serve for more than three consecutive terms. All vacancies 9824
shall be filled in the manner prescribed for the regular 9825
appointments and are limited to the unexpired terms. 9826

(C) Each member of the board and each additional member of 9827
the physical therapy section, before entering upon the official 9828
duties of office, shall do both of the following: 9829

(1) Subscribe to and file with the secretary of state the 9830
constitutional oath of office; 9831

(2) Sign and file with the executive director of the board 9832

a notarized statement that the member has read and understands 9833
sections 121.22 and 149.43 of the Revised Code and the 9834
provisions of Chapter 119. of the Revised Code that are 9835
applicable to the duties of the board. 9836

(D) Annually, upon the qualification of the member or 9837
members appointed in that year, the board shall organize by 9838
selecting from its members a president and secretary. Each 9839
section of the board shall independently organize by selecting 9840
from its members a chairperson and secretary. 9841

(E) A majority of the members of the board constitutes a 9842
quorum to transact and vote on the business of the board. A 9843
majority of the members of each section constitutes a quorum to 9844
transact and vote on the affairs of that section. 9845

(F) Each member of the board and each additional member of 9846
the physical therapy section shall receive an amount fixed 9847
pursuant to division (J) of section 124.15 of the Revised Code 9848
for each day employed in the discharge of official duties. In 9849
addition, each member of the board and each additional member of 9850
the physical therapy section shall receive the member's actual 9851
and necessary expenses incurred in the performance of official 9852
duties. 9853

(G) The board of trustees of the Ohio occupational therapy 9854
association may recommend, after any term expires or vacancy 9855
occurs in an occupational therapy position, at least three 9856
persons to fill each such position or vacancy on the board, and 9857
the governor may make the appointment from the persons so 9858
recommended. The executive board of the Ohio chapter of the 9859
American physical therapy association may recommend, after any 9860
term expires or vacancy occurs in a physical therapy position, 9861
at least three persons to fill each such vacancy on the board, 9862

and the governor may make appointments from the persons so 9863
recommended. The Ohio athletic trainers association shall 9864
recommend to the governor at least three persons when any term 9865
expires or any vacancy occurs in an athletic trainer position. 9866
The governor may select one of the association's recommendations 9867
in making such an appointment. 9868

(H) The board shall meet as a whole to determine all 9869
administrative, personnel, and budgetary matters. The executive 9870
director of the board appointed by the board shall not be a 9871
physical therapist, an occupational therapist, or an athletic 9872
trainer who has been licensed to practice physical therapy, 9873
occupational therapy, or as an athletic trainer in this state 9874
within three years immediately preceding appointment. The 9875
executive director shall execute, under the direction of the 9876
board, the policies, orders, directives, and administrative 9877
functions of the board and shall direct, under rules adopted by 9878
the board, the work of all persons employed by the board. Upon 9879
the request of the board, the executive director shall report to 9880
the board on any matter. The executive director shall serve at 9881
the pleasure of the board. 9882

(I) The occupational therapy section of the board shall 9883
have the authority to act on behalf of the board on matters 9884
concerning the practice of occupational therapy and, in 9885
particular, the examination of applicants, the issuance of 9886
licenses, and the suspension or revocation of licenses to 9887
practice as an occupational therapist or occupational therapy 9888
assistant. The physical therapy section of the board shall have 9889
the authority to act on behalf of the board on matters 9890
concerning the practice of physical therapy and, in particular, 9891
the examination, licensure, and suspension or revocation of 9892
licensure of applicants, physical therapists, and physical 9893

therapist assistants. The athletic trainers section of the board 9894
shall have the authority to act on behalf of the board on 9895
matters concerning the practice of athletic training and, in 9896
particular, the examination, licensure, and suspension or 9897
revocation of licensure of applicants and athletic trainers. All 9898
actions taken by any section of the board under this division 9899
shall be in accordance with Chapter 119. of the Revised Code. 9900

Sec. 4755.062. The occupational therapy section of the 9901
Ohio occupational therapy, physical therapy, and athletic 9902
trainers board may contract with the Ohio occupational therapy 9903
association, or its successor organization, for assistance in 9904
performing any duties prescribed in rules adopted under division 9905
~~(I)~~(H) of section 4755.06 of the Revised Code. 9906

Sec. 4757.02. (A) Except as provided in division (C) of 9907
this section and section 4757.41 of the Revised Code: 9908

(1) No person shall engage in or claim to the public to be 9909
engaging in the practice of professional counseling for a fee, 9910
salary, or other consideration unless the person is currently 9911
licensed under this chapter as a licensed professional clinical 9912
counselor or licensed professional counselor. 9913

(2) No person shall practice or claim to the public to be 9914
practicing social work for a fee, salary, or other consideration 9915
unless the person is currently licensed under this chapter as an 9916
independent social worker or a social worker. 9917

(3) No person shall claim to the public to be a social 9918
work assistant unless the person is currently registered under 9919
this chapter as a social work assistant. 9920

(4) No person shall engage in the practice of marriage and 9921
family therapy or claim to the public to be engaging in the 9922

practice of marriage and family therapy unless the person is 9923
currently licensed under this chapter as a marriage and family 9924
therapist. 9925

(B) (1) No person shall use the title "licensed 9926
professional clinical counselor," "licensed professional 9927
counselor," or any other title or description incorporating the 9928
word "counselor" or any initials used to identify persons acting 9929
in those capacities unless currently authorized under this 9930
chapter by licensure to act in the capacity indicated by the 9931
title or initials. 9932

(2) No person shall use the title "social worker," 9933
"independent social worker," "social work assistant," or any 9934
other title or description incorporating the words "social 9935
worker" or any initials used to identify persons acting in those 9936
capacities unless the person is currently authorized by 9937
licensure or registration under this chapter to act in the 9938
capacity indicated by the title or initials. 9939

(3) No person shall use the title "marriage and family 9940
therapist" or any initials used to identify persons acting in 9941
that capacity unless the person is currently authorized by 9942
licensure under this chapter to act in the capacity indicated by 9943
the title or initials. 9944

(C) (1) Divisions (A) (1) to (3) of this section do not 9945
apply to the practice of marriage and family therapy by a person 9946
holding a valid license or temporary license as a marriage and 9947
family therapist under this chapter or holding a valid license 9948
as an independent marriage and family therapist under this 9949
chapter. 9950

(2) Division (A) (4) of this section does not apply to the 9951

following persons licensed or registered under this chapter: 9952
licensed professional clinical counselors, licensed professional 9953
counselors, independent social workers, social workers, and 9954
social work assistants. 9955

Sec. 4757.22. (A) The counselors professional standards 9956
committee of the counselor, social worker, and marriage and 9957
family therapist board shall issue a license to practice as a 9958
licensed professional clinical counselor to each applicant who 9959
submits a properly completed application, pays the fee 9960
established under section 4757.31 of the Revised Code, and meets 9961
the requirements specified in division (B) of this section. 9962

(B) (1) To be eligible for a licensed professional clinical 9963
counselor license, an individual must meet the following 9964
requirements: 9965

(a) The individual must hold a graduate degree in 9966
counseling as described in division (B) (2) of this section. 9967

(b) The individual must complete a minimum of ninety 9968
quarter hours or sixty semester hours of graduate credit in 9969
counselor training acceptable to the committee, including 9970
instruction in the following areas: 9971

(i) Clinical psychopathology, personality, and abnormal 9972
behavior; 9973

(ii) Evaluation of mental and emotional disorders; 9974

(iii) Diagnosis of mental and emotional disorders; 9975

(iv) Methods of prevention, intervention, and treatment of 9976
mental and emotional disorders. 9977

(c) The individual must complete, in either a private or 9978
clinical counseling setting, supervised experience in counseling 9979

that is of a type approved by the committee, is supervised by a 9980
licensed professional clinical counselor or other qualified 9981
professional approved by the committee, and is in the following 9982
amounts: 9983

(i) In the case of an individual holding only a master's 9984
degree, not less than two years of experience, which must be 9985
completed after the award of the master's degree; 9986

(ii) In the case of an individual holding a doctorate, not 9987
less than one year of experience, which must be completed after 9988
the award of the doctorate. 9989

(d) The individual must pass a field evaluation that meets 9990
the following requirements: 9991

(i) Has been completed by the applicant's instructors, 9992
employers, supervisors, or other persons determined by the 9993
committee to be competent to evaluate an individual's 9994
professional competence; 9995

(ii) Includes documented evidence of the quality, scope, 9996
and nature of the applicant's experience and competence in 9997
diagnosing and treating mental and emotional disorders. 9998

(e) The individual must pass an examination administered 9999
by the board for the purpose of determining ability to practice 10000
as a licensed professional clinical counselor. 10001

(2) To meet the requirement of division (B)(1)(a) of this 10002
section, a graduate degree in counseling obtained from a 10003
counseling program in this state after January 1, 2018, must be 10004
from one of the following: 10005

(a) A counseling program accredited by the council for 10006
accreditation of counseling and related educational programs; 10007

(b) A counseling education program approved by the board	10008
in accordance with rules adopted by the board under division (G)	10009
<u>(F)</u> of this section.	10010
(3) All of the following meet the educational requirements	10011
of division (B) (1) (b) of this section:	10012
(a) A clinical mental health counseling program accredited	10013
by the council for accreditation of counseling and related	10014
educational programs;	10015
(b) Until January 1, 2018, a mental health counseling	10016
program accredited by the council for accreditation of	10017
counseling and related educational programs;	10018
(e) A graduate degree in counseling issued by another	10019
state from a clinical mental health counseling program, a	10020
clinical rehabilitation counseling program, or an addiction	10021
counseling program that is accredited by the council for	10022
accreditation of counseling and related educational programs;	10023
(d) <u>(c)</u> A counseling education program approved by the	10024
board in accordance with rules adopted under division (G) <u>(F)</u> of	10025
this section.	10026
(C) To be accepted by the committee for purposes of	10027
division (B) of this section, counselor training must include at	10028
least the following:	10029
(1) Instruction in human growth and development;	10030
counseling theory; counseling techniques; group dynamics,	10031
processing, and counseling; appraisal of individuals; research	10032
and evaluation; professional, legal, and ethical	10033
responsibilities; social and cultural foundations; and lifestyle	10034
and career development;	10035

(2) Participation in a supervised practicum and clinical internship in counseling.	10036 10037
(D) The committee may issue a temporary license to an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the committee to issue a license to practice as a licensed professional clinical counselor.	10038 10039 10040 10041 10042
(E) An individual may not sit for the licensing examination unless the individual meets the educational requirements to be licensed under this section. An individual who is denied admission to the licensing examination may appeal the denial in accordance with Chapter 119. of the Revised Code.	10043 10044 10045 10046 10047
(F) <u>(E)</u> The board shall adopt any rules necessary for the committee to implement this section. The rules shall do both of the following:	10048 10049 10050
(1) Establish criteria for the committee to use in determining whether an applicant's training should be accepted and supervised experience approved;	10051 10052 10053
(2) Establish course content requirements for qualifying counseling degrees issued by institutions in other states from clinical mental health counseling programs, clinical rehabilitation counseling programs, and addiction counseling programs that are not accredited by the council for accreditation of counseling and related educational programs.	10054 10055 10056 10057 10058 10059
Rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code.	10060 10061
(G) (1) <u>(F) (1)</u> The board may adopt rules to temporarily approve a counseling education program created after January 1, 2018, that has not been accredited by the council for	10062 10063 10064

accreditation of counseling and related educational programs. If 10065
the board adopts rules under this division, the board shall do 10066
all of the following in the rules: 10067

(a) Create an application process under which a program 10068
administrator may apply to the board for approval of the 10069
program; 10070

(b) Identify the educational requirements that an 10071
individual must satisfy to receive a graduate degree in 10072
counseling from the approved program; 10073

(c) Establish a time period during which an individual may 10074
use an unaccredited degree granted under the program to satisfy 10075
the requirements of divisions (B) (1) (a) and (b) of this section; 10076

(d) Specify that, if the program is denied accreditation, 10077
a student enrolled in the program before the accreditation is 10078
denied may apply for licensure before completing the program 10079
and, on receiving a degree from the program, is considered to 10080
satisfy divisions (B) (1) (a) and (b) of this section. 10081

(2) A degree from a counseling education program approved 10082
by the board pursuant to the rules adopted under division ~~(G) (1)~~ 10083
(F) (1) of this section satisfies the requirements of divisions 10084
(B) (1) (a) and (b) of this section for the time period approved 10085
by the board. 10086

Sec. 4757.27. (A) The social workers professional 10087
standards committee of the counselor, social worker, and 10088
marriage and family therapist board shall issue a license as an 10089
independent social worker to each applicant who submits a 10090
properly completed application, pays the fee established under 10091
section 4757.31 of the Revised Code, and meets the requirements 10092
specified in division (B) of this section. An independent social 10093

worker license shall clearly indicate each academic degree 10094
earned by the person to whom it has been issued. 10095

(B) To be eligible for a license as an independent social 10096
worker, an individual must meet the following requirements: 10097

(1) The individual must hold a master's degree in social 10098
work from an educational institution accredited by the council 10099
on social work education or an educational institution in 10100
candidacy for accreditation by the council. 10101

(2) The individual must complete at least two years of 10102
post-master's degree social work experience supervised by an 10103
independent social worker. 10104

(3) The individual must pass an examination administered 10105
by the board for the purpose of determining ability to practice 10106
as an independent social worker. 10107

~~(C) The committee may issue a temporary license to an 10108
applicant who meets all of the requirements to be licensed under 10109
this section, pending the receipt of transcripts or action by 10110
the committee to issue a license as an independent social 10111
worker. 10112~~

~~(D) The board shall adopt any rules necessary for the 10113
committee to implement this section, including criteria for the 10114
committee to use in determining whether an applicant's training 10115
should be accepted and supervised experience approved. Rules 10116
adopted under this division shall be adopted in accordance with 10117
Chapter 119. of the Revised Code. 10118~~

Sec. 4757.301. On receipt of an application for a license 10119
as a marriage and family therapist, the counselor, social 10120
worker, and marriage and family therapist board may issue a 10121
temporary license to an individual who qualifies under division 10122

(A) of section 4757.30 of the Revised Code for licensure as a marriage and family therapist ~~or divisions (A) and (C) of section 4757.30 of the Revised Code for licensure as an independent marriage and family therapist~~, except that the individual is awaiting the next opportunity to take an examination required by the board under that division. The temporary license allows the holder to engage in the practice of ~~independent marriage and family therapy or marriage and family therapy~~ as appropriate and is valid from the date of issuance until the earlier of one year from that date, the date the applicant withdraws from taking the examination, the date the applicant is notified that the applicant failed the examination, or the date the applicant's license is issued under section 4757.30 of the Revised Code. A temporary license may not be renewed.

Sec. 4757.33. (A) Except as provided in ~~division~~ divisions (B) and (C) of this section, each person who holds a license or certificate of registration issued under this chapter shall complete during the period that the license or certificate is in effect not less than thirty clock hours of continuing professional education as a condition of receiving a renewed license or certificate. To have a lapsed license or certificate of registration restored, a person shall complete the number of hours of continuing education specified by the counselor, social worker, and marriage and family therapist board in rules it shall adopt in accordance with Chapter 119. of the Revised Code.

The professional standards committees of the counselor, social worker, and marriage and family therapist board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures to be followed by the committees in conducting the continuing education approval

process, which shall include registering individuals and 10154
entities to provide continuing education programs approved by 10155
the board. 10156

(B) In the case of a person who holds a certificate of 10157
registration issued under section 4757.29 of the Revised Code, 10158
the person shall complete during the period that the certificate 10159
is in effect not less than fifteen clock hours of continuing 10160
professional education as a condition of receiving a renewed 10161
certificate. 10162

(C) The board may waive the continuing education 10163
requirements established under this section for persons who are 10164
unable to fulfill them because of military service, illness, 10165
residence abroad, or any other reason the committee considers 10166
acceptable. 10167

Sec. 4757.41. (A) This chapter shall not apply to the 10168
following: 10169

(1) A person certified by the state board of education 10170
under Chapter 3319. of the Revised Code while performing any 10171
services within the person's scope of employment by a board of 10172
education or by a private school meeting the standards 10173
prescribed by the state board of education under division (D) of 10174
section 3301.07 of the Revised Code or in a program operated 10175
under Chapter 5126. of the Revised Code for training individuals 10176
with developmental disabilities; 10177

(2) Psychologists, independent school psychologists, or 10178
school psychologists licensed under Chapter 4732. of the Revised 10179
Code; 10180

(3) Members of other professions licensed, certified, or 10181
registered by this state while performing services within the 10182

recognized scope, standards, and ethics of their respective 10183
professions; 10184

(4) Rabbis, priests, Christian science practitioners, 10185
clergy, or members of religious orders and other individuals 10186
participating with them in pastoral counseling when the 10187
counseling activities are within the scope of the performance of 10188
their regular or specialized ministerial duties and are 10189
performed under the auspices or sponsorship of an established 10190
and legally cognizable church, denomination, or sect or an 10191
integrated auxiliary of a church as defined in federal tax 10192
regulations, paragraph (g) (5) of 26 C.F.R. 1.6033-2 (1995), and 10193
when the individual rendering the service remains accountable to 10194
the established authority of that church, denomination, sect, or 10195
integrated auxiliary; 10196

(5) Any person who is not licensed under this chapter as a 10197
licensed professional clinical counselor, licensed professional 10198
counselor, independent social worker, or social worker and is 10199
employed in the civil service as defined in section 124.01 of 10200
the Revised Code while engaging in professional counseling or 10201
social work as a civil service employee, if on July 10, 2014, 10202
the person has at least two years of service in that capacity; 10203

(6) A student in an accredited educational institution 10204
while carrying out activities that are part of the student's 10205
prescribed course of study if the activities are supervised as 10206
required by the educational institution and if the student does 10207
not hold herself or himself out as a person licensed or 10208
registered under this chapter; 10209

(7) An individual who holds a license or certificate under 10210
Chapter 4758. of the Revised Code who is acting within the scope 10211
of the individual's license or certificate as a member of the 10212

profession of chemical dependency counseling or prevention	10213
services;	10214
(8) Any person employed by the American red cross while	10215
engaging in activities relating to services for military	10216
families and veterans and disaster relief, as described in the	10217
"American National Red Cross Act," 33 Stat. 599 (1905), 36	10218
U.S.C.A. 1, as amended;	10219
(9) Members of labor organizations who hold union	10220
counselor certificates while performing services in their	10221
official capacity as union counselors;	10222
(10) Any person employed in a hospital as defined in	10223
section 3727.01 of the Revised Code or in a nursing home as	10224
defined in section 3721.01 of the Revised Code while providing	10225
as a hospital employee or nursing home employee, respectively,	10226
social services other than counseling and the use of	10227
psychosocial interventions and social psychotherapy;	10228
(11) A vocational rehabilitation professional who is	10229
providing rehabilitation services to individuals under section	10230
3304.17 of the Revised Code, or holds certification by the	10231
commission on rehabilitation counselor certification and is	10232
providing rehabilitation counseling services consistent with the	10233
commission's standards;	10234
(12) A caseworker not licensed under this chapter as an	10235
independent social worker or social worker who is employed by a	10236
public children services agency under section 5153.112 of the	10237
Revised Code.	10238
(B) Divisions (A) (5) and (10) of this section do not	10239
prevent a person described in those divisions from obtaining a	10240
license or certificate of registration under this chapter.	10241

(C) Except as provided in divisions (A) and (D) of this section, no employee in the service of the state, including public employees as defined by Chapter 4117. of the Revised Code, shall engage in the practice of professional counseling, social work, or marriage and family therapy without the appropriate license issued by the board. Failure to comply with this division constitutes nonfeasance under section 124.34 of the Revised Code or just cause under a collective bargaining agreement. Nothing in this division restricts the director of administrative services from developing new classifications related to this division or from reassigning affected employees to appropriate classifications based on the employee's duties and qualifications.

(D) Except as provided in division (A) of this section, an employee who was engaged in the practice of professional counseling, social work, or marriage and family therapy in the service of the state prior to July 10, 2014, including public employees as defined by Chapter 4117. of the Revised Code, shall comply with division (C) of this section within two years after July 10, 2014. Any such employee who fails to comply shall be removed from employment.

(E) Nothing in this chapter prevents a public children services agency from employing as a caseworker a person not licensed under this chapter as an independent social worker or social worker who has the qualifications specified in section 5153.112 of the Revised Code.

Sec. 4758.20. (A) The chemical dependency professionals board shall adopt rules to establish, specify, or provide for all of the following:

(1) Fees for the purposes authorized by section 4758.21 of

the Revised Code;	10272
(2) If the board, pursuant to section 4758.221 of the Revised Code, elects to administer examinations for individuals seeking to act as substance abuse professionals in a U.S. department of transportation drug and alcohol testing program, the board's administration of the examinations;	10273 10274 10275 10276 10277
(3) For the purpose of section 4758.23 of the Revised Code, codes of ethical practice and professional conduct for individuals who hold a license, certificate, or endorsement issued under this chapter;	10278 10279 10280 10281
(4) For the purpose of section 4758.24 of the Revised Code, all of the following:	10282 10283
(a) The documents that an individual seeking such a license, certificate, or endorsement must submit to the board;	10284 10285
(b) Requirements to obtain the license, certificate, or endorsement that are in addition to the requirements established under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, 4758.47, and 4758.48 of the Revised Code. The additional requirements may include preceptorships.	10286 10287 10288 10289 10290
(c) The period of time that an individual whose registered applicant certificate has expired must wait before applying for a new registered applicant certificate.	10291 10292 10293
(5) For the purpose of section 4758.28 of the Revised Code, requirements for approval of continuing education courses of study for individuals who hold a license, certificate, or endorsement issued under this chapter;	10294 10295 10296 10297
(6) For the purpose of section 4758.30 of the Revised Code, the intervention for and treatment of an individual	10298 10299

holding a license, certificate, or endorsement issued under this chapter whose abilities to practice are impaired due to abuse of or dependency on alcohol or other drugs or other physical or mental condition;

(7) Requirements governing reinstatement of a suspended or revoked license, certificate, or endorsement under division (C) of section 4758.30 of the Revised Code, including requirements for determining the amount of time an individual must wait to apply for reinstatement;

(8) For the purpose of section 4758.31 of the Revised Code, methods of ensuring that all records the board holds pertaining to an investigation remain confidential during the investigation;

(9) Criteria for employees of the board to follow when performing their duties under division (B) of section 4758.35 of the Revised Code;

(10) For the purpose of division (A) (1) of section 4758.39 and division (A) (1) of section 4758.40 of the Revised Code, course requirements for a degree in a behavioral science or nursing that shall, at a minimum, include at least forty semester hours in all of the following courses:

~~(a) Theories of counseling and psychotherapy;~~

~~(b) Counseling procedures;~~

~~(c) Group process and techniques;~~

~~(d) Relationship therapy;~~

~~(e) Research methods and statistics;~~

~~(f) Fundamentals of assessment and diagnosis, including~~

measurement and appraisal;	10327
(g) Psychopathology;	10328
(h) Human development;	10329
(i) Cultural competence in counseling;	10330
(j) Ethics. <u>may include specific content areas and minimum</u>	10331
<u>hours for course requirements;</u>	10332
(11) For the purpose of division (A) (2) of section 4758.39	10333
of the Revised Code, the number of hours of compensated work or	10334
supervised internship experience that an individual must have	10335
and the number of those hours that must be in clinical	10336
supervisory experience;	10337
(12) For the purpose of division (A) (3) of section	10338
4758.39, division (A) (3) of section 4758.40, division (A) (3) of	10339
section 4758.41, and divisions (A) (3) and (D) (3) of section	10340
4758.42 of the Revised Code, both of the following:	10341
(a) The number of hours of training in chemical dependency	10342
an individual must have;	10343
(b) Training requirements for chemical dependency that	10344
shall, at a minimum, include qualifications for the individuals	10345
who provide the training and the content areas covered in the	10346
training.	10347
(13) For the purpose of division (A) (2) of section	10348
4758.40, division (A) (2) of section 4758.41, and division (A) (2)	10349
of section 4758.42 of the Revised Code, the number of hours of	10350
compensated work or supervised internship experience that an	10351
individual must have;	10352
(14) For the purpose of division (B) (2) (b) of section	10353

4758.40 and division (B) (2) of section 4758.41 of the Revised Code, requirements for the forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training, including the number of the clock hours that must be on substance-related disorders, the number of the clock hours that must be on chemical dependency conditions, and the number of the clock hours that must be on awareness of other mental and emotional disorders;

(15) For the purpose of division (A) (1) of section 4758.41 of the Revised Code, course requirements for a degree in a behavioral science or nursing;

(16) For the purpose of division (C) (2) of section 4758.42 of the Revised Code, education requirements for chemical dependency;

(17) For the purpose of division (C) (3) of section 4758.42 of the Revised Code, requirements for programs that provide practicum experience in chemical dependency;

(18) For the purpose of division (A) of section 4758.43 of the Revised Code, both of the following:

(a) The number of hours of training in chemical dependency counseling that an individual must have;

(b) Training requirements for chemical dependency counseling that shall, at a minimum, include qualifications for the individuals who provide the training and the content areas covered in the training.

(19) For the purpose of division (A) (1) of section 4758.44 of the Revised Code, the number of hours of compensated work experience in prevention services that an individual must have

and the number of those hours that must be in administering or 10383
supervising the services; 10384

(20) For the purpose of division (A) (2) of section 4758.44 10385
of the Revised Code, the field of study in which an individual 10386
must obtain at least a bachelor's degree; 10387

(21) For the purpose of division (A) (3) of section 10388
4758.44, division (A) (3) of section 4758.45, and division (D) of 10389
section 4758.46 of the Revised Code, both of the following: 10390

(a) The number of hours of prevention-related education 10391
that an individual must have; 10392

(b) Requirements for prevention-related education. 10393

(22) For the purpose of division (A) (4) of section 4758.44 10394
of the Revised Code, the number of hours of administrative or 10395
supervisory education that an individual must have; 10396

(23) For the purpose of division (A) (1) of section 4758.45 10397
of the Revised Code, the number of hours of compensated or 10398
volunteer work, field placement, intern, or practicum experience 10399
in prevention services that an individual must have and the 10400
number of those hours that must be in planning or delivering the 10401
services; 10402

(24) For the purpose of division (A) (2) of section 4758.45 10403
of the Revised Code, the field of study in which an individual 10404
must obtain at least an associate's degree; 10405

(25) For the purpose of division (C) of section 4758.46 of 10406
the Revised Code, the number of hours of compensated or 10407
volunteer work, field placement, intern, or practicum experience 10408
in prevention services that an individual must have; 10409

(26) Standards for the one hundred hours of compensated 10410

work or supervised internship in gambling disorder direct	10411
clinical experience required by division (B) (2) of section	10412
4758.48 of the Revised Code;	10413
(27) For the purpose of section 4758.51 of the Revised	10414
Code, continuing education requirements for individuals who hold	10415
a license, certificate, or endorsement issued under this	10416
chapter;	10417
(28) For the purpose of section 4758.51 of the Revised	10418
Code, the number of hours of continuing education that an	10419
individual must complete to have an expired license,	10420
certificate, or endorsement restored under section 4758.26 of	10421
the Revised Code;	10422
(29) For the purpose of divisions (A) and (B) of section	10423
4758.52 of the Revised Code, training requirements for chemical	10424
dependency counseling;	10425
(30) The duties, which may differ, of all of the	10426
following:	10427
(a) An independent chemical dependency counselor-clinical	10428
supervisor licensed under this chapter who supervises a chemical	10429
dependency counselor III under section 4758.56 of the Revised	10430
Code;	10431
(b) An independent chemical dependency counselor-clinical	10432
supervisor, independent chemical dependency counselor, or	10433
chemical dependency counselor III licensed under this chapter	10434
who supervises a chemical dependency counselor assistant under	10435
section 4758.59 of the Revised Code;	10436
(c) A prevention consultant or prevention specialist	10437
certified under this chapter who supervises a prevention	10438
specialist assistant or registered applicant under section	10439

4758.61 of the Revised Code.	10440
(31) The duties of an independent chemical dependency counselor licensed under this chapter who holds the gambling disorder endorsement who supervises a chemical dependency counselor III with the gambling disorder endorsement under section 4758.62 of the Revised Code.	10441 10442 10443 10444 10445
(32) Anything else necessary to administer this chapter.	10446
(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code and any applicable federal laws and regulations.	10447 10448 10449
(C) When it adopts rules under this section, the board may consider standards established by any national association or other organization representing the interests of those involved in chemical dependency counseling or prevention services.	10450 10451 10452 10453
Sec. 4758.26. (A) Subject to section 4758.30 of the Revised Code, a license, certificate, or endorsement issued under this chapter expires the following period of time after it is issued:	10454 10455 10456 10457
(1) In the case of an initial chemical dependency counselor assistant certificate, thirteen months;	10458 10459
(2) In the case of any other license, certificate, or endorsement, two years.	10460 10461
(B) Subject to section 4758.30 of the Revised Code and except as provided in section 4758.27 of the Revised Code, the chemical dependency professionals board shall renew a license, certificate, or endorsement issued under this chapter in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code if the individual seeking the	10462 10463 10464 10465 10466 10467

renewal pays the renewal fee established under section 4758.21 10468
of the Revised Code and does the following: 10469

(1) In the case of an individual seeking renewal of an 10470
initial chemical dependency counselor assistant certificate, 10471
satisfies the additional training requirement established under 10472
section 4758.52 of the Revised Code; 10473

(2) In the case of any other individual, satisfies the 10474
continuing education requirements established under section 10475
4758.51 of the Revised Code. 10476

(C) Subject to section 4758.30 of the Revised Code and 10477
except as provided in section 4758.27 of the Revised Code, a 10478
license, certificate, or endorsement issued under this chapter 10479
that has expired may be restored if the individual seeking the 10480
restoration, not later than ~~two years~~ one year after the 10481
license, certificate, or endorsement expires, applies for 10482
restoration of the license, certificate, or endorsement. The 10483
board shall issue a restored license, certificate, or 10484
endorsement to the individual if the individual pays the renewal 10485
fee established under section 4758.21 of the Revised Code and 10486
does the following: 10487

(1) In the case of an individual whose initial chemical 10488
dependency counselor assistant certificate expired, satisfies 10489
the additional training requirement established under section 10490
4758.52 of the Revised Code; 10491

(2) In the case of any other individual, satisfies the 10492
continuing education requirements established under section 10493
4758.51 of the Revised Code for restoring the license, 10494
certificate, or endorsement. 10495

The board shall not require an individual to take an 10496

examination as a condition of having an expired license, 10497
certificate, or endorsement restored under this section. 10498

Sec. 4758.51. (A) Except as provided in division (C) of 10499
this section and in accordance with rules adopted under section 10500
4758.20 of the Revised Code, each individual who holds a 10501
license, certificate, or endorsement issued under this chapter, 10502
other than an initial chemical dependency counselor assistant 10503
certificate, shall complete during the period that the license, 10504
certificate, or endorsement is in effect not less than the 10505
following number of clock hours of continuing education as a 10506
condition of receiving a renewed license, certificate, or 10507
endorsement: 10508

(1) In the case of an individual holding a prevention 10509
specialist assistant certificate, twenty; 10510

(2) In the case of an individual holding a gambling 10511
disorder endorsement, six; 10512

(3) In the case of any other individual, ~~forty~~thirty, 10513
except as follows: 10514

(a) If the individual is age sixty-five years or older, 10515
twenty; 10516

(b) If the individual holds an international certificate 10517
from the international certification and reciprocity consortium, 10518
the number of clock hours required by the consortium. 10519

(B) Except as provided in division (C) of this section, an 10520
individual whose license, certificate, or endorsement issued 10521
under this chapter, other than an initial chemical dependency 10522
counselor assistant certificate, has expired shall complete the 10523
number of hours of continuing education specified in rules 10524
adopted under section 4758.20 of the Revised Code as a condition 10525

of receiving a restored license, certificate, or endorsement. 10526

(C) The chemical dependency professionals board may waive 10527
the continuing education requirements established under this 10528
section for individuals who are unable to fulfill them because 10529
of military service, illness, residence outside the United 10530
States, or any other reason the board considers acceptable. 10531

Sec. 4765.10. (A) The state board of emergency medical, 10532
fire, and transportation services shall do all of the following: 10533

(1) Administer and enforce the provisions of this chapter 10534
and the rules adopted under it; 10535

(2) Approve, in accordance with procedures established in 10536
rules adopted under section 4765.11 of the Revised Code, 10537
examinations that demonstrate competence to have a certificate 10538
to practice renewed without completing a continuing education 10539
~~program requirements~~; 10540

(3) Advise applicants for state or federal emergency 10541
medical services funds, review and comment on applications for 10542
these funds, and approve the use of all state and federal funds 10543
designated solely for emergency medical service programs unless 10544
federal law requires another state agency to approve the use of 10545
all such federal funds; 10546

(4) Serve as a statewide clearinghouse for discussion, 10547
inquiry, and complaints concerning emergency medical services; 10548

(5) Make recommendations to the general assembly on 10549
legislation to improve the delivery of emergency medical 10550
services; 10551

(6) Maintain a toll-free long distance telephone number 10552
through which it shall respond to questions about emergency 10553

medical services; 10554

(7) Work with appropriate state offices in coordinating 10555
the training of firefighters and emergency medical service 10556
personnel. Other state offices that are involved in the training 10557
of firefighters or emergency medical service personnel shall 10558
cooperate with the board and its committees and subcommittees to 10559
achieve this goal. 10560

(8) Provide a liaison to the state emergency operation 10561
center during those periods when a disaster, as defined in 10562
section 5502.21 of the Revised Code, has occurred in this state 10563
and the governor has declared an emergency as defined in that 10564
section. 10565

(B) The board may do any of the following: 10566

(1) Investigate complaints concerning emergency medical 10567
services and emergency medical service organizations as it 10568
determines necessary; 10569

(2) Enter into reciprocal agreements with other states 10570
that have standards for accreditation of emergency medical 10571
services training and continuing education programs and for 10572
certification of first responders, EMTs-basic, EMTs-I, 10573
paramedics, firefighters, or fire safety inspectors that are 10574
substantially similar to those established under this chapter 10575
and the rules adopted under it; 10576

(3) Establish a statewide public information system and 10577
public education programs regarding emergency medical services; 10578

(4) Establish an injury prevention program. 10579

(C) The state board of emergency medical, fire, and 10580
transportation services shall not regulate any profession that 10581

otherwise is regulated by another board, commission, or similar regulatory entity. 10582
10583

Sec. 4765.11. (A) The state board of emergency medical, 10584
fire, and transportation services shall adopt, and may amend and 10585
rescind, rules in accordance with Chapter 119. of the Revised 10586
Code and divisions (C) and (D) of this section that establish 10587
all of the following: 10588

(1) Procedures for its governance and the control of its 10589
actions and business affairs; 10590

(2) Standards for the performance of emergency medical 10591
services by first responders, emergency medical technicians- 10592
basic, emergency medical technicians-intermediate, and emergency 10593
medical technicians-paramedic; 10594

(3) Application fees for certificates of accreditation, 10595
~~certificates of approval,~~ certificates to teach, and 10596
certificates to practice, which shall be deposited into the 10597
trauma and emergency medical services fund created in section 10598
4513.263 of the Revised Code; 10599

(4) Criteria for determining when the application or 10600
renewal fee for a certificate to practice may be waived because 10601
an applicant cannot afford to pay the fee; 10602

(5) Procedures for issuance and renewal of certificates of 10603
accreditation, ~~certificates of approval,~~ certificates to teach, 10604
and certificates to practice, including any measures necessary 10605
to implement section 9.79 of the Revised Code and any procedures 10606
necessary to ensure that adequate notice of renewal is provided 10607
in accordance with division (D) of section 4765.30 of the 10608
Revised Code; 10609

(6) Procedures for suspending or revoking certificates of 10610

accreditation, certificates of approval, certificates to teach,	10611
and certificates to practice;	10612
(7) Grounds for suspension or revocation of a certificate	10613
to practice issued under section 4765.30 of the Revised Code and	10614
for taking any other disciplinary action against a first	10615
responder, EMT-basic, EMT-I, or paramedic;	10616
(8) Procedures for taking disciplinary action against a	10617
first responder, EMT-basic, EMT-I, or paramedic;	10618
(9) Standards for certificates of accreditation and	10619
certificates of approval;	10620
(10) Qualifications for certificates to teach;	10621
(11) Requirements for a certificate to practice;	10622
(12) The curricula, number of hours of instruction and	10623
training, and instructional materials to be used in adult and	10624
pediatric emergency medical services training <u>and continuing</u>	10625
<u>education programs</u> and adult and pediatric emergency medical	10626
services continuing education programs;	10627
(13) Procedures for conducting courses in recognizing	10628
symptoms of life-threatening allergic reactions and in	10629
calculating proper dosage levels and administering injections of	10630
epinephrine to adult and pediatric patients who suffer life-	10631
threatening allergic reactions;	10632
(14) Examinations for certificates to practice;	10633
(15) Procedures for administering examinations for	10634
certificates to practice;	10635
(16) Procedures for approving examinations that	10636
demonstrate competence to have a certificate to practice renewed	10637

without completing an emergency medical services continuing	10638
education program <u>requirements</u> ;	10639
(17) Procedures for granting extensions and exemptions of	10640
emergency medical services continuing education requirements;	10641
(18) Specifications of the emergency medical services that	10642
first responders are authorized to perform under section 4765.35	10643
of the Revised Code, that EMTs-basic are authorized to perform	10644
under section 4765.37 of the Revised Code, that EMTs-I are	10645
authorized to perform under section 4765.38 of the Revised Code,	10646
and that paramedics are authorized to perform under section	10647
4765.39 of the Revised Code;	10648
(19) Standards and procedures for implementing the	10649
requirements of section 4765.06 of the Revised Code, including	10650
designations of the persons who are required to report	10651
information to the board and the types of information to be	10652
reported;	10653
(20) Procedures for administering the emergency medical	10654
services grant program established under section 4765.07 of the	10655
Revised Code;	10656
(21) Procedures consistent with Chapter 119. of the	10657
Revised Code for appealing decisions of the board;	10658
(22) Minimum qualifications and peer review and quality	10659
improvement requirements for persons who provide medical	10660
direction to emergency medical service personnel, including,	10661
subject to division (B) of section 4765.42 of the Revised Code,	10662
qualifications for a physician to be eligible to serve as the	10663
medical director of an emergency medical service organization or	10664
a member of its cooperating physician advisory board;	10665
(23) The manner in which a patient, or a patient's parent,	10666

guardian, or custodian, may consent to the board releasing 10667
identifying information about the patient under division (D) of 10668
section 4765.102 of the Revised Code; 10669

(24) Circumstances under which a training or continuing 10670
education program ~~or continuing education program, or portion of~~ 10671
~~either type of program,~~ may be taught by a person who does not 10672
hold a certificate to teach issued under section 4765.23 of the 10673
Revised Code; 10674

(25) Certification cycles for certificates issued under 10675
sections 4765.23 and 4765.30 of the Revised Code and 10676
certificates issued by the executive director of the state board 10677
of emergency medical, fire, and transportation services under 10678
section 4765.55 of the Revised Code that establish a common 10679
expiration date for all certificates; 10680

(26) Procedures and requirements for accrediting emergency 10681
medical services training and continuing education programs 10682
under one certificate of accreditation. An accredited program 10683
shall offer both training and continuing education services. The 10684
rules adopted under division (A) (26) of this section shall 10685
specify all of the following: 10686

(a) The steps that the operator of a training program 10687
accredited prior to the effective date of this amendment shall 10688
take in order to offer continuing education courses; 10689

(b) The steps the operator of a continuing education 10690
program accredited prior to the effective date of this amendment 10691
shall take in order to offer training courses; 10692

(c) The steps any person certified as an emergency medical 10693
instructor or an emergency medical services continuing education 10694
teacher prior to the effective date of this amendment shall take 10695

to retain certification in order to teach both training and 10696
continuing education courses. 10697

(B) The board may adopt, and may amend and rescind, rules 10698
in accordance with Chapter 119. of the Revised Code and 10699
divisions (C) and (D) of this section that establish any of the 10700
following: 10701

(1) Specifications of information that may be collected 10702
under the trauma system registry and incidence reporting system 10703
created under section 4765.06 of the Revised Code; 10704

(2) Standards and procedures for implementing any of the 10705
recommendations made by any committees of the board or under 10706
section 4765.04 of the Revised Code; 10707

(3) Procedures and requirements for conducting background 10708
checks on applicants for the issuance and renewal of 10709
certificates of accreditation, certificates to teach, and 10710
certificates to practice in accordance with section 109.578 of 10711
the Revised Code; 10712

(4) Any other rules necessary to implement this chapter. 10713

(C) In developing and administering rules adopted under 10714
this chapter, the state board of emergency medical, fire, and 10715
transportation services shall consult with regional directors 10716
and regional advisory boards appointed under section 4765.05 of 10717
the Revised Code and emphasize the special needs of pediatric 10718
and geriatric patients. 10719

(D) On and after the effective date of this amendment, the 10720
executive director shall not require certification to practice 10721
as an emergency medical services assistant instructor and shall 10722
not adopt or enforce rules or issue a certificate regarding the 10723
position of an emergency medical services assistant instructor. 10724

Any emergency medical services assistant instructor certificate 10725
that was issued in accordance with rules adopted under division 10726
(A) of this section prior to the effective date of this 10727
amendment remain valid only until the expiration date of the 10728
certificate, subject to any conditions or responsibilities of 10729
retaining the validity of that certificate. The certificate 10730
shall not be renewed. The board shall adopt, amend, or rescind 10731
rules in accordance with Chapter 119. of the Revised Code in 10732
order to effectuate this division. 10733

(E) Except as otherwise provided in this division, before 10734
adopting, amending, or rescinding any rule under this chapter, 10735
the board shall submit the proposed rule to the director of 10736
public safety for review. The director may review the proposed 10737
rule for not more than sixty days after the date it is 10738
submitted. If, within this sixty-day period, the director 10739
approves the proposed rule or does not notify the board that the 10740
rule is disapproved, the board may adopt, amend, or rescind the 10741
rule as proposed. If, within this sixty-day period, the director 10742
notifies the board that the proposed rule is disapproved, the 10743
board shall not adopt, amend, or rescind the rule as proposed 10744
unless at least twelve members of the board vote to adopt, 10745
amend, or rescind it. 10746

This division does not apply to an emergency rule adopted 10747
in accordance with section 119.03 of the Revised Code. 10748

Sec. 4765.15. A person seeking to operate an emergency 10749
medical services training and continuing education program shall 10750
submit a completed application for accreditation to the state 10751
board of emergency medical, fire, and transportation services on 10752
a form the board shall prescribe and furnish. The application 10753
shall be accompanied by the appropriate application fee 10754

established in rules adopted under section 4765.11 of the Revised Code. 10755
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~~A person seeking to operate an emergency medical services continuing education program shall submit a completed application for approval to the board on a form the board shall prescribe and furnish. The application shall be accompanied by the appropriate application fee established in rules adopted under section 4765.11 of the Revised Code.~~ 10757
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The board shall administer the accreditation ~~and approval processes~~ process pursuant to rules adopted under section 4765.11 of the Revised Code. In administering ~~these processes~~ this process, the board may authorize other persons to evaluate applications for accreditation ~~or approval~~ and may accept the recommendations made by those persons. 10763
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The board may cause an investigation to be made into the accuracy of the information submitted in any application for accreditation ~~or approval~~. If an investigation indicates that false, misleading, or incomplete information has been submitted to the board in connection with any application for accreditation ~~or approval~~, the board shall conduct a hearing on the matter in accordance with Chapter 119. of the Revised Code. 10769
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Sec. 4765.16. (A) All courses offered through an emergency medical services training and continuing education program ~~or an emergency medical services continuing education program~~, other than ambulance driving, shall be developed under the direction of a physician who specializes in emergency medicine. Each course that deals with trauma care shall be developed in consultation with a physician who specializes in trauma surgery. Except as specified by the state board of emergency medical, fire, and transportation services pursuant to rules adopted 10776
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under section 4765.11 of the Revised Code, each course offered 10785
through a training and continuing education program ~~or~~ 10786
~~continuing education program~~ shall be taught by a person who 10787
holds the appropriate certificate to teach issued under section 10788
4765.23 of the Revised Code. 10789

(B) ~~A~~ All training ~~program~~ for first responders shall meet 10790
the standards established in rules adopted by the board under 10791
section 4765.11 of the Revised Code. The ~~program~~ training shall 10792
include courses in both of the following areas for at least the 10793
number of hours established by the board's rules: 10794

(1) Emergency victim care; 10795

(2) Reading and interpreting a trauma victim's vital 10796
signs. 10797

(C) ~~A~~ All training ~~program~~ for emergency medical 10798
technicians-basic shall meet the standards established in rules 10799
adopted by the board under section 4765.11 of the Revised Code. 10800
The ~~program~~ training shall include courses in each of the 10801
following areas for at least the number of hours established by 10802
the board's rules: 10803

(1) Emergency victim care; 10804

(2) Reading and interpreting a trauma victim's vital 10805
signs; 10806

(3) Triage protocols for adult and pediatric trauma 10807
victims; 10808

(4) In-hospital training; 10809

(5) Clinical training; 10810

(6) Training as an ambulance driver. 10811

Each operator of a training and continuing education 10812
program for emergency medical technicians-basic shall allow any 10813
pupil in the twelfth grade in a secondary school who is at least 10814
seventeen years old and who otherwise meets the requirements for 10815
admission into such a ~~training~~ program to be admitted to and 10816
complete the program and, as part of ~~the~~ training, to ride in an 10817
ambulance with emergency medical technicians-basic, emergency 10818
medical technicians-intermediate, and emergency medical 10819
technicians-paramedic. Each emergency medical service 10820
organization shall allow pupils participating in training 10821
~~programs~~ to ride in an ambulance with emergency medical 10822
technicians-basic, advanced emergency medical technicians- 10823
intermediate, and emergency medical technicians-paramedic. 10824

(D) ~~A~~ All training ~~program~~ for emergency medical 10825
technicians-intermediate shall meet the standards established in 10826
rules adopted by the board under section 4765.11 of the Revised 10827
Code. The ~~program~~ training shall include, or require as a 10828
prerequisite, the training specified in division (C) of this 10829
section and courses in each of the following areas for at least 10830
the number of hours established by the board's rules: 10831

(1) Recognizing symptoms of life-threatening allergic 10832
reactions and in calculating proper dosage levels and 10833
administering injections of epinephrine to persons who suffer 10834
life-threatening allergic reactions, conducted in accordance 10835
with rules adopted by the board under section 4765.11 of the 10836
Revised Code; 10837

(2) Venous access procedures; 10838

(3) Cardiac monitoring and electrical interventions to 10839
support or correct the cardiac function. 10840

(E) ~~A-All~~ training ~~program~~ for emergency medical technicians-paramedic shall meet the standards established in rules adopted by the board under section 4765.11 of the Revised Code. The ~~program~~ training shall include, or require as a prerequisite, the training specified in divisions (C) and (D) of this section and courses in each of the following areas for at least the number of hours established by the board's rules:

- (1) Medical terminology;
- (2) Venous access procedures;
- (3) Airway procedures;
- (4) Patient assessment and triage;
- (5) Acute cardiac care, including administration of parenteral injections, electrical interventions, and other emergency medical services;
- (6) Emergency and trauma victim care beyond that required under division (C) of this section;
- (7) Clinical training beyond that required under division (C) of this section.

(F) ~~A-All~~ continuing education ~~program~~ for first responders, EMTs-basic, EMTs-I, or paramedics shall meet the standards established in rules adopted by the board under section 4765.11 of the Revised Code. ~~A-All~~ continuing education program shall include instruction and training in subjects established by the board's rules for at least the number of hours established by the board's rules. The continuing education requirements for paramedics shall not require more than seventy-five hours of continuing education for every three-year certification cycle.

Sec. 4765.17. (A) The state board of emergency medical, 10869
fire, and transportation services shall issue the appropriate 10870
certificate of accreditation ~~or certificate of approval~~ to an 10871
applicant who meets the requirements of section 4765.16 of the 10872
Revised Code. The board shall grant or deny a certificate of 10873
accreditation ~~or certificate of approval~~ within one hundred 10874
twenty days of receipt of the application. The board may issue a 10875
certificate of accreditation ~~or certificate of approval~~ on a 10876
provisional basis to an applicant who is in substantial 10877
compliance with the requirements of section 4765.16 of the 10878
Revised Code or renew a certificate of accreditation ~~or~~ 10879
~~certificate of approval~~ on a provisional basis to an applicant 10880
who is of good reputation and is in substantial compliance with 10881
the requirements of section 4765.16 of the Revised Code. The 10882
board shall inform an applicant receiving such a certificate of 10883
the conditions that must be met to complete compliance with 10884
section 4765.16 of the Revised Code. 10885

(B) Except as provided in division (C) of this section, a 10886
certificate of accreditation ~~or certificate of approval~~ is valid 10887
for up to five years and may be renewed by the board pursuant to 10888
procedures and standards established in rules adopted under 10889
section 4765.11 of the Revised Code. An application for renewal 10890
shall be accompanied by the appropriate renewal fee established 10891
in rules adopted under section 4765.11 of the Revised Code. 10892

(C) A certificate of accreditation ~~or certificate of~~ 10893
~~approval~~ issued on a provisional basis is valid for the length 10894
of time established by the board. If the board finds that the 10895
holder of such a certificate has met the conditions it specifies 10896
under division (A) of this section, the board shall issue the 10897
appropriate certificate of accreditation ~~or certificate of~~ 10898
~~approval~~. 10899

(D) A certificate of accreditation is valid only for the emergency medical services training and continuing education program or programs for which it is issued. The holder of a certificate of accreditation may apply to operate additional training and continuing education programs in accordance with rules adopted by the board under section 4765.11 of the Revised Code. Any additional training and continuing education programs shall expire on the expiration date of the applicant's current certificate. A certificate of ~~approval is valid only for the emergency medical services continuing education program for which it is issued.~~ Neither accreditation is not transferable.

(E) The holder of a certificate of accreditation ~~or a certificate of approval~~ may offer courses at more than one location in accordance with rules adopted under section 4765.11 of the Revised Code.

Sec. 4765.18. The state board of emergency medical, fire, and transportation services may suspend or revoke a certificate of accreditation ~~or a certificate of approval~~ issued under section 4765.17 of the Revised Code for any of the following reasons:

(A) Violation of this chapter or any rule adopted under it;

(B) Furnishing of false, misleading, or incomplete information to the board;

(C) The signing of an application or the holding of a certificate of accreditation by a person who has pleaded guilty to or has been convicted of a felony, or has pleaded guilty to or been convicted of a crime involving moral turpitude;

(D) The signing of an application or the holding of a

certificate of accreditation by a person who is addicted to the 10929
use of any controlled substance or has been adjudicated 10930
incompetent for that purpose by a court, as provided in section 10931
5122.301 of the Revised Code; 10932

(E) Violation of any commitment made in an application for 10933
a certificate of accreditation ~~or certificate of approval~~; 10934

(F) Presentation to prospective students of misleading, 10935
false, or fraudulent information relating to the emergency 10936
medical services training and continuing education program ~~or~~ 10937
~~emergency medical services continuing education program~~, 10938
employment opportunities, or opportunities for enrollment in 10939
accredited institutions of higher education after entering or 10940
completing courses offered by the operator of a program; 10941

(G) Failure to maintain in a safe and sanitary condition 10942
premises and equipment used in conducting courses of study; 10943

(H) Failure to maintain financial resources adequate for 10944
the satisfactory conduct of courses of study or to retain a 10945
sufficient number of certified instructors; 10946

(I) Discrimination in the acceptance of students upon the 10947
basis of race, color, religion, sex, or national origin. 10948

Sec. 4765.22. A person seeking a certificate to teach in 10949
an emergency medical services training and continuing education 10950
program ~~or an emergency medical services continuing education~~ 10951
~~program~~ shall submit a completed application for certification 10952
to the state board of emergency medical, fire, and 10953
transportation services on a form the board shall prescribe and 10954
furnish. The application shall be accompanied by the appropriate 10955
application fee established in rules adopted under section 10956
4765.11 of the Revised Code. 10957

Sec. 4765.23. The state board of emergency medical, fire, 10958
and transportation services shall issue a certificate to teach 10959
in an emergency medical services training and continuing 10960
education program ~~or an emergency medical services continuing~~ 10961
~~education program~~ to any applicant who it determines meets the 10962
qualifications established in rules adopted under section 10963
4765.11 of the Revised Code. The certificate shall indicate ~~each~~ 10964
the type of instruction and training the certificate holder may 10965
teach under the certificate. 10966

A certificate to teach shall have a certification cycle 10967
established by the board and may be renewed by the board 10968
pursuant to rules adopted under section 4765.11 of the Revised 10969
Code. An application for renewal shall be accompanied by the 10970
appropriate renewal fee established in rules adopted under 10971
section 4765.11 of the Revised Code. 10972

The board may suspend or revoke a certificate to teach 10973
pursuant to rules adopted under section 4765.11 of the Revised 10974
Code. 10975

Sec. 4765.24. The operator of an accredited training and 10976
continuing education program for first responders shall issue a 10977
certificate of completion in first responder training to each 10978
student who successfully completes the training ~~program~~ 10979
described in division (B) of section 4765.16 of the Revised 10980
Code. 10981

The operator of an accredited training and continuing 10982
education program for emergency medical technicians-basic shall 10983
issue a certificate of completion in emergency medical services 10984
training-basic to each student who successfully completes the 10985
EMT-basic ~~program~~ training described in division (C) of section 10986
4765.16 of the Revised Code. 10987

The operator of an accredited training and continuing 10988
education program for emergency medical technicians-intermediate 10989
shall issue a certificate of completion in emergency medical 10990
services training-intermediate to each student who successfully 10991
completes the EMT-I ~~program~~ training described in division (D) 10992
of section 4765.16 of the Revised Code. 10993

The operator of an accredited training and continuing 10994
education program for emergency medical technicians-paramedic 10995
shall issue a certificate of completion in emergency medical 10996
services training-paramedic to each student who successfully 10997
completes the training ~~program~~ described in division (E) of 10998
section 4765.16 of the Revised Code. 10999

The operator of an ~~approved emergency medical services~~ 11000
accredited training and continuing education program shall issue 11001
the appropriate certificate of completion in emergency medical 11002
services continuing education to each student who successfully 11003
completes ~~a~~ any continuing education ~~program~~ requirements 11004
described in division (F) of section 4765.16 of the Revised 11005
Code. 11006

Sec. 4765.29. (A) The state board of emergency medical, 11007
fire, and transportation services shall provide for the 11008
examination of applicants for certification to practice as first 11009
responders, emergency medical technicians-basic, emergency 11010
medical technicians-intermediate, and emergency medical 11011
technicians-paramedic. The examinations shall be established by 11012
the board in rules adopted under section 4765.11 of the Revised 11013
Code. The board may administer the examinations or contract with 11014
other persons to administer the examinations. In either case, 11015
the examinations shall be administered pursuant to procedures 11016
established in rules adopted under section 4765.11 of the 11017

Revised Code and shall be offered at various locations in the 11018
state selected by the board. 11019

Except as provided in division (B) of this section, an 11020
applicant shall not be permitted to take an examination for the 11021
same certificate to practice more than three times since last 11022
receiving the certificate of completion pursuant to section 11023
4765.24 of the Revised Code that qualifies the applicant to take 11024
the examination unless the applicant receives another 11025
certificate of completion that qualifies the applicant to take 11026
the examination. 11027

(B) On request of an applicant who fails three 11028
examinations for the same certificate to practice, the board may 11029
direct the applicant to complete a specific portion of an 11030
accredited emergency medical services training and continuing 11031
education program. If the applicant provides satisfactory proof 11032
to the board that the applicant has successfully completed that 11033
portion of the program, the applicant shall be permitted to take 11034
the examination. 11035

Sec. 4765.30. All of the following apply to the state 11036
board of emergency medical, fire, and transportation services 11037
with respect to issuing and renewing certificates to practice: 11038

(A) The board shall issue a certificate to practice as a 11039
first responder to an applicant who meets all of the following 11040
conditions: 11041

(1) Holds the appropriate certificate of completion issued 11042
in accordance with section 4765.24 of the Revised Code; 11043

(2) Passes the appropriate examination conducted under 11044
section 4765.29 of the Revised Code; 11045

(3) Is not in violation of any provision of this chapter 11046

or the rules adopted under it;	11047
(4) Meets any other certification requirements established	11048
in rules adopted under section 4765.11 of the Revised Code.	11049
(B) The board shall issue a certificate to practice as an	11050
emergency medical technician-basic to an applicant who meets all	11051
of the following conditions:	11052
(1) Holds the appropriate certificate of completion issued	11053
in accordance with section 4765.24 of the Revised Code;	11054
(2) Passes the appropriate examination conducted under	11055
section 4765.29 of the Revised Code;	11056
(3) Is not in violation of any provision of this chapter	11057
or the rules adopted under it;	11058
(4) Meets any other certification requirements established	11059
in rules adopted under section 4765.11 of the Revised Code.	11060
(C) The board shall issue a certificate to practice as an	11061
emergency medical technician-intermediate or emergency medical	11062
technician-paramedic to an applicant who meets all of the	11063
following conditions:	11064
(1) Holds a certificate to practice as an emergency	11065
medical technician-basic;	11066
(2) Holds the appropriate certificate of completion issued	11067
in accordance with section 4765.24 of the Revised Code;	11068
(3) Passes the appropriate examination conducted under	11069
section 4765.29 of the Revised Code;	11070
(4) Is not in violation of any provision of this chapter	11071
or the rules adopted under it;	11072
(5) Meets any other certification requirements established	11073

in rules adopted under section 4765.11 of the Revised Code. 11074

(D) A certificate to practice shall have a certification 11075
cycle established by the board and may be renewed by the board 11076
pursuant to rules adopted under section 4765.11 of the Revised 11077
Code. Not later than sixty days prior to the expiration date of 11078
an individual's certificate to practice, the board shall notify 11079
the individual of the scheduled expiration. 11080

An application for renewal shall be accompanied by the 11081
appropriate renewal fee established in rules adopted under 11082
section 4765.11 of the Revised Code, unless the board waives the 11083
fee on determining pursuant to those rules that the applicant 11084
cannot afford to pay the fee. Except as provided in division (B) 11085
of section 4765.31 of the Revised Code, the application shall 11086
include evidence of either of the following: 11087

(1) That the applicant received a certificate of 11088
completion from the appropriate emergency medical services 11089
training and continuing education program pursuant to section 11090
4765.24 of the Revised Code; 11091

(2) That the applicant has successfully passed an 11092
examination that demonstrates the competence to have a 11093
certificate renewed without completing ~~an~~ emergency medical 11094
services continuing education ~~program~~ requirements. The board 11095
shall approve such examinations in accordance with rules adopted 11096
under section 4765.11 of the Revised Code. 11097

(E) The board shall not require an applicant for renewal 11098
of a certificate to practice to take an examination as a 11099
condition of renewing the certificate. This division does not 11100
preclude the use of examinations by operators of ~~approved~~ 11101
accredited emergency medical services training and continuing 11102

education programs as a condition for issuance of a certificate 11103
of completion in emergency medical services continuing 11104
education. 11105

Sec. 4765.31. (A) Except as provided in division (B) of 11106
this section, a first responder, emergency medical technician- 11107
basic, emergency medical technician-intermediate, and emergency 11108
medical technician-paramedic shall complete ~~an all~~ emergency 11109
medical services continuing education ~~program requirements~~ or 11110
pass an examination approved by the state board of emergency 11111
medical, fire, and transportation services under division (A) of 11112
section 4765.10 of the Revised Code prior to the expiration of 11113
the individual's certificate to practice. Completion of the 11114
continuing education requirements for EMTs-I or paramedics 11115
satisfies the continuing education requirements for renewing the 11116
certificate to practice as an EMT-basic held by an EMT-I or 11117
paramedic. 11118

(B) (1) An applicant for renewal of a certificate to 11119
practice may apply to the board, in writing, for an extension to 11120
complete the continuing education requirements established under 11121
division (A) of this section. The board may grant such an 11122
extension and determine the length of the extension. The board 11123
may authorize the applicant to continue to practice during the 11124
extension as if the certificate to practice had not expired. 11125

(2) An applicant for renewal of a certificate to practice 11126
may apply to the board, in writing, for an exemption from the 11127
continuing education requirements established under division (A) 11128
of this section. The board may exempt an individual or a group 11129
of individuals from all or any part of the continuing education 11130
requirements due to active military service, unusual 11131
circumstance, emergency, special hardship, or any other cause 11132

considered reasonable by the board. 11133

(C) Decisions of whether to grant an extension or 11134
exemption under division (B) of this section shall be made by 11135
the board pursuant to procedures established in rules adopted 11136
under section 4765.11 of the Revised Code. 11137

Sec. 4765.49. (A) A first responder, emergency medical 11138
technician-basic, emergency medical technician-intermediate, or 11139
emergency medical technician-paramedic is not liable in damages 11140
in a civil action for injury, death, or loss to person or 11141
property resulting from the individual's administration of 11142
emergency medical services, unless the services are administered 11143
in a manner that constitutes willful or wanton misconduct. A 11144
physician, physician assistant designated by a physician, or 11145
registered nurse designated by a physician, any of whom is 11146
advising or assisting in the emergency medical services by means 11147
of any communication device or telemetering system, is not 11148
liable in damages in a civil action for injury, death, or loss 11149
to person or property resulting from the individual's advisory 11150
communication or assistance, unless the advisory communication 11151
or assistance is provided in a manner that constitutes willful 11152
or wanton misconduct. Medical directors and members of 11153
cooperating physician advisory boards of emergency medical 11154
service organizations are not liable in damages in a civil 11155
action for injury, death, or loss to person or property 11156
resulting from their acts or omissions in the performance of 11157
their duties, unless the act or omission constitutes willful or 11158
wanton misconduct. 11159

(B) A political subdivision, joint ambulance district, 11160
joint emergency medical services district, or other public 11161
agency, and any officer or employee of a public agency or of a 11162

private organization operating under contract or in joint 11163
agreement with one or more political subdivisions, that provides 11164
emergency medical services, or that enters into a joint 11165
agreement or a contract with the state, any political 11166
subdivision, joint ambulance district, or joint emergency 11167
medical services district for the provision of emergency medical 11168
services, is not liable in damages in a civil action for injury, 11169
death, or loss to person or property arising out of any actions 11170
taken by a first responder, EMT-basic, EMT-I, or paramedic 11171
working under the officer's or employee's jurisdiction, or for 11172
injury, death, or loss to person or property arising out of any 11173
actions of licensed medical personnel advising or assisting the 11174
first responder, EMT-basic, EMT-I, or paramedic, unless the 11175
services are provided in a manner that constitutes willful or 11176
wanton misconduct. 11177

(C) A student who is enrolled in an emergency medical 11178
services training and continuing education program accredited 11179
under section 4765.17 of the Revised Code ~~or an emergency-~~ 11180
~~medical services continuing education program approved under~~ 11181
~~that section~~ is not liable in damages in a civil action for 11182
injury, death, or loss to person or property resulting from 11183
either of the following: 11184

(1) The student's administration of emergency medical 11185
services or patient care or treatment, if the services, care, or 11186
treatment is administered while the student is under the direct 11187
supervision and in the immediate presence of an EMT-basic, EMT- 11188
I, paramedic, registered nurse, physician assistant, or 11189
physician and while the student is receiving clinical training 11190
that is required by the program, unless the services, care, or 11191
treatment is provided in a manner that constitutes willful or 11192
wanton misconduct; 11193

(2) The student's training as an ambulance driver, unless 11194
the driving is done in a manner that constitutes willful or 11195
wanton misconduct. 11196

(D) An EMT-basic, EMT-I, paramedic, or other operator, who 11197
holds a valid commercial driver's license issued pursuant to 11198
Chapter 4506. of the Revised Code or driver's license issued 11199
pursuant to Chapter 4507. of the Revised Code and who is 11200
employed by an emergency medical service organization that is 11201
not owned or operated by a political subdivision as defined in 11202
section 2744.01 of the Revised Code, is not liable in damages in 11203
a civil action for injury, death, or loss to person or property 11204
that is caused by the operation of an ambulance by the EMT- 11205
basic, EMT-I, paramedic, or other operator while responding to 11206
or completing a call for emergency medical services, unless the 11207
operation constitutes willful or wanton misconduct or does not 11208
comply with the precautions of section 4511.03 of the Revised 11209
Code. An emergency medical service organization is not liable in 11210
damages in a civil action for any injury, death, or loss to 11211
person or property that is caused by the operation of an 11212
ambulance by its employee or agent, if this division grants the 11213
employee or agent immunity from civil liability for the injury, 11214
death, or loss. 11215

(E) An employee or agent of an emergency medical service 11216
organization who receives requests for emergency medical 11217
services that are directed to the organization, dispatches first 11218
responders, EMTs-basic, EMTs-I, or paramedics in response to 11219
those requests, communicates those requests to those employees 11220
or agents of the organization who are authorized to dispatch 11221
first responders, EMTs-basic, EMTs-I, or paramedics, or performs 11222
any combination of these functions for the organization, is not 11223
liable in damages in a civil action for injury, death, or loss 11224

to person or property resulting from the individual's acts or 11225
omissions in the performance of those duties for the 11226
organization, unless an act or omission constitutes willful or 11227
wanton misconduct. 11228

(F) A person who is performing the functions of a first 11229
responder, EMT-basic, EMT-I, or paramedic under the authority of 11230
the laws of a state that borders this state and who provides 11231
emergency medical services to or transportation of a patient in 11232
this state is not liable in damages in a civil action for 11233
injury, death, or loss to person or property resulting from the 11234
person's administration of emergency medical services, unless 11235
the services are administered in a manner that constitutes 11236
willful or wanton misconduct. A physician, physician assistant 11237
designated by a physician, or registered nurse designated by a 11238
physician, any of whom is licensed to practice in the adjoining 11239
state and who is advising or assisting in the emergency medical 11240
services by means of any communication device or telemetering 11241
system, is not liable in damages in a civil action for injury, 11242
death, or loss to person or property resulting from the person's 11243
advisory communication or assistance, unless the advisory 11244
communication or assistance is provided in a manner that 11245
constitutes willful or wanton misconduct. 11246

(G) A person certified under section 4765.23 of the 11247
Revised Code to teach in an emergency medical services training 11248
~~and continuing education program or emergency medical services~~ 11249
~~continuing education program~~, and a person who teaches at the 11250
Ohio fire academy established under section 3737.33 of the 11251
Revised Code or in a fire service training program described in 11252
division (A) of section 4765.55 of the Revised Code, is not 11253
liable in damages in a civil action for injury, death, or loss 11254
to person or property resulting from the person's acts or 11255

omissions in the performance of the person's duties, unless an 11256
act or omission constitutes willful or wanton misconduct. 11257

(H) In the accreditation of emergency medical services 11258
training and continuing education programs ~~or approval of~~ 11259
~~emergency medical services continuing education programs~~, the 11260
state board of emergency medical, fire, and transportation 11261
services and any person or entity authorized by the board to 11262
evaluate applications for accreditation ~~or approval~~ are not 11263
liable in damages in a civil action for injury, death, or loss 11264
to person or property resulting from their acts or omissions in 11265
the performance of their duties, unless an act or omission 11266
constitutes willful or wanton misconduct. 11267

(I) A person authorized by an emergency medical service 11268
organization to review the performance of first responders, 11269
EMTs-basic, EMTs-I, and paramedics or to administer quality 11270
assurance programs is not liable in damages in a civil action 11271
for injury, death, or loss to person or property resulting from 11272
the person's acts or omissions in the performance of the 11273
person's duties, unless an act or omission constitutes willful 11274
or wanton misconduct. 11275

Sec. 4765.50. (A) Except as provided in division (D) of 11276
this section, no person shall represent that the person is a 11277
first responder, an emergency medical technician-basic or EMT- 11278
basic, an emergency medical technician-intermediate or EMT-I, or 11279
an emergency medical technician-paramedic or paramedic unless 11280
appropriately certified under section 4765.30 of the Revised 11281
Code. 11282

~~(B) (1)~~ (B) No person shall operate an emergency medical 11283
services training and continuing education program without a 11284
certificate of accreditation issued under section 4765.17 of the 11285

Revised Code.	11286
(2) No person shall operate an emergency medical services	11287
continuing education program without a certificate of approval	11288
issued under section 4765.17 of the Revised Code.	11289
(C) No public or private entity shall advertise or	11290
disseminate information leading the public to believe that the	11291
entity is an emergency medical service organization, unless that	11292
entity actually provides emergency medical services.	11293
(D) A person who is performing the functions of a first	11294
responder, EMT-basic, EMT-I, or paramedic under the authority of	11295
the laws of a jurisdiction other than this state, who is	11296
employed by or serves as a volunteer with an emergency medical	11297
service organization based in that state, and provides emergency	11298
medical services to or transportation of a patient in this state	11299
is not in violation of division (A) of this section.	11300
A person who is performing the functions of a first	11301
responder, EMT-basic, EMT-I, or paramedic under a reciprocal	11302
agreement authorized by section 4765.10 of the Revised Code is	11303
not in violation of division (A) of this section.	11304
(E) On and after November 3, 2002, no physician shall	11305
purposefully do any of the following:	11306
(1) Admit an adult trauma patient to a hospital that is	11307
not an adult trauma center for the purpose of providing adult	11308
trauma care;	11309
(2) Admit a pediatric trauma patient to a hospital that is	11310
not a pediatric trauma center for the purpose of providing	11311
pediatric trauma care;	11312
(3) Fail to transfer an adult or pediatric trauma patient	11313

to an adult or pediatric trauma center in accordance with 11314
applicable federal law, state law, and adult or pediatric trauma 11315
protocols and patient transfer agreements adopted under section 11316
3727.09 of the Revised Code. 11317

Sec. 4765.55. (A) The executive director of the state 11318
board of emergency medical, fire, and transportation services, 11319
with the advice and counsel of the firefighter and fire safety 11320
inspector training committee of the state board of emergency 11321
medical, fire, and transportation services, shall assist in the 11322
establishment and maintenance by any state agency, or any 11323
county, township, city, village, school district, or educational 11324
service center of a fire service training program for the 11325
training of all persons in positions of any fire training 11326
certification level approved by the executive director, 11327
including full-time paid firefighters, part-time paid 11328
firefighters, volunteer firefighters, and fire safety inspectors 11329
in this state. The executive director, with the advice and 11330
counsel of the committee, shall adopt rules to regulate those 11331
firefighter and fire safety inspector training programs, and 11332
other training programs approved by the executive director. The 11333
rules may include, but need not be limited to, training 11334
curriculum, certification examinations, training schedules, 11335
minimum hours of instruction, attendance requirements, required 11336
equipment and facilities, basic physical requirements, and 11337
methods of training for all persons in positions of any fire 11338
training certification level approved by the executive director, 11339
including full-time paid firefighters, part-time paid 11340
firefighters, volunteer firefighters, and fire safety 11341
inspectors. The rules adopted to regulate training programs for 11342
volunteer firefighters shall not require more than thirty-six 11343
hours of training. 11344

The executive director, with the advice and counsel of the committee, shall provide for the classification and chartering of fire service training programs in accordance with rules adopted under division (B) of this section, and may take action against any chartered training program or applicant, in accordance with rules adopted under divisions (B) (4) and (5) of this section, for failure to meet standards set by the adopted rules.

(B) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall adopt, and may amend or rescind, rules under Chapter 119. of the Revised Code that establish all of the following:

(1) Requirements for, and procedures for chartering, the training programs regulated by this section;

(2) Requirements for, and requirements and procedures for obtaining and renewing, an instructor certificate to teach the training programs and continuing education classes regulated by this section;

(3) Requirements for, and requirements and procedures for obtaining and renewing, any of the fire training certificates regulated by this section;

(4) Grounds and procedures for suspending, revoking, restricting, or refusing to issue or renew any of the certificates or charters regulated by this section, which grounds shall be limited to one of the following:

(a) Failure to satisfy the education or training requirements of this section;

(b) Conviction of a felony offense;	11374
(c) Conviction of a misdemeanor involving moral turpitude;	11375
(d) Conviction of a misdemeanor committed in the course of practice;	11376 11377
(e) In the case of a chartered training program or applicant, failure to meet standards set by the rules adopted under this division.	11378 11379 11380
(5) Grounds and procedures for imposing and collecting fines, not to exceed one thousand dollars, in relation to actions taken under division (B) (4) of this section against persons holding certificates and charters regulated by this section, the fines to be deposited into the trauma and emergency medical services fund established under section 4513.263 of the Revised Code;	11381 11382 11383 11384 11385 11386 11387
(6) Continuing education requirements for certificate holders, including a requirement that credit shall be granted for in-service training programs conducted by local entities; <u>The continuing education requirements shall not require more than thirty-six hours of continuing education every three-year certification cycle. Local entities may require additional continuing education, provided that completion of such additional continuing education is not required for renewal of certification.</u>	11388 11389 11390 11391 11392 11393 11394 11395 11396
(7) Procedures for considering the granting of an extension or exemption of fire service continuing education requirements;	11397 11398 11399
(8) Certification cycles for which the certificates and charters regulated by this section are valid;	11400 11401

(9) If determined necessary by the executive director, 11402
procedures and requirements for conducting background checks on 11403
applicants for the issuance and renewal of certification as a 11404
fire safety inspector in accordance with section 109.578 of the 11405
Revised Code. 11406

~~(C)~~ (C) (1) The executive director, with the advice and 11407
counsel of the firefighter and fire safety inspector training 11408
committee of the state board of emergency medical, fire, and 11409
transportation services, shall issue or renew an instructor 11410
certificate to teach the training programs and continuing 11411
education classes regulated by this section to any applicant 11412
that the executive director determines meets the qualifications 11413
established in rules adopted under division (B) of this section, 11414
and may take disciplinary action against an instructor 11415
certificate holder or applicant in accordance with rules adopted 11416
under division (B) of this section. ~~The~~ 11417

(2) On and after the effective date of this amendment, the 11418
executive director shall not require certification to practice 11419
as an assistant fire instructor and shall not adopt or enforce 11420
rules or issue a certificate regarding the position of assistant 11421
fire instructor. Any assistant fire instructor certificate that 11422
was issued in accordance with rules adopted under division (B) 11423
of this section prior to the effective date of this amendment 11424
remains valid until the expiration date of the certificate, 11425
subject to any conditions or responsibilities of retaining the 11426
validity of that certificate. The certificate shall not be 11427
renewed. The executive director shall adopt, amend, or rescind 11428
rules in accordance with Chapter 119. of the Revised Code in 11429
order to effectuate division (C) (2) of this section. 11430

(3) The executive director, with the advice and counsel of 11431

the committee, shall charter or renew the charter of any 11432
training program that the executive director determines meets 11433
the qualifications established in rules adopted under division 11434
(B) of this section, and may take disciplinary action against 11435
the holder of a charter in accordance with rules adopted under 11436
division (B) of this section. 11437

(D) The executive director shall issue or renew a fire 11438
training certificate for a firefighter, a fire safety inspector, 11439
or another position of any fire training certification level 11440
approved by the executive director, to any applicant that the 11441
executive director determines meets the qualifications 11442
established in rules adopted under division (B) of this section 11443
and may take disciplinary actions against a certificate holder 11444
or applicant in accordance with rules adopted under division (B) 11445
of this section. 11446

(E) Certificates issued under this section shall be on a 11447
form prescribed by the executive director, with the advice and 11448
counsel of the firefighter and fire safety inspector training 11449
committee of the state board of emergency medical, fire, and 11450
transportation services. 11451

(F) (1) The executive director, with the advice and counsel 11452
of the firefighter and fire safety inspector training committee 11453
of the state board of emergency medical, fire, and 11454
transportation services, shall establish criteria for evaluating 11455
the standards maintained by other states and the branches of the 11456
United States military for firefighter, fire safety inspector, 11457
and fire instructor training programs, and other training 11458
programs recognized by the executive director, to determine 11459
whether the standards are equivalent to those established under 11460
this section and shall establish requirements and procedures for 11461

issuing a certificate to each person who presents proof to the executive director of having satisfactorily completed a training program that meets those standards.

(2) The executive director, with the committee's advice and counsel, shall adopt rules establishing requirements and procedures for issuing a fire training certificate in lieu of completing a chartered training program.

(G) Nothing in this section invalidates any other section of the Revised Code relating to the fire training academy. Section 4765.11 of the Revised Code does not affect any powers and duties granted to the executive director under this section.

(H) Notwithstanding any provision of division (B) (4) of this section to the contrary, the executive director shall not adopt rules for refusing to issue any of the certificates or charters regulated by this section to an applicant because of a criminal conviction unless the rules establishing grounds and procedures for refusal are in accordance with section 9.79 of the Revised Code.

Sec. 4769.01. As used in this chapter:

(A) "Medicare" means the program established by Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.

(B) "Balance billing" means charging or collecting from a medicare beneficiary an amount in excess of the medicare reimbursement rate for medicare-covered services or supplies provided to a medicare beneficiary, except when medicare is the secondary insurer. When medicare is the secondary insurer, the health care practitioner may pursue full reimbursement under the terms and conditions of the primary coverage and, if applicable,

the charge allowed under the terms and conditions of the 11491
appropriate provider contract, from the primary insurer, but the 11492
medicare beneficiary cannot be balance billed above the medicare 11493
reimbursement rate for a medicare-covered service or supply. 11494
"Balance billing" does not include charging or collecting 11495
deductibles or coinsurance required by the program. 11496

(C) "Health care practitioner" means all of the following: 11497

(1) A dentist or dental hygienist licensed under Chapter 11498
4715. of the Revised Code; 11499

(2) A registered or licensed practical nurse licensed 11500
under Chapter 4723. of the Revised Code; 11501

(3) An optometrist licensed under Chapter 4725. of the 11502
Revised Code; 11503

(4) A dispensing optician, spectacle dispensing optician, 11504
~~contact lens dispensing optician,~~ or spectacle-contact lens 11505
dispensing optician licensed under Chapter 4725. of the Revised 11506
Code; 11507

(5) A pharmacist licensed under Chapter 4729. of the 11508
Revised Code; 11509

(6) A physician authorized under Chapter 4731. of the 11510
Revised Code to practice medicine and surgery, osteopathic 11511
medicine and surgery, or podiatry; 11512

(7) A physician assistant authorized under Chapter 4730. 11513
of the Revised Code to practice as a physician assistant; 11514

(8) A practitioner of a limited branch of medicine issued 11515
a certificate under Chapter 4731. of the Revised Code; 11516

(9) A psychologist licensed under Chapter 4732. of the 11517

Revised Code;	11518
(10) A chiropractor licensed under Chapter 4734. of the Revised Code;	11519 11520
(11) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	11521 11522
(12) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	11523 11524
(13) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	11525 11526
(14) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	11527 11528
(15) A licensed professional clinical counselor, licensed professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	11529 11530 11531 11532
(16) A dietitian licensed under Chapter 4759. of the Revised Code;	11533 11534
(17) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	11535 11536
(18) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	11537 11538 11539 11540
Sec. 4779.03. No person shall use the titles "licensed orthotist," "licensed prosthetist," "licensed orthotist- prosthetist," or "licensed pedorthist," the initials "L.O.," "L.P.," "L.O.P.," or "L.Ped.," or any other title or initials to	11541 11542 11543 11544

represent that the person is licensed to practice orthotics, 11545
prosthetics, or pedorthics, unless the person holds a current, 11546
valid license issued or renewed under this chapter. 11547

~~No person shall use any title or initials to represent 11548
that the person is licensed to practice orthotics, prosthetics, 11549
orthotics and prosthetics, or pedorthics as a temporarily 11550
licensed orthotist, prosthetist, or pedorthist, unless the 11551
person holds a current, valid temporary license issued or 11552
renewed under this chapter. 11553~~

Sec. 4779.10. (A) Except as provided in division (B) of 11554
this section, to be eligible for a license to practice 11555
orthotics, an applicant must meet the following requirements: 11556

~~(1) On the date of application, the applicant has 11557
practiced orthotics for not less than eight months under the 11558
supervision of an individual licensed under this chapter to 11559
practice orthotics. 11560~~

~~(2) The applicant has completed an orthotics residency 11561
program approved by the Ohio occupational therapy, physical 11562
therapy, and athletic trainers board under section 4779.27 of 11563
the Revised Code. 11564~~

~~(3)~~ (2) One of the following is the case: 11565

(a) The applicant holds a bachelor's degree in orthotics 11566
and prosthetics from an accredited college or university whose 11567
orthotics and prosthetics program is recognized by the board 11568
under section 4779.25 of the Revised Code or an equivalent 11569
educational credential from a foreign educational institution 11570
recognized by the board. 11571

(b) The applicant holds a bachelor's degree in a subject 11572
other than orthotics and prosthetics or an equivalent 11573

educational credential from a foreign educational institution 11574
recognized by the board and has completed a certificate program 11575
in orthotics recognized by the board under section 4779.26 of 11576
the Revised Code. 11577

(B) The board may issue a license to practice orthotics to 11578
an applicant with unique and exceptional qualifications who 11579
meets the requirements to be issued the license established by 11580
rules adopted under section 4779.08 of the Revised Code. 11581

Sec. 4779.11. (A) Except as provided in division (B) of 11582
this section, to be eligible for a license to practice 11583
prosthetics, an applicant must meet the following requirements: 11584

~~(1) On the date of application, the applicant has 11585
practiced prosthetics for not less than eight months under the 11586
supervision of an individual licensed under this chapter to 11587
practice prosthetics. 11588~~

~~(2) The applicant has completed a prosthetics residency 11589
program approved by the Ohio occupational therapy, physical 11590
therapy, and athletic trainers board under section 4779.27 of 11591
the Revised Code. 11592~~

~~(3)~~ (2) One of the following is the case: 11593

(a) The applicant holds a bachelor's degree in orthotics 11594
and prosthetics from an accredited college or university whose 11595
orthotics and prosthetics program is recognized by the board 11596
under section 4779.25 of the Revised Code or an equivalent 11597
educational credential from a foreign educational institution 11598
recognized by the board. 11599

(b) The applicant holds a bachelor's degree in a subject 11600
other than orthotics and prosthetics or an equivalent 11601
educational credential from a foreign educational institution 11602

recognized by the board and has completed a certificate program 11603
in prosthetics recognized by the board under section 4779.26 of 11604
the Revised Code. 11605

(B) The board may issue a license to practice prosthetics 11606
to an applicant with unique and exceptional qualifications who 11607
meets the requirements to be issued the license established by 11608
rules adopted under section 4779.08 of the Revised Code. 11609

Sec. 4779.12. (A) Except as provided in division (B) of 11610
this section, to be eligible for a license to practice orthotics 11611
and prosthetics, an applicant must meet the following 11612
requirements: 11613

~~(1) On the date of application, the applicant has 11614
practiced orthotics and prosthetics for not less than eight- 11615
months under the supervision of an individual licensed under 11616
this chapter to practice orthotics and prosthetics. 11617~~

~~(2)~~The applicant has completed an orthotics and 11618
prosthetics residency program approved by the Ohio occupational 11619
therapy, physical therapy, and athletic trainers board under 11620
section 4779.27 of the Revised Code. 11621

~~(3)~~(2) One of the following is the case: 11622

(a) The applicant holds a bachelor's degree in orthotics 11623
and prosthetics from an accredited college or university whose 11624
orthotics and prosthetics program is recognized by the board 11625
under section 4779.25 of the Revised Code or an equivalent 11626
educational credential from a foreign educational institution 11627
recognized by the board. 11628

(b) The applicant holds a bachelor's degree in a subject 11629
other than orthotics and prosthetics or an equivalent 11630
educational credential from a foreign educational institution 11631

recognized by the board and has completed a certificate program 11632
in orthotics and prosthetics recognized by the board under 11633
section 4779.26 of the Revised Code. 11634

(B) The board may issue a license to practice orthotics 11635
and prosthetics to an applicant with unique and exceptional 11636
qualifications who meets the requirements to be issued the 11637
license established by rules adopted under section 4779.08 of 11638
the Revised Code. 11639

Sec. 4779.13. To be eligible for a license to practice 11640
pedorthics, an applicant must meet ~~all~~both of the following 11641
requirements: 11642

~~(A) On the date of application, has practiced pedorthics~~ 11643
~~for not less than eight months under the supervision of an~~ 11644
~~individual licensed under this chapter to practice pedorthics;~~ 11645

~~(B)~~ Holds a high school diploma or certificate of high 11646
school equivalence issued by the department of education, or a 11647
primary-secondary education or higher education agency of 11648
another state; 11649

~~(C)~~(B) Has completed the education, training, and 11650
experience required to take the certification examination 11651
developed by the Ohio occupational therapy, physical therapy, 11652
and athletic trainers board for certification in pedorthics or 11653
an equivalent successor organization recognized by the board. 11654

Sec. 4779.17. The Ohio occupational therapy, physical 11655
therapy, and athletic trainers board shall issue a license under 11656
section 4779.09 of the Revised Code to practice orthotics, 11657
prosthetics, orthotics and prosthetics, or pedorthics without 11658
examination to an applicant who meets all of the following 11659
requirements: 11660

(A) Applies to the board in accordance with section 4779.09 of the Revised Code;	11661 11662
(B) Holds a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics issued by the appropriate authority of another state;	11663 11664 11665
(C) One of the following applies:	11666
(1) In the case of an applicant for a license to practice orthotics, the applicant meets the requirements in divisions (A) (2) and (3) <u>division (A)</u> of section 4779.10 of the Revised Code.	11667 11668 11669
(2) In the case of an applicant for a license to practice prosthetics, the applicant meets the requirements in divisions (A) (2) and (3) <u>division (A)</u> of section 4779.11 of the Revised Code.	11670 11671 11672 11673
(3) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions (A) (2) and (3) <u>division (A)</u> of section 4779.12 of the Revised Code.	11674 11675 11676 11677
(4) In the case of an applicant for a license to practice pedorthics, the applicant meets the requirements in divisions (B) and (C) of section 4779.13 of the Revised Code.	11678 11679 11680
(D) All fees received by the board under this section shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.	11681 11682 11683 11684
<u>Sec. 4798.05. Notwithstanding any contrary provision of the Revised Code, no occupational licensing board shall require a photograph or physical description of an applicant who is an individual as a condition of issuing or renewing an occupational</u>	11685 11686 11687 11688

license, specialty occupational license for medical 11689
reimbursement, certification, or registration. 11690

Sec. 4798.06. An occupational licensing board may allow an 11691
individual who is required to complete continuing education for 11692
renewal of an occupational license, specialty occupational 11693
license for medical reimbursement, or certification to do so 11694
virtually. 11695

Sec. 5126.22. (A) Employees who hold the following 11696
positions in a county board of developmental disabilities are 11697
management employees: 11698

assistant superintendent 11699

director of business 11700

director of personnel 11701

adult services director 11702

workshop director 11703

habilitation manager 11704

director of residential services 11705

principal (director of children services) 11706

program or service supervisor 11707

plant manager 11708

production manager 11709

service and support administration supervisor 11710

investigative agent 11711

confidential employees as defined in section 4117.01 of 11712

the Revised Code 11713

positions designated by the director of developmental disabilities as having managerial or supervisory responsibilities and duties	11714 11715 11716
positions designated by the county board in accordance with division (D) of this section.	11717 11718
(B) Employees who hold the following positions in a board are professional employees:	11719 11720
personnel licensed or certified pursuant to Chapter 3319. of the Revised Code	11721 11722
early intervention specialist	11723
physical development specialist	11724
habilitation specialist	11725
work adjustment specialist	11726
placement specialist	11727
vocational evaluator	11728
psychologist	11729
occupational therapist	11730
speech and language pathologist	11731
recreation specialist	11732
behavior management specialist	11733
physical therapist	11734
supportive home services specialist	11735
licensed practical nurse or registered nurse	11736
rehabilitation counselor	11737

doctor of medicine and surgery or of osteopathic medicine	11738
and surgery	11739
dentist	11740
service and support administrator	11741
conditional status service and support administrator	11742
social worker	11743
any position that is not a management position and for	11744
which the standards for certification established by the	11745
director of developmental disabilities under section 5126.25 of	11746
the Revised Code require a bachelor's or higher degree	11747
professional positions designated by the director	11748
professional positions designated by the county board in	11749
accordance with division (D) of this section.	11750
(C) Employees who hold positions in a board that are	11751
neither management positions nor professional positions are	11752
service employees. Service employee positions include:	11753
workshop specialist	11754
workshop specialist assistant	11755
contract procurement specialist	11756
community employment specialist	11757
any assistant to a professional employee certified to	11758
provide, or supervise the provision of, adult services or	11759
service and support administration	11760
<u>any assistant to a professional employee providing or</u>	11761
<u>supervising the provision of adult services</u>	11762

service positions designated by the director 11763

service positions designated by a county board in 11764
accordance with division (D) of this section. 11765

(D) A county board may designate a position only if the 11766
position does not include directly providing, or supervising 11767
employees who directly provide, service or instruction to 11768
individuals with developmental disabilities. 11769

(E) If a county board desires to have a position 11770
established that is not specifically listed in this section that 11771
includes directly providing, or supervising employees who 11772
directly provide, services or instruction to individuals with 11773
developmental disabilities, the board shall submit to the 11774
director a written description of the position and request that 11775
the director designate the position as a management, 11776
professional, or service position under this section. The 11777
director shall consider each request submitted under this 11778
division and respond within thirty days. If the director 11779
approves the request, the director shall designate the position 11780
as a management, professional, or service position. 11781

(F) A county board shall not terminate its employment of 11782
any management, professional, or service employee solely because 11783
a position is added to or eliminated from those positions listed 11784
in this section or because a position is designated or no longer 11785
designated by the director or a county board. 11786

Sec. 5126.25. (A) The director of developmental 11787
disabilities shall adopt rules under division (C) of this 11788
section establishing uniform standards and procedures for the 11789
certification and registration of persons, other than the 11790
persons described in division (I) of this section, who are 11791

seeking employment with or are employed by either of the 11792
following: 11793

(1) A county board of developmental disabilities; 11794

(2) An entity that contracts with a county board to 11795
operate programs and services for individuals with developmental 11796
disabilities. 11797

(B) No person shall be employed in a position for which 11798
certification or registration is required pursuant to the rules 11799
adopted under this section without the certification or 11800
registration that is required for that position. The person 11801
shall not be employed or shall not continue to be employed if 11802
the required certification or registration is denied, revoked, 11803
or not renewed. 11804

(C) The director shall adopt rules in accordance with 11805
Chapter 119. of the Revised Code as the director considers 11806
necessary to implement and administer this section, including 11807
rules establishing all of the following: 11808

(1) Positions of employment that are subject to this 11809
section and, for each position, whether a person must receive 11810
certification or receive registration to be employed in that 11811
position; 11812

(2) Requirements that must be met to receive the 11813
certification or registration required to be employed in a 11814
particular position, including standards regarding education, 11815
specialized training, and experience, taking into account the 11816
needs of individuals with developmental disabilities and the 11817
specialized techniques needed to serve them, except that the 11818
rules shall not require a person designated as a service 11819
employee under section 5126.22 of the Revised Code to have or 11820

obtain a bachelor's or higher degree; 11821

(3) Procedures to be followed in applying for initial 11822
certification or registration and for renewing the certification 11823
or registration. 11824

(4) Requirements that must be met for renewal of 11825
certification or registration, which may include continuing 11826
education and professional training requirements; 11827

(5) Subject to section 5126.23 of the Revised Code, 11828
grounds for which certification or registration may be denied, 11829
suspended, or revoked and procedures for appealing the denial, 11830
suspension, or revocation. 11831

(D) Each person seeking certification or registration for 11832
employment shall apply in the manner established in rules 11833
adopted under this section. 11834

(E) (1) Except as provided in division (E) (2) of this 11835
section, the superintendent of each county board is responsible 11836
for taking all actions regarding certification and registration 11837
of employees, other than the position of superintendent, ~~early-~~ 11838
~~intervention supervisor,~~ early intervention specialist, or 11839
investigative agent. For the position of superintendent, ~~early-~~ 11840
~~intervention supervisor,~~ early intervention specialist, or 11841
investigative agent, the director of developmental disabilities 11842
is responsible for taking all such actions. 11843

Actions that may be taken by the superintendent or 11844
director include issuing, renewing, denying, suspending, and 11845
revoking certification and registration. All actions shall be 11846
taken in accordance with the rules adopted under this section. 11847

The superintendent may charge a fee to persons applying 11848
for certification or registration. The superintendent shall 11849

establish the amount of the fee according to the costs the 11850
county board incurs in administering its program for 11851
certification and registration of employees. 11852

A person subject to the denial, suspension, or revocation 11853
of certification or registration may appeal the decision. The 11854
appeal shall be made in accordance with the rules adopted under 11855
this section. 11856

(2) Pursuant to division (C) of section 5126.05 of the 11857
Revised Code, the superintendent may enter into a contract with 11858
any other entity under which the entity is given authority to 11859
carry out all or part of the superintendent's responsibilities 11860
under division (E) (1) of this section. 11861

(F) A person with valid certification or registration 11862
under this section on the effective date of any rules adopted 11863
under this section that increase the standards applicable to the 11864
certification or registration shall have such period as the 11865
rules prescribe, but not less than one year after the effective 11866
date of the rules, to meet the new certification or registration 11867
standards. 11868

(G) A person with valid certification or registration is 11869
qualified to be employed according to that certification or 11870
registration by any county board or entity contracting with a 11871
county board. 11872

(H) The director shall monitor county boards to ensure 11873
that their employees and the employees of their contracting 11874
entities have the applicable certification or registration 11875
required under this section and that the employees are 11876
performing only those functions they are authorized to perform 11877
under the certification or registration. The superintendent of 11878

each county board or the superintendent's designee shall 11879
maintain in appropriate personnel files evidence acceptable to 11880
the director that the employees have met the requirements. On 11881
request, representatives of the department of developmental 11882
disabilities shall be given access to the evidence. 11883

(I) The certification and registration requirements of 11884
this section and the rules adopted under it do not apply to 11885
either of the following: 11886

(1) A person who holds a valid license issued or 11887
certificate issued under Chapter 3319. of the Revised Code and 11888
performs no duties other than teaching or supervision of a 11889
teaching program; 11890

(2) A person who holds a valid license or certificate 11891
issued under Title XLVII of the Revised Code and performs only 11892
those duties governed by the license or certificate. 11893

(J) (1) Beginning January 1, 2025, the rules adopted under 11894
this section shall not require an individual employed by a 11895
county board of developmental disabilities to be certified to 11896
provide, or supervise the provision of, adult services. 11897

(2) Beginning on the date that is one year after the 11898
effective date of this amendment, the rules adopted under this 11899
section shall not establish varying levels of certification for 11900
an individual to receive an investigative agent certification 11901
and instead shall establish uniform qualifications for all 11902
applicants and a process for converting any existing 11903
certificates of varying levels to a single level of 11904
certification for investigative agents. 11905

Sec. 5164.95. (A) As used in this section, "telehealth 11906
service" means a health care service delivered to a patient 11907

through the use of interactive audio, video, or other 11908
telecommunications or electronic technology from a site other 11909
than the site where the patient is located. 11910

(B) The department of medicaid shall establish standards 11911
for medicaid payments for health care services the department 11912
determines are appropriate to be covered by the medicaid program 11913
when provided as telehealth services. The standards shall be 11914
established in rules adopted under section 5164.02 of the 11915
Revised Code. 11916

In accordance with section 5162.021 of the Revised Code, 11917
the medicaid director shall adopt rules authorizing the 11918
directors of other state agencies to adopt rules regarding the 11919
medicaid coverage of telehealth services under programs 11920
administered by the other state agencies. Any such rules adopted 11921
by the medicaid director or the directors of other state 11922
agencies are not subject to the requirements of division (F) of 11923
section 121.95 of the Revised Code. 11924

(C) (1) To the extent permitted under rules adopted under 11925
section 5164.02 of the Revised Code and applicable federal law, 11926
the following practitioners are eligible to provide telehealth 11927
services covered pursuant to this section: 11928

(a) A physician licensed under Chapter 4731. of the 11929
Revised Code to practice medicine and surgery, osteopathic 11930
medicine and surgery, or podiatric medicine and surgery; 11931

(b) A psychologist, independent school psychologist, or 11932
school psychologist licensed under Chapter 4732. of the Revised 11933
Code ~~or under rules adopted in accordance with sections 3301.07~~ 11934
~~and 3319.22 of the Revised Code;~~ 11935

(c) A physician assistant licensed under Chapter 4730. of 11936

the Revised Code;	11937
(d) A clinical nurse specialist, certified nurse-midwife,	11938
or certified nurse practitioner licensed under Chapter 4723. of	11939
the Revised Code;	11940
(e) An independent social worker, independent marriage and	11941
family therapist, or professional clinical counselor licensed	11942
under Chapter 4757. of the Revised Code;	11943
(f) An independent chemical dependency counselor licensed	11944
under Chapter 4758. of the Revised Code;	11945
(g) A supervised practitioner or supervised trainee;	11946
(h) An audiologist or speech-language pathologist licensed	11947
under Chapter 4753. of the Revised Code;	11948
(i) An audiology aide or speech-language pathology aide,	11949
as defined in section 4753.072 of the Revised Code, or an	11950
individual holding a conditional license under section 4753.071	11951
of the Revised Code;	11952
(j) An occupational therapist or physical therapist	11953
licensed under Chapter 4755. of the Revised Code;	11954
(k) An occupational therapy assistant or physical	11955
therapist assistant licensed under Chapter 4755. of the Revised	11956
Code.	11957
(l) A dietitian licensed under Chapter 4759. of the	11958
Revised Code;	11959
(m) A chiropractor licensed under Chapter 4734. of the	11960
Revised Code;	11961
(n) A pharmacist licensed under Chapter 4729. of the	11962
Revised Code;	11963

(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	11964 11965
(p) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;	11966 11967 11968
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	11969 11970
(r) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	11971 11972
(s) A practitioner who provides services through a medicaid school program;	11973 11974
(t) Subject to section 5119.368 of the Revised Code, a practitioner authorized to provide services and supports certified under section 5119.36 of the Revised Code through a community mental health services provider or community addiction services provider;	11975 11976 11977 11978 11979
(u) Any other practitioner the medicaid director considers eligible to provide telehealth services.	11980 11981
(2) In accordance with division (B) of this section and to the extent permitted under rules adopted under section 5164.02 of the Revised Code and applicable federal law, the following provider types are eligible to submit claims for medicaid payments for providing telehealth services:	11982 11983 11984 11985 11986
(a) Any practitioner described in division (C) (1) of this section, except for those described in divisions (C) (1) (g), (i), and (k) of this section;	11987 11988 11989
(b) A professional medical group;	11990

(c) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	11991 11992 11993
(d) A rural health clinic;	11994
(e) An ambulatory health care clinic;	11995
(f) An outpatient hospital;	11996
(g) A medicaid school program;	11997
(h) Subject to section 5119.368 of the Revised Code, a community mental health services provider or community addiction services provider that offers services and supports certified under section 5119.36 of the Revised Code;	11998 11999 12000 12001
(i) Any other provider type the medicaid director considers eligible to submit the claims for payment.	12002 12003
(D) (1) When providing telehealth services under this section, a practitioner shall comply with all requirements under state and federal law regarding the protection of patient information. A practitioner shall ensure that any username or password information and any electronic communications between the practitioner and a patient are securely transmitted and stored.	12004 12005 12006 12007 12008 12009 12010
(2) When providing telehealth services under this section, every practitioner site shall have access to the medical records of the patient at the time telehealth services are provided.	12011 12012 12013
Section 2. That existing sections 109.572, 169.16, 1716.05, 1716.08, 1716.99, 2925.01, 3310.41, 3319.22, 3701.74, 3737.881, 3772.13, 3772.131, 3905.471, 3905.81, 4709.07, 4709.10, 4713.28, 4715.13, 4715.141, 4715.21, 4715.25, 4717.01, 4717.02, 4717.03, 4717.04, 4717.05, 4717.06, 4717.07, 4717.08,	12014 12015 12016 12017 12018

4717.09, 4717.11, 4717.13, 4717.15, 4717.36, 4717.41, 4723.01, 12019
4723.07, 4723.08, 4723.091, 4723.092, 4723.114, 4723.18, 12020
4723.181, 4723.35, 4723.48, 4723.481, 4723.50, 4723.72, 4723.73, 12021
4723.75, 4723.79, 4725.01, 4725.011, 4725.02, 4725.07, 4725.09, 12022
4725.091, 4725.092, 4725.12, 4725.13, 4725.15, 4725.16, 4725.18, 12023
4725.19, 4725.20, 4725.24, 4725.27, 4725.34, 4725.35, 4725.40, 12024
4725.41, 4725.44, 4725.48, 4725.49, 4725.50, 4725.51, 4725.52, 12025
4725.53, 4725.63, 4725.66, 4725.67, 4729.01, 4729.12, 4729.15, 12026
4731.16, 4731.17, 4731.19, 4732.01, 4732.02, 4732.05, 4732.09, 12027
4732.10, 4732.11, 4732.12, 4732.13, 4732.14, 4732.141, 4732.142, 12028
4732.17, 4732.171, 4732.173, 4732.18, 4732.19, 4732.20, 4732.21, 12029
4732.22, 4732.221, 4732.24, 4732.31, 4732.33, 4734.211, 4735.27, 12030
4741.17, 4743.09, 4749.03, 4751.01, 4751.10, 4751.101, 4751.102, 12031
4751.20, 4751.23, 4751.24, 4751.32, 4751.33, 4751.40, 4751.41, 12032
4751.45, 4753.06, 4753.071, 4753.12, 4755.01, 4755.062, 4757.02, 12033
4757.22, 4757.27, 4757.301, 4757.33, 4757.41, 4758.20, 4758.26, 12034
4758.51, 4765.10, 4765.11, 4765.15, 4765.16, 4765.17, 4765.18, 12035
4765.22, 4765.23, 4765.24, 4765.29, 4765.30, 4765.31, 4765.49, 12036
4765.50, 4765.55, 4769.01, 4779.03, 4779.10, 4779.11, 4779.12, 12037
4779.13, 4779.17, 5126.22, 5126.25, and 5164.95 of the Revised 12038
Code are hereby repealed. 12039

Section 3. That sections 3319.2212, 4717.051, 4723.17, 12040
4723.19, 4723.76, 4725.14, 4725.17, 4725.171, 4725.58, 4751.202, 12041
and 4779.18 of the Revised Code are hereby repealed. 12042

Section 4. (A) For the purposes of this section, 12043
"occupational licensing board" has the same meaning as in 12044
section 4798.01 of the Revised Code. 12045

(B) Pursuant to division (E) of section 101.62 of the 12046
Revised Code, the following occupational licensing boards are 12047
hereby renewed and, subject to the revisions prescribed by this 12048

act, the statutes creating, empowering, governing, and	12049
regulating those boards are continued:	12050
(1) The Department of Aging described in Chapter 173. of	12051
the Revised Code;	12052
(2) The Attorney General described in Chapter 109. of the	12053
Revised Code;	12054
(3) The Board of Building Standards created under section	12055
3781.07 of the Revised Code;	12056
(4) The Chemical Dependency Professionals Board created	12057
under section 4758.10 of the Revised Code;	12058
(5) The State Chiropractic Board described in Chapter	12059
4734. of the Revised Code;	12060
(6) The Counselor, Social Worker, and Marriage and Family	12061
Therapist Board created under section 4757.03 of the Revised	12062
Code;	12063
(7) The State Dental Board described in section 4715.02 of	12064
the Revised Code;	12065
(8) The Department of Developmental Disabilities described	12066
in Chapter 5123. of the Revised Code;	12067
(9) The Board of Embalmers and Funeral Directors created	12068
under section 4717.02 of the Revised Code;	12069
(10) The State Board of Emergency Medical, Fire, and	12070
Transportation Services created under section 4765.02 of the	12071
Revised Code;	12072
(11) The State Fire Marshal described in Chapter 3737. of	12073
the Revised Code;	12074
(12) The Department of Insurance created under section	12075

3901.01 of the Revised Code;	12076
(13) The Board of Nursing described in section 4723.02 of the Revised Code;	12077 12078
(14) The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board created under section 4755.01 of the Revised Code;	12079 12080 12081
(15) The State Board of Pharmacy created under section 4729.02 of the Revised Code;	12082 12083
(16) The State Board of Psychology described in section 4732.02 of the Revised Code;	12084 12085
(17) The State Speech and Hearing Professionals Board described in section 4753.05 of the Revised Code;	12086 12087
(18) The Veterinary Medical Licensing Board created under section 4741.02 of the Revised Code; and	12088 12089
(19) The State Vision Professionals Board created under section 4725.031 of the Revised Code.	12090 12091
(C) The occupational licensing boards listed in this section shall be triggered to expire under division (B) of section 101.62 of the Revised Code at the end of the thirty-first day of December of the sixth year following enactment of this section.	12092 12093 12094 12095 12096
Section 5. (A) The extension of the duration of the certificates of licensure to practice optometry by this act applies to certificates of licensure that are issued or renewed on or after the effective date of this section. Certificates of licensure to practice optometry in effect on the effective date of this section continue in effect until the last day of December of the next even-numbered year. The state vision	12097 12098 12099 12100 12101 12102 12103

professionals board shall accept any continuing education 12104
completed by a license holder on or after October 1, 2022, to 12105
renew the license. 12106

(B) The extension of the duration of dispensing optician 12107
licenses by this act applies to licenses that are issued or 12108
renewed on or after the effective date of this section. 12109
Dispensing optician licenses in effect on the effective date of 12110
this section continue in effect until the last day of December 12111
of the next odd-numbered year. The board shall accept any 12112
continuing education completed by a license holder on or after 12113
October 1, 2022, to renew the license. 12114

(C) If the state vision professionals board has adopted a 12115
rule or other requirement relating to the duration of 12116
certificates of licensure extended by this act, the board shall 12117
revise its rules to comply with this act. 12118

Section 6. Notwithstanding the repeal by H.B. 509 of the 12119
134th General Assembly of section 4751.202 of the Revised Code, 12120
the Board of Executives of Long-Term Services and Supports may 12121
continue issuing temporary nursing home administrator licenses 12122
in accordance with that section, as that section existed 12123
immediately prior to its repeal. 12124

On and after January 1, 2025, the Board of Executives of 12125
Long-Term Services and Supports shall not issue any new 12126
temporary nursing home administrator licenses, and instead may 12127
issue licenses in accordance with division (B) of section 12128
4751.20 of the Revised Code, as amended by H.B. 509 of the 134th 12129
General Assembly. A licensed temporary nursing home 12130
administrator who intends to continue to practice nursing home 12131
administration after a temporary license expires after that date 12132
must obtain a nursing home administrator license under section 12133

4751.20 of the Revised Code. If the holder of the temporary 12134
license fails to obtain a nursing home administrator license, 12135
the holder shall cease practicing in this state. 12136

Section 7. (A) Notwithstanding the amendment of sections 12137
in Chapter 4725. of the Revised Code in this act, which no 12138
longer provides for ocularist licenses and contact lens 12139
dispensing optician licenses, a valid ocularist license or valid 12140
contact lens dispensing optician license held by an individual 12141
on or after the effective date of this section is valid for the 12142
duration of that license term. 12143

(B) An individual who holds a valid ocularist license 12144
issued under former division (C) of section 4725.48 of the 12145
Revised Code as of the effective date of this section may 12146
maintain and renew the individual's ocularist license in 12147
accordance with rules adopted by the state vision professionals 12148
board under former division (A) (1) (d) of section 4725.51 of the 12149
Revised Code until December 31, 2024. 12150

An individual who holds a valid contact lens dispensing 12151
optician license issued under division (B) of section 4725.48 of 12152
the Revised Code as of the effective date of this section may 12153
maintain and renew the individual's contact lens dispensing 12154
optician license in accordance with rules adopted by the state 12155
vision professionals board under former division (A) (1) (b) of 12156
section 4725.51 of the Revised Code until December 31, 2024. 12157

(C) The board may issue initial ocularist licenses and 12158
contact lens dispensing optician licenses until December 31, 12159
2024. 12160

Section 8. (A) The repeal by this act of section 4717.051 12161
of the Revised Code takes effect December 31, 2024. 12162

(B) The amendment by this act of sections 4717.01, 12163
4717.02, 4717.03, 4717.04, 4717.06, 4717.07, 4717.08, 4717.09, 12164
4717.11, 4717.13, 4717.15, 4717.36, and 4717.41 of the Revised 12165
Code takes effect December 31, 2024. 12166

Section 9. Section 4755.01 of the Revised Code, as amended 12167
by this act, does not affect the terms of members of the Ohio 12168
Occupational Therapy, Physical therapy, and Athletic Trainers 12169
Board or the Physical Therapy Section of the Board serving on 12170
the effective date of this section. The member of the Board who 12171
is required to be a licensed physical therapist assistant under 12172
section 4755.01 of the Revised Code, as amended by this act, 12173
shall be appointed to fill the first Board vacancy occurring on 12174
or after the effective date of this section caused by a physical 12175
therapist board member described in division (A) (1) of section 12176
4755.01 of the Revised Code no longer serving as a member of the 12177
Board. 12178

Section 10. The amendment by this act of sections 1716.05 12179
and 1716.99 of the Revised Code takes effect December 31, 2024. 12180

Section 11. The following agencies are retained under 12181
division (E) of section 101.83 of the Revised Code and expire at 12182
the end of December 31, 2024: 12183

12184

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A Chiropractic Loan Repayment Advisory Board R.C. 3702.987

B Holocaust and Genocide Memorial Education Commission R.C. 197.03

Section 12. The State Board of Psychology shall begin 12185

licensing independent school psychologists and school 12186
psychologists, as provided for by H.B. 509 of the 134th General 12187
Assembly, not later than January 1, 2025. All of the following 12188
apply regarding the transition: 12189

(A) The Board shall coordinate with the State Board of 12190
Education to transition to school psychologist licensure under 12191
Chapter 4732. of the Revised Code, as provided for by H.B. 509 12192
of the 134th General Assembly, any school psychologists licensed 12193
under rules adopted in accordance with sections 3301.07 and 12194
3319.22 of the Revised Code, as those rules existed immediately 12195
prior to the effective date of this section. 12196

(B) Notwithstanding the elimination by this act of all 12197
references to "school psychologist licensed by the state board 12198
of education" and individuals holding a "school psychologist 12199
license issued under rules adopted under section 3319.22 of the 12200
Revised Code," any such individuals may continue to be regulated 12201
as specified in both of the following, until such time that the 12202
state board of education ceases licensing school psychologists, 12203
as provided for in section 3319.22 of the Revised Code, as 12204
amended by H.B. 509 of the 134th General Assembly: 12205

(1) Chapter 4732. of the Revised Code, as that chapter 12206
existed immediately prior to the effective date of this section; 12207

(2) Rules adopted in accordance with section 3319.22 of 12208
the Revised Code, as those rules existed immediately prior to 12209
the effective date of this section. 12210

(C) A school psychologist licensed under Chapter 4732. of 12211
the Revised Code, as it existed immediately prior to the 12212
effective date of this section, may continue to be regulated as 12213
a school psychologist under Chapter 4732. of the Revised Code, 12214

as it existed immediately prior to the effective date of this 12215
section, until the State Board of Psychology converts such a 12216
license into an independent school psychologist license, as 12217
provided for by H.B. 509 of the 134th General Assembly. 12218

Section 13. Section 3319.22 of the Revised Code as 12219
presented in this act takes effect on the later of April 12, 12220
2023, or the effective date of this section. April 12, 2023, is 12221
the effective date of an earlier amendment to that section by 12222
H.B. 442 of the 133rd General Assembly. 12223

Section 14. That the version of section 4723.481 of the 12224
Revised Code that is scheduled to take effect September 30, 12225
2024, be amended to read as follows: 12226

Sec. 4723.481. This section establishes standards and 12227
conditions regarding the authority of an advanced practice 12228
registered nurse who is designated as a clinical nurse 12229
specialist, certified nurse-midwife, or certified nurse 12230
practitioner to prescribe and personally furnish drugs and 12231
therapeutic devices under a license issued under section 4723.42 12232
of the Revised Code. 12233

(A) ~~Except as provided in division (F) of this section, a~~ 12234
A clinical nurse specialist, certified nurse-midwife, or 12235
certified nurse practitioner shall not prescribe or furnish any 12236
drug or therapeutic device that is listed on the exclusionary 12237
formulary established in rules adopted under section 4723.50 of 12238
the Revised Code. 12239

(B) The prescriptive authority of a clinical nurse 12240
specialist, certified nurse-midwife, or certified nurse 12241
practitioner shall not exceed the prescriptive authority of the 12242
collaborating physician or podiatrist, including the 12243

collaborating physician's authority to treat chronic pain with 12244
controlled substances and products containing tramadol as 12245
described in section 4731.052 of the Revised Code. 12246

(C) (1) Except as provided in division (C) (2) or (3) of 12247
this section, a clinical nurse specialist, certified nurse- 12248
midwife, or certified nurse practitioner may prescribe to a 12249
patient a schedule II controlled substance only if all of the 12250
following are the case: 12251

(a) The patient has a terminal condition, as defined in 12252
section 2133.01 of the Revised Code. 12253

(b) A physician initially prescribed the substance for the 12254
patient. 12255

(c) The prescription is for an amount that does not exceed 12256
the amount necessary for the patient's use in a single, seventy- 12257
two-hour period. 12258

(2) The restrictions on prescriptive authority in division 12259
(C) (1) of this section do not apply if a clinical nurse 12260
specialist, certified nurse-midwife, or certified nurse 12261
practitioner issues the prescription to the patient from any of 12262
the following ~~locations~~entities: 12263

(a) A hospital as defined in section 3722.01 of the 12264
Revised Code; 12265

(b) An entity owned or controlled, in whole or in part, by 12266
a hospital or by an entity that owns or controls, in whole or in 12267
part, one or more hospitals; 12268

(c) A health care facility operated by the department of 12269
mental health and addiction services or the department of 12270
developmental disabilities; 12271

(d) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;	12272 12273 12274
(e) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;	12275 12276 12277
(f) A hospice care program, as defined in section 3712.01 of the Revised Code;	12278 12279
(g) A community mental health services provider, as defined in section 5122.01 of the Revised Code;	12280 12281
(h) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;	12282 12283
(i) A freestanding birthing center, as defined in section 3701.503 of the Revised Code;	12284 12285
(j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	12286 12287
(k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	12288 12289
(l) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	12290 12291 12292 12293
(m) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner providing services at the site has a standard care arrangement	12294 12295 12296 12297 12298 12299

and collaborates with at least one of the physician owners who 12300
practices primarily at that site; 12301

(n) A residential care facility, as defined in section 12302
3721.01 of the Revised Code. 12303

(3) A clinical nurse specialist, certified nurse-midwife, 12304
or certified nurse practitioner shall not issue to a patient a 12305
prescription for a schedule II controlled substance from a 12306
convenience care clinic even if the clinic is owned or operated 12307
by an entity specified in division (C) (2) of this section. 12308

(D) A pharmacist who acts in good faith reliance on a 12309
prescription issued by a clinical nurse specialist, certified 12310
nurse-midwife, or certified nurse practitioner under division 12311
(C) (2) of this section is not liable for or subject to any of 12312
the following for relying on the prescription: damages in any 12313
civil action, prosecution in any criminal proceeding, or 12314
professional disciplinary action by the state board of pharmacy 12315
under Chapter 4729. of the Revised Code. 12316

(E) A clinical nurse specialist, certified nurse-midwife, 12317
or certified nurse practitioner shall comply with section 12318
3719.061 of the Revised Code if the nurse prescribes for a 12319
minor, as defined in that section, an opioid analgesic, as 12320
defined in section 3719.01 of the Revised Code. 12321

~~(F) Until the board of nursing establishes a new formulary 12322
in rules adopted under section 4723.50 of the Revised Code, a 12323
clinical nurse specialist, certified nurse midwife, or certified 12324
nurse practitioner who prescribes or furnishes any drug or 12325
therapeutic device shall do so in accordance with the formulary 12326
established by the board prior to April 6, 2017. 12327~~

Section 15. That existing section 4723.481 of the Revised 12328

Code that is scheduled to take effect September 30, 2024, is 12329
hereby repealed. 12330

Section 16. Sections 14 and 15 of this act take effect 12331
September 30, 2024. 12332

Section 17. That sections 4715.14, 4715.24, and 4715.27 of 12333
the Revised Code be amended to read as follows: 12334

Sec. 4715.14. (A) (1) ~~Each person who is licensed to~~ 12335
~~practice dentistry in Ohio shall, on or before the first day of~~ 12336
~~January of each even-numbered year, register with the state-~~ 12337
~~dental board.~~A license to practice dentistry in Ohio issued under 12338
section 4715.12 of the Revised Code is valid for a two-year 12339
period unless revoked or suspended. A license expires on the 12340
date that is two years from the date of issuance and may be 12341
registered for additional two-year periods.~~The~~ 12342

The registration shall be made on a form prescribed by the 12343
board and furnished by the secretary, shall include the 12344
licensee's name, address, license number, and such other 12345
reasonable information as the board may consider necessary, and 12346
shall include payment of a biennial registration fee of three 12347
hundred twelve dollars. If the licensee is a mobile dental 12348
facility operator as defined in section 4715.70 of the Revised 12349
Code, the licensee shall so specify on the form and include any 12350
other information the board considers necessary to monitor 12351
compliance with sections 4715.71 and 4715.72 of the Revised 12352
Code. ~~Subject~~ 12353

Subject to division (C) of this section, a registration 12354
shall be in effect for the two-year period beginning on the 12355
~~first day of January of the even-numbered year and ending on the~~ 12356
~~last day of December of the following odd-numbered year, and~~ 12357

~~shall~~ be renewed in accordance with the standard renewal 12358
procedure of sections 4745.01 to 4745.03 of the Revised Code. 12359

(2) (a) Except as provided in division (A) (2) (b) of this 12360
section, in the case of a licensee seeking registration who 12361
prescribes or personally furnishes opioid analgesics or 12362
benzodiazepines, as defined in section 3719.01 of the Revised 12363
Code, the licensee shall certify to the board whether the 12364
licensee has been granted access to the drug database 12365
established and maintained by the state board of pharmacy 12366
pursuant to section 4729.75 of the Revised Code. 12367

(b) The requirement in division (A) (2) (a) of this section 12368
does not apply if any of the following is the case: 12369

(i) The state board of pharmacy notifies the state dental 12370
board pursuant to section 4729.861 of the Revised Code that the 12371
licensee has been restricted from obtaining further information 12372
from the drug database. 12373

(ii) The state board of pharmacy no longer maintains the 12374
drug database. 12375

(iii) The licensee does not practice dentistry in this 12376
state. 12377

(3) If a licensee certifies to the state dental board that 12378
the licensee has been granted access to the drug database and 12379
the board finds through an audit or other means that the 12380
licensee has not been granted access, the board may take action 12381
under section 4715.30 of the Revised Code. 12382

(B) A licensed dentist who desires to temporarily retire 12383
from practice and who has given the board notice in writing to 12384
that effect shall be granted such a retirement, provided only 12385
that at that time all previous registration fees and additional 12386

costs of reinstatement have been paid. 12387

(C) ~~Not later than the thirty-first day of January of an~~ 12388
~~even-numbered year, the~~ The board shall send a notice by 12389
certified mail to a dentist who fails to renew a license in 12390
accordance with division (A) of this section. The notice shall 12391
state all of the following: 12392

(1) That the board has not received the registration form 12393
and fee described in that division; 12394

(2) That the license shall remain valid and in good 12395
standing until the ~~first day of April following the last day of~~ 12396
~~December of the odd-numbered year in date that is three months~~ 12397
after the date by which the dentist was scheduled to renew if 12398
the dentist remains in compliance with all other applicable 12399
provisions of this chapter and any rule adopted under it; 12400

(3) That the license may be renewed until the ~~first day of~~ 12401
~~April following the last day of December of the odd-numbered~~ 12402
~~year in date that is three months after the date by which the~~ 12403
dentist was scheduled to renew by the payment of the biennial 12404
registration fee and an additional fee of one hundred twenty- 12405
seven dollars to cover the cost of late renewal; 12406

(4) That unless the board receives the registration form 12407
and fee before the ~~first day of April following the last day of~~ 12408
~~December of the odd-numbered year in date that is three months~~ 12409
after the date by which the dentist was scheduled to renew, the 12410
board may, on or after ~~the relevant first day of April~~that date, 12411
initiate disciplinary action against the dentist pursuant to 12412
Chapter 119. of the Revised Code; 12413

(5) That a dentist whose license has been suspended as a 12414
result of disciplinary action initiated pursuant to division (C) 12415

(4) of this section may be reinstated by the payment of the 12416
biennial registration fee and an additional fee of three hundred 12417
eighty-one dollars to cover the cost of reinstatement. 12418

(D) Each dentist licensed to practice, whether a resident 12419
or not, shall notify the secretary in writing or electronically 12420
of any change in the dentist's office address or employment 12421
within ten days after such change has taken place. On the first 12422
day of July of every even-numbered year, the secretary shall 12423
issue a printed roster of the names and addresses so registered. 12424

(E) Forty dollars of each biennial registration fee shall 12425
be paid to the dentist loan repayment fund created under section 12426
3702.95 of the Revised Code. 12427

Sec. 4715.24. (A) ~~Each person who is licensed to practice~~ 12428
~~as a dental hygienist in Ohio shall, on or before the first day~~ 12429
~~of January of each even-numbered year, register with the state~~ 12430
~~dental board.~~ A license to practice as a dental hygienist in Ohio 12431
issued under section 4715.21 of the Revised Code is valid for a 12432
two-year period unless revoked or suspended. A license expires 12433
on the date that is two years from the date of issuance and may 12434
be registered for additional two-year periods, unless the person 12435
is temporarily retired pursuant to section 4715.241 of the 12436
Revised Code. ~~The~~ 12437

The registration shall be made on a form prescribed by the 12438
board and furnished by the secretary, shall include the 12439
licensee's name, address, license number, and such other 12440
reasonable information as the board may consider necessary, and 12441
shall include payment of a biennial registration fee of one 12442
hundred forty-four dollars. This fee shall be paid to the 12443
treasurer of state. All such registrations shall be ~~in effect~~ 12444
~~for the two-year period beginning on the first day of January of~~ 12445

~~each even numbered year and ending on the last day of December~~ 12446
~~of the following odd numbered year, and shall be renewed in~~ 12447
accordance with the standard renewal procedure of sections 12448
4745.01 to 4745.03 of the Revised Code. The failure of a 12449
licensee to renew registration in accordance with this section 12450
shall result in the automatic suspension of the licensee's 12451
license to practice as a dental hygienist, unless the licensee 12452
is temporarily retired pursuant to section 4715.241 of the 12453
Revised Code. 12454

(B) Any dental hygienist whose license has been 12455
automatically suspended under this section may be reinstated on 12456
application to the board on a form prescribed by the board for 12457
licensure reinstatement and payment of the biennial registration 12458
fee and in addition thereto thirty-nine dollars to cover the 12459
costs of reinstatement. 12460

(C) The license of a dental hygienist shall be exhibited 12461
in a conspicuous place in the room in which the dental hygienist 12462
practices. Each dental hygienist licensed to practice, whether a 12463
resident or not, shall notify the secretary in writing or 12464
electronically of any change in the dental hygienist's office 12465
address or employment within ten days after the change takes 12466
place. 12467

(D) Ten dollars of each biennial registration fee 12468
collected under division (A) or (B) of this section shall be 12469
paid to the dental hygienist loan repayment fund established 12470
under section 3702.967 of the Revised Code. 12471

Sec. 4715.27. The state dental board may issue a license 12472
to an applicant who furnishes satisfactory proof of being at 12473
least eighteen years of age and who demonstrates, to the 12474
satisfaction of the board, knowledge of the laws, regulations, 12475

and rules governing the practice of a dental hygienist; who 12476
proves, to the satisfaction of the board, intent to practice as 12477
a dental hygienist in this state; who is a graduate from an 12478
accredited school of dental hygiene and who holds a license by 12479
examination from a similar dental board, and who passes an 12480
examination as prescribed by the board relating to dental 12481
hygiene. 12482

~~Upon payment of seventy three dollars and upon application 12483
endorsed by an accredited dental hygiene school in this state, 12484
the state dental board may without examination issue a teacher's 12485
certificate to a dental hygienist, authorized to practice in 12486
another state or country. A teacher's certificate shall be 12487
subject to annual renewal in accordance with the standard 12488
renewal procedure of sections 4745.01 to 4745.03 of the Revised 12489
Code, and shall not be construed as authorizing anything other 12490
than teaching or demonstrating the skills of a dental hygienist 12491
in the educational programs of the accredited dental hygiene 12492
school which endorsed the application. 12493~~

Section 18. That existing sections 4715.14, 4715.24, and 12494
4715.27 of the Revised Code are hereby repealed. 12495

Section 19. That section 4715.421 of the Revised Code is 12496
hereby repealed. 12497

Section 20. Sections 17, 18, and 19 of this act take 12498
effect January 1, 2025. 12499

Section 21. The General Assembly, applying the principle 12500
stated in division (B) of section 1.52 of the Revised Code that 12501
amendments are to be harmonized if reasonably capable of 12502
simultaneous operation, finds that the following sections, 12503
presented in this act as composites of the sections as amended 12504

by the acts indicated, are the resulting versions of the 12505
sections in effect prior to the effective date of the sections 12506
as presented in this act: 12507

Section 3701.74 of the Revised Code as amended by both 12508
H.B. 232 and H.B. 483 of the 130th General Assembly. 12509

Section 4715.141 of the Revised Code as amended by both 12510
H.B. 190 and H.B. 215 of the 128th General Assembly. 12511

Section 4723.50 of the Revised Code as amended by H.B. 12512
231, H.B. 341, and S.B. 331, all of the 133rd General Assembly. 12513

Section 4731.19 of the Revised Code as amended by both 12514
H.B. 263 and H.B. 442 of the 133rd General Assembly. 12515

Section 4732.14 of the Revised Code as amended by both 12516
H.B. 83 and H.B. 98 of the 130th General Assembly. 12517

Section 4757.41 of the Revised Code as amended by both 12518
H.B. 158 and H.B. 230 of the 131st General Assembly. 12519

Section 4776.01 of the Revised Code as amended by both 12520
H.B. 166 and S.B. 57 of the 133rd General Assembly. 12521

Section 5123.441 of the Revised Code as amended by both 12522
H.B. 158 and H.B. 483 of the 131st General Assembly. 12523

Section 5123.45 of the Revised Code as amended by both 12524
H.B. 158 and H.B. 483 of the 131st General Assembly. 12525