

**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**H. B. No. 617**

**Representative LaTourette**

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**A BILL**

To amend sections 109.572, 119.06, 121.22, 122.071, 1  
125.22, 2135.01, 2305.113, 3313.608, 3701.83, 2  
4723.05, 4725.01, 4725.02, 4725.09, 4725.091, 3  
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4783.10, 4783.11, 4783.12, 4783.13, 5119.94,	56

5120.55, 5122.01, and 5123.46, to enact sections 57  
125.92, 4729.021, 4744.02, 4744.04, 4744.041, 58  
4744.06, 4744.10, 4744.12, 4744.14, 4744.16, 59  
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4744.36, 4744.40, 4744.48, 4744.50, 4744.54, 61  
4745.021, 4747.051, 4753.061, 4758.242, 62  
4759.011, and 4761.011, and to repeal sections 63  
4725.03, 4725.04, 4725.05, 4725.06, 4725.07, 64  
4725.08, 4725.42, 4725.43, 4725.45, 4725.46, 65  
4725.47, 4732.02, 4732.021, 4732.03, 4732.05, 66  
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4753.04, 4755.01, 4757.03, 4757.04, 4757.05, 68  
4757.06, 4757.07, 4757.11, 4758.10, 4758.11, 69  
4758.12, 4758.13, 4758.15, 4758.16, 4758.17, 70  
4758.18, 4758.23, 4759.03, 4759.04, 4761.02, 71  
4779.05, 4779.06, 4779.07, 4779.16, 4779.21, and 72  
4779.22 of the Revised Code to require the 73  
Director of Administrative Services to review 74  
referred agency actions and determine whether 75  
they are consistent with state and federal 76  
antitrust law; to create the State Vision and 77  
Hearing Professionals Board, the State 78  
Behavioral Health Professionals Board, and the 79  
State Physical Health Services Board; to abolish 80  
the State Board of Optometry, the Ohio Optical 81  
Dispensers Board, the Hearing Aid Dealers and 82  
Fitters Licensing Board, and the Board of 83  
Speech-Language Pathology and Audiology and 84  
transfer those boards' duties to the State 85  
Vision and Hearing Professionals Board; to 86  
abolish the Chemical Dependency Professionals 87  
Board, the Counselor, Social Worker, and 88

Marriage and Family Therapist Board, and the 89  
State Board of Psychology and transfer those 90  
boards' duties to the State Behavioral Health 91  
Professionals Board; to abolish the Ohio 92  
Occupational Therapy, Physical Therapy, and 93  
Athletic Trainers Board and the State Board of 94  
Orthotics, Prosthetics, and Pedorthics and 95  
transfer those boards' duties to the State 96  
Physical Health Services Board; to abolish the 97  
Ohio Board of Dietetics and transfer its duties 98  
to the State Medical Board; to abolish the Ohio 99  
Respiratory Care Board and transfer its duties 100  
to the State Board of Pharmacy and the State 101  
Medical Board; to make other changes regarding 102  
licensing and regulating certain health 103  
professionals; and to make an appropriation. 104

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

**Section 1.** That sections 109.572, 119.06, 121.22, 122.071, 105  
125.22, 2135.01, 2305.113, 3313.608, 3701.83, 4723.05, 4725.01, 106  
4725.02, 4725.09, 4725.091, 4725.092, 4725.10, 4725.11, 4725.12, 107  
4725.121, 4725.13, 4725.15, 4725.16, 4725.17, 4725.171, 4725.18, 108  
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4725.27, 4725.28, 4725.29, 4725.31, 4725.33, 4725.34, 4725.40, 110  
4725.41, 4725.411, 4725.44, 4725.48, 4725.49, 4725.50, 4725.501, 111  
4725.51, 4725.52, 4725.53, 4725.531, 4725.54, 4725.55, 4725.57, 112  
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4731.24, 4731.25, 4732.01, 4732.09, 4732.091, 4732.10, 4732.11, 114  
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4732.16, 4732.17, 4732.171, 4732.172, 4732.173, 4732.18,	116
4732.21, 4732.22, 4732.221, 4732.24, 4732.25, 4732.26, 4732.27,	117
4732.28, 4732.31, 4732.32, 4732.33, 4743.05, 4745.02, 4747.04,	118
4747.05, 4747.06, 4747.07, 4747.08, 4747.10, 4747.11, 4747.12,	119
4747.13, 4747.14, 4747.16, 4747.17, 4752.01, 4752.03, 4752.04,	120
4752.05, 4752.06, 4752.08, 4752.09, 4752.11, 4752.12, 4752.13,	121
4752.14, 4752.15, 4752.17, 4752.18, 4752.19, 4752.20, 4753.05,	122
4753.06, 4753.07, 4753.071, 4753.072, 4753.073, 4753.08,	123
4753.09, 4753.091, 4753.10, 4753.101, 4753.11, 4753.12, 4753.15,	124
4753.16, 4755.02, 4755.03, 4755.031, 4755.06, 4755.061, 4755.07,	125
4755.08, 4755.09, 4755.10, 4755.11, 4755.111, 4755.12, 4755.41,	126
4755.411, 4755.412, 4755.42, 4755.421, 4755.43, 4755.431,	127
4755.44, 4755.441, 4755.45, 4755.451, 4755.46, 4755.47,	128
4755.471, 4755.482, 4755.51, 4755.511, 4755.52, 4755.53,	129
4755.61, 4755.62, 4755.63, 4755.64, 4755.65, 4755.66, 4755.70,	130
4755.71, 4755.99, 4757.10, 4757.101, 4757.13, 4757.15, 4757.16,	131
4757.17, 4757.18, 4757.19, 4757.22, 4757.23, 4757.27, 4757.28,	132
4757.29, 4757.30, 4757.301, 4757.31, 4757.32, 4757.321, 4757.33,	133
4757.34, 4757.36, 4757.361, 4757.37, 4757.38, 4757.39, 4757.40,	134
4757.41, 4757.44, 4757.45, 4758.20, 4758.21, 4758.22, 4758.221,	135
4758.24, 4758.241, 4758.25, 4758.26, 4758.27, 4758.28, 4758.29,	136
4758.30, 4758.31, 4758.32, 4758.35, 4758.36, 4758.47, 4758.51,	137
4758.52, 4758.72, 4759.02, 4759.05, 4759.06, 4759.061, 4759.07,	138
4759.08, 4759.09, 4759.10, 4759.11, 4759.12, 4761.03, 4761.031,	139
4761.04, 4761.05, 4761.051, 4761.06, 4761.07, 4761.08, 4761.09,	140
4761.10, 4761.11, 4761.12, 4761.13, 4761.14, 4761.18, 4776.01,	141
4779.02, 4779.08, 4779.09, 4779.091, 4779.10, 4779.11, 4779.12,	142
4779.13, 4779.15, 4779.17, 4779.18, 4779.20, 4779.23, 4779.24,	143
4779.25, 4779.26, 4779.27, 4779.30, 4779.32, 4779.33, 4779.34,	144
4783.03, 4783.04, 4783.05, 4783.09, 4783.10, 4783.11, 4783.12,	145
4783.13, 5119.94, 5120.55, 5122.01, and 5123.46 be amended and	146
sections 125.92, 4729.021, 4744.02, 4744.04, 4744.041, 4744.06,	147

4744.10, 4744.12, 4744.14, 4744.16, 4744.18, 4744.20, 4744.24, 148  
4744.28, 4744.30, 4744.36, 4744.40, 4744.48, 4744.50, 4744.54, 149  
4745.021, 4747.051, 4753.061, 4758.242, 4759.011, and 4761.011 150  
of the Revised Code be enacted to read as follows: 151

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 152  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 153  
Code, a completed form prescribed pursuant to division (C) (1) of 154  
this section, and a set of fingerprint impressions obtained in 155  
the manner described in division (C) (2) of this section, the 156  
superintendent of the bureau of criminal identification and 157  
investigation shall conduct a criminal records check in the 158  
manner described in division (B) of this section to determine 159  
whether any information exists that indicates that the person 160  
who is the subject of the request previously has been convicted 161  
of or pleaded guilty to any of the following: 162

(a) A violation of section 2903.01, 2903.02, 2903.03, 163  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 164  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 165  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 166  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 167  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 168  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 169  
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 170  
sexual penetration in violation of former section 2907.12 of the 171  
Revised Code, a violation of section 2905.04 of the Revised Code 172  
as it existed prior to July 1, 1996, a violation of section 173  
2919.23 of the Revised Code that would have been a violation of 174  
section 2905.04 of the Revised Code as it existed prior to July 175  
1, 1996, had the violation been committed prior to that date, or 176  
a violation of section 2925.11 of the Revised Code that is not a 177  
minor drug possession offense; 178

(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 listed in division (A) (1) (a) of this section;

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

(2) On receipt of a request pursuant to section 3712.09 or 3721.121 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 with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the 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:

(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, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

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

(3) On receipt of a request pursuant to section 173.27, 173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, or 5123.169 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 of the person for whom the request is made. The superintendent shall conduct the 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, has pleaded guilty to, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) the date the person was found eligible for intervention in lieu of conviction:

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,



2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	240
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	241
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	242
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	243
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	244
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	245
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	246
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	247
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	248
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	249
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	250
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	251
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	252
(b) Felonious sexual penetration in violation of former	253
section 2907.12 of the Revised Code;	254
(c) A violation of section 2905.04 of the Revised Code as	255
it existed prior to July 1, 1996;	256
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	257
the Revised Code when the underlying offense that is the object	258
of the conspiracy, attempt, or complicity is one of the offenses	259
listed in divisions (A) (3) (a) to (c) of this section;	260
(e) A violation of an existing or former municipal	261
ordinance or law of this state, any other state, or the United	262
States that is substantially equivalent to any of the offenses	263
listed in divisions (A) (3) (a) to (d) of this section.	264
(4) On receipt of a request pursuant to section 2151.86 of	265
the Revised Code, a completed form prescribed pursuant to	266
division (C) (1) of this section, and a set of fingerprint	267
impressions obtained in the manner described in division (C) (2)	268

of this section, the superintendent of the bureau of criminal 269  
identification and investigation shall conduct a criminal 270  
records check in the manner described in division (B) of this 271  
section to determine whether any information exists that 272  
indicates that the person who is the subject of the request 273  
previously has been convicted of or pleaded guilty to any of the 274  
following: 275

(a) A violation of section 959.13, 2903.01, 2903.02, 276  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 277  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 278  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 279  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 280  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 281  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 282  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 283  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 284  
2927.12, or 3716.11 of the Revised Code, a violation of section 285  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 286  
a violation of section 2919.23 of the Revised Code that would 287  
have been a violation of section 2905.04 of the Revised Code as 288  
it existed prior to July 1, 1996, had the violation been 289  
committed prior to that date, a violation of section 2925.11 of 290  
the Revised Code that is not a minor drug possession offense, 291  
two or more OVI or OVUAC violations committed within the three 292  
years immediately preceding the submission of the application or 293  
petition that is the basis of the request, or felonious sexual 294  
penetration in violation of former section 2907.12 of the 295  
Revised Code; 296

(b) A violation of an existing or former law of this 297  
state, any other state, or the United States that is 298  
substantially equivalent to any of the offenses listed in 299

division (A) (4) (a) of this section. 300

(5) Upon receipt of a request pursuant to section 5104.013 301  
of the Revised Code, a completed form prescribed pursuant to 302  
division (C) (1) of this section, and a set of fingerprint 303  
impressions obtained in the manner described in division (C) (2) 304  
of this section, the superintendent of the bureau of criminal 305  
identification and investigation shall conduct a criminal 306  
records check in the manner described in division (B) of this 307  
section to determine whether any information exists that 308  
indicates that the person who is the subject of the request has 309  
been convicted of or pleaded guilty to any of the following: 310

(a) A violation of section 2151.421, 2903.01, 2903.02, 311  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 312  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 313  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 314  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 315  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 316  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 317  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 318  
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2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 322  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 323  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 324  
3716.11 of the Revised Code, felonious sexual penetration in 325  
violation of former section 2907.12 of the Revised Code, a 326  
violation of section 2905.04 of the Revised Code as it existed 327  
prior to July 1, 1996, a violation of section 2919.23 of the 328  
Revised Code that would have been a violation of section 2905.04 329  
of the Revised Code as it existed prior to July 1, 1996, had the 330

violation been committed prior to that date, a violation of 331  
section 2925.11 of the Revised Code that is not a minor drug 332  
possession offense, a violation of section 2923.02 or 2923.03 of 333  
the Revised Code that relates to a crime specified in this 334  
division, or a second violation of section 4511.19 of the 335  
Revised Code within five years of the date of application for 336  
licensure or certification. 337

(b) A violation of an existing or former law of this 338  
state, any other state, or the United States that is 339  
substantially equivalent to any of the offenses or violations 340  
described in division (A) (5) (a) of this section. 341

(6) Upon receipt of a request pursuant to section 5153.111 342  
of the Revised Code, a completed form prescribed pursuant to 343  
division (C) (1) of this section, and a set of fingerprint 344  
impressions obtained in the manner described in division (C) (2) 345  
of this 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 350  
previously has been convicted of or pleaded guilty to any of the 351  
following: 352

(a) A violation of section 2903.01, 2903.02, 2903.03, 353  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 354  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 355  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 356  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 357  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 358  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 359  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 360

Code, felonious sexual penetration in violation of former 361  
section 2907.12 of the Revised Code, a violation of section 362  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 363  
a violation of section 2919.23 of the Revised Code that would 364  
have been a violation of section 2905.04 of the Revised Code as 365  
it existed prior to July 1, 1996, had the violation been 366  
committed prior to that date, or a violation of section 2925.11 367  
of the Revised Code that is not a minor drug possession offense; 368

(b) A violation of an existing or former law of this 369  
state, any other state, or the United States that is 370  
substantially equivalent to any of the offenses listed in 371  
division (A) (6) (a) of this section. 372

(7) On receipt of a request for a criminal records check 373  
from an individual pursuant to section 4749.03 or 4749.06 of the 374  
Revised Code, accompanied by a completed copy of the form 375  
prescribed in division (C) (1) of this section and a set of 376  
fingerprint impressions obtained in a manner described in 377  
division (C) (2) of this section, the superintendent of the 378  
bureau of criminal identification and investigation shall 379  
conduct a criminal records check in the manner described in 380  
division (B) of this section to determine whether any 381  
information exists indicating that the person who is the subject 382  
of the request has been convicted of or pleaded guilty to a 383  
felony in this state or in any other state. If the individual 384  
indicates that a firearm will be carried in the course of 385  
business, the superintendent shall require information from the 386  
federal bureau of investigation as described in division (B) (2) 387  
of this section. Subject to division (F) of this section, the 388  
superintendent shall report the findings of the criminal records 389  
check and any information the federal bureau of investigation 390  
provides to the director of public safety. 391

(8) On receipt of a request pursuant to section 1321.37, 392  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 393  
Code, a completed form prescribed pursuant to division (C)(1) of 394  
this section, and a set of fingerprint impressions obtained in 395  
the manner described in division (C)(2) of this section, the 396  
superintendent of the bureau of criminal identification and 397  
investigation shall conduct a criminal records check with 398  
respect to any person who has applied for a license, permit, or 399  
certification from the department of commerce or a division in 400  
the department. The superintendent shall conduct the criminal 401  
records check in the manner described in division (B) of this 402  
section to determine whether any information exists that 403  
indicates that the person who is the subject of the request 404  
previously has been convicted of or pleaded guilty to any of the 405  
following: a violation of section 2913.02, 2913.11, 2913.31, 406  
2913.51, or 2925.03 of the Revised Code; any other criminal 407  
offense involving theft, receiving stolen property, 408  
embezzlement, forgery, fraud, passing bad checks, money 409  
laundering, or drug trafficking, or any criminal offense 410  
involving money or securities, as set forth in Chapters 2909., 411  
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 412  
Code; or any existing or former law of this state, any other 413  
state, or the United States that is substantially equivalent to 414  
those offenses. 415

(9) On receipt of a request for a criminal records check 416  
from the treasurer of state under section 113.041 of the Revised 417  
Code or from an individual under section 4701.08, 4715.101, 418  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 419  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 420  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 421  
4747.051, 4753.061, 4755.70, 4757.101, 4758.242, 4759.061, 422

4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4776.021, 423  
4779.091, or 4783.04 of the Revised Code, accompanied by a 424  
completed form prescribed under division (C)(1) of this section 425  
and a set of fingerprint impressions obtained in the manner 426  
described in division (C)(2) of this section, the superintendent 427  
of the bureau of criminal identification and investigation shall 428  
conduct a criminal records check in the manner described in 429  
division (B) of this section to determine whether any 430  
information exists that indicates that the person who is the 431  
subject of the request has been convicted of or pleaded guilty 432  
to any criminal offense in this state or any other state. 433  
Subject to division (F) of this section, the superintendent 434  
shall send the results of a check requested under section 435  
113.041 of the Revised Code to the treasurer of state and shall 436  
send the results of a check requested under any of the other 437  
listed sections to the licensing board specified by the 438  
individual in the request. 439

(10) On receipt of a request pursuant to section 1121.23, 440  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 441  
Code, a completed form prescribed pursuant to division (C)(1) of 442  
this section, and a set of fingerprint impressions obtained in 443  
the manner described in division (C)(2) of this section, the 444  
superintendent of the bureau of criminal identification and 445  
investigation shall conduct a criminal records check in the 446  
manner described in division (B) of this section to determine 447  
whether any information exists that indicates that the person 448  
who is the subject of the request previously has been convicted 449  
of or pleaded guilty to any criminal offense under any existing 450  
or former law of this state, any other state, or the United 451  
States. 452

(11) On receipt of a request for a criminal records check 453

from an appointing or licensing authority under section 3772.07 454  
of the Revised Code, a completed form prescribed under division 455  
(C) (1) of this section, and a set of fingerprint impressions 456  
obtained in the manner prescribed in division (C) (2) of this 457  
section, the superintendent of the bureau of criminal 458  
identification and investigation shall conduct a criminal 459  
records check in the manner described in division (B) of this 460  
section to determine whether any information exists that 461  
indicates that the person who is the subject of the request 462  
previously has been convicted of or pleaded guilty or no contest 463  
to any offense under any existing or former law of this state, 464  
any other state, or the United States that is a disqualifying 465  
offense as defined in section 3772.07 of the Revised Code or 466  
substantially equivalent to such an offense. 467

(12) On receipt of a request pursuant to section 2151.33 468  
or 2151.412 of the Revised Code, a completed form prescribed 469  
pursuant to division (C) (1) of this section, and a set of 470  
fingerprint impressions obtained in the manner described in 471  
division (C) (2) of this section, the superintendent of the 472  
bureau of criminal identification and investigation shall 473  
conduct a criminal records check with respect to any person for 474  
whom a criminal records check is required under that section. 475  
The superintendent shall conduct the criminal records check in 476  
the manner described in division (B) of this section to 477  
determine whether any information exists that indicates that the 478  
person who is the subject of the request previously has been 479  
convicted of or pleaded guilty to any of the following: 480

(a) A violation of section 2903.01, 2903.02, 2903.03, 481  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 482  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 483  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 484



2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 485  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 486  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 487  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 488  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 489

(b) An existing or former law of this state, any other 490  
state, or the United States that is substantially equivalent to 491  
any of the offenses listed in division (A) (12) (a) of this 492  
section. 493

(13) On receipt of a request pursuant to section 3796.12 494  
of the Revised Code, a completed form prescribed pursuant to 495  
division (C) (1) of this section, and a set of fingerprint 496  
impressions obtained in a manner described in division (C) (2) of 497  
this section, the superintendent of the bureau of criminal 498  
identification and investigation shall conduct a criminal 499  
records check in the manner described in division (B) of this 500  
section to determine whether any information exists that 501  
indicates that the person who is the subject of the request 502  
previously has been convicted of or pleaded guilty to the 503  
following: 504

(a) A disqualifying offense as specified in rules adopted 505  
under division (B) (2) (b) of section 3796.03 of the Revised Code 506  
if the person who is the subject of the request is an 507  
administrator or other person responsible for the daily 508  
operation of, or an owner or prospective owner, officer or 509  
prospective officer, or board member or prospective board member 510  
of, an entity seeking a license from the department of commerce 511  
under Chapter 3796. of the Revised Code; 512

(b) A disqualifying offense as specified in rules adopted 513  
under division (B) (2) (b) of section 3796.04 of the Revised Code 514

if the person who is the subject of the request is an 515  
administrator or other person responsible for the daily 516  
operation of, or an owner or prospective owner, officer or 517  
prospective officer, or board member or prospective board member 518  
of, an entity seeking a license from the state board of pharmacy 519  
under Chapter 3796. of the Revised Code. 520

(14) On receipt of a request required by section 3796.13 521  
of the Revised Code, a completed form prescribed pursuant to 522  
division (C)(1) of this section, and a set of fingerprint 523  
impressions obtained in a manner described in division (C)(2) of 524  
this section, the superintendent of the bureau of criminal 525  
identification and investigation shall conduct a criminal 526  
records check in the manner described in division (B) of this 527  
section to determine whether any information exists that 528  
indicates that the person who is the subject of the request 529  
previously has been convicted of or pleaded guilty to the 530  
following: 531

(a) A disqualifying offense as specified in rules adopted 532  
under division (B)(8)(a) of section 3796.03 of the Revised Code 533  
if the person who is the subject of the request is seeking 534  
employment with an entity licensed by the department of commerce 535  
under Chapter 3796. of the Revised Code; 536

(b) A disqualifying offense as specified in rules adopted 537  
under division (B)(14)(a) of section 3796.04 of the Revised Code 538  
if the person who is the subject of the request is seeking 539  
employment with an entity licensed by the state board of 540  
pharmacy under Chapter 3796. of the Revised Code. 541

(B) Subject to division (F) of this section, the 542  
superintendent shall conduct any criminal records check to be 543  
conducted under this section as follows: 544

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the criminal records check, including, if the criminal records check was requested under section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 4749.03, 4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

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

(3) The superintendent or the superintendent's designee may request criminal history records from other states or the federal government pursuant to the national crime prevention and

privacy compact set forth in section 109.571 of the Revised Code. 576  
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(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), or (14) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law. 578  
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(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records check, the completed form prescribed under division (C) (1) of this section, and the set of fingerprint impressions obtained in the manner described in division (C) (2) of this section: 586  
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(a) If the superintendent is required by division (A) of this section (other than division (A) (3) of this section) to conduct the criminal records check, thirty; 593  
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(b) If the superintendent is required by division (A) (3) of this section to conduct the criminal records check, sixty. 596  
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(C) (1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is to be conducted under this section. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats. 598  
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(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is to be conducted under this section. Any person for whom a records check is to be conducted under this section shall obtain the fingerprint impressions at a county sheriff's office, municipal police department, or any other entity with the ability to make fingerprint impressions on the standard impression sheets prescribed by the superintendent. The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

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

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

(D) The results of a criminal records check conducted under this section, other than a criminal records check specified in division (A)(7) of this section, are valid for the person who is the subject of the criminal records check for a

period of one year from the date upon which the superintendent 635  
completes the criminal records check. If during that period the 636  
superintendent receives another request for a criminal records 637  
check to be conducted under this section for that person, the 638  
superintendent shall provide the results from the previous 639  
criminal records check of the person at a lower fee than the fee 640  
prescribed for the initial criminal records check. 641

(E) When the superintendent receives a request for 642  
information from a registered private provider, the 643  
superintendent shall proceed as if the request was received from 644  
a school district board of education under section 3319.39 of 645  
the Revised Code. The superintendent shall apply division (A)(1) 646  
(c) of this section to any such request for an applicant who is 647  
a teacher. 648

(F)(1) All information regarding the results of a criminal 649  
records check conducted under this section that the 650  
superintendent reports or sends under division (A)(7) or (9) of 651  
this section to the director of public safety, the treasurer of 652  
state, or the person, board, or entity that made the request for 653  
the criminal records check shall relate to the conviction of the 654  
subject person, or the subject person's plea of guilty to, a 655  
criminal offense. 656

(2) Division (F)(1) of this section does not limit, 657  
restrict, or preclude the superintendent's release of 658  
information that relates to the arrest of a person who is 659  
eighteen years of age or older, to an adjudication of a child as 660  
a delinquent child, or to a criminal conviction of a person 661  
under eighteen years of age in circumstances in which a release 662  
of that nature is authorized under division (E)(2), (3), or (4) 663  
of section 109.57 of the Revised Code pursuant to a rule adopted 664

under division (E) (1) of that section. 665

(G) As used in this section: 666

(1) "Criminal records check" means any criminal records 667  
check conducted by the superintendent of the bureau of criminal 668  
identification and investigation in accordance with division (B) 669  
of this section. 670

(2) "Minor drug possession offense" has the same meaning 671  
as in section 2925.01 of the Revised Code. 672

(3) "OVI or OVUAC violation" means a violation of section 673  
4511.19 of the Revised Code or a violation of an existing or 674  
former law of this state, any other state, or the United States 675  
that is substantially equivalent to section 4511.19 of the 676  
Revised Code. 677

(4) "Registered private provider" means a nonpublic school 678  
or entity registered with the superintendent of public 679  
instruction under section 3310.41 of the Revised Code to 680  
participate in the autism scholarship program or section 3310.58 681  
of the Revised Code to participate in the Jon Peterson special 682  
needs scholarship program. 683

**Sec. 119.06.** No adjudication order of an agency shall be 684  
valid unless the agency is specifically authorized by law to 685  
make such order. 686

No adjudication order shall be valid unless an opportunity 687  
for a hearing is afforded in accordance with sections 119.01 to 688  
119.13 of the Revised Code. Such opportunity for a hearing shall 689  
be given before making the adjudication order except in those 690  
situations where this section provides otherwise. 691

The following adjudication orders shall be effective 692

without a hearing:	693
(A) Orders revoking a license in cases where an agency is required by statute to revoke a license pursuant to the judgment of a court;	694 695 696
(B) Orders suspending a license where a statute specifically permits the suspension of a license without a hearing;	697 698 699
(C) Orders or decisions of an authority within an agency if the rules of the agency or the statutes pertaining to such agency specifically give a right of appeal to a higher authority within such agency, to another agency, or to the board of tax appeals, and also give the appellant a right to a hearing on such appeal.	700 701 702 703 704 705
When a statute permits the suspension of a license without a prior hearing, any agency issuing an order pursuant to such statute shall afford the person to whom the order is issued a hearing upon request.	706 707 708 709
Whenever an agency claims that a person is required by statute to obtain a license, it shall afford a hearing upon the request of a person who claims that the law does not impose such a requirement.	710 711 712 713
Every agency shall afford a hearing upon the request of any person who has been refused admission to an examination where such examination is a prerequisite to the issuance of a license unless a hearing was held prior to such refusal.	714 715 716 717
Unless a hearing was held prior to the refusal to issue the license, every agency shall afford a hearing upon the request of a person whose application for a license has been rejected and to whom the agency has refused to issue a license,	718 719 720 721



whether it is a renewal or a new license, except that the 722  
following are not required to afford a hearing to a person to 723  
whom a new license has been refused because the person failed a 724  
licensing examination: the state medical board, state 725  
chiropractic board, architects board, Ohio landscape architects 726  
board, and ~~any section of the Ohio occupational therapy,~~ 727  
~~physical therapy, and athletic trainers board~~ the state physical 728  
health services board with respect to licenses issued under 729  
Chapter 4755. of the Revised Code. 730

When periodic registration of licenses is required by law, 731  
the agency shall afford a hearing upon the request of any 732  
licensee whose registration has been denied, unless a hearing 733  
was held prior to such denial. 734

When periodic registration of licenses or renewal of 735  
licenses is required by law, a licensee who has filed an 736  
application for registration or renewal within the time and in 737  
the manner provided by statute or rule of the agency shall not 738  
be required to discontinue a licensed business or profession 739  
merely because of the failure of the agency to act on the 740  
licensee's application. Action of an agency rejecting any such 741  
application shall not be effective prior to fifteen days after 742  
notice of the rejection is mailed to the licensee. 743

**Sec. 121.22.** (A) This section shall be liberally construed 744  
to require public officials to take official action and to 745  
conduct all deliberations upon official business only in open 746  
meetings unless the subject matter is specifically excepted by 747  
law. 748

(B) As used in this section: 749

(1) "Public body" means any of the following: 750

(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;

(b) Any committee or subcommittee of a body described in division (B) (1) (a) of this section;

(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B) (1) (c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code.

(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.

(3) "Regulated individual" means either of the following:

(a) A student in a state or local public educational institution;

(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness, an intellectual disability, disease, disability, age, or other condition requiring custodial care.

(4) "Public office" has the same meaning as in section 149.011 of the Revised Code.	780 781
(C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.	782 783 784 785 786 787
The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section.	788 789 790 791 792
(D) This section does not apply to any of the following:	793
(1) A grand jury;	794
(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	795 796 797
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;	798 799 800
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	801 802
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173	803 804 805 806 807

of the Revised Code;	808
(6) The state medical board when determining whether to	809
suspend a certificate without a prior hearing pursuant to	810
division (G) of either section 4730.25 or 4731.22 of the Revised	811
Code;	812
(7) The board of nursing when determining whether to	813
suspend a license or certificate without a prior hearing	814
pursuant to division (B) of section 4723.281 of the Revised	815
Code;	816
(8) The state board of pharmacy when determining whether	817
to suspend a license without a prior hearing pursuant to	818
division (D) of section 4729.16 of the Revised Code;	819
(9) The state chiropractic board when determining whether	820
to suspend a license without a hearing pursuant to section	821
4734.37 of the Revised Code;	822
(10) The executive committee of the emergency response	823
commission when determining whether to issue an enforcement	824
order or request that a civil action, civil penalty action, or	825
criminal action be brought to enforce Chapter 3750. of the	826
Revised Code;	827
(11) The board of directors of the nonprofit corporation	828
formed under section 187.01 of the Revised Code or any committee	829
thereof, and the board of directors of any subsidiary of that	830
corporation or a committee thereof;	831
(12) An audit conference conducted by the audit staff of	832
the department of job and family services with officials of the	833
public office that is the subject of that audit under section	834
5101.37 of the Revised Code;—	835

~~(13) The occupational therapy section of the occupational- 836  
therapy, physical therapy, and athletic trainers state physical 837  
health services board when determining whether to suspend a 838  
license or limited permit without a hearing pursuant to division 839  
(D) of section 4755.11, division (E) of section 4755.47, or 840  
division (D) of section 4755.64 of the Revised Code; 841~~

~~(14) The physical therapy section of the occupational- 842  
therapy, physical therapy, and athletic trainers board when 843  
determining whether to suspend a license without a hearing- 844  
pursuant to division (E) of section 4755.47 of the Revised Code;- 845~~

~~(15) The athletic trainers section of the occupational- 846  
therapy, physical therapy, and athletic trainers board when 847  
determining whether to suspend a license without a hearing- 848  
pursuant to division (D) of section 4755.64 of the Revised Code. 849~~

(E) The controlling board, the tax credit authority, or 850  
the minority development financing advisory board, when meeting 851  
to consider granting assistance pursuant to Chapter 122. or 166. 852  
of the Revised Code, in order to protect the interest of the 853  
applicant or the possible investment of public funds, by 854  
unanimous vote of all board or authority members present, may 855  
close the meeting during consideration of the following 856  
information confidentially received by the authority or board 857  
from the applicant: 858

(1) Marketing plans; 859

(2) Specific business strategy; 860

(3) Production techniques and trade secrets; 861

(4) Financial projections; 862

(5) Personal financial statements of the applicant or 863

members of the applicant's immediate family, including, but not 864  
limited to, tax records or other similar information not open to 865  
public inspection. 866

The vote by the authority or board to accept or reject the 867  
application, as well as all proceedings of the authority or 868  
board not subject to this division, shall be open to the public 869  
and governed by this section. 870

(F) Every public body, by rule, shall establish a 871  
reasonable method whereby any person may determine the time and 872  
place of all regularly scheduled meetings and the time, place, 873  
and purpose of all special meetings. A public body shall not 874  
hold a special meeting unless it gives at least twenty-four 875  
hours' advance notice to the news media that have requested 876  
notification, except in the event of an emergency requiring 877  
immediate official action. In the event of an emergency, the 878  
member or members calling the meeting shall notify the news 879  
media that have requested notification immediately of the time, 880  
place, and purpose of the meeting. 881

The rule shall provide that any person, upon request and 882  
payment of a reasonable fee, may obtain reasonable advance 883  
notification of all meetings at which any specific type of 884  
public business is to be discussed. Provisions for advance 885  
notification may include, but are not limited to, mailing the 886  
agenda of meetings to all subscribers on a mailing list or 887  
mailing notices in self-addressed, stamped envelopes provided by 888  
the person. 889

(G) Except as provided in divisions (G) (8) and (J) of this 890  
section, the members of a public body may hold an executive 891  
session only after a majority of a quorum of the public body 892  
determines, by a roll call vote, to hold an executive session 893

and only at a regular or special meeting for the sole purpose of 894  
the consideration of any of the following matters: 895

(1) To consider the appointment, employment, dismissal, 896  
discipline, promotion, demotion, or compensation of a public 897  
employee or official, or the investigation of charges or 898  
complaints against a public employee, official, licensee, or 899  
regulated individual, unless the public employee, official, 900  
licensee, or regulated individual requests a public hearing. 901  
Except as otherwise provided by law, no public body shall hold 902  
an executive session for the discipline of an elected official 903  
for conduct related to the performance of the elected official's 904  
official duties or for the elected official's removal from 905  
office. If a public body holds an executive session pursuant to 906  
division (G) (1) of this section, the motion and vote to hold 907  
that executive session shall state which one or more of the 908  
approved purposes listed in division (G) (1) of this section are 909  
the purposes for which the executive session is to be held, but 910  
need not include the name of any person to be considered at the 911  
meeting. 912

(2) To consider the purchase of property for public 913  
purposes, the sale of property at competitive bidding, or the 914  
sale or other disposition of unneeded, obsolete, or unfit-for- 915  
use property in accordance with section 505.10 of the Revised 916  
Code, if premature disclosure of information would give an 917  
unfair competitive or bargaining advantage to a person whose 918  
personal, private interest is adverse to the general public 919  
interest. No member of a public body shall use division (G) (2) 920  
of this section as a subterfuge for providing covert information 921  
to prospective buyers or sellers. A purchase or sale of public 922  
property is void if the seller or buyer of the public property 923  
has received covert information from a member of a public body 924

that has not been disclosed to the general public in sufficient 925  
time for other prospective buyers and sellers to prepare and 926  
submit offers. 927

If the minutes of the public body show that all meetings 928  
and deliberations of the public body have been conducted in 929  
compliance with this section, any instrument executed by the 930  
public body purporting to convey, lease, or otherwise dispose of 931  
any right, title, or interest in any public property shall be 932  
conclusively presumed to have been executed in compliance with 933  
this section insofar as title or other interest of any bona fide 934  
purchasers, lessees, or transferees of the property is 935  
concerned. 936

(3) Conferences with an attorney for the public body 937  
concerning disputes involving the public body that are the 938  
subject of pending or imminent court action; 939

(4) Preparing for, conducting, or reviewing negotiations 940  
or bargaining sessions with public employees concerning their 941  
compensation or other terms and conditions of their employment; 942

(5) Matters required to be kept confidential by federal 943  
law or regulations or state statutes; 944

(6) Details relative to the security arrangements and 945  
emergency response protocols for a public body or a public 946  
office, if disclosure of the matters discussed could reasonably 947  
be expected to jeopardize the security of the public body or 948  
public office; 949

(7) In the case of a county hospital operated pursuant to 950  
Chapter 339. of the Revised Code, a joint township hospital 951  
operated pursuant to Chapter 513. of the Revised Code, or a 952  
municipal hospital operated pursuant to Chapter 749. of the 953



Revised Code, to consider trade secrets, as defined in section 954  
1333.61 of the Revised Code; 955

(8) To consider confidential information related to the 956  
marketing plans, specific business strategy, production 957  
techniques, trade secrets, or personal financial statements of 958  
an applicant for economic development assistance, or to 959  
negotiations with other political subdivisions respecting 960  
requests for economic development assistance, provided that both 961  
of the following conditions apply: 962

(a) The information is directly related to a request for 963  
economic development assistance that is to be provided or 964  
administered under any provision of Chapter 715., 725., 1724., 965  
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 966  
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 967  
5709.81 of the Revised Code, or that involves public 968  
infrastructure improvements or the extension of utility services 969  
that are directly related to an economic development project. 970

(b) A unanimous quorum of the public body determines, by a 971  
roll call vote, that the executive session is necessary to 972  
protect the interests of the applicant or the possible 973  
investment or expenditure of public funds to be made in 974  
connection with the economic development project. 975

If a public body holds an executive session to consider 976  
any of the matters listed in divisions (G)(2) to (8) of this 977  
section, the motion and vote to hold that executive session 978  
shall state which one or more of the approved matters listed in 979  
those divisions are to be considered at the executive session. 980

A public body specified in division (B)(1)(c) of this 981  
section shall not hold an executive session when meeting for the 982

purposes specified in that division. 983

(H) A resolution, rule, or formal action of any kind is 984  
invalid unless adopted in an open meeting of the public body. A 985  
resolution, rule, or formal action adopted in an open meeting 986  
that results from deliberations in a meeting not open to the 987  
public is invalid unless the deliberations were for a purpose 988  
specifically authorized in division (G) or (J) of this section 989  
and conducted at an executive session held in compliance with 990  
this section. A resolution, rule, or formal action adopted in an 991  
open meeting is invalid if the public body that adopted the 992  
resolution, rule, or formal action violated division (F) of this 993  
section. 994

(I) (1) Any person may bring an action to enforce this 995  
section. An action under division (I) (1) of this section shall 996  
be brought within two years after the date of the alleged 997  
violation or threatened violation. Upon proof of a violation or 998  
threatened violation of this section in an action brought by any 999  
person, the court of common pleas shall issue an injunction to 1000  
compel the members of the public body to comply with its 1001  
provisions. 1002

(2) (a) If the court of common pleas issues an injunction 1003  
pursuant to division (I) (1) of this section, the court shall 1004  
order the public body that it enjoins to pay a civil forfeiture 1005  
of five hundred dollars to the party that sought the injunction 1006  
and shall award to that party all court costs and, subject to 1007  
reduction as described in division (I) (2) of this section, 1008  
reasonable attorney's fees. The court, in its discretion, may 1009  
reduce an award of attorney's fees to the party that sought the 1010  
injunction or not award attorney's fees to that party if the 1011  
court determines both of the following: 1012

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of violation or threatened violation that was the basis of the injunction, a well-informed public body reasonably would believe that the public body was not violating or threatening to violate this section;

(ii) That a well-informed public body reasonably would believe that the conduct or threatened conduct that was the basis of the injunction would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(b) If the court of common pleas does not issue an injunction pursuant to division (I)(1) of this section and the court determines at that time that the bringing of the action was frivolous conduct, as defined in division (A) of section 2323.51 of the Revised Code, the court shall award to the public body all court costs and reasonable attorney's fees, as determined by the court.

(3) Irreparable harm and prejudice to the party that sought the injunction shall be conclusively and irrebuttably presumed upon proof of a violation or threatened violation of this section.

(4) A member of a public body who knowingly violates an injunction issued pursuant to division (I)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney or the attorney general.

(J) (1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an

executive session for one or more of the following purposes 1042  
unless an applicant requests a public hearing: 1043

(a) Interviewing an applicant for financial assistance 1044  
under sections 5901.01 to 5901.15 of the Revised Code; 1045

(b) Discussing applications, statements, and other 1046  
documents described in division (B) of section 5901.09 of the 1047  
Revised Code; 1048

(c) Reviewing matters relating to an applicant's request 1049  
for financial assistance under sections 5901.01 to 5901.15 of 1050  
the Revised Code. 1051

(2) A veterans service commission shall not exclude an 1052  
applicant for, recipient of, or former recipient of financial 1053  
assistance under sections 5901.01 to 5901.15 of the Revised 1054  
Code, and shall not exclude representatives selected by the 1055  
applicant, recipient, or former recipient, from a meeting that 1056  
the commission conducts as an executive session that pertains to 1057  
the applicant's, recipient's, or former recipient's application 1058  
for financial assistance. 1059

(3) A veterans service commission shall vote on the grant 1060  
or denial of financial assistance under sections 5901.01 to 1061  
5901.15 of the Revised Code only in an open meeting of the 1062  
commission. The minutes of the meeting shall indicate the name, 1063  
address, and occupation of the applicant, whether the assistance 1064  
was granted or denied, the amount of the assistance if 1065  
assistance is granted, and the votes for and against the 1066  
granting of assistance. 1067

**Sec. 122.071.** (A) The TourismOhio advisory board is hereby 1068  
established to advise the director of development services and 1069  
the director of the office of TourismOhio on strategies for 1070

promoting tourism in this state. The board shall consist of the 1071  
chief investment officer of the nonprofit corporation formed 1072  
under section 187.01 of the Revised Code or the chief investment 1073  
officer's designee, the director of the office of TourismOhio, 1074  
and nine members to be appointed by the governor as provided in 1075  
division (B) of this section. All members of the board, except 1076  
the director of the office of TourismOhio, shall be voting 1077  
members. 1078

(B) (1) The governor shall, within sixty days after ~~the~~ 1079  
~~effective date of this section~~ September 28, 2012, appoint to 1080  
the TourismOhio advisory board one individual who is a 1081  
representative of convention and visitors' bureaus, one 1082  
individual who is a representative of the lodging industry, one 1083  
individual who is a representative of the restaurant industry, 1084  
one individual who is a representative of attractions, one 1085  
individual who is a representative of special events and 1086  
festivals, one individual who is a representative of 1087  
agritourism, and three individuals who are representatives of 1088  
the tourism industry. Of the initial appointments, two 1089  
individuals shall serve a term of one year, three individuals 1090  
shall serve a term of two years, and the remainder shall serve a 1091  
term of three years. Thereafter, terms of office shall be for 1092  
three years. Each individual appointed to the board shall be a 1093  
United States citizen. 1094

(2) For purposes of division (B) (1) of this section, an 1095  
individual is a "representative of the tourism industry" if the 1096  
individual possesses five years or more executive-level 1097  
experience in the attractions, lodging, restaurant, 1098  
transportation, or retail industry or five years or more 1099  
executive-level experience with a destination marketing 1100  
organization. 1101

(C) (1) Each member of the TourismOhio advisory board shall 1102  
hold office from the date of the member's appointment until the 1103  
end of the term for which the member is appointed. Vacancies 1104  
that occur on the board shall be filled in the manner prescribed 1105  
for regular appointments to the board. A member appointed to 1106  
fill a vacancy occurring prior to the expiration of the term for 1107  
which the member's predecessor was appointed shall hold office 1108  
for the remainder of that predecessor's term. A member shall 1109  
continue in office subsequent to the expiration date of the 1110  
member's term until the member's successor takes office or until 1111  
sixty days have elapsed, whichever occurs first. Any member 1112  
appointed to the board is eligible for reappointment. 1113

(2) The governor shall designate one member of the board 1114  
as chairperson. 1115

(3) Members appointed to the board may be reimbursed for 1116  
actual and necessary expenses incurred in connection with their 1117  
official duties. 1118

**Sec. 125.22.** (A) The department of administrative services 1119  
shall establish the central service agency to perform routine 1120  
support for the following boards and commissions: 1121

(1) Architects board; 1122

(2) Barber board; 1123

(3) State chiropractic board; 1124

(4) State board of cosmetology; 1125

(5) Accountancy board; 1126

(6) State dental board; 1127

(7) ~~State board of optometry;~~ 1128

<del>(8) Ohio occupational therapy, physical therapy, and athletic trainers board;</del>	1129
	1130
<del>(9) State board of registration for professional engineers and surveyors;</del>	1131
	1132
<del>(10) (8) State board of sanitarian registration;</del>	1133
<del>(11) (9) Board of embalmers and funeral directors;</del>	1134
<del>(12) State board of psychology;</del>	1135
<del>(13) Ohio optical dispensers board;</del>	1136
<del>(14) Board of speech pathology and audiology;</del>	1137
<del>(15) Counselor, social worker, and marriage and family therapist board;</del>	1138
	1139
<del>(16) (10) State veterinary medical licensing board;</del>	1140
<del>(17) Ohio board of dietetics;</del>	1141
<del>(18) (11) Commission on Hispanic-Latino affairs;</del>	1142
<del>(19) Ohio respiratory care board;</del>	1143
<del>(20) (12) Ohio commission on African-American males;</del>	1144
<del>(21) Chemical dependency professionals board</del>	1145
<u>(13) State vision and hearing professionals board;</u>	1146
<u>(14) State behavioral health professionals board;</u>	1147
<u>(15) State physical health services board.</u>	1148
(B) (1) Notwithstanding any other section of the Revised Code, the agency shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or	1149
	1150
	1151
	1152

commission from this requirement on the recommendation of the	1153
director of administrative services:	1154
(a) Preparing and processing payroll and other personnel	1155
documents;	1156
(b) Preparing and processing vouchers, purchase orders,	1157
encumbrances, and other accounting documents;	1158
(c) Maintaining ledgers of accounts and balances;	1159
(d) Preparing and monitoring budgets and allotment plans	1160
in consultation with the boards and commissions;	1161
(e) Other routine support services that the director of	1162
administrative services considers appropriate to achieve	1163
efficiency.	1164
(2) The agency may perform other services which a board or	1165
commission named in division (A) of this section delegates to	1166
the agency and the agency accepts.	1167
(3) The agency may perform any service for any	1168
professional or occupational licensing board not named in	1169
division (A) of this section or any commission if the board or	1170
commission requests such service and the agency accepts.	1171
(C) The director of administrative services shall be the	1172
appointing authority for the agency.	1173
(D) The agency shall determine the fees to be charged to	1174
the boards and commissions, which shall be in proportion to the	1175
services performed for each board or commission.	1176
(E) Each board or commission named in division (A) of this	1177
section and any other board or commission requesting services	1178
from the agency shall pay these fees to the agency from the	1179



general revenue fund maintenance account of the board or 1180  
commission or from such other fund as the operating expenses of 1181  
the board or commission are paid. Any amounts set aside for a 1182  
fiscal year by a board or commission to allow for the payment of 1183  
fees shall be used only for the services performed by the agency 1184  
in that fiscal year. All receipts collected by the agency shall 1185  
be deposited in the state treasury to the credit of the central 1186  
service agency fund, which is hereby created. All expenses 1187  
incurred by the agency in performing services for the boards or 1188  
commissions shall be paid from the fund. 1189

(F) Nothing in this section shall be construed as a grant 1190  
of authority for the central service agency to initiate or deny 1191  
personnel or fiscal actions for the boards and commissions. 1192

Sec. 125.92. (A) As used in this section, "board or 1193  
commission" means any of the following: 1194

- (1) The accountancy board; 1195
- (2) The architects board; 1196
- (3) The barber board; 1197
- (4) The board of embalmers and funeral directors; 1198
- (5) The board of executives of long-term services and 1199  
supports; 1200
- (6) The crematory review board; 1201
- (7) The manufactured homes commission; 1202
- (8) The motor vehicle dealers board; 1203
- (9) The motor vehicle repair board; 1204
- (10) The motor vehicle salvage dealer's licensing board; 1205

<u>(11) The Ohio athletic commission;</u>	1206
<u>(12) The Ohio construction industry licensing board;</u>	1207
<u>(13) The Ohio landscape architects board;</u>	1208
<u>(14) The Ohio real estate commission;</u>	1209
<u>(15) The real estate appraiser board;</u>	1210
<u>(16) The state auctioneers commission;</u>	1211
<u>(17) The state behavioral health professionals board;</u>	1212
<u>(18) The state board of cosmetology;</u>	1213
<u>(19) The state board of career colleges and schools;</u>	1214
<u>(20) The state board of education;</u>	1215
<u>(21) The state board of emergency medical, fire, and transportation services;</u>	1216 1217
<u>(22) The board of nursing;</u>	1218
<u>(23) The state board of pharmacy;</u>	1219
<u>(24) The state board of registration for professional engineers and surveyors;</u>	1220 1221
<u>(25) The state board of sanitarian registration;</u>	1222
<u>(26) The state physical health services board;</u>	1223
<u>(27) The state chiropractic board;</u>	1224
<u>(28) The state dental board;</u>	1225
<u>(29) The state medical board;</u>	1226
<u>(30) The state veterinary medical licensing board;</u>	1227
<u>(31) The state vision and hearing professionals board;</u>	1228

(32) Any other multi-member body created under state law 1229  
that licenses or otherwise regulates an occupation or industry 1230  
to which one or more members of the body belongs. 1231

(B) The director of administrative services shall review 1232  
an action taken by a board or commission that is subject to 1233  
review under this section and that is referred to the director 1234  
pursuant to division (C) of this section. 1235

(1) The following actions are subject to review under this 1236  
section: 1237

(a) Any action that directly or indirectly has an effect 1238  
of any of the following: 1239

(i) Fixing prices, limiting price competition, or 1240  
increasing prices in this state for the goods or services that 1241  
are provided by the occupation or industry regulated by the 1242  
board or commission; 1243

(ii) Dividing, allocating, or assigning customers, 1244  
potential customers, or geographic markets in this state among 1245  
members of the occupation or industry regulated by the board or 1246  
commission; 1247

(iii) Excluding present or potential competitors from the 1248  
occupation or industry regulated by the board or commission; 1249

(iv) Limiting the output or supply in this state of any 1250  
good or service provided by the members of the occupation or 1251  
industry regulated by the board or commission. 1252

(b) Any other activity that could be subject to state or 1253  
federal antitrust law if the action were undertaken by a private 1254  
person or combination of private persons. 1255

(2) The following actions are not subject to review under 1256

<u>this section:</u>	1257
<u>(a) Adopting reasonable minimum standards or</u>	1258
<u>qualifications for persons entering the industry or occupation</u>	1259
<u>or seeking admittance to the industry or occupation regulated by</u>	1260
<u>the board or commission;</u>	1261
<u>(b) Taking disciplinary action against an individual</u>	1262
<u>member of the occupation or industry regulated by the board or</u>	1263
<u>commission for malpractice, violations of law, violations of</u>	1264
<u>ethical standards applicable to the occupation or industry,</u>	1265
<u>engaging in substance abuse to the extent that the abuse</u>	1266
<u>negatively impacts the member's work in the industry or</u>	1267
<u>occupation, or public complaints against the member;</u>	1268
<u>(c) Engaging in any other activity that would not be</u>	1269
<u>subject to state or federal antitrust law if the action were</u>	1270
<u>undertaken by a private person or combination of private</u>	1271
<u>persons.</u>	1272
<u>(C) (1) The following persons or entities may refer an</u>	1273
<u>action to the director for review under this section:</u>	1274
<u>(a) A board or commission that has taken or is proposing</u>	1275
<u>to take an action;</u>	1276
<u>(b) A person who is affected by an action taken by a board</u>	1277
<u>or commission or is likely to be affected by an action proposed</u>	1278
<u>by a board or commission;</u>	1279
<u>(c) A person who has been granted a stay pursuant to</u>	1280
<u>division (H) of this section.</u>	1281
<u>(2) A board or commission or person who refers an action</u>	1282
<u>to the director shall prepare a brief statement explaining the</u>	1283
<u>action and its consistency or inconsistency with state or</u>	1284

federal antitrust law and file the statement with the director. 1285  
If the action is in writing, the board or commission or person 1286  
shall attach a copy of it to the statement. The person shall 1287  
transmit a copy of the statement to the board or commission. 1288

(3) The referral of an action by a board or commission for 1289  
review by the director does not constitute an admission that the 1290  
action violates any state or federal law. 1291

(D) The director shall determine whether an action 1292  
referred to the director under this section is supported by, and 1293  
consistent with, a clearly articulated state policy as expressed 1294  
in the statutes creating the board or commission or the statutes 1295  
and rules setting forth the board's or commission's powers, 1296  
authority, and duties. If the director finds this to be the 1297  
case, the director shall determine whether the clearly 1298  
articulated state policy is merely a pretext by which the board 1299  
or commission enables the members of an occupation or industry 1300  
the board or commission regulates to engage in anticompetitive 1301  
conduct that could be subject to state or federal antitrust law 1302  
if the action were taken by a private person or combination of 1303  
private persons. 1304

(E) After making the determinations required under 1305  
division (D) of this section, the director shall take one of the 1306  
following actions: 1307

(1) Approve the board or commission action if the director 1308  
determines that the action is pursuant to a clearly articulated 1309  
state policy and that the policy is not a pretext as described 1310  
in division (D) of this section. If the director approves the 1311  
board's or commission's action, the board or commission may 1312  
proceed to take or may continue the action. 1313

(2) Disapprove the board or commission action if the 1314  
director determines that the action is not pursuant to a clearly 1315  
articulated state policy or that if it is pursuant to a clearly 1316  
articulated state policy, that policy is a pretext as described 1317  
in division (D) of this section. If the director disapproves the 1318  
board's or commission's action, the action is void. 1319

(F) The director shall prepare a memorandum that explains 1320  
the director's approval or disapproval. The director shall 1321  
transmit a copy of the memorandum to the person and the board or 1322  
commission or to the board or commission if only the board or 1323  
commission is involved. The director shall post the memorandum 1324  
on the web site maintained by the department of administrative 1325  
services. 1326

(G) A board or commission or person who is adversely 1327  
affected by an action taken by the director under this section 1328  
may appeal the director's action to the court of common pleas of 1329  
Franklin county. 1330

(H) A person having standing to commence and prosecute a 1331  
state or federal antitrust action against a board or commission 1332  
shall exhaust the remedies provided by this section before 1333  
commencing such an action. The state, a board or commission, or 1334  
a member of a board or commission in the member's official 1335  
capacity, may request a stay as a matter of right of any lawsuit 1336  
alleging that a board or commission engaged in anticompetitive 1337  
conduct by taking an action that falls within the scope of this 1338  
section and that has not been previously reviewed by the 1339  
director under this section. The stay will continue in effect 1340  
until the director has prepared and transmitted the memorandum 1341  
required under division (F) of this section. 1342

(I) The director shall adopt rules under Chapter 119. of 1343

the Revised Code that are necessary for the implementation and 1344  
administration of this section. 1345

**Sec. 2135.01.** As used in sections 2135.01 to 2135.14 of 1346  
the Revised Code: 1347

(A) "Adult" means a person who is eighteen years of age or 1348  
older. 1349

(B) "Capacity to consent to mental health treatment 1350  
decisions" means the functional ability to understand 1351  
information about the risks of, benefits of, and alternatives to 1352  
the proposed mental health treatment, to rationally use that 1353  
information, to appreciate how that information applies to the 1354  
declarant, and to express a choice about the proposed treatment. 1355

(C) "Declarant" means an adult who has executed a 1356  
declaration for mental health treatment in accordance with this 1357  
chapter. 1358

(D) "Declaration for mental health treatment" or 1359  
"declaration" means a written document declaring preferences or 1360  
instructions regarding mental health treatment executed in 1361  
accordance with this chapter. 1362

(E) "Designated physician" means the physician the 1363  
declarant has named in a declaration for mental health treatment 1364  
and has assigned the primary responsibility for the declarant's 1365  
mental health treatment or, if the declarant has not so named a 1366  
physician, the physician who has accepted that responsibility. 1367

(F) "Guardian" means a person appointed by a probate court 1368  
pursuant to Chapter 2111. of the Revised Code to have the care 1369  
and management of the person of an incompetent. 1370

(G) "Health care" means any care, treatment, service, or 1371

procedure to maintain, diagnose, or treat an individual's 1372  
physical or mental condition or physical or mental health. 1373

(H) "Health care facility" has the same meaning as in 1374  
section 1337.11 of the Revised Code. 1375

(I) "Incompetent" has the same meaning as in section 1376  
2111.01 of the Revised Code. 1377

(J) "Informed consent" means consent voluntarily given by 1378  
a person after a sufficient explanation and disclosure of the 1379  
subject matter involved to enable that person to have a general 1380  
understanding of the nature, purpose, and goal of the treatment 1381  
or procedures, including the substantial risks and hazards 1382  
inherent in the proposed treatment or procedures and any 1383  
alternative treatment or procedures, and to make a knowing 1384  
health care decision without coercion or undue influence. 1385

(K) "Medical record" means any document or combination of 1386  
documents that pertains to a declarant's medical history, 1387  
diagnosis, prognosis, or medical condition and that is generated 1388  
and maintained in the process of the declarant's health care. 1389

(L) "Mental health treatment" means any care, treatment, 1390  
service, or procedure to maintain, diagnose, or treat an 1391  
individual's mental condition or mental health, including, but 1392  
not limited to, electroconvulsive or other convulsive treatment, 1393  
treatment of mental illness with medication, and admission to 1394  
and retention in a health care facility. 1395

(M) "Mental health treatment decision" means informed 1396  
consent, refusal to give informed consent, or withdrawal of 1397  
informed consent to mental health treatment. 1398

(N) "Mental health treatment provider" means physicians, 1399  
physician assistants, psychologists, licensed independent social 1400



workers, licensed professional clinical counselors, and 1401  
psychiatric nurses. 1402

(O) "Physician" means a person who is authorized under 1403  
Chapter 4731. of the Revised Code to practice medicine and 1404  
surgery or osteopathic medicine and surgery. 1405

(P) "Professional disciplinary action" means action taken 1406  
by the board or other entity that regulates the professional 1407  
conduct of health care personnel, including, but not limited to, 1408  
the state medical board, the state behavioral health 1409  
professionals board ~~of psychology~~, and the state board of 1410  
nursing. 1411

(Q) "Proxy" means an adult designated to make mental 1412  
health treatment decisions for a declarant under a valid 1413  
declaration for mental health treatment. 1414

(R) "Psychiatric nurse" means a registered nurse who holds 1415  
a master's degree or doctorate in nursing with a specialization 1416  
in psychiatric nursing. 1417

(S) "Psychiatrist" has the same meaning as in section 1418  
5122.01 of the Revised Code. 1419

(T) "Psychologist" has the same meaning as in section 1420  
4732.01 of the Revised Code. 1421

(U) "Registered nurse" has the same meaning as in section 1422  
4723.01 of the Revised Code. 1423

(V) "Tort action" means a civil action for damages for 1424  
injury, death, or loss to person or property, other than a civil 1425  
action for damages for a breach of contract or another agreement 1426  
between persons. 1427

**Sec. 2305.113.** (A) Except as otherwise provided in this 1428

section, an action upon a medical, dental, optometric, or 1429  
chiropractic claim shall be commenced within one year after the 1430  
cause of action accrued. 1431

(B) (1) If prior to the expiration of the one-year period 1432  
specified in division (A) of this section, a claimant who 1433  
allegedly possesses a medical, dental, optometric, or 1434  
chiropractic claim gives to the person who is the subject of 1435  
that claim written notice that the claimant is considering 1436  
bringing an action upon that claim, that action may be commenced 1437  
against the person notified at any time within one hundred 1438  
eighty days after the notice is so given. 1439

(2) An insurance company shall not consider the existence 1440  
or nonexistence of a written notice described in division (B) (1) 1441  
of this section in setting the liability insurance premium rates 1442  
that the company may charge the company's insured person who is 1443  
notified by that written notice. 1444

(C) Except as to persons within the age of minority or of 1445  
unsound mind as provided by section 2305.16 of the Revised Code, 1446  
and except as provided in division (D) of this section, both of 1447  
the following apply: 1448

(1) No action upon a medical, dental, optometric, or 1449  
chiropractic claim shall be commenced more than four years after 1450  
the occurrence of the act or omission constituting the alleged 1451  
basis of the medical, dental, optometric, or chiropractic claim. 1452

(2) If an action upon a medical, dental, optometric, or 1453  
chiropractic claim is not commenced within four years after the 1454  
occurrence of the act or omission constituting the alleged basis 1455  
of the medical, dental, optometric, or chiropractic claim, then, 1456  
any action upon that claim is barred. 1457

(D) (1) If a person making a medical claim, dental claim, 1458  
optometric claim, or chiropractic claim, in the exercise of 1459  
reasonable care and diligence, could not have discovered the 1460  
injury resulting from the act or omission constituting the 1461  
alleged basis of the claim within three years after the 1462  
occurrence of the act or omission, but, in the exercise of 1463  
reasonable care and diligence, discovers the injury resulting 1464  
from that act or omission before the expiration of the four-year 1465  
period specified in division (C) (1) of this section, the person 1466  
may commence an action upon the claim not later than one year 1467  
after the person discovers the injury resulting from that act or 1468  
omission. 1469

(2) If the alleged basis of a medical claim, dental claim, 1470  
optometric claim, or chiropractic claim is the occurrence of an 1471  
act or omission that involves a foreign object that is left in 1472  
the body of the person making the claim, the person may commence 1473  
an action upon the claim not later than one year after the 1474  
person discovered the foreign object or not later than one year 1475  
after the person, with reasonable care and diligence, should 1476  
have discovered the foreign object. 1477

(3) A person who commences an action upon a medical claim, 1478  
dental claim, optometric claim, or chiropractic claim under the 1479  
circumstances described in division (D) (1) or (2) of this 1480  
section has the affirmative burden of proving, by clear and 1481  
convincing evidence, that the person, with reasonable care and 1482  
diligence, could not have discovered the injury resulting from 1483  
the act or omission constituting the alleged basis of the claim 1484  
within the three-year period described in division (D) (1) of 1485  
this section or within the one-year period described in division 1486  
(D) (2) of this section, whichever is applicable. 1487

(E) As used in this section:	1488
(1) "Hospital" includes any person, corporation,	1489
association, board, or authority that is responsible for the	1490
operation of any hospital licensed or registered in the state,	1491
including, but not limited to, those that are owned or operated	1492
by the state, political subdivisions, any person, any	1493
corporation, or any combination of the state, political	1494
subdivisions, persons, and corporations. "Hospital" also	1495
includes any person, corporation, association, board, entity, or	1496
authority that is responsible for the operation of any clinic	1497
that employs a full-time staff of physicians practicing in more	1498
than one recognized medical specialty and rendering advice,	1499
diagnosis, care, and treatment to individuals. "Hospital" does	1500
not include any hospital operated by the government of the	1501
United States or any of its branches.	1502
(2) "Physician" means a person who is licensed to practice	1503
medicine and surgery or osteopathic medicine and surgery by the	1504
state medical board or a person who otherwise is authorized to	1505
practice medicine and surgery or osteopathic medicine and	1506
surgery in this state.	1507
(3) "Medical claim" means any claim that is asserted in	1508
any civil action against a physician, podiatrist, hospital,	1509
home, or residential facility, against any employee or agent of	1510
a physician, podiatrist, hospital, home, or residential	1511
facility, or against a licensed practical nurse, registered	1512
nurse, advanced practice registered nurse, physical therapist,	1513
physician assistant, emergency medical technician-basic,	1514
emergency medical technician-intermediate, or emergency medical	1515
technician-paramedic, and that arises out of the medical	1516
diagnosis, care, or treatment of any person. "Medical claim"	1517

includes the following:	1518
(a) Derivative claims for relief that arise from the plan of care, medical diagnosis, or treatment of a person;	1519 1520
(b) Claims that arise out of the plan of care, medical diagnosis, or treatment of any person and to which either of the following applies:	1521 1522 1523
(i) The claim results from acts or omissions in providing medical care.	1524 1525
(ii) The claim results from the hiring, training, supervision, retention, or termination of caregivers providing medical diagnosis, care, or treatment.	1526 1527 1528
(c) Claims that arise out of the plan of care, medical diagnosis, or treatment of any person and that are brought under section 3721.17 of the Revised Code;	1529 1530 1531
(d) Claims that arise out of skilled nursing care or personal care services provided in a home pursuant to the plan of care, medical diagnosis, or treatment.	1532 1533 1534
(4) "Podiatrist" means any person who is licensed to practice podiatric medicine and surgery by the state medical board.	1535 1536 1537
(5) "Dentist" means any person who is licensed to practice dentistry by the state dental board.	1538 1539
(6) "Dental claim" means any claim that is asserted in any civil action against a dentist, or against any employee or agent of a dentist, and that arises out of a dental operation or the dental diagnosis, care, or treatment of any person. "Dental claim" includes derivative claims for relief that arise from a dental operation or the dental diagnosis, care, or treatment of	1540 1541 1542 1543 1544 1545

a person. 1546

(7) "Derivative claims for relief" include, but are not 1547  
limited to, claims of a parent, guardian, custodian, or spouse 1548  
of an individual who was the subject of any medical diagnosis, 1549  
care, or treatment, dental diagnosis, care, or treatment, dental 1550  
operation, optometric diagnosis, care, or treatment, or 1551  
chiropractic diagnosis, care, or treatment, that arise from that 1552  
diagnosis, care, treatment, or operation, and that seek the 1553  
recovery of damages for any of the following: 1554

(a) Loss of society, consortium, companionship, care, 1555  
assistance, attention, protection, advice, guidance, counsel, 1556  
instruction, training, or education, or any other intangible 1557  
loss that was sustained by the parent, guardian, custodian, or 1558  
spouse; 1559

(b) Expenditures of the parent, guardian, custodian, or 1560  
spouse for medical, dental, optometric, or chiropractic care or 1561  
treatment, for rehabilitation services, or for other care, 1562  
treatment, services, products, or accommodations provided to the 1563  
individual who was the subject of the medical diagnosis, care, 1564  
or treatment, the dental diagnosis, care, or treatment, the 1565  
dental operation, the optometric diagnosis, care, or treatment, 1566  
or the chiropractic diagnosis, care, or treatment. 1567

(8) "Registered nurse" means any person who is licensed to 1568  
practice nursing as a registered nurse by the board of nursing. 1569

(9) "Chiropractic claim" means any claim that is asserted 1570  
in any civil action against a chiropractor, or against any 1571  
employee or agent of a chiropractor, and that arises out of the 1572  
chiropractic diagnosis, care, or treatment of any person. 1573  
"Chiropractic claim" includes derivative claims for relief that 1574

arise from the chiropractic diagnosis, care, or treatment of a person. 1575  
1576

(10) "Chiropractor" means any person who is licensed to practice chiropractic by the state chiropractic board. 1577  
1578

(11) "Optometric claim" means any claim that is asserted in any civil action against an optometrist, or against any employee or agent of an optometrist, and that arises out of the optometric diagnosis, care, or treatment of any person. 1579  
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"Optometric claim" includes derivative claims for relief that arise from the optometric diagnosis, care, or treatment of a person. 1583  
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(12) "Optometrist" means any person licensed to practice optometry by the state ~~board of optometry~~ vision and hearing professionals board. 1586  
1587  
1588

(13) "Physical therapist" means any person who is licensed to practice physical therapy under Chapter 4755. of the Revised Code. 1589  
1590  
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(14) "Home" has the same meaning as in section 3721.10 of the Revised Code. 1592  
1593

(15) "Residential facility" means a facility licensed under section 5123.19 of the Revised Code. 1594  
1595

(16) "Advanced practice registered nurse" means any certified nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, or certified nurse-midwife who holds a certificate of authority issued by the board of nursing under Chapter 4723. of the Revised Code. 1596  
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(17) "Licensed practical nurse" means any person who is licensed to practice nursing as a licensed practical nurse by 1601  
1602

the board of nursing pursuant to Chapter 4723. of the Revised 1603  
Code. 1604

(18) "Physician assistant" means any person who is 1605  
licensed as a physician assistant under Chapter 4730. of the 1606  
Revised Code. 1607

(19) "Emergency medical technician-basic," "emergency 1608  
medical technician-intermediate," and "emergency medical 1609  
technician-paramedic" means any person who is certified under 1610  
Chapter 4765. of the Revised Code as an emergency medical 1611  
technician-basic, emergency medical technician-intermediate, or 1612  
emergency medical technician-paramedic, whichever is applicable. 1613

(20) "Skilled nursing care" and "personal care services" 1614  
have the same meanings as in section 3721.01 of the Revised 1615  
Code. 1616

**Sec. 3313.608.** (A) (1) Beginning with students who enter 1617  
third grade in the school year that starts July 1, 2009, and 1618  
until June 30, 2013, unless the student is excused under 1619  
division (C) of section 3301.0711 of the Revised Code from 1620  
taking the assessment described in this section, for any student 1621  
who does not attain at least the equivalent level of achievement 1622  
designated under division (A) (3) of section 3301.0710 of the 1623  
Revised Code on the assessment prescribed under that section to 1624  
measure skill in English language arts expected at the end of 1625  
third grade, each school district, in accordance with the policy 1626  
adopted under section 3313.609 of the Revised Code, shall do one 1627  
of the following: 1628

(a) Promote the student to fourth grade if the student's 1629  
principal and reading teacher agree that other evaluations of 1630  
the student's skill in reading demonstrate that the student is 1631



academically prepared to be promoted to fourth grade; 1632

(b) Promote the student to fourth grade but provide the 1633  
student with intensive intervention services in fourth grade; 1634

(c) Retain the student in third grade. 1635

(2) Beginning with students who enter third grade in the 1636  
2013-2014 school year, unless the student is excused under 1637  
division (C) of section 3301.0711 of the Revised Code from 1638  
taking the assessment described in this section, no school 1639  
district shall promote to fourth grade any student who does not 1640  
attain at least the equivalent level of achievement designated 1641  
under division (A) (3) of section 3301.0710 of the Revised Code 1642  
on the assessment prescribed under that section to measure skill 1643  
in English language arts expected at the end of third grade, 1644  
unless one of the following applies: 1645

(a) The student is a limited English proficient student 1646  
who has been enrolled in United States schools for less than 1647  
three full school years and has had less than three years of 1648  
instruction in an English as a second language program. 1649

(b) The student is a child with a disability entitled to 1650  
special education and related services under Chapter 3323. of 1651  
the Revised Code and the student's individualized education 1652  
program exempts the student from retention under this division. 1653

(c) The student demonstrates an acceptable level of 1654  
performance on an alternative standardized reading assessment as 1655  
determined by the department of education. 1656

(d) All of the following apply: 1657

(i) The student is a child with a disability entitled to 1658  
special education and related services under Chapter 3323. of 1659

the Revised Code. 1660

(ii) The student has taken the third grade English 1661  
language arts achievement assessment prescribed under section 1662  
3301.0710 of the Revised Code. 1663

(iii) The student's individualized education program or 1664  
plan under section 504 of the "Rehabilitation Act of 1973," 87 1665  
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has 1666  
received intensive remediation in reading for two school years 1667  
but still demonstrates a deficiency in reading. 1668

(iv) The student previously was retained in any of grades 1669  
kindergarten to three. 1670

(e) (i) The student received intensive remediation for 1671  
reading for two school years but still demonstrates a deficiency 1672  
in reading and was previously retained in any of grades 1673  
kindergarten to three. 1674

(ii) A student who is promoted under division (A) (2) (e) (i) 1675  
of this section shall continue to receive intensive reading 1676  
instruction in grade four. The instruction shall include an 1677  
altered instructional day that includes specialized diagnostic 1678  
information and specific research-based reading strategies for 1679  
the student that have been successful in improving reading among 1680  
low-performing readers. 1681

(B) (1) Beginning in the 2012-2013 school year, to assist 1682  
students in meeting the third grade guarantee established by 1683  
this section, each school district board of education shall 1684  
adopt policies and procedures with which it annually shall 1685  
assess the reading skills of each student, except those students 1686  
with significant cognitive disabilities or other disabilities as 1687  
authorized by the department on a case-by-case basis, enrolled 1688

in kindergarten to third grade and shall identify students who 1689  
are reading below their grade level. The reading skills 1690  
assessment shall be completed by the thirtieth day of September 1691  
for students in grades one to three, and by the first day of 1692  
November for students in kindergarten. Each district shall use 1693  
the diagnostic assessment to measure reading ability for the 1694  
appropriate grade level adopted under section 3301.079 of the 1695  
Revised Code, or a comparable tool approved by the department of 1696  
education, to identify such students. The policies and 1697  
procedures shall require the students' classroom teachers to be 1698  
involved in the assessment and the identification of students 1699  
reading below grade level. The assessment may be administered 1700  
electronically using live, two-way video and audio connections 1701  
whereby the teacher administering the assessment may be in a 1702  
separate location from the student. 1703

(2) For each student identified by the diagnostic 1704  
assessment prescribed under this section as having reading 1705  
skills below grade level, the district shall do both of the 1706  
following: 1707

(a) Provide to the student's parent or guardian, in 1708  
writing, all of the following: 1709

(i) Notification that the student has been identified as 1710  
having a substantial deficiency in reading; 1711

(ii) A description of the current services that are 1712  
provided to the student; 1713

(iii) A description of the proposed supplemental 1714  
instructional services and supports that will be provided to the 1715  
student that are designed to remediate the identified areas of 1716  
reading deficiency; 1717

(iv) Notification that if the student attains a score in 1718  
the range designated under division (A) (3) of section 3301.0710 1719  
of the Revised Code on the assessment prescribed under that 1720  
section to measure skill in English language arts expected at 1721  
the end of third grade, the student shall be retained unless the 1722  
student is exempt under division (A) of this section. The 1723  
notification shall specify that the assessment under section 1724  
3301.0710 of the Revised Code is not the sole determinant of 1725  
promotion and that additional evaluations and assessments are 1726  
available to the student to assist parents and the district in 1727  
knowing when a student is reading at or above grade level and 1728  
ready for promotion. 1729

(b) Provide intensive reading instruction services and 1730  
regular diagnostic assessments to the student immediately 1731  
following identification of a reading deficiency until the 1732  
development of the reading improvement and monitoring plan 1733  
required by division (C) of this section. These intervention 1734  
services shall include research-based reading strategies that 1735  
have been shown to be successful in improving reading among low- 1736  
performing readers and instruction targeted at the student's 1737  
identified reading deficiencies. 1738

(3) For each student retained under division (A) of this 1739  
section, the district shall do all of the following: 1740

(a) Provide intense remediation services until the student 1741  
is able to read at grade level. The remediation services shall 1742  
include intensive interventions in reading that address the 1743  
areas of deficiencies identified under this section including, 1744  
but not limited to, not less than ninety minutes of reading 1745  
instruction per day, and may include any of the following: 1746

(i) Small group instruction; 1747

(ii) Reduced teacher-student ratios;	1748
(iii) More frequent progress monitoring;	1749
(iv) Tutoring or mentoring;	1750
(v) Transition classes containing third and fourth grade students;	1751 1752
(vi) Extended school day, week, or year;	1753
(vii) Summer reading camps.	1754
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;	1755 1756 1757 1758
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	1759 1760 1761
The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.	1762 1763 1764 1765 1766 1767 1768 1769
(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.	1770 1771 1772 1773 1774

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code. 1775  
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(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following: 1778  
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(1) Identification of the student's specific reading deficiencies; 1786  
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(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies; 1788  
1789  
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(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C)(2) of this section; 1791  
1792  
1793

(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C)(2) of this section; 1794  
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(5) A reading curriculum during regular school hours that does all of the following: 1797  
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(a) Assists students to read at grade level; 1799

(b) Provides scientifically based and reliable assessment; 1800

(c) Provides initial and ongoing analysis of each student's reading progress. 1801  
1802

(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.

Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.

(D) Each school district shall report annually to the department on its implementation and compliance with this section using guidelines prescribed by the superintendent of public instruction. The superintendent of public instruction annually shall report to the governor and general assembly the number and percentage of students in grades kindergarten through four reading below grade level based on the diagnostic assessments administered under division (B) of this section and the achievement assessments administered under divisions (A) (1) (a) and (b) of section 3301.0710 of the Revised Code in English language arts, aggregated by school district and building; the types of intervention services provided to students; and, if available, an evaluation of the efficacy of the intervention services provided.

(E) Any summer remediation services funded in whole or in part by the state and offered by school districts to students

under this section shall meet the following conditions: 1833

(1) The remediation methods are based on reliable 1834  
educational research. 1835

(2) The school districts conduct assessment before and 1836  
after students participate in the program to facilitate 1837  
monitoring results of the remediation services. 1838

(3) The parents of participating students are involved in 1839  
programming decisions. 1840

(F) Any intervention or remediation services required by 1841  
this section shall include intensive, explicit, and systematic 1842  
instruction. 1843

(G) This section does not create a new cause of action or 1844  
a substantive legal right for any person. 1845

(H) (1) Except as provided under divisions (H) (2), (3), and 1846  
(4) of this section, each student described in division (B) (3) 1847  
or (C) of this section who enters third grade for the first time 1848  
on or after July 1, 2013, shall be assigned a teacher who has at 1849  
least one year of teaching experience and who satisfies one or 1850  
more of the following criteria: 1851

(a) The teacher holds a reading endorsement on the 1852  
teacher's license and has attained a passing score on the 1853  
corresponding assessment for that endorsement, as applicable. 1854

(b) The teacher has completed a master's degree program 1855  
with a major in reading. 1856

(c) The teacher was rated "most effective" for reading 1857  
instruction consecutively for the most recent two years based on 1858  
assessments of student growth measures developed by a vendor and 1859  
that is on the list of student assessments approved by the state 1860



board under division (B) (2) of section 3319.112 of the Revised Code. 1861  
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(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years. 1863  
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(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board. 1866  
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(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017. 1869  
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(2) Notwithstanding division (H) (1) of this section, a student described in division (B) (3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H) (1) (a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H) (1) of this section. 1872  
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(3) Notwithstanding division (H) (1) of this section, a student described in division (B) (3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in division (H) (3) of this section shall be aligned with the 1880  
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reading competencies adopted by the state board of education 1890  
under section 3301.077 of the Revised Code. 1891

(4) Notwithstanding division (H) (1) of this section, a 1892  
student described in division (B) (3) or (C) of this section who 1893  
enters third grade for the first time on or after July 1, 2013, 1894  
may receive reading intervention or remediation services under 1895  
this section from an individual employed as a speech-language 1896  
pathologist who holds a license issued by the state vision and 1897  
hearing professionals board of speech language pathology and 1898  
audiology under Chapter 4753. of the Revised Code and a 1899  
professional pupil services license as a school speech-language 1900  
pathologist issued by the state board of education. 1901

(5) A teacher, other than a student's teacher of record, 1902  
may provide any services required under this section, so long as 1903  
that other teacher meets the requirements of division (H) of 1904  
this section and the teacher of record and the school principal 1905  
agree to the assignment. Any such assignment shall be documented 1906  
in the student's reading improvement and monitoring plan. 1907

As used in this division, "teacher of record" means the 1908  
classroom teacher to whom a student is assigned. 1909

(I) Notwithstanding division (H) of this section, a 1910  
teacher may teach reading to any student who is an English 1911  
language learner, and has been in the United States for three 1912  
years or less, or to a student who has an individualized 1913  
education program developed under Chapter 3323. of the Revised 1914  
Code if that teacher holds an alternative credential approved by 1915  
the department or has successfully completed training that is 1916  
based on principles of scientifically research-based reading 1917  
instruction that has been approved by the department. Beginning 1918  
on July 1, 2014, the alternative credentials and training 1919

described in this division shall be aligned with the reading 1920  
competencies adopted by the state board of education under 1921  
section 3301.077 of the Revised Code. 1922

(J) If, on or after June 4, 2013, a school district or 1923  
community school cannot furnish the number of teachers needed 1924  
who satisfy one or more of the criteria set forth in division 1925  
(H) of this section for the 2013-2014 school year, the school 1926  
district or community school shall develop and submit a staffing 1927  
plan by June 30, 2013. The staffing plan shall include criteria 1928  
that will be used to assign a student described in division (B) 1929  
(3) or (C) of this section to a teacher, credentials or training 1930  
held by teachers currently teaching at the school, and how the 1931  
school district or community school will meet the requirements 1932  
of this section. The school district or community school shall 1933  
post the staffing plan on its web site for the applicable school 1934  
year. 1935

Not later than March 1, 2014, and on the first day of 1936  
March in each year thereafter, a school district or community 1937  
school that has submitted a plan under this division shall 1938  
submit to the department a detailed report of the progress the 1939  
district or school has made in meeting the requirements under 1940  
this section. 1941

A school district or community school may request an 1942  
extension of a staffing plan beyond the 2013-2014 school year. 1943  
Extension requests must be submitted to the department not later 1944  
than the thirtieth day of April prior to the start of the 1945  
applicable school year. The department may grant extensions 1946  
valid through the 2015-2016 school year. 1947

Until June 30, 2015, the department annually shall review 1948  
all staffing plans and report to the state board not later than 1949

the thirtieth day of June of each year the progress of school 1950  
districts and community schools in meeting the requirements of 1951  
this section. 1952

(K) The department of education shall designate one or 1953  
more staff members to provide guidance and assistance to school 1954  
districts and community schools in implementing the third grade 1955  
guarantee established by this section, including any standards 1956  
or requirements adopted to implement the guarantee and to 1957  
provide information and support for reading instruction and 1958  
achievement. 1959

**Sec. 3701.83.** There is hereby created in the state 1960  
treasury the general operations fund. Moneys in the fund shall 1961  
be used for the purposes specified in sections 3701.04, 1962  
3701.344, 3702.20, 3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 1963  
3721.022, 3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 1964  
3748.13, 3749.04, 3749.07, ~~4747.04~~, and 4769.09 of the Revised 1965  
Code. 1966

**Sec. 4723.05.** The board of nursing shall appoint an 1967  
executive director, ~~who shall be a registered nurse of this~~ 1968  
~~state with at least five years experience in the practice of~~ 1969  
~~nursing as a registered nurse,~~ shall be a resident of this state 1970  
during the term of appointment, and shall not be a member of the 1971  
board at the time of appointment or during the term of 1972  
appointment. The board shall meet at such times and places as it 1973  
may direct and provide in its rules. The president may call 1974  
special meetings, and the executive director shall call special 1975  
meetings upon the written request of two or more board members. 1976  
The board shall provide itself with a seal. The president and 1977  
executive director may administer oaths. The executive director 1978  
is the chief administrative officer of the board and shall serve 1979

as a full time employee of the board and shall be entitled to 1980  
attend all meetings of the board except meetings concerning the 1981  
appointment and terms of employment of the executive director. 1982

The term of the executive director shall be one year 1983  
commencing on the first day of January. The executive director 1984  
shall receive necessary expenses in addition to salary. The 1985  
executive director shall give a surety bond to the state in such 1986  
sum as the board requires, and conditioned upon the faithful 1987  
performance of the duties of executive director. 1988

The executive director is an appointing authority as 1989  
defined in section 124.01 of the Revised Code, and may appoint 1990  
such nursing education consultants, nursing practice 1991  
consultants, investigative personnel, and any additional 1992  
employees for professional, clerical, and special work necessary 1993  
to carry out the board's functions and with the board's 1994  
approval, may establish standards for the conduct of employees. 1995

**Sec. 4725.01.** As used in this chapter: 1996

(A) (1) The "practice of optometry" means the application 1997  
of optical principles, through technical methods and devices, in 1998  
the examination of human eyes for the purpose of ascertaining 1999  
departures from the normal, measuring their functional powers, 2000  
adapting optical accessories for the aid thereof, and detecting 2001  
ocular abnormalities that may be evidence of disease, pathology, 2002  
or injury. 2003

(2) In the case of a licensed optometrist who holds a 2004  
topical ocular pharmaceutical agents certificate, the "practice 2005  
of optometry" has the same meaning as in division (A) (1) of this 2006  
section, except that it also includes administering topical 2007  
ocular pharmaceutical agents. 2008

(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:

(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;

(b) Employing, applying, administering, and prescribing topical ocular pharmaceutical agents;

(c) Employing, applying, administering, and prescribing therapeutic pharmaceutical agents;

(d) 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.

(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:

(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, for purposes of examination, investigation, diagnosis, treatment, or prevention

of any disease, injury, or other abnormal condition of the 2038  
visual system. 2039

(C) "Therapeutic pharmaceutical agent" means a drug or 2040  
dangerous drug that is used for examination, investigation, 2041  
diagnosis, treatment, or prevention of any disease, injury, or 2042  
other abnormal condition of the visual system in the practice of 2043  
optometry by a licensed optometrist who holds a therapeutic 2044  
pharmaceutical agents certificate, and is any of the following: 2045

(1) An oral drug or dangerous drug in one of the following 2046  
classifications: 2047

(a) Anti-infectives, including antibiotics, antivirals, 2048  
antimicrobials, and antifungals; 2049

(b) Anti-allergy agents; 2050

(c) Antiglaucoma agents; 2051

(d) Analgesics, including only analgesic drugs that are 2052  
available without a prescription, analgesic drugs or dangerous 2053  
drugs that require a prescription but are not controlled 2054  
substances, and, to the extent authorized by the state ~~board of~~ 2055  
~~optometry vision and hearing professionals board~~ in rules 2056  
adopted under section 4725.091 of the Revised Code, analgesic 2057  
controlled substances; 2058

(e) Anti-inflammatories, excluding all drugs or dangerous 2059  
drugs classified as oral steroids other than methylpredisolone, 2060  
except that methylpredisolone may be used under a therapeutic 2061  
pharmaceutical agents certificate only if it is prescribed under 2062  
all of the following conditions: 2063

(i) For use in allergy cases; 2064

(ii) For use by an individual who is eighteen years of age 2065

or older;	2066
(iii) On the basis of an individual's particular episode of illness;	2067 2068
(iv) In an amount that does not exceed the amount packaged for a single course of therapy.	2069 2070
(2) Epinephrine administered by injection to individuals in emergency situations to counteract anaphylaxis or anaphylactic shock. Notwithstanding any provision of this section to the contrary, administration of epinephrine in this manner does not constitute performance of an invasive procedure.	2071 2072 2073 2074 2075
(3) An oral drug or dangerous drug that is not included under division (C) (1) of this section, if the drug or dangerous drug is approved, exempt from approval, certified, or exempt from certification by the federal food and drug administration for ophthalmic purposes and the drug or dangerous drug is specified in rules adopted by the <del>state board of optometry</del> under section 4725.09 of the Revised Code.	2076 2077 2078 2079 2080 2081 2082
(D) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	2083 2084
(E) "Drug" and "dangerous drug" have the same meanings as in section 4729.01 of the Revised Code.	2085 2086
(F) "Invasive procedure" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, administering medication by injection, or the removal of intraocular foreign bodies.	2087 2088 2089 2090 2091
(G) "Visual system" means the human eye and its accessory or subordinate anatomical parts.	2092 2093



(H) "Certificate of licensure" means a certificate issued 2094  
by the ~~state board of optometry~~ under section 4725.13 of the 2095  
Revised Code authorizing the holder to practice optometry as 2096  
provided in division (A) (1) of this section. 2097

(I) "Topical ocular pharmaceutical agents certificate" 2098  
means a certificate issued by the ~~state board of optometry~~ under 2099  
section 4725.13 of the Revised Code authorizing the holder to 2100  
practice optometry as provided in division (A) (2) of this 2101  
section. 2102

(J) "Therapeutic pharmaceutical agents certificate" means 2103  
a certificate issued by the ~~state board of optometry~~ under 2104  
division (A) (3) or (4) of section 4725.13 of the Revised Code 2105  
authorizing the holder to practice optometry as provided in 2106  
division (A) (3) of this section. 2107

**Sec. 4725.02.** (A) Except as provided in section 4725.26 of 2108  
the Revised Code, no person shall engage in the practice of 2109  
optometry, including the determination of the kind of procedure, 2110  
treatment, or optical accessories needed by a person or the 2111  
examination of the eyes of any person for the purpose of fitting 2112  
the same with optical accessories, unless the person holds a 2113  
current, valid certificate of licensure from the ~~state board of~~ 2114  
~~optometry~~ vision and hearing professionals board. No person 2115  
shall claim to be the lawful holder of a certificate of 2116  
licensure when in fact the person is not such lawful holder, or 2117  
impersonate any licensed optometrist. 2118

(B) No optometrist shall administer topical ocular 2119  
pharmaceutical agents unless the optometrist holds a valid 2120  
topical ocular pharmaceutical agents certificate or therapeutic 2121  
pharmaceutical agents certificate and fulfills the other 2122  
requirements of this chapter. 2123

(C) No optometrist shall practice optometry as described 2124  
in division (A) (3) of section 4725.01 of the Revised Code unless 2125  
the optometrist holds a valid therapeutic pharmaceutical agents 2126  
certificate. 2127

(D) No optometrist shall personally furnish a therapeutic 2128  
pharmaceutical agent to any person, except that a licensed 2129  
optometrist who holds a therapeutic pharmaceutical agents 2130  
certificate may personally furnish a therapeutic pharmaceutical 2131  
agent to a patient if no charge is imposed for the agent or for 2132  
furnishing it and the amount furnished does not exceed a 2133  
seventy-two hour supply, except that if the minimum available 2134  
quantity of the agent is greater than a seventy-two hour supply, 2135  
the optometrist may furnish the minimum available quantity. 2136

**Sec. 4725.09.** (A) The state ~~board of optometry-vision and~~ 2137  
hearing professionals board shall adopt rules as it considers 2138  
necessary to govern the practice of optometry and to administer 2139  
and enforce sections 4725.01 to 4725.34 of the Revised Code. All 2140  
rules adopted under those sections shall be adopted in 2141  
accordance with Chapter 119. of the Revised Code. 2142

(B) The board, in consultation with the state board of 2143  
pharmacy, shall adopt rules specifying any oral drugs or 2144  
dangerous drugs that are therapeutic pharmaceutical agents under 2145  
division (C) (3) of section 4725.01 of the Revised Code. 2146

(C) The board shall adopt rules that establish standards 2147  
to be met and procedures to be followed with respect to the 2148  
delegation by an optometrist of the performance of an optometric 2149  
task to a person who is not licensed or otherwise specifically 2150  
authorized by the Revised Code to perform the task. The rules 2151  
shall permit an optometrist who holds a topical ocular 2152  
pharmaceutical agents certificate or therapeutic pharmaceutical 2153

agents certificate to delegate the administration of drugs 2154  
included in the optometrist's scope of practice. 2155

The rules adopted under this division shall provide for 2156  
all of the following: 2157

(1) On-site supervision when the delegation occurs in an 2158  
institution or other facility that is used primarily for the 2159  
purpose of providing health care, unless the board established a 2160  
specific exception to the on-site supervision requirement with 2161  
respect to routine administration of a topical drug; 2162

(2) Evaluation of whether delegation is appropriate 2163  
according to the acuity of the patient involved; 2164

(3) Training and competency requirements that must be met 2165  
by the person administering the drugs; 2166

(4) Other standards and procedures the board considers 2167  
relevant. 2168

(D) The ~~state board of optometry~~ shall adopt rules 2169  
establishing criminal records checks requirements for applicants 2170  
under section 4776.03 of the Revised Code. 2171

**Sec. 4725.091.** (A) The state ~~board of optometry~~ vision and 2172  
hearing professionals board shall adopt rules governing the 2173  
authority of licensed optometrists practicing under therapeutic 2174  
pharmaceutical agents certificates to employ, apply, administer, 2175  
and prescribe analgesic controlled substances. The rules shall 2176  
be adopted in accordance with Chapter 119. of the Revised Code 2177  
and in consultation with the state board of pharmacy. 2178

(B) All of the following apply to the state vision and 2179  
hearing professionals board ~~of optometry~~ in the adoption of 2180  
rules under this section: 2181

(1) The board shall not permit an optometrist to employ, 2182  
apply, administer, or prescribe an analgesic controlled 2183  
substance other than a drug product that is used for the 2184  
treatment of pain and meets one of the following conditions: 2185

(a) The product is a preparation that contains an amount 2186  
of codeine per dosage unit, as specified by the board, and also 2187  
contains other active, nonnarcotic ingredients, such as 2188  
acetaminophen or aspirin, in a therapeutic amount. 2189

(b) The product is a preparation that contains an amount 2190  
of hydrocodone per dosage unit, as specified by the board, and 2191  
also contains other active, nonnarcotic ingredients, such as 2192  
acetaminophen, aspirin, or ibuprofen, in a therapeutic amount. 2193

(c) The product contains or consists of a drug or 2194  
dangerous drug that was an analgesic included in the practice of 2195  
optometry under a therapeutic pharmaceutical agents certificate 2196  
immediately prior to ~~the effective date of this amendment~~ March 2197  
23, 2015, was not a controlled substance at that time, and 2198  
subsequently becomes a schedule II, III, IV, or V controlled 2199  
substance. 2200

(2) The board shall limit the analgesic controlled 2201  
substances that optometrists may employ, apply, administer, or 2202  
prescribe to the drugs that the board determines are appropriate 2203  
for use in the practice of optometry under a therapeutic 2204  
pharmaceutical agents certificate. 2205

(3) With regard to the prescribing of analgesic controlled 2206  
substances, the board shall establish prescribing standards to 2207  
be followed by optometrists who hold therapeutic pharmaceutical 2208  
agents certificates. The board shall take into account the 2209  
prescribing standards that exist within the health care 2210

marketplace. 2211

(4) The board shall establish standards and procedures for 2212  
employing, applying, administering, and prescribing analgesic 2213  
controlled substances under a therapeutic pharmaceutical agents 2214  
certificate by taking into consideration and examining issues 2215  
that include the appropriate length of drug therapy, appropriate 2216  
standards for drug treatment, necessary monitoring systems, and 2217  
any other factors the board considers relevant. 2218

**Sec. 4725.092.** (A) As used in this section, "drug 2219  
database" means the database established and maintained by the 2220  
state board of pharmacy pursuant to section 4729.75 of the 2221  
Revised Code. 2222

(B) The state ~~board of optometry vision and hearing~~ 2223  
professionals board shall adopt rules that establish standards 2224  
and procedures to be followed by an optometrist who holds a 2225  
therapeutic pharmaceutical agents certificate regarding the 2226  
review of patient information available through the drug 2227  
database under division (A) (5) of section 4729.80 of the Revised 2228  
Code. The rules shall be adopted in accordance with Chapter 119. 2229  
of the Revised Code. 2230

(C) This section and the rules adopted under it do not 2231  
apply if the state board of pharmacy no longer maintains the 2232  
drug database. 2233

**Sec. 4725.10.** (A) The state ~~board of optometry vision and~~ 2234  
hearing professionals board shall evaluate schools of optometry 2235  
and grant its approval to schools that adequately prepare their 2236  
graduates for the practice of optometry in this state. Approval 2237  
shall be granted only by an affirmative vote of a majority of 2238  
the members of the board. 2239

(B) To be approved by the board, a school of optometry 2240  
shall meet at least the following conditions: 2241

(1) Be accredited by a professional optometric accrediting 2242  
agency recognized by the board; 2243

(2) Require as a prerequisite to admission to the school's 2244  
courses in optometry at least two academic years of study with 2245  
credits of at least sixty semester hours or ninety quarter hours 2246  
in a college of arts and sciences accredited by a post-secondary 2247  
education accrediting organization recognized by the board; 2248

(3) Require a course of study of at least four academic 2249  
years with credits of at least one hundred thirty-four semester 2250  
hours or two hundred quarter hours. 2251

(C) The board may establish standards for the approval of 2252  
schools of optometry that are higher than the standards 2253  
specified in division (B) of this section. 2254

**Sec. 4725.11.** (A) The state ~~board of optometry vision and~~ 2255  
hearing professionals board shall accept as the examination that 2256  
must be passed to receive a license to practice optometry in 2257  
this state the examination prepared, administered, and graded by 2258  
the national board of examiners in optometry or an examination 2259  
prepared, administered, and graded by another professional 2260  
testing organization recognized by the board as being qualified 2261  
to examine applicants for licenses to practice optometry in this 2262  
state. The board shall periodically review its acceptance of a 2263  
licensing examination under this section to determine if the 2264  
examination and the organization offering it continue to meet 2265  
standards the board considers appropriate. 2266

(B) The licensing examination accepted by the board under 2267  
this section may be divided into parts and offered as follows: 2268

(1) Part one: Tests in basic science, human biology,	2269
ocular and visual biology, theoretical ophthalmic, physiological	2270
optics, and physiological psychology;	2271
(2) Part two: Tests in clinical science, systemic	2272
conditions, the treatment and management of ocular disease,	2273
refractive oculomotor, sensory integrative conditions,	2274
perceptual conditions, public health, the legal issues regarding	2275
the clinical practice of optometry, and pharmacology;	2276
(3) Part three: Tests in patient care and management,	2277
clinical skills, and the visual recognition and interpretation	2278
of clinical signs.	2279
(C) The licensing examination accepted by the board may be	2280
offered in a manner other than the manner specified in division	2281
(B) of this section, but if offered in another manner, the	2282
examination must test the person sitting for the examination in	2283
the areas specified in division (B) of this section and may test	2284
the person in other areas.	2285
The board may require as a condition of its acceptance of	2286
an examination that the examination cover subject matters in	2287
addition to those specified in division (B) of this section, if	2288
the schools of optometry it approves under section 4725.10 of	2289
the Revised Code include the additional subject matters in their	2290
prescribed curriculum.	2291
(D) The board shall accept direct delivery of the results	2292
of the licensing examination from the testing organization	2293
administering the examination. The results shall be kept as a	2294
permanent part of the board's records maintained pursuant to	2295
section <del>4725.07</del> <u>4744.12</u> of the Revised Code.	2296
(E) On request of any person seeking to practice optometry	2297

in this state, the board shall provide information on the 2298  
licensing examination accepted by the board, including 2299  
requirements that must be met to be eligible to sit for the 2300  
examination and the dates the examination is offered. 2301

**Sec. 4725.12.** (A) Each person who desires to commence the 2302  
practice of optometry in the state shall file with the executive 2303  
director of the state ~~board of optometry a written vision and~~ 2304  
hearing professionals board an application for a certificate of 2305  
licensure and a therapeutic pharmaceutical agents certificate. 2306  
The application shall be accompanied by the fees specified under 2307  
section 4725.34 of the Revised Code and shall contain all 2308  
information the board considers necessary to determine whether 2309  
an applicant is qualified to receive the certificates. The 2310  
application shall be made upon the form prescribed by the board 2311  
and shall be verified by the oath of the applicant. 2312

(B) To receive a certificate of licensure and a 2313  
therapeutic pharmaceutical agents certificate, an applicant must 2314  
meet all of the following conditions: 2315

(1) Be at least eighteen years of age; 2316

(2) Be of good moral character; 2317

(3) Complete satisfactorily a course of study of at least 2318  
six college years; 2319

(4) Graduate from a school of optometry approved by the 2320  
board under section 4725.10 of the Revised Code; 2321

(5) Pass the licensing examination accepted by the board 2322  
under section 4725.11 of the Revised Code. 2323

**Sec. 4725.121.** (A) As used in this section, "license" and 2324  
"applicant for an initial license" have the same meanings as in 2325



section 4776.01 of the Revised Code, except that "license" as 2326  
used in both of those terms refers to the types of 2327  
authorizations otherwise issued or conferred under this chapter. 2328

(B) In addition to any other eligibility requirement set 2329  
forth in this chapter, each applicant for an initial license 2330  
shall comply with sections 4776.01 to 4776.04 of the Revised 2331  
Code. The state ~~board of optometry-vision and hearing~~ 2332  
professionals board shall not grant a license to an applicant 2333  
for an initial license unless the applicant complies with 2334  
sections 4776.01 to 4776.04 of the Revised Code and the board, 2335  
in its discretion, decides that the results of the criminal 2336  
records check do not make the applicant ineligible for a license 2337  
issued pursuant to section 4725.13 or 4725.18 of the Revised 2338  
Code. 2339

**Sec. 4725.13.** (A) The state ~~board of optometry-vision and~~ 2340  
hearing professionals board, by an affirmative vote of a 2341  
majority of its members, shall issue certificates under its seal 2342  
as follows: 2343

(1) Every applicant who, prior to May 19, 1992, passed the 2344  
licensing examination then in effect, and who otherwise complies 2345  
with sections 4725.01 to 4725.34 of the Revised Code shall 2346  
receive from the board a certificate of licensure authorizing 2347  
the holder to engage in the practice of optometry as provided in 2348  
division (A)(1) of section 4725.01 of the Revised Code. 2349

(2) Every applicant who, prior to May 19, 1992, passed the 2350  
general and ocular pharmacology examination then in effect, and 2351  
who otherwise complies with sections 4725.01 to 4725.34 of the 2352  
Revised Code, shall receive from the board a separate topical 2353  
ocular pharmaceutical agents certificate authorizing the holder 2354  
to administer topical ocular pharmaceutical agents as provided 2355

in division (A) (2) of section 4725.01 of the Revised Code and in 2356  
accordance with sections 4725.01 to 4725.34 of the Revised Code. 2357

(3) Every applicant who holds a valid certificate of 2358  
licensure issued prior to May 19, 1992, and meets the 2359  
requirements of section 4725.14 of the Revised Code shall 2360  
receive from the board a separate therapeutic pharmaceutical 2361  
agents certificate authorizing the holder to engage in the 2362  
practice of optometry as provided in division (A) (3) of section 2363  
4725.01 of the Revised Code. 2364

(4) Every applicant who, on or after May 19, 1992, passes 2365  
all parts of the licensing examination accepted by the board 2366  
under section 4725.11 of the Revised Code and otherwise complies 2367  
with the requirements of sections 4725.01 to 4725.34 of the 2368  
Revised Code shall receive from the board a certificate of 2369  
licensure authorizing the holder to engage in the practice of 2370  
optometry as provided in division (A) (1) of section 4725.01 of 2371  
the Revised Code and a separate therapeutic pharmaceutical 2372  
agents certificate authorizing the holder to engage in the 2373  
practice of optometry as provided in division (A) (3) of that 2374  
section. 2375

(B) Each person to whom a certificate is issued pursuant 2376  
to this section by the board shall keep the certificate 2377  
displayed in a conspicuous place in the location at which that 2378  
person practices optometry and shall whenever required exhibit 2379  
the certificate to any member or agent of the board. If an 2380  
optometrist practices outside of or away from the location at 2381  
which the optometrist's certificate of licensure is displayed, 2382  
the optometrist shall deliver to each person examined or fitted 2383  
with optical accessories by the optometrist, a receipt signed by 2384  
the optometrist in which the optometrist shall set forth the 2385

amounts charged, the optometrist's post-office address, and the 2386  
number assigned to the optometrist's certificate of licensure. 2387  
The information may be provided as part of a prescription given 2388  
to the person. 2389

(C) A person who, on May 19, 1992, holds a valid 2390  
certificate of licensure or topical ocular pharmaceutical agents 2391  
certificate issued by the board may continue to engage in the 2392  
practice of optometry as provided by the certificate of 2393  
licensure or topical ocular pharmaceutical agents certificate if 2394  
the person continues to comply with sections 4725.01 to 4725.34 2395  
of the Revised Code as required by the certificate of licensure 2396  
or topical ocular pharmaceutical agents certificate. 2397

**Sec. 4725.15.** If the state ~~board of optometry vision and~~ 2398  
hearing professionals board receives notice under division (D) 2399  
of section 4725.11 of the Revised Code that an applicant has 2400  
failed four times the licensing examination or part of the 2401  
examination that must be passed pursuant to section 4725.12 or 2402  
4725.14 of the Revised Code, the board shall not give further 2403  
consideration to the application until the applicant completes 2404  
thirty hours of remedial training approved by the board in the 2405  
specific subject area or areas covered by the examination or 2406  
part of the examination that was failed. 2407

**Sec. 4725.16.** (A) (1) Each certificate of licensure for the 2408  
practice of optometry, topical ocular pharmaceutical agents 2409  
certificate, and therapeutic pharmaceutical agents certificate 2410  
issued by the state ~~board of optometry vision and hearing~~ 2411  
professionals board shall expire annually on the last day of 2412  
December, and may be renewed in accordance with this section and 2413  
the standard renewal procedure established under Chapter 4745. 2414  
of the Revised Code. 2415

(2) An optometrist seeking to continue to practice 2416  
optometry shall file with the board an application for license 2417  
renewal. The application shall be in such form and require such 2418  
pertinent professional biographical data as the board may 2419  
require. 2420

(3) (a) Except as provided in division (A) (3) (b) of this 2421  
section, in the case of an optometrist seeking renewal who holds 2422  
a therapeutic pharmaceutical agents certificate and who 2423  
prescribes or personally furnishes analgesic controlled 2424  
substances authorized pursuant to section 4725.091 of the 2425  
Revised Code that are opioid analgesics, as defined in section 2426  
3719.01 of the Revised Code, the optometrist shall certify to 2427  
the board whether the optometrist has been granted access to the 2428  
drug database established and maintained by the state board of 2429  
pharmacy pursuant to section 4729.75 of the Revised Code. 2430

(b) The requirement in division (A) (3) (a) of this section 2431  
does not apply if any of the following is the case: 2432

(i) The state board of pharmacy notifies the state ~~board~~ 2433  
~~of optometry vision and hearing professionals board~~ pursuant to 2434  
section 4729.861 of the Revised Code that the certificate holder 2435  
has been restricted from obtaining further information from the 2436  
drug database. 2437

(ii) The state board of pharmacy no longer maintains the 2438  
drug database. 2439

(iii) The certificate holder does not practice optometry 2440  
in this state. 2441

(c) If an optometrist certifies to the state ~~board of~~ 2442  
~~optometry vision and hearing professionals board~~ that the 2443  
optometrist has been granted access to the drug database and the 2444

board finds through an audit or other means that the optometrist 2445  
has not been granted access, the board may take action under 2446  
section 4725.19 of the Revised Code. 2447

(B) All licensed optometrists shall annually complete 2448  
continuing education in subjects relating to the practice of 2449  
optometry, to the end that the utilization and application of 2450  
new techniques, scientific and clinical advances, and the 2451  
achievements of research will assure comprehensive care to the 2452  
public. The board shall prescribe by rule the continuing 2453  
optometric education that licensed optometrists must complete. 2454  
The length of study shall be twenty-five clock hours each year, 2455  
including ten clock hours of instruction in pharmacology to be 2456  
completed by all licensed optometrists. 2457

Unless the continuing education required under this 2458  
division is waived or deferred under division (D) of this 2459  
section, the continuing education must be completed during the 2460  
twelve-month period beginning on the first day of October and 2461  
ending on the last day of September. If the board receives 2462  
notice from a continuing education program indicating that an 2463  
optometrist completed the program after the last day of 2464  
September, and the optometrist wants to use the continuing 2465  
education completed after that day to renew the license that 2466  
expires on the last day of December of that year, the 2467  
optometrist shall pay the penalty specified under section 2468  
4725.34 of the Revised Code for late completion of continuing 2469  
education. 2470

At least once annually, the board shall post on its web 2471  
site and shall mail, or send by electronic mail, to each 2472  
licensed optometrist a list of courses approved in accordance 2473  
with standards prescribed by board rule. Upon the request of a 2474

licensed optometrist, the executive director of the board shall 2475  
supply a list of additional courses that the board has approved 2476  
subsequent to the most recent web site posting, electronic mail 2477  
transmission, or mailing of the list of approved courses. 2478

(C) (1) Annually, not later than the first day of November, 2479  
the board shall mail or send by electronic mail a notice 2480  
regarding license renewal to each licensed optometrist who may 2481  
be eligible for renewal. The notice shall be sent to the 2482  
optometrist's most recent electronic mail or mailing address 2483  
shown in the board's records. If the board knows that the 2484  
optometrist has completed the required continuing optometric 2485  
education for the year, the board may include with the notice an 2486  
application for license renewal. 2487

(2) Filing a license renewal application with the board 2488  
shall serve as notice by the optometrist that the continuing 2489  
optometric education requirement has been successfully 2490  
completed. If the board finds that an optometrist has not 2491  
completed the required continuing optometric education, the 2492  
board shall disapprove the optometrist's application. The 2493  
board's disapproval of renewal is effective without a hearing, 2494  
unless a hearing is requested pursuant to Chapter 119. of the 2495  
Revised Code. 2496

(3) The board shall refuse to accept an application for 2497  
renewal from any applicant whose license is not in good standing 2498  
or who is under disciplinary review pursuant to section 4725.19 2499  
of the Revised Code. 2500

(4) Notice of an applicant's failure to qualify for 2501  
renewal shall be served upon the applicant by mail. The notice 2502  
shall be sent not later than the fifteenth day of November to 2503  
the applicant's last address shown in the board's records. 2504

(D) In cases of certified illness or undue hardship, the board may waive or defer for up to twelve months the requirement of continuing optometric education, except that in such cases the board may not waive or defer the continuing education in pharmacology required to be completed by optometrists who hold topical ocular pharmaceutical agents certificates or therapeutic pharmaceutical agents certificates. The board shall waive the requirement of continuing optometric education for any optometrist who is serving 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 or who has received an initial certificate of licensure during the nine-month period which ended on the last day of September.

(E) An optometrist whose renewal application has been approved may renew each certificate held by paying to the treasurer of state the fees for renewal specified under section 4725.34 of the Revised Code. On payment of all applicable fees, the board shall issue a renewal of the optometrist's certificate of licensure, topical ocular pharmaceutical agents certificate, and therapeutic pharmaceutical agents certificate, as appropriate.

(F) Not later than the fifteenth day of December, the board shall mail or send by electronic mail a second notice regarding license renewal to each licensed optometrist who may be eligible for renewal but did not respond to the notice sent under division (C) (1) of this section. The notice shall be sent to the optometrist's most recent electronic mail or mailing address shown in the board's records. If an optometrist fails to file a renewal application after the second notice is sent, the board shall send a third notice regarding license renewal prior

to any action under division (I) of this section to classify the 2536  
optometrist's certificates as delinquent. 2537

(G) The failure of an optometrist to apply for license 2538  
renewal or the failure to pay the applicable annual renewal fees 2539  
on or before the date of expiration, shall automatically work a 2540  
forfeiture of the optometrist's authority to practice optometry 2541  
in this state. 2542

(H) The board shall accept renewal applications and 2543  
renewal fees that are submitted from the first day of January to 2544  
the last day of April of the year next succeeding the date of 2545  
expiration. An individual who submits such a late renewal 2546  
application or fee shall pay the late renewal fee specified in 2547  
section 4725.34 of the Revised Code. 2548

(I) (1) If the certificates issued by the board to an 2549  
individual have expired and the individual has not filed a 2550  
complete application during the late renewal period, the 2551  
individual's certificates shall be classified in the board's 2552  
records as delinquent. 2553

(2) Any optometrist subject to delinquent classification 2554  
may submit ~~a written~~ an application to the board for 2555  
reinstatement. For reinstatement to occur, the applicant must 2556  
meet all of the following conditions: 2557

(a) Submit to the board evidence of compliance with board 2558  
rules requiring continuing optometric education in a sufficient 2559  
number of hours to make up for any delinquent compliance; 2560

(b) Pay the renewal fees for the year in which application 2561  
for reinstatement is made and the reinstatement fee specified 2562  
under division (A) (8) of section 4725.34 of the Revised Code; 2563

(c) Pass all or part of the licensing examination accepted 2564



by the board under section 4725.11 of the Revised Code as the 2565  
board considers appropriate to determine whether the application 2566  
for reinstatement should be approved; 2567

(d) If the applicant has been practicing optometry in 2568  
another state or country, submit evidence that the applicant's 2569  
license to practice optometry in the other state or country is 2570  
in good standing. 2571

(3) The board shall approve an application for 2572  
reinstatement if the conditions specified in division (I) (2) of 2573  
this section are met. An optometrist who receives reinstatement 2574  
is subject to the continuing education requirements specified 2575  
under division (B) of this section for the year in which 2576  
reinstatement occurs. 2577

**Sec. 4725.17.** (A) An optometrist who intends not to 2578  
continue practicing optometry in this state due to retirement or 2579  
a decision to practice in another state or country may apply to 2580  
the state ~~board of optometry~~ vision and hearing professionals 2581  
board to have the certificates issued to the optometrist placed 2582  
on inactive status. Application for inactive status shall 2583  
consist of a written notice to the board of the optometrist's 2584  
intention to no longer practice in this state. The board may not 2585  
accept an application submitted after the applicant's 2586  
certificate of licensure and any other certificates have 2587  
expired. The board may approve an application for placement on 2588  
inactive status only if the applicant's certificates are in good 2589  
standing and the applicant is not under disciplinary review 2590  
pursuant to section 4725.19 of the Revised Code. 2591

(B) An individual whose certificates have been placed on 2592  
inactive status may submit a written application to the board 2593  
for reinstatement. For reinstatement to occur, the applicant 2594

must meet all of the following conditions: 2595

(1) Pay the renewal fees for the year in which application 2596  
for reinstatement is made and the reinstatement fee specified 2597  
under division (A) (9) of section 4725.34 of the Revised Code; 2598

(2) Pass all or part of the licensing examination accepted 2599  
by the board under section 4725.11 of the Revised Code as the 2600  
board considers appropriate, if the board considers examination 2601  
necessary to determine whether the application for reinstatement 2602  
should be approved; 2603

(3) If the applicant has been practicing optometry in 2604  
another state or country, submit evidence of being in the active 2605  
practice of optometry in the other state or country and evidence 2606  
that the applicant's license to practice in the other state or 2607  
country is in good standing. 2608

(C) The board shall approve an application for 2609  
reinstatement if the conditions specified in division (B) of 2610  
this section are met. An optometrist who receives reinstatement 2611  
is subject to the continuing education requirements specified 2612  
under section 4725.16 of the Revised Code for the year in which 2613  
reinstatement occurs. 2614

**Sec. 4725.171.** (A) An optometrist who discontinued 2615  
practicing optometry in this state due to retirement or a 2616  
decision to practice in another state or country before the 2617  
state ~~board of optometry~~ vision and hearing professionals board 2618  
accepted applications for placement of certificates to practice 2619  
on inactive status pursuant to section 4725.17 of the Revised 2620  
Code may apply to the board to have the optometrist's 2621  
certificates reinstated. The board may accept an application for 2622  
reinstatement only if, at the time the optometrist's 2623

certificates expired, the certificates were in good standing and 2624  
the optometrist was not under disciplinary review by the board. 2625

(B) For reinstatement to occur, the applicant must meet 2626  
all of the following conditions: 2627

(1) Pay the renewal fees for the year in which application 2628  
for reinstatement is made and the reinstatement fee specified 2629  
under division (A) (10) of section 4725.34 of the Revised Code; 2630

(2) Pass all or part of the licensing examination accepted 2631  
by the board under section 4725.11 of the Revised Code as the 2632  
board considers appropriate, if the board considers examination 2633  
necessary to determine whether the application for reinstatement 2634  
should be approved; 2635

(3) If the applicant has been practicing optometry in 2636  
another state or country, submit evidence of being in the active 2637  
practice of optometry in the other state or country and evidence 2638  
that the applicant's license to practice in the other state or 2639  
country is in good standing. 2640

(C) The board shall approve an application for 2641  
reinstatement if the conditions specified in division (B) of 2642  
this section are met. An optometrist who receives reinstatement 2643  
is subject to the continuing education requirements specified 2644  
under section 4725.16 of the Revised Code for the year in which 2645  
reinstatement occurs. 2646

**Sec. 4725.18.** (A) The state ~~board of optometry vision and~~ 2647  
hearing professionals board may issue a certificate of licensure 2648  
and therapeutic pharmaceutical agents certificate by endorsement 2649  
to an individual licensed as an optometrist by another state or 2650  
a Canadian province if the board determines that the other state 2651  
or province has standards for the practice of optometry that are 2652

at least as stringent as the standards established under 2653  
sections 4725.01 to 4725.34 of the Revised Code and the 2654  
individual meets the conditions specified in division (B) of 2655  
this section. The certificates may be issued only by an 2656  
affirmative vote of a majority of the board's members. 2657

(B) An individual seeking a certificate of licensure and 2658  
therapeutic pharmaceutical agents certificate pursuant to this 2659  
section shall submit an application to the board. To receive the 2660  
certificates, an applicant must meet all of the following 2661  
conditions: 2662

(1) Meet the same qualifications that an individual must 2663  
meet under divisions (B)(1) to (4) of section 4725.12 of the 2664  
Revised Code to receive a certificate of licensure and 2665  
therapeutic pharmaceutical agents certificate under that 2666  
section; 2667

(2) Be licensed to practice optometry by a state or 2668  
province that requires passage of a written, entry-level 2669  
examination at the time of initial licensure; 2670

(3) Be licensed in good standing by the optometry 2671  
licensing agency of the other state or province, evidenced by 2672  
submission of a letter from the licensing agency of the other 2673  
state or province attesting to the applicant's good standing; 2674

(4) Provide the board with certified reports from the 2675  
optometry licensing agencies of all states and provinces in 2676  
which the applicant is licensed or has been licensed to practice 2677  
optometry describing all past and pending actions taken by those 2678  
agencies with respect to the applicant's authority to practice 2679  
optometry in those jurisdictions, including such actions as 2680  
investigations, entering into consent agreements, suspensions, 2681

revocations, and refusals to issue or renew a license;	2682
(5) Have been actively engaged in the practice of	2683
optometry, including the use of therapeutic pharmaceutical	2684
agents, for at least three years immediately preceding making	2685
application under this section;	2686
(6) Pay the nonrefundable application fees established	2687
under section 4725.34 of the Revised Code for a certificate of	2688
licensure and therapeutic pharmaceutical agents certificate;	2689
(7) Submit all transcripts, reports, or other information	2690
the board requires;	2691
(8) Participate in a two-hour instruction session provided	2692
by the board on the optometry statutes and rules of this state	2693
or pass an Ohio optometry jurisprudence test administered by the	2694
board;	2695
(9) Pass all or part of the licensing examination accepted	2696
by the board under section 4725.11 of the Revised Code, if the	2697
board determines that testing is necessary to determine whether	2698
the applicant's qualifications are sufficient for issuance of a	2699
certificate of licensure and therapeutic pharmaceutical agents	2700
certificate under this section;	2701
(10) Not have been previously denied issuance of a	2702
certificate by the board.	2703
<b>Sec. 4725.19.</b> (A) In accordance with Chapter 119. of the	2704
Revised Code and by an affirmative vote of a majority of its	2705
members, the state <del>board of optometry vision and hearing</del>	2706
<u>professionals board</u> , for any of the reasons specified in	2707
division (B) of this section, shall refuse to grant a	2708
certificate of licensure <u>to practice optometry</u> to an applicant	2709
and may, with respect to a licensed optometrist, do one or more	2710

of the following:	2711
(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;	2712 2713 2714 2715
(2) Permanently revoke any or all of the certificates;	2716
(3) Limit or otherwise place restrictions on any or all of the certificates;	2717 2718
(4) Reprimand the optometrist;	2719
(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.	2720 2721 2722 2723 2724 2725
(6) Require the optometrist to take corrective action courses.	2726 2727
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.	2728 2729 2730
(B) The sanctions specified in division (A) of this section may be taken by the board for any of the following reasons:	2731 2732 2733
(1) Committing fraud in passing the licensing examination or making false or purposely misleading statements in an application for a certificate of licensure;	2734 2735 2736
(2) Being at any time guilty of immorality, regardless of	2737

the jurisdiction in which the act was committed;	2738
(3) Being guilty of dishonesty or unprofessional conduct	2739
in the practice of optometry;	2740
(4) Being at any time guilty of a felony, regardless of	2741
the jurisdiction in which the act was committed;	2742
(5) Being at any time guilty of a misdemeanor committed in	2743
the course of practice, regardless of the jurisdiction in which	2744
the act was committed;	2745
(6) Violating the conditions of any limitation or other	2746
restriction placed by the board on any certificate issued by the	2747
board;	2748
(7) Engaging in the practice of optometry as provided in	2749
division (A) (1), (2), or (3) of section 4725.01 of the Revised	2750
Code when the certificate authorizing that practice is under	2751
suspension, in which case the board shall permanently revoke the	2752
certificate;	2753
(8) Being denied a license to practice optometry in	2754
another state or country or being subject to any other sanction	2755
by the optometric licensing authority of another state or	2756
country, other than sanctions imposed for the nonpayment of	2757
fees;	2758
(9) Departing from or failing to conform to acceptable and	2759
prevailing standards of care in the practice of optometry as	2760
followed by similar practitioners under the same or similar	2761
circumstances, regardless of whether actual injury to a patient	2762
is established;	2763
(10) Failing to maintain comprehensive patient records;	2764
(11) Advertising a price of optical accessories, eye	2765

examinations, or other products or services by any means that 2766  
would deceive or mislead the public; 2767

(12) Being addicted to the use of alcohol, stimulants, 2768  
narcotics, or any other substance which impairs the intellect 2769  
and judgment to such an extent as to hinder or diminish the 2770  
performance of the duties included in the person's practice of 2771  
optometry; 2772

(13) Engaging in the practice of optometry as provided in 2773  
division (A) (2) or (3) of section 4725.01 of the Revised Code 2774  
without authority to do so or, if authorized, in a manner 2775  
inconsistent with the authority granted; 2776

(14) Failing to make a report to the board as required by 2777  
division (A) of section 4725.21 or section 4725.31 of the 2778  
Revised Code; 2779

(15) Soliciting patients from door to door or establishing 2780  
temporary offices, in which case the board shall suspend all 2781  
certificates held by the optometrist; 2782

(16) Except as provided in division (D) of this section: 2783

(a) Waiving the payment of all or any part of a deductible 2784  
or copayment that a patient, pursuant to a health insurance or 2785  
health care policy, contract, or plan that covers optometric 2786  
services, would otherwise be required to pay if the waiver is 2787  
used as an enticement to a patient or group of patients to 2788  
receive health care services from that optometrist. 2789

(b) Advertising that the optometrist will waive the 2790  
payment of all or any part of a deductible or copayment that a 2791  
patient, pursuant to a health insurance or health care policy, 2792  
contract, or plan that covers optometric services, would 2793  
otherwise be required to pay. 2794



(17) Failing to comply with the requirements in section 2795  
3719.061 of the Revised Code before issuing for a minor a 2796  
prescription for an analgesic controlled substance authorized 2797  
pursuant to section 4725.091 of the Revised Code that is an 2798  
opioid analgesic, as defined in section 3719.01 of the Revised 2799  
Code; 2800

(18) Violating the rules adopted under section 4744.50 of 2801  
the Revised Code. 2802

(C) Any person who is the holder of a certificate of 2803  
licensure, or who is an applicant for a certificate of licensure 2804  
against whom is preferred any charges, shall be furnished by the 2805  
board with a copy of the complaint and shall have a hearing 2806  
before the board in accordance with Chapter 119. of the Revised 2807  
Code. 2808

(D) Sanctions shall not be imposed under division (B) (17) 2809  
of this section against any optometrist who waives deductibles 2810  
and copayments: 2811

(1) In compliance with the health benefit plan that 2812  
expressly allows such a practice. Waiver of the deductibles or 2813  
copayments shall be made only with the full knowledge and 2814  
consent of the plan purchaser, payer, and third-party 2815  
administrator. Documentation of the consent shall be made 2816  
available to the board upon request. 2817

(2) For professional services rendered to any other 2818  
optometrist licensed by the board, to the extent allowed by 2819  
sections 4725.01 to 4725.34 of the Revised Code and the rules of 2820  
the board. 2821

**Sec. 4725.20.** On receipt of a notice pursuant to section 2822  
3123.43 of the Revised Code, the state ~~board of optometry vision~~ 2823

and hearing professionals board shall comply with sections 2824  
3123.41 to 3123.50 of the Revised Code and any applicable rules 2825  
adopted under section 3123.63 of the Revised Code with respect 2826  
to a license or certificate issued by the board under this 2827  
chapter. 2828

**Sec. 4725.21.** (A) If an optometrist licensed by the state 2829  
~~board of optometry-vision and hearing professionals board~~ has 2830  
reason to believe that another optometrist licensed currently or 2831  
previously by the board has engaged in any course of treatment 2832  
or other services to a patient that constitutes unprofessional 2833  
conduct under section 4725.19 of the Revised Code, or has an 2834  
addiction subject to board action under section 4725.19 of the 2835  
Revised Code, the optometrist shall make a report to the board. 2836

(B) Any person may report to the board in a signed writing 2837  
any information that the person may have that appears to show a 2838  
violation of any provision of sections 4725.01 to 4725.34 of the 2839  
Revised Code or the rules adopted under those sections. 2840

(C) Each complaint or allegation of a violation received 2841  
by the board shall be assigned a case number and shall be 2842  
recorded by the board. 2843

(D) In the absence of fraud or bad faith, no person who 2844  
reports to the board under this section or testifies in any 2845  
adjudication conducted under Chapter 119. of the Revised Code 2846  
shall be liable to any person for damages in a civil action as a 2847  
result of the report or testimony. 2848

**Sec. 4725.22.** (A) Each insurer providing professional 2849  
liability insurance to an optometrist licensed under this 2850  
chapter, or any other entity that seeks to indemnify the 2851  
professional liability of an optometrist licensed under this 2852

chapter, shall notify the state ~~board of optometry vision and~~ 2853  
hearing professionals board within thirty days after the final 2854  
disposition of a claim for damages. The notice shall contain the 2855  
following information: 2856

(1) The name and address of the person submitting the 2857  
notification; 2858

(2) The name and address of the insured who is the subject 2859  
of the claim; 2860

(3) The name of the person filing the written claim; 2861

(4) The date of final disposition; 2862

(5) If applicable, the identity of the court in which the 2863  
final disposition of the claim took place. 2864

(B) Each optometrist licensed under this chapter shall 2865  
notify the board within thirty days of receipt of the final 2866  
disposition of a claim for damages or any action involving 2867  
malpractice. The optometrist shall notify the board by 2868  
registered mail and shall provide all reports and other 2869  
information required by the board. 2870

(C) Information received under this section is not a 2871  
public record for purposes of section 149.43 of the Revised Code 2872  
and shall not be released except as otherwise required by law or 2873  
a court of competent jurisdiction. 2874

**Sec. 4725.23.** (A) The state ~~board of optometry vision and~~ 2875  
hearing professionals board shall investigate evidence that 2876  
appears to show that a person has violated any provision of 2877  
sections 4725.01 to 4725.34 of the Revised Code or any rule 2878  
adopted under those sections. Investigations of alleged 2879  
violations shall be supervised by the member of the board 2880

appointed by the board to act as the supervising member of 2881  
investigations. The supervising member shall not participate in 2882  
the final vote that occurs in an adjudication of the case. 2883

(B) In investigating a possible violation, the board may 2884  
administer oaths, order the taking of depositions, issue 2885  
subpoenas, and compel the attendance of witnesses and production 2886  
of books, accounts, papers, records, documents, and testimony. A 2887  
subpoena for patient record information shall not be issued 2888  
without consultation with the attorney general's office and 2889  
approval of the secretary of the board and the board's 2890  
supervising member of investigations. Before issuance of a 2891  
subpoena for patient record information, the secretary and 2892  
supervising member shall determine whether there is probable 2893  
cause to believe that the complaint filed alleges a violation of 2894  
sections 4725.01 to 4725.34 of the Revised Code or any rule 2895  
adopted under those sections and that the records sought are 2896  
relevant to the alleged violation and material to the 2897  
investigation. The subpoena may apply only to records that cover 2898  
a reasonable period of time surrounding the alleged violation. 2899

On failure to comply with any subpoena issued by the board 2900  
and after reasonable notice to the person being subpoenaed, the 2901  
board may move for an order compelling the production of persons 2902  
or records pursuant to the Rules of Civil Procedure. 2903

A subpoena issued by the board may be served by a sheriff, 2904  
the sheriff's deputy, or a board employee designated by the 2905  
board. Service of a subpoena issued by the board may be made by 2906  
delivering a copy of the subpoena to the person named therein, 2907  
reading it to the person, or leaving it at the person's usual 2908  
place of residence. When the person being served is an 2909  
optometrist licensed under this chapter, service of the subpoena 2910

may be made by certified mail, restricted delivery, return 2911  
receipt requested, and the subpoena shall be deemed served on 2912  
the date delivery is made or the date the optometrist refuses to 2913  
accept delivery. 2914

Each witness who appears before the board in obedience to 2915  
a subpoena shall receive the fees and mileage provided for under 2916  
section 119.094 of the Revised Code. 2917

(C) Information received by the board pursuant to an 2918  
investigation is confidential and not subject to discovery in 2919  
any civil action. 2920

The board shall conduct all investigations and proceedings 2921  
in a manner that protects the confidentiality of patients and 2922  
persons who file complaints with the board. The board shall not 2923  
make public the names or any other identifying information about 2924  
patients or complainants unless proper consent is given. 2925

The board may share any information it receives pursuant 2926  
to an investigation, including patient records and patient 2927  
record information, with other licensing boards and governmental 2928  
agencies that are investigating alleged professional misconduct 2929  
and with law enforcement agencies and other governmental 2930  
agencies that are investigating or prosecuting alleged criminal 2931  
offenses. A board or agency that receives the information shall 2932  
comply with the same requirements regarding confidentiality as 2933  
those with which the state ~~board of optometry vision and hearing~~ 2934  
professionals board must comply, notwithstanding any conflicting 2935  
provision of the Revised Code or procedure of the board or 2936  
agency that applies when the board or agency is dealing with 2937  
other information in its possession. The information may be 2938  
admitted into evidence in a criminal trial in accordance with 2939  
the Rules of Evidence, but the court shall require that 2940

appropriate measures are taken to ensure that confidentiality is 2941  
maintained with respect to any part of the information that 2942  
contains names or other identifying information about persons 2943  
whose confidentiality was protected by the state ~~board of~~ 2944  
~~optometry vision and hearing professionals board~~ when the 2945  
information was in the board's possession. Measures to ensure 2946  
confidentiality that may be taken by the court include sealing 2947  
its records or deleting specific information from its records. 2948

**Sec. 4725.24.** If the secretary of the state ~~board of~~ 2949  
~~optometry vision and hearing professionals board~~ and the board's 2950  
supervising member of investigations determine that there is 2951  
clear and convincing evidence that an optometrist has violated 2952  
division (B) of section 4725.19 of the Revised Code and that the 2953  
optometrist's continued practice presents a danger of immediate 2954  
and serious harm to the public, they may recommend that the 2955  
board suspend without a prior hearing the optometrist's 2956  
certificate of licensure and any other certificates held by the 2957  
optometrist. Written allegations shall be prepared for 2958  
consideration by the full board. 2959

The board, upon review of those allegations and by an 2960  
affirmative vote of three members other than the secretary and 2961  
supervising member may order the suspension without a prior 2962  
hearing. A telephone conference call may be utilized for 2963  
reviewing the allegations and taking the vote on the summary 2964  
suspension. 2965

The board shall issue a written order of suspension by 2966  
certified mail or in person in accordance with section 119.07 of 2967  
the Revised Code. The order shall not be subject to suspension 2968  
by the court during pendency of any appeal filed under section 2969  
119.12 of the Revised Code. If the individual subject to the 2970

summary suspension requests an adjudicatory hearing by the 2971  
board, the date set for the hearing shall be within fifteen 2972  
days, but not earlier than seven days, after the individual 2973  
requests the hearing, unless otherwise agreed to by both the 2974  
board and the individual. 2975

Any summary suspension imposed under this division shall 2976  
remain in effect, unless reversed on appeal, until a final 2977  
adjudicative order issued by the board pursuant to section 2978  
4725.19 of the Revised Code and Chapter 119. of the Revised Code 2979  
becomes effective. The board shall issue its final adjudicative 2980  
order within sixty days after completion of its hearing. A 2981  
failure to issue the order within sixty days shall result in 2982  
dissolution of the summary suspension order but shall not 2983  
invalidate any subsequent, final adjudicative order. 2984

**Sec. 4725.26.** Division (A) of section 4725.02 of the 2985  
Revised Code does not apply to the following: 2986

(A) Physicians authorized to practice medicine and surgery 2987  
or osteopathic medicine and surgery under Chapter 4731. of the 2988  
Revised Code; 2989

(B) Persons who sell optical accessories but do not assume 2990  
to adapt them to the eye, and neither practice nor profess to 2991  
practice optometry; 2992

(C) An instructor in a school of optometry that is located 2993  
in this state and approved by the state ~~board of optometry~~ 2994  
vision and hearing professionals board under section 4725.10 of 2995  
the Revised Code who holds a valid current license to practice 2996  
optometry from a licensing body in another jurisdiction and 2997  
limits the practice of optometry to the instruction of students 2998  
enrolled in the school. 2999

(D) A student enrolled in a school of optometry, located 3000  
in this or another state and approved by the board under section 3001  
4725.10 of the Revised Code, while the student is participating 3002  
in this state in an optometry training program provided or 3003  
sponsored by the school, if the student acts under the direct, 3004  
personal supervision and control of an optometrist licensed by 3005  
the board or authorized to practice pursuant to division (C) of 3006  
this section. 3007

(E) An individual who is licensed or otherwise 3008  
specifically authorized by the Revised Code to engage in an 3009  
activity that is included in the practice of optometry. 3010

(F) An individual who is not licensed or otherwise 3011  
specifically authorized by the Revised Code to engage in an 3012  
activity that is included in the practice of optometry, but is 3013  
acting pursuant to the rules for delegation of optometric tasks 3014  
adopted under section 4725.09 of the Revised Code. 3015

**Sec. 4725.27.** The testimony and reports of an optometrist 3016  
licensed by the state ~~board of optometry-vision and hearing~~ 3017  
professionals board under this chapter shall be received by any 3018  
state, county, municipal, school district, or other public 3019  
board, body, agency, institution, or official and by any private 3020  
educational or other institution receiving public funds as 3021  
competent evidence with respect to any matter within the scope 3022  
of the practice of optometry. No such board, body, agency, 3023  
official, or institution shall interfere with any individual's 3024  
right to a free choice of receiving services from either an 3025  
optometrist or a physician. No such board, body, agency, 3026  
official, or institution shall discriminate against an 3027  
optometrist performing procedures that are included in the 3028  
practice of optometry as provided in division (A) (2) or (3) of 3029



section 4725.01 of the Revised Code if the optometrist is 3030  
licensed under this chapter to perform those procedures. 3031

**Sec. 4725.28.** (A) As used in this section, "supplier" 3032  
means any person who prepares or sells optical accessories or 3033  
other vision correcting items, devices, or procedures. 3034

(B) A licensed optometrist, on completion of a vision 3035  
examination and diagnosis, shall give each patient for whom the 3036  
optometrist prescribes any vision correcting item, device, or 3037  
procedure, one copy of the prescription, without additional 3038  
charge to the patient. The prescription shall include the 3039  
following: 3040

(1) The date of its issuance; 3041

(2) Sufficient information to enable the patient to obtain 3042  
from the supplier of the patient's choice, the optical accessory 3043  
or other vision correcting item, device, or procedure that has 3044  
been prescribed; 3045

(3) In the case of contact lenses, all information 3046  
specified as part of a contact lens prescription, as defined in 3047  
the "Fairness to Contact Lens Consumers Act," 117 Stat. 2024 3048  
(2003), 15 U.S.C. 7610. 3049

(C) Any supplier who fills a prescription for contact 3050  
lenses furnished by an optometrist shall furnish the patient 3051  
with written recommendations to return to the prescribing 3052  
optometrist for evaluation of the contact lens fitting. 3053

(D) Any supplier, including an optometrist who is a 3054  
supplier, may advertise to inform the general public of the 3055  
price that the supplier charges for any vision correcting item, 3056  
device, or procedure. Any such advertisement shall specify the 3057  
following: 3058

(1) Whether the advertised item includes an eye examination; 3059  
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(2) In the case of lenses, whether the price applies to single-vision or multifocal lenses; 3061  
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(3) In the case of contact lenses, whether the price applies to rigid or soft lenses and whether there is an additional charge related to the fitting and determination of the type of contact lenses to be worn that is not included in the price of the eye examination. 3063  
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(E) The state ~~board of optometry-vision and hearing~~ professionals board shall not adopt any rule that restricts the right to advertise as permitted by division (D) of this section. 3068  
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(F) Any municipal corporation code, ordinance, or regulation or any township resolution that conflicts with a supplier's right to advertise as permitted by division (D) of this section is superseded by division (D) of this section and is invalid. A municipal corporation code, ordinance, or regulation or a township resolution conflicts with division (D) of this section if it restricts a supplier's right to advertise as permitted by division (D) of this section. 3071  
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**Sec. 4725.29.** (A) As used in this section: 3079

(1) "Regional advertisement" means an advertisement published in more than one metropolitan statistical area in this state or broadcast by radio or television stations in more than one metropolitan statistical area in this state. 3080  
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(2) "National advertisement" means an advertisement published in one or more periodicals or broadcast by one or more radio or television stations in this state and also published in one or more periodicals or broadcast by one or more radio or 3084  
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television stations in another state. 3088

(B) The state ~~board of optometry~~ vision and hearing 3089  
professionals board shall not require any person who sells 3090  
optical accessories at more than one location to list in any 3091  
regional or national advertisement the name of the licensed 3092  
optometrist practicing at a particular location, provided that 3093  
in addition to the requirement in division (B) of section 3094  
4725.13 of the Revised Code, the name of the optometrist is 3095  
prominently displayed at the location. 3096

**Sec. 4725.31.** An optometrist licensed by the state ~~board~~ 3097  
~~of optometry~~ vision and hearing professionals board shall 3098  
promptly report to the board any instance of a clinically 3099  
significant drug-induced side effect in a patient due to the 3100  
optometrist's administering, employing, applying, or prescribing 3101  
a topical ocular or therapeutic pharmaceutical agent to or for 3102  
the patient. The board, by rule adopted in accordance with 3103  
Chapter 119. of the Revised Code, shall establish reporting 3104  
procedures and specify the types of side effects to be reported. 3105  
The information provided to the board shall not include the name 3106  
of or any identifying information about the patient. 3107

**Sec. 4725.33.** (A) An individual whom the state ~~board of~~ 3108  
~~optometry~~ vision and hearing professionals board licenses to 3109  
engage in the practice of optometry may render the professional 3110  
services of an optometrist within this state through a 3111  
corporation formed under division (B) of section 1701.03 of the 3112  
Revised Code, a limited liability company formed under Chapter 3113  
1705. of the Revised Code, a partnership, or a professional 3114  
association formed under Chapter 1785. of the Revised Code. This 3115  
division does not preclude an optometrist from rendering 3116  
professional services as an optometrist through another form of 3117

business entity, including, but not limited to, a nonprofit 3118  
corporation or foundation, or in another manner that is 3119  
authorized by or in accordance with this chapter, another 3120  
chapter of the Revised Code, or rules of the state ~~board of~~ 3121  
~~optometry vision and hearing professionals board~~ adopted 3122  
pursuant to this chapter. 3123

(B) A corporation, limited liability company, partnership, 3124  
or professional association described in division (A) of this 3125  
section may be formed for the purpose of providing a combination 3126  
of the professional services of the following individuals who 3127  
are licensed, certificated, or otherwise legally authorized to 3128  
practice their respective professions: 3129

(1) Optometrists who are authorized to practice optometry 3130  
under Chapter 4725. of the Revised Code; 3131

(2) Chiropractors who are authorized to practice 3132  
chiropractic or acupuncture under Chapter 4734. of the Revised 3133  
Code; 3134

(3) Psychologists who are authorized to practice 3135  
psychology under Chapter 4732. of the Revised Code; 3136

(4) Registered or licensed practical nurses who are 3137  
authorized to practice nursing as registered nurses or as 3138  
licensed practical nurses under Chapter 4723. of the Revised 3139  
Code; 3140

(5) Pharmacists who are authorized to practice pharmacy 3141  
under Chapter 4729. of the Revised Code; 3142

(6) Physical therapists who are authorized to practice 3143  
physical therapy under sections 4755.40 to 4755.56 of the 3144  
Revised Code; 3145

(7) Occupational therapists who are authorized to practice 3146  
occupational therapy under sections 4755.04 to 4755.13 of the 3147  
Revised Code; 3148

(8) Mechanotherapists who are authorized to practice 3149  
mechanotherapy under section 4731.151 of the Revised Code; 3150

(9) Doctors of medicine and surgery, osteopathic medicine 3151  
and surgery, or podiatric medicine and surgery who are 3152  
authorized for their respective practices under Chapter 4731. of 3153  
the Revised Code; 3154

(10) Licensed professional clinical counselors, licensed 3155  
professional counselors, independent social workers, social 3156  
workers, independent marriage and family therapists, or marriage 3157  
and family therapists who are authorized for their respective 3158  
practices under Chapter 4757. of the Revised Code. 3159

This division shall apply notwithstanding a provision of a 3160  
code of ethics applicable to an optometrist that prohibits an 3161  
optometrist from engaging in the practice of optometry in 3162  
combination with a person who is licensed, certificated, or 3163  
otherwise legally authorized to practice chiropractic, 3164  
acupuncture through the state chiropractic board, psychology, 3165  
nursing, pharmacy, physical therapy, occupational therapy, 3166  
mechanotherapy, medicine and surgery, osteopathic medicine and 3167  
surgery, podiatric medicine and surgery, professional 3168  
counseling, social work, or marriage and family therapy, but who 3169  
is not also licensed, certificated, or otherwise legally 3170  
authorized to engage in the practice of optometry. 3171

**Sec. 4725.34.** (A) The state ~~board of optometry vision and~~ 3172  
hearing professionals board shall charge the following 3173  
nonrefundable fees: 3174

(1) One hundred thirty dollars for application for a certificate of licensure <u>to practice optometry</u> ;	3175 3176
(2) Forty-five dollars for application for a therapeutic pharmaceutical agents certificate, except when the certificate is to be issued pursuant to division (A) (3) of section 4725.13 of the Revised Code, in which case the fee shall be thirty-five dollars;	3177 3178 3179 3180 3181
(3) One hundred thirty dollars for renewal of a certificate of licensure <u>to practice optometry</u> ;	3182 3183
(4) Forty-five dollars for renewal of a topical ocular pharmaceutical agents certificate;	3184 3185
(5) Forty-five dollars for renewal of a therapeutic pharmaceutical agents certificate;	3186 3187
(6) One hundred twenty-five dollars for late completion or submission, or both, of continuing optometric education;	3188 3189
(7) One hundred twenty-five dollars for late renewal of one or more certificates that have expired;	3190 3191
(8) Seventy-five dollars for reinstatement of one or more certificates classified as delinquent under section 4725.16 of the Revised Code, multiplied by the number of years the one or more certificates have been classified as delinquent;	3192 3193 3194 3195
(9) Seventy-five dollars for reinstatement of one or more certificates placed on inactive status under section 4725.17 of the Revised Code;	3196 3197 3198
(10) Seventy-five dollars for reinstatement under section 4725.171 of the Revised Code of one or more expired certificates;	3199 3200 3201

(11) Additional fees to cover administrative costs 3202  
incurred by the board, including fees for replacing licenses 3203  
issued by the board and providing rosters of currently licensed 3204  
optometrists. Such fees shall be established at a regular 3205  
meeting of the board and shall comply with any applicable 3206  
guidelines or policies set by the department of administrative 3207  
services or the office of budget and management. 3208

(B) The board, subject to the approval of the controlling 3209  
board, may establish fees in excess of the amounts specified in 3210  
division (A) of this section if the fees do not exceed the 3211  
amounts specified by more than fifty per cent. 3212

(C) All receipts of the board, from any source, shall be 3213  
deposited in the state treasury to the credit of the 3214  
occupational licensing and regulatory fund created in section 3215  
4743.05 of the Revised Code. 3216

**Sec. 4725.40.** As used in sections 4725.40 to 4725.59 of 3217  
the Revised Code: 3218

(A) "Optical aid" means both of the following: 3219

(1) Spectacles or other instruments or devices that are 3220  
not contact lenses, if the spectacles or other instruments or 3221  
devices may aid or correct human vision and have been prescribed 3222  
by a physician or optometrist licensed by any state; 3223

(2) Contact lenses, regardless of whether they address 3224  
visual function, if they are designed to fit over the cornea of 3225  
the eye or are otherwise designed for use in or on the eye or 3226  
orbit. 3227

All contact lenses shall be dispensed only in accordance 3228  
with a valid written prescription designated for contact lenses, 3229  
including the following: 3230

(a) Zero-powered plano contact lenses;	3231
(b) Cosmetic contact lenses;	3232
(c) Performance-enhancing contact lenses;	3233
(d) Any other contact devices determined by the <del>Ohio</del>	3234
<del>optical dispensers</del> <u>state vision and hearing professionals</u> board	3235
to be contact lenses.	3236
(B) "Optical dispensing" means interpreting but not	3237
altering a prescription of a licensed physician or optometrist	3238
and designing, adapting, fitting, or replacing the prescribed	3239
optical aids, pursuant to such prescription, to or for the	3240
intended wearer; duplicating lenses, other than contact lenses,	3241
accurately as to power without a prescription; and duplicating	3242
nonprescription eyewear and parts of eyewear. "Optical	3243
dispensing" does not include selecting frames, placing an order	3244
for the delivery of an optical aid, transacting a sale,	3245
transferring an optical aid to the wearer after an optician has	3246
completed fitting it, or providing instruction in the general	3247
care and use of an optical aid, including placement, removal,	3248
hygiene, or cleaning.	3249
(C) "Licensed dispensing optician" means a person holding	3250
a current, valid license issued under sections <del>4725.47-4725.48</del>	3251
to 4725.51 of the Revised Code that authorizes the person to	3252
engage in optical dispensing. Nothing in this chapter shall be	3253
construed to permit a licensed dispensing optician to alter the	3254
specifications of a prescription.	3255
(D) "Licensed spectacle dispensing optician" means a	3256
licensed dispensing optician authorized to engage in both of the	3257
following:	3258
(1) The dispensing of optical aids other than contact	3259



lenses;	3260
(2) The dispensing of prepackaged soft contact lenses in accordance with section 4725.411 of the Revised Code.	3261 3262
(E) "Licensed contact lens dispensing optician" means a licensed dispensing optician authorized to engage only in the dispensing of contact lenses.	3263 3264 3265
(F) "Licensed spectacle-contact lens dispensing optician" means a licensed dispensing optician authorized to engage in the dispensing of any optical aid.	3266 3267 3268
(G) "Apprentice" means any person dispensing optical aids under the direct supervision of a licensed dispensing optician.	3269 3270
(H) "Prescription" means the written or verbal directions or instructions as specified by a physician or optometrist licensed by any state for preparing an optical aid for a patient.	3271 3272 3273 3274
(I) "Supervision" means the provision of direction and control through personal inspection and evaluation of work.	3275 3276
(J) "Licensed ocularist" means a person holding a current, valid license issued under sections 4725.48 to 4725.51 of the Revised Code to engage in the practice of designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye.	3277 3278 3279 3280 3281
<b>Sec. 4725.41.</b> <del>Beginning one year after March 22, 1979, no</del> <u>No person</u> shall engage in optical dispensing or hold <del>himself</del> <u>self</u> out as being engaged in optical dispensing, <del>except as</del> <del>authorized under section 4725.47 of the Revised Code,</del> unless <del>he</del> <u>the person</u> has fulfilled the requirements of sections 4725.48 to 4725.51 of the Revised Code and has been certified as a licensed	3282 3283 3284 3285 3286 3287

dispensing optician by the ~~Ohio optical dispensers~~ state vision  
and hearing professionals board. 3288  
3289

No person shall engage in the designing, fabricating, and 3290  
fitting of an artificial eye or of prostheses associated with 3291  
the appearance or function of the human eye unless ~~he~~ the person 3292  
is licensed as an ocularist under ~~to~~ sections 4725.48 to 4725.51 3293  
of the Revised Code. 3294

**Sec. 4725.411.** (A) Each licensed spectacle dispensing 3295  
optician shall complete two hours of study in prepackaged soft 3296  
contact lens dispensing approved by the ~~Ohio optical dispensers~~  
state vision and hearing professionals board under section 3297  
4725.51 of the Revised Code. The two hours of study shall be 3298  
completed as follows: 3299  
3300

(1) Each licensed spectacle dispensing optician who holds 3301  
the license on ~~the effective date of this amendment~~ September  
29, 2015, shall complete the two hours of study not later than 3302  
3303  
December 31, 2015. 3304

(2) Each licensed spectacle dispensing optician who 3305  
receives the license after ~~the effective date of this amendment~~  
September 29, 2015, shall complete the two hours of study not 3306  
3307  
later than the thirty-first day of December of the year the 3308  
license is issued. 3309

(B) Beginning January 1, 2016, a licensed spectacle 3310  
dispensing optician may dispense prepackaged soft contact lenses 3311  
if both of the following are the case: 3312

(1) The licensed spectacle dispensing optician has 3313  
completed two hours of study in prepackaged soft contact lens 3314  
dispensing in accordance with division (A) of this section. 3315

(2) The only action necessary is to match the description 3316

of the contact lenses that is on the packaging to a written 3317  
prescription. 3318

**Sec. 4725.44.** (A) ~~The Ohio optical dispensers~~ state vision 3319  
and hearing professionals board shall be responsible for the 3320  
administration of sections 4725.40 to 4725.59 of the Revised 3321  
Code and, in particular, shall process applications for 3322  
licensure as licensed dispensing opticians and ocularists; 3323  
schedule, administer, and supervise the qualifying examinations 3324  
for licensure or contract with a testing service to schedule, 3325  
administer, and supervise the qualifying examination for 3326  
licensure; issue licenses to qualified individuals; and revoke 3327  
and suspend licenses; ~~and maintain adequate records with respect~~ 3328  
~~to its operations and responsibilities.~~ 3329

(B) The board shall adopt, amend, or rescind rules, 3330  
pursuant to Chapter 119. of the Revised Code, for the licensure 3331  
of dispensing opticians and ocularists, and such other rules as 3332  
are required by or necessary to carry out the responsibilities 3333  
imposed by sections 4725.40 to 4725.59 of the Revised Code, 3334  
including rules establishing criminal records check requirements 3335  
under section 4776.03 of the Revised Code and rules establishing 3336  
disqualifying offenses for licensure as a dispensing optician or 3337  
certification as an apprentice dispensing optician pursuant to 3338  
sections 4725.48, 4725.52, 4725.53, and 4776.10 of the Revised 3339  
Code. 3340

(C) The board shall have no authority to adopt rules 3341  
governing the employment of dispensing opticians, the location 3342  
or number of optical stores, advertising of optical products or 3343  
services, or the manner in which optical products can be 3344  
displayed. 3345

**Sec. 4725.48.** (A) Any person who desires to engage in 3346

optical dispensing, ~~except as provided in section 4725.47 of the~~ 3347  
~~Revised Code,~~ shall file a properly completed written 3348  
application for an examination with the ~~Ohio optical dispensers-~~ 3349  
state vision and hearing professionals board or with the testing 3350  
service the board has contracted with pursuant to section 3351  
4725.49 of the Revised Code. The application for examination 3352  
shall be made on a form provided by the board or testing service 3353  
and shall be accompanied by an examination fee the board shall 3354  
establish by rule. Applicants must return the application to the 3355  
board or testing service at least sixty days prior to the date 3356  
the examination is scheduled to be administered. 3357

(B) ~~Except as provided in section 4725.47 of the Revised~~ 3358  
~~Code, any~~ Any person who desires to engage in optical dispensing 3359  
shall file a properly completed written application for a 3360  
license with the board with a licensure application fee of fifty 3361  
dollars. 3362

No person shall be eligible to apply for a license under 3363  
this division, unless the person is at least eighteen years of 3364  
age, is free of contagious or infectious disease, has received a 3365  
passing score, as determined by the board, on the examination 3366  
administered under division (A) of this section, is a graduate 3367  
of an accredited high school of any state, or has received an 3368  
equivalent education and has successfully completed either of 3369  
the following: 3370

(1) Two years of supervised experience under a licensed 3371  
dispensing optician, optometrist, or physician engaged in the 3372  
practice of ophthalmology, up to one year of which may be 3373  
continuous experience of not less than thirty hours a week in an 3374  
optical laboratory; 3375

(2) A two-year college level program in optical dispensing 3376

that has been approved by the board and that includes, but is 3377  
not limited to, courses of study in mathematics, science, 3378  
English, anatomy and physiology of the eye, applied optics, 3379  
ophthalmic optics, measurement and inspection of lenses, lens 3380  
grinding and edging, ophthalmic lens design, keratometry, and 3381  
the fitting and adjusting of spectacle lenses and frames and 3382  
contact lenses, including methods of fitting contact lenses and 3383  
post-fitting care. 3384

(C) Any person who desires to obtain a license to practice 3385  
as an ocularist shall file a properly completed written 3386  
application with the board accompanied by the appropriate fee 3387  
and proof that the applicant has met the requirements for 3388  
licensure. The board shall establish, by rule, the application 3389  
fee and the minimum requirements for licensure, including 3390  
education, examination, or experience standards recognized by 3391  
the board as national standards for ocularists. The board shall 3392  
issue a license to practice as an ocularist to an applicant who 3393  
satisfies the requirements of this division and rules adopted 3394  
pursuant to this division. 3395

(D) (1) Subject to divisions (D) (2), (3), and (4) of this 3396  
section, the board shall not adopt, maintain, renew, or enforce 3397  
any rule that precludes an individual from receiving or renewing 3398  
a license as a dispensing optician issued under sections 4725.40 3399  
to 4725.59 of the Revised Code due to any past criminal activity 3400  
or interpretation of moral character, unless the individual has 3401  
committed a crime of moral turpitude or a disqualifying offense 3402  
as those terms are defined in section 4776.10 of the Revised 3403  
Code. If the board denies an individual a license or license 3404  
renewal, the reasons for such denial shall be put in writing. 3405

(2) Except as otherwise provided in this division, if an 3406

individual applying for a license has been convicted of or 3407  
pleaded guilty to a misdemeanor that is not a crime of moral 3408  
turpitude or a disqualifying offense less than one year prior to 3409  
making the application, the board may use its discretion in 3410  
granting or denying the individual a license. Except as 3411  
otherwise provided in this division, if an individual applying 3412  
for a license has been convicted of or pleaded guilty to a 3413  
felony that is not a crime of moral turpitude or a disqualifying 3414  
offense less than three years prior to making the application, 3415  
the board may use its discretion in granting or denying the 3416  
individual a license. The provisions in this paragraph do not 3417  
apply with respect to any offense unless the board, prior to ~~the~~ 3418  
~~effective date of this amendment~~ September 28, 2012, was 3419  
required or authorized to deny the application based on that 3420  
offense. 3421

In all other circumstances, the board shall follow the 3422  
procedures it adopts by rule that conform to division (D)(1) of 3423  
this section. 3424

(3) In considering a renewal of an individual's license, 3425  
the board shall not consider any conviction or plea of guilty 3426  
prior to the initial licensing. However, the board may consider 3427  
a conviction or plea of guilty if it occurred after the 3428  
individual was initially licensed, or after the most recent 3429  
license renewal. 3430

(4) The board may grant an individual a conditional 3431  
license that lasts for one year. After the one-year period has 3432  
expired, the license is no longer considered conditional, and 3433  
the individual shall be considered fully licensed. 3434

(E) The board, subject to the approval of the controlling 3435  
board, may establish examination fees in excess of the amount 3436

established by rule pursuant to this section, provided that such 3437  
fees do not exceed those amounts established in rule by more 3438  
than fifty per cent. 3439

**Sec. 4725.49.** (A) ~~The Ohio optical dispensers~~ state vision 3440  
and hearing professionals board may provide for the examination 3441  
of applicants by designing, preparing, and administering the 3442  
qualifying examinations or by contracting with a testing service 3443  
that is nationally recognized as being capable of determining 3444  
competence to dispense optical aids as a licensed spectacle 3445  
dispensing optician, a licensed contact lens dispensing 3446  
optician, or a licensed spectacle-contact lens dispensing 3447  
optician. Any examination used shall be designed to measure 3448  
specific performance requirements, be professionally constructed 3449  
and validated, and be independently and objectively administered 3450  
and scored in order to determine the applicant's competence to 3451  
dispense optical aids. 3452

(B) The board shall ensure that it, or the testing service 3453  
it contracts with, does all of the following: 3454

(1) Provides public notice as to the date, time, and place 3455  
for each examination at least ninety days prior to the 3456  
examination; 3457

(2) Offers each qualifying examination at least twice each 3458  
year in Columbus, except as provided in division (C) of this 3459  
section; 3460

(3) Provides to each applicant all forms necessary to 3461  
apply for examination; 3462

(4) Provides all materials and equipment necessary for the 3463  
applicant to take the examination. 3464

(C) If the number of applicants for any qualifying 3465

examination is less than ten, the examination may be postponed. 3466  
The board or testing service shall provide the applicant with 3467  
written notification of the postponement and of the next date 3468  
the examination is scheduled to be administered. 3469

(D) No limitation shall be placed upon the number of times 3470  
that an applicant may repeat any qualifying examination, except 3471  
that, if an applicant fails an examination for a third time, the 3472  
board may require that the applicant, prior to retaking the 3473  
examination, undergo additional study in the areas of the 3474  
examination in which the applicant experienced difficulty. 3475

**Sec. 4725.50.** (A) Except for a person who qualifies for 3476  
licensure as an ocularist, each person who qualifies for 3477  
licensure under sections 4725.40 to 4725.59 of the Revised Code 3478  
shall receive from the ~~Ohio optical dispensers~~ state vision and 3479  
hearing professionals board, under its seal, a certificate of 3480  
licensure entitling the person to practice as a licensed 3481  
spectacle dispensing optician, licensed contact lens dispensing 3482  
optician, or a licensed spectacle-contact lens dispensing 3483  
optician. The appropriate certificate of licensure shall be 3484  
issued by the board no later than sixty days after it has 3485  
notified the applicant of the applicant's approval for 3486  
licensure. 3487

(B) Each licensed dispensing optician shall display the 3488  
licensed dispensing optician's certificate of licensure in a 3489  
conspicuous place in the licensed dispensing optician's office 3490  
or place of business. If a licensed dispensing optician 3491  
maintains more than one office or place of business, the 3492  
licensed dispensing optician shall display a duplicate copy of 3493  
such certificate at each location. The board shall issue 3494  
duplicate copies of the appropriate certificate of licensure for 3495



this purpose upon the filing of an application form therefor and 3496  
the payment of a five-dollar fee for each duplicate copy. 3497

**Sec. 4725.501.** (A) As used in this section, "license" and 3498  
"applicant for an initial license" have the same meanings as in 3499  
section 4776.01 of the Revised Code, except that "license" as 3500  
used in both of those terms refers to the types of 3501  
authorizations otherwise issued or conferred under this chapter. 3502

(B) In addition to any other eligibility requirement set 3503  
forth in this chapter, each applicant for an initial license 3504  
shall comply with sections 4776.01 to 4776.04 of the Revised 3505  
Code. The ~~Ohio optical dispensers~~ state vision and hearing 3506  
professionals board shall not grant a license to an applicant 3507  
for an initial license unless the applicant complies with 3508  
sections 4776.01 to 4776.04 of the Revised Code and the board, 3509  
in its discretion, decides that the results of the criminal 3510  
records check do not make the applicant ineligible for a license 3511  
issued pursuant to section 4725.50 or 4725.57 of the Revised 3512  
Code. 3513

**Sec. 4725.51.** (A) (1) Each license issued under sections 3514  
4725.40 to 4725.59 of the Revised Code shall expire on the first 3515  
day of January in the year after it was issued. Each person 3516  
holding a valid, current license may apply to the ~~Ohio optical~~ 3517  
~~dispensers~~ state vision and hearing professionals board for the 3518  
extension of the license under the standard renewal procedures 3519  
of Chapter 4745. of the Revised Code. Each application for 3520  
renewal shall be accompanied by a renewal fee the board shall 3521  
establish by rule. In addition, except as provided in division 3522  
(A) (2) of this section, the application shall contain evidence 3523  
that the applicant has completed continuing education within the 3524  
immediately preceding one-year period as follows: 3525

(a) Licensed spectacle dispensing opticians shall have	3526
pursued both of the following, approved by the board:	3527
(i) Four hours of study in spectacle dispensing;	3528
(ii) Two hours of study in contact lens dispensing.	3529
(b) Licensed contact lens dispensing opticians shall have	3530
pursued eight hours of study in contact lens dispensing,	3531
approved by the board.	3532
(c) Licensed spectacle-contact lens dispensing opticians	3533
shall have pursued both of the following, approved by the board:	3534
(i) Four hours of study in spectacle dispensing;	3535
(ii) Eight hours of study in contact lens dispensing.	3536
(d) Licensed ocularists shall have pursued courses of	3537
study as prescribed by rule of the board.	3538
(2) An application for the initial renewal of a license	3539
issued under sections 4725.40 to 4725.55 of the Revised Code is	3540
not required to contain evidence that the applicant has	3541
completed the continuing education requirements of division (A)	3542
(1) of this section.	3543
(B) No person who fails to renew the person's license	3544
under division (A) of this section shall be required to take a	3545
qualifying examination under section 4725.48 of the Revised Code	3546
as a condition of renewal, provided that the application for	3547
renewal and proof of the requisite continuing education hours	3548
are submitted within ninety days from the date the license	3549
expired and the applicant pays the annual renewal fee and a	3550
penalty of seventy-five dollars. The board may provide, by rule,	3551
for an extension of the grace period for licensed dispensing	3552
opticians who are serving in the armed forces of the United	3553

States or a reserve component of the armed forces of the United 3554  
States, including the Ohio national guard or the national guard 3555  
of any other state and for waiver of the continuing education 3556  
requirements or the penalty in cases of hardship or illness. 3557

(C) The board shall approve continuing education programs 3558  
and shall adopt rules as necessary for approving the programs. 3559  
The rules shall permit programs to be conducted either in person 3560  
or through electronic or other self-study means. Approved 3561  
programs shall be scheduled, sponsored, and conducted in 3562  
accordance with the board's rules. 3563

(D) Any license given a grandfathered issuance or renewal 3564  
between March 22, 1979, and March 22, 1980, shall be renewed in 3565  
accordance with this section. 3566

**Sec. 4725.52.** Any licensed dispensing optician may 3567  
supervise a maximum of three apprentices who shall be permitted 3568  
to engage in optical dispensing only under the supervision of 3569  
the licensed dispensing optician. 3570

To serve as an apprentice, a person shall register with 3571  
the ~~Ohio optical dispensers~~ state vision and hearing 3572  
professionals board either on a form provided by the board or in 3573  
the form of a statement giving the name and address of the 3574  
supervising licensed dispensing optician, the location at which 3575  
the apprentice will be employed, and any other information 3576  
required by the board. For the duration of the apprenticeship, 3577  
the apprentice shall register annually on the form provided by 3578  
the board or in the form of a statement. 3579

Each apprentice shall pay an initial registration fee of 3580  
twenty dollars. For each registration renewal thereafter, each 3581  
apprentice shall pay a registration renewal fee of twenty 3582

dollars. 3583

The board shall not deny registration as an apprentice 3584  
under this section to any individual based on the individual's 3585  
past criminal history or an interpretation of moral character 3586  
unless the individual has committed a disqualifying offense or 3587  
crime of moral turpitude as those terms are defined in section 3588  
4776.10 of the Revised Code. Except as otherwise provided in 3589  
this division, if an individual applying for a registration has 3590  
been convicted of or pleaded guilty to a misdemeanor that is not 3591  
a crime of moral turpitude or a disqualifying offense less than 3592  
one year prior to making the application, the board may use its 3593  
discretion in granting or denying the individual a registration. 3594  
Except as otherwise provided in this division, if an individual 3595  
applying for a registration has been convicted of or pleaded 3596  
guilty to a felony that is not a crime of moral turpitude or a 3597  
disqualifying offense less than three years prior to making the 3598  
application, the board may use its discretion in granting or 3599  
denying the individual a registration. The provisions in this 3600  
paragraph do not apply with respect to any offense unless the 3601  
board, prior to ~~the effective date of this amendment~~ September 3602  
28, 2012, was required or authorized to deny the registration 3603  
based on that offense. 3604

In all other circumstances, the board shall follow the 3605  
procedures it adopts by rule that conform to this section. In 3606  
considering a renewal of an individual's registration, the board 3607  
shall not consider any conviction or plea of guilty prior to the 3608  
initial registration. However, the board may consider a 3609  
conviction or plea of guilty if it occurred after the individual 3610  
was initially registered, or after the most recent registration 3611  
renewal. If the board denies an individual for a registration or 3612  
registration renewal, the reasons for such denial shall be put 3613

in writing. Additionally, the board may grant an individual a 3614  
conditional registration that lasts for one year. After the one- 3615  
year period has expired, the registration is no longer 3616  
considered conditional, and the individual shall be considered 3617  
fully registered. 3618

A person who is gaining experience under the supervision 3619  
of a licensed optometrist or ophthalmologist that would qualify 3620  
the person under division (B) (1) of section 4725.48 of the 3621  
Revised Code to take the examination for optical dispensing is 3622  
not required to register with the board. 3623

**Sec. 4725.53.** (A) The Ohio optical dispensers state vision 3624  
and hearing professionals board, by a majority vote of its 3625  
members, may refuse to grant a license and, in accordance with 3626  
Chapter 119. of the Revised Code, may suspend or revoke the 3627  
license of a licensed dispensing optician or impose a fine or 3628  
order restitution pursuant to division (B) of this section on 3629  
any of the following grounds: 3630

(1) Conviction of a crime involving moral turpitude or a 3631  
disqualifying offense as those terms are defined in section 3632  
4776.10 of the Revised Code; 3633

(2) Obtaining or attempting to obtain a license by fraud 3634  
or deception; 3635

(3) Obtaining any fee or making any sale of an optical aid 3636  
by means of fraud or misrepresentation; 3637

(4) Habitual indulgence in the use of controlled 3638  
substances or other habit-forming drugs, or in the use of 3639  
alcoholic liquors to an extent that affects professional 3640  
competency; 3641

(5) Finding by a court of competent jurisdiction that the 3642

applicant or licensee is incompetent by reason of mental illness 3643  
and no subsequent finding by the court of competency; 3644

(6) Finding by a court of law that the licensee is guilty 3645  
of incompetence or negligence in the dispensing of optical aids; 3646

(7) Knowingly permitting or employing a person whose 3647  
license has been suspended or revoked or an unlicensed person to 3648  
engage in optical dispensing; 3649

(8) Permitting another person to use the licensee's 3650  
license; 3651

(9) Engaging in optical dispensing not pursuant to the 3652  
prescription of a licensed physician or licensed optometrist, 3653  
but nothing in this section shall prohibit the duplication or 3654  
replacement of previously prepared optical aids, except contact 3655  
lenses shall not be duplicated or replaced without a written 3656  
prescription; 3657

(10) Violation of sections 4725.40 to 4725.59 of the 3658  
Revised Code; 3659

(11) Waiving the payment of all or any part of a 3660  
deductible or copayment that a patient, pursuant to a health 3661  
insurance or health care policy, contract, or plan that covers 3662  
optical dispensing services, would otherwise be required to pay 3663  
if the waiver is used as an enticement to a patient or group of 3664  
patients to receive health care services from that provider; 3665

(12) Advertising that the licensee will waive the payment 3666  
of all or any part of a deductible or copayment that a patient, 3667  
pursuant to a health insurance or health care policy, contract, 3668  
or plan that covers optical dispensing services, would otherwise 3669  
be required to pay; 3670

(13) Violating the code of ethical conduct adopted under 3671  
section 4744.50 of the Revised Code. 3672

(B) The board may impose a fine of not more than five 3673  
hundred dollars for a first occurrence of an action that is 3674  
grounds for discipline under this section and of not less than 3675  
five hundred nor more than one thousand dollars for a subsequent 3676  
occurrence, or may order the licensee to make restitution to a 3677  
person who has suffered a financial loss as a result of the 3678  
licensee's failure to comply with sections 4725.40 to 4725.59 of 3679  
the Revised Code. 3680

(C) Notwithstanding divisions (A) (11) and (12) of this 3681  
section, sanctions shall not be imposed against any licensee who 3682  
waives deductibles and copayments: 3683

(1) In compliance with the health benefit plan that 3684  
expressly allows such a practice. Waiver of the deductibles or 3685  
copays shall be made only with the full knowledge and consent of 3686  
the plan purchaser, payer, and third-party administrator. Such 3687  
consent shall be made available to the board upon request. 3688

(2) For professional services rendered to any other person 3689  
licensed pursuant to this chapter to the extent allowed by this 3690  
chapter and the rules of the board. 3691

**Sec. 4725.531.** On receipt of a notice pursuant to section 3692  
3123.43 of the Revised Code, the ~~Ohio optical dispensers state~~ 3693  
vision and hearing professionals board shall comply with 3694  
sections 3123.41 to 3123.50 of the Revised Code and any 3695  
applicable rules adopted under section 3123.63 of the Revised 3696  
Code with respect to a license issued by the board pursuant to 3697  
this chapter. 3698

**Sec. 4725.54.** (A) Any person having knowledge of a 3699

violation of sections 4725.40 to 4725.59 of the Revised Code by 3700  
a licensed dispensing optician or an apprentice, or of any other 3701  
ground specified in section 4725.53 of the Revised Code for 3702  
denying, suspending, or revoking a license, may submit a written 3703  
complaint, specifying the precise violations or grounds, to the 3704  
~~Ohio optical dispensers~~ state vision and hearing professionals 3705  
board. If the board determines, in accordance with the 3706  
procedures of Chapter 119. of the Revised Code, that the charges 3707  
are sustained by the evidence presented, it may suspend or 3708  
revoke the license of the person against whom the charges were 3709  
preferred. 3710

(B) If the board discovers or is informed that any person 3711  
is or has been engaged in optical dispensing without having 3712  
received a license under sections 4725.40 to 4725.59 of the 3713  
Revised Code, it shall inform the prosecuting attorney for the 3714  
county in which the alleged unlicensed activity took place. The 3715  
prosecuting attorney shall take all legal action necessary to 3716  
terminate such illegal practice of optical dispensing and to 3717  
prosecute the offender under section 4725.41 of the Revised 3718  
Code. 3719

(C) In addition to other remedies provided in this 3720  
chapter, the board may request the attorney general or the 3721  
prosecuting attorney of a county in which a violation of 3722  
sections 4725.40 to 4725.59 of the Revised Code occurs to apply 3723  
to the court of common pleas of the county for an injunction to 3724  
restrain the activity that constitutes a violation. 3725

**Sec. 4725.55.** No person shall do any of the following: 3726

(A) Sell or barter, or offer to sell or barter, a 3727  
certificate of licensure as a dispensing optician issued under 3728  
sections 4725.40 to 4725.59 of the Revised Code; 3729



(B) Use, or attempt to use, a license which is illegally 3730  
purchased or acquired under division (A) of this section, 3731  
obtained by fraud or deception, counterfeited, materially 3732  
altered or otherwise modified without prior approval of the ~~Ohio-~~ 3733  
~~optical dispensers-~~state vision and hearing professionals board, 3734  
or suspended or revoked under section 4725.53 or 4725.54 of the 3735  
Revised Code; 3736

(C) Materially alter or otherwise modify a license in any 3737  
manner, unless authorized by the ~~Ohio-optical dispensers-~~state 3738  
vision and hearing professionals board; 3739

(D) Willfully and knowingly make any false statement in an 3740  
application required under sections 4725.40 to 4725.59 of the 3741  
Revised Code. 3742

**Sec. 4725.57.** An applicant for licensure as a licensed 3743  
dispensing optician who is licensed or registered in another 3744  
state shall be accorded the full privileges of practice within 3745  
this state, upon the payment of a fifty-dollar fee and the 3746  
submission of a certified copy of the license or certificate 3747  
issued by such other state, without the necessity of 3748  
examination, if the state vision and hearing professionals board 3749  
determines that the applicant meets the remaining requirements 3750  
of division (B) of section 4725.48 of the Revised Code. The 3751  
board may require that the applicant have received a passing 3752  
score, as determined by the board, on an examination that is 3753  
substantially the same as the examination described in division 3754  
(A) of section 4725.48 of the Revised Code. 3755

**Sec. 4725.61.** The state ~~board of optometry and the Ohio-~~ 3756  
~~optical dispensers-~~vision and hearing professionals board shall 3757  
comply with section 4776.20 of the Revised Code. 3758

Sec. 4729.021. The state board of pharmacy shall license 3759  
and register home medical equipment services providers under 3760  
Chapter 4752. of the Revised Code and shall administer and 3761  
enforce that chapter. 3762

**Sec. 4729.85.** If the state board of pharmacy establishes 3763  
and maintains a drug database pursuant to section 4729.75 of the 3764  
Revised Code, the board shall prepare reports regarding the 3765  
database and present or submit them in accordance with both of 3766  
the following: 3767

(A) The board shall present a biennial report to the 3768  
standing committees of the house of representatives and the 3769  
senate that are primarily responsible for considering health and 3770  
human services issues. Each report shall include all of the 3771  
following: 3772

(1) The cost to the state of establishing and maintaining 3773  
the database; 3774

(2) Information from the board, terminal distributors of 3775  
dangerous drugs, prescribers, and retail dispensaries licensed 3776  
under Chapter 3796. of the Revised Code regarding the board's 3777  
effectiveness in providing information from the database; 3778

(3) The board's timeliness in transmitting information 3779  
from the database. 3780

(B) The board shall submit a semiannual report to the 3781  
governor, the president of the senate, the speaker of the house 3782  
of representatives, the attorney general, the chairpersons of 3783  
the standing committees of the house of representatives and the 3784  
senate that are primarily responsible for considering health and 3785  
human services issues, the department of public safety, the 3786  
state dental board, the board of nursing, the state ~~board of~~ 3787

~~optometry vision and hearing professionals board~~, the state 3788  
medical board, and the state veterinary medical licensing board. 3789  
The state board of pharmacy shall make the report available to 3790  
the public on its internet web site. Each report submitted shall 3791  
include all of the following for the period covered by the 3792  
report: 3793

(1) An aggregate of the information submitted to the board 3794  
under section 4729.77 of the Revised Code regarding 3795  
prescriptions for controlled substances containing opioids, 3796  
including all of the following: 3797

(a) The number of prescribers who issued the 3798  
prescriptions; 3799

(b) The number of patients to whom the controlled 3800  
substances were dispensed; 3801

(c) The average quantity of the controlled substances 3802  
dispensed per prescription; 3803

(d) The average daily morphine equivalent dose of the 3804  
controlled substances dispensed per prescription. 3805

(2) An aggregate of the information submitted to the board 3806  
under section 4729.79 of the Revised Code regarding controlled 3807  
substances containing opioids that have been personally 3808  
furnished to a patient by a prescriber, other than a prescriber 3809  
who is a veterinarian, including all of the following: 3810

(a) The number of prescribers who personally furnished the 3811  
controlled substances; 3812

(b) The number of patients to whom the controlled 3813  
substances were personally furnished; 3814

(c) The average quantity of the controlled substances that 3815

were furnished at one time; 3816

(d) The average daily morphine equivalent dose of the 3817  
controlled substances that were furnished at one time. 3818

(3) An aggregate of the information submitted to the board 3819  
under section 4729.771 of the Revised Code regarding medical 3820  
marijuana. 3821

**Sec. 4731.051.** The state medical board shall adopt rules 3822  
in accordance with Chapter 119. of the Revised Code establishing 3823  
universal blood and body fluid precautions that shall be used by 3824  
each person who performs exposure prone invasive procedures and 3825  
is authorized to practice by this chapter or Chapter 4730., 3826  
4759., 4760., 4761., 4762., or 4774. of the Revised Code. The 3827  
rules shall define and establish requirements for universal 3828  
blood and body fluid precautions that include the following: 3829

(A) Appropriate use of hand washing; 3830

(B) Disinfection and sterilization of equipment; 3831

(C) Handling and disposal of needles and other sharp 3832  
instruments; 3833

(D) Wearing and disposal of gloves and other protective 3834  
garments and devices. 3835

**Sec. 4731.07.** (A) The state medical board shall keep a 3836  
record of its proceedings. The minutes of a meeting of the board 3837  
shall, on approval by the board, constitute an official record 3838  
of its proceedings. 3839

(B) The board shall keep a register of applicants for 3840  
certificates to practice issued under this chapter and Chapters 3841  
4760., 4762., and 4774. of the Revised Code and licenses issued 3842  
under Chapters 4730., 4759., 4761., and 4778. of the Revised 3843

Code. The register shall show the name of the applicant and 3844  
whether the applicant was granted or refused a certificate or 3845  
license. With respect to applicants to practice medicine and 3846  
surgery or osteopathic medicine and surgery, the register shall 3847  
show the name of the institution that granted the applicant the 3848  
degree of doctor of medicine or osteopathic medicine. With 3849  
respect to applicants to practice respiratory care, the register 3850  
shall show the addresses of the person's last known place of 3851  
business and residence, the effective date and identification 3852  
number of the license, the name and location of the institution 3853  
that granted the person's degree or certificate of completion of 3854  
respiratory care educational requirements, and the date the 3855  
degree or certificate was issued. The books and records of the 3856  
board shall be prima-facie evidence of matters therein 3857  
contained. 3858

**Sec. 4731.071.** The state medical board shall develop and 3859  
publish on its internet web site a directory containing the 3860  
names of, and contact information for, all persons who hold 3861  
current, valid certificates or licenses issued by the board 3862  
under this chapter or Chapter 4730., 4759., 4760., 4761., 4762., 3863  
4774., or 4778. of the Revised Code. Except as provided in 3864  
section 4731.10 of the Revised Code, the directory shall be the 3865  
sole source for verifying that a person holds a current, valid 3866  
certificate or license issued by the board. 3867

**Sec. 4731.224.** (A) Within sixty days after the imposition 3868  
of any formal disciplinary action taken by any health care 3869  
facility, including a hospital, health care facility operated by 3870  
a health insuring corporation, ambulatory surgical center, or 3871  
similar facility, against any individual holding a valid 3872  
certificate to practice issued pursuant to this chapter, the 3873  
chief administrator or executive officer of the facility shall 3874

report to the state medical board the name of the individual, 3875  
the action taken by the facility, and a summary of the 3876  
underlying facts leading to the action taken. Upon request, the 3877  
board shall be provided certified copies of the patient records 3878  
that were the basis for the facility's action. Prior to release 3879  
to the board, the summary shall be approved by the peer review 3880  
committee that reviewed the case or by the governing board of 3881  
the facility. As used in this division, "formal disciplinary 3882  
action" means any action resulting in the revocation, 3883  
restriction, reduction, or termination of clinical privileges 3884  
for violations of professional ethics, or for reasons of medical 3885  
incompetence, medical malpractice, or drug or alcohol abuse. 3886  
"Formal disciplinary action" includes a summary action, an 3887  
action that takes effect notwithstanding any appeal rights that 3888  
may exist, and an action that results in an individual 3889  
surrendering clinical privileges while under investigation and 3890  
during proceedings regarding the action being taken or in return 3891  
for not being investigated or having proceedings held. "Formal 3892  
disciplinary action" does not include any action taken for the 3893  
sole reason of failure to maintain records on a timely basis or 3894  
failure to attend staff or section meetings. 3895

The filing or nonfiling of a report with the board, 3896  
investigation by the board, or any disciplinary action taken by 3897  
the board, shall not preclude any action by a health care 3898  
facility to suspend, restrict, or revoke the individual's 3899  
clinical privileges. 3900

In the absence of fraud or bad faith, no individual or 3901  
entity that provides patient records to the board shall be 3902  
liable in damages to any person as a result of providing the 3903  
records. 3904

(B) If any individual authorized to practice under this 3905  
chapter or any professional association or society of such 3906  
individuals believes that a violation of any provision of this 3907  
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4774., or 3908  
4778. of the Revised Code, or any rule of the board has 3909  
occurred, the individual, association, or society shall report 3910  
to the board the information upon which the belief is based. 3911  
This division does not require any treatment provider approved 3912  
by the board under section 4731.25 of the Revised Code or any 3913  
employee, agent, or representative of such a provider to make 3914  
reports with respect to an impaired practitioner participating 3915  
in treatment or aftercare for substance abuse as long as the 3916  
practitioner maintains participation in accordance with the 3917  
requirements of section 4731.25 of the Revised Code, and as long 3918  
as the treatment provider or employee, agent, or representative 3919  
of the provider has no reason to believe that the practitioner 3920  
has violated any provision of this chapter or any rule adopted 3921  
under it, other than the provisions of division (B) (26) of 3922  
section 4731.22 of the Revised Code. This division does not 3923  
require reporting by any member of an impaired practitioner 3924  
committee established by a health care facility or by any 3925  
representative or agent of a committee or program sponsored by a 3926  
professional association or society of individuals authorized to 3927  
practice under this chapter to provide peer assistance to 3928  
practitioners with substance abuse problems with respect to a 3929  
practitioner who has been referred for examination to a 3930  
treatment program approved by the board under section 4731.25 of 3931  
the Revised Code if the practitioner cooperates with the 3932  
referral for examination and with any determination that the 3933  
practitioner should enter treatment and as long as the committee 3934  
member, representative, or agent has no reason to believe that 3935  
the practitioner has ceased to participate in the treatment 3936

program in accordance with section 4731.25 of the Revised Code 3937  
or has violated any provision of this chapter or any rule 3938  
adopted under it, other than the provisions of division (B) (26) 3939  
of section 4731.22 of the Revised Code. 3940

(C) Any professional association or society composed 3941  
primarily of doctors of medicine and surgery, doctors of 3942  
osteopathic medicine and surgery, doctors of podiatric medicine 3943  
and surgery, or practitioners of limited branches of medicine 3944  
that suspends or revokes an individual's membership for 3945  
violations of professional ethics, or for reasons of 3946  
professional incompetence or professional malpractice, within 3947  
sixty days after a final decision shall report to the board, on 3948  
forms prescribed and provided by the board, the name of the 3949  
individual, the action taken by the professional organization, 3950  
and a summary of the underlying facts leading to the action 3951  
taken. 3952

The filing of a report with the board or decision not to 3953  
file a report, investigation by the board, or any disciplinary 3954  
action taken by the board, does not preclude a professional 3955  
organization from taking disciplinary action against an 3956  
individual. 3957

(D) Any insurer providing professional liability insurance 3958  
to an individual authorized to practice under this chapter, or 3959  
any other entity that seeks to indemnify the professional 3960  
liability of such an individual, shall notify the board within 3961  
thirty days after the final disposition of any written claim for 3962  
damages where such disposition results in a payment exceeding 3963  
twenty-five thousand dollars. The notice shall contain the 3964  
following information: 3965

(1) The name and address of the person submitting the 3966



notification; 3967

(2) The name and address of the insured who is the subject 3968  
of the claim; 3969

(3) The name of the person filing the written claim; 3970

(4) The date of final disposition; 3971

(5) If applicable, the identity of the court in which the 3972  
final disposition of the claim took place. 3973

(E) The board may investigate possible violations of this 3974  
chapter or the rules adopted under it that are brought to its 3975  
attention as a result of the reporting requirements of this 3976  
section, except that the board shall conduct an investigation if 3977  
a possible violation involves repeated malpractice. As used in 3978  
this division, "repeated malpractice" means three or more claims 3979  
for medical malpractice within the previous five-year period, 3980  
each resulting in a judgment or settlement in excess of twenty- 3981  
five thousand dollars in favor of the claimant, and each 3982  
involving negligent conduct by the practicing individual. 3983

(F) All summaries, reports, and records received and 3984  
maintained by the board pursuant to this section shall be held 3985  
in confidence and shall not be subject to discovery or 3986  
introduction in evidence in any federal or state civil action 3987  
involving a health care professional or facility arising out of 3988  
matters that are the subject of the reporting required by this 3989  
section. The board may use the information obtained only as the 3990  
basis for an investigation, as evidence in a disciplinary 3991  
hearing against an individual whose practice is regulated under 3992  
this chapter, or in any subsequent trial or appeal of a board 3993  
action or order. 3994

The board may disclose the summaries and reports it 3995

receives under this section only to health care facility 3996  
committees within or outside this state that are involved in 3997  
credentialing or recredentialing the individual or in reviewing 3998  
the individual's clinical privileges. The board shall indicate 3999  
whether or not the information has been verified. Information 4000  
transmitted by the board shall be subject to the same 4001  
confidentiality provisions as when maintained by the board. 4002

(G) Except for reports filed by an individual pursuant to 4003  
division (B) of this section, the board shall send a copy of any 4004  
reports or summaries it receives pursuant to this section to the 4005  
individual who is the subject of the reports or summaries. The 4006  
individual shall have the right to file a statement with the 4007  
board concerning the correctness or relevance of the 4008  
information. The statement shall at all times accompany that 4009  
part of the record in contention. 4010

(H) An individual or entity that, pursuant to this 4011  
section, reports to the board or refers an impaired practitioner 4012  
to a treatment provider approved by the board under section 4013  
4731.25 of the Revised Code shall not be subject to suit for 4014  
civil damages as a result of the report, referral, or provision 4015  
of the information. 4016

(I) In the absence of fraud or bad faith, no professional 4017  
association or society of individuals authorized to practice 4018  
under this chapter that sponsors a committee or program to 4019  
provide peer assistance to practitioners with substance abuse 4020  
problems, no representative or agent of such a committee or 4021  
program, and no member of the state medical board shall be held 4022  
liable in damages to any person by reason of actions taken to 4023  
refer a practitioner to a treatment provider approved under 4024  
section 4731.25 of the Revised Code for examination or 4025

treatment. 4026

**Sec. 4731.24.** Except as provided in sections 4731.281 and 4027  
4731.40 of the Revised Code, all receipts of the state medical 4028  
board, from any source, shall be deposited in the state 4029  
treasury. The funds shall be deposited to the credit of the 4030  
state medical board operating fund, which is hereby created. 4031  
Except as provided in sections 4730.252, 4731.225, 4731.24, 4032  
4760.133, 4762.133, 4774.133, and 4778.141 of the Revised Code, 4033  
all funds deposited into the state treasury under this section 4034  
shall be used solely for the administration and enforcement of 4035  
this chapter and Chapters 4730., 4759., 4760., 4761., 4762., 4036  
4774., and 4778. of the Revised Code by the board. 4037

**Sec. 4731.25.** The state medical board, in accordance with 4038  
Chapter 119. of the Revised Code, shall adopt and may amend and 4039  
rescind rules establishing standards for approval of physicians 4040  
and facilities as treatment providers for impaired practitioners 4041  
who are regulated under this chapter or Chapter 4730., 4759., 4042  
4760., 4761., 4762., 4774., or 4778. of the Revised Code. The 4043  
rules shall include standards for both inpatient and outpatient 4044  
treatment. The rules shall provide that in order to be approved, 4045  
a treatment provider must have the capability of making an 4046  
initial examination to determine what type of treatment an 4047  
impaired practitioner requires. Subject to the rules, the board 4048  
shall review and approve treatment providers on a regular basis. 4049  
The board, at its discretion, may withdraw or deny approval 4050  
subject to the rules. 4051

An approved impaired practitioner treatment provider 4052  
shall: 4053

(A) Report to the board the name of any practitioner 4054  
suffering or showing evidence of suffering impairment as 4055

described in division (B) (5) of section 4730.25 of the Revised Code, division (B) (26) of section 4731.22 of the Revised Code, division (A) (4) of section 4759.07 of the Revised Code, division (B) (6) of section 4760.13 of the Revised Code, division (B) (6) of section 4762.13 of the Revised Code, division (B) (6) of section 4774.13 of the Revised Code, or division (B) (6) of section 4778.14 of the Revised Code who fails to comply within one week with a referral for examination;

(B) Report to the board the name of any impaired practitioner who fails to enter treatment within forty-eight hours following the provider's determination that the practitioner needs treatment;

(C) Require every practitioner who enters treatment to agree to a treatment contract establishing the terms of treatment and aftercare, including any required supervision or restrictions of practice during treatment or aftercare;

(D) Require a practitioner to suspend practice upon entry into any required inpatient treatment;

(E) Report to the board any failure by an impaired practitioner to comply with the terms of the treatment contract during inpatient or outpatient treatment or aftercare;

(F) Report to the board the resumption of practice of any impaired practitioner before the treatment provider has made a clear determination that the practitioner is capable of practicing according to acceptable and prevailing standards of care;

(G) Require a practitioner who resumes practice after completion of treatment to comply with an aftercare contract that meets the requirements of rules adopted by the board for

approval of treatment providers; 4085

(H) Report the identity of any practitioner practicing 4086  
under the terms of an aftercare contract to hospital 4087  
administrators, medical chiefs of staff, and chairpersons of 4088  
impaired practitioner committees of all health care institutions 4089  
at which the practitioner holds clinical privileges or otherwise 4090  
practices. If the practitioner does not hold clinical privileges 4091  
at any health care institution, the treatment provider shall 4092  
report the practitioner's identity to the impaired practitioner 4093  
committee of the county medical society, osteopathic academy, or 4094  
podiatric medical association in every county in which the 4095  
practitioner practices. If there are no impaired practitioner 4096  
committees in the county, the treatment provider shall report 4097  
the practitioner's identity to the president or other designated 4098  
member of the county medical society, osteopathic academy, or 4099  
podiatric medical association. 4100

(I) Report to the board the identity of any practitioner 4101  
who suffers a relapse at any time during or following aftercare. 4102

Any individual authorized to practice under this chapter 4103  
who enters into treatment by an approved treatment provider 4104  
shall be deemed to have waived any confidentiality requirements 4105  
that would otherwise prevent the treatment provider from making 4106  
reports required under this section. 4107

In the absence of fraud or bad faith, no person or 4108  
organization that conducts an approved impaired practitioner 4109  
treatment program, no member of such an organization, and no 4110  
employee, representative, or agent of the treatment provider 4111  
shall be held liable in damages to any person by reason of 4112  
actions taken or recommendations made by the treatment provider 4113  
or its employees, representatives, or agents. 4114

**Sec. 4732.01.** As used in this chapter: 4115

(A) "Psychologist" means any person who holds self out to 4116  
the public by any title or description of services incorporating 4117  
the words "psychologic," "psychological," "psychologist," 4118  
"psychology," or any other terms that imply the person is 4119  
trained, experienced, or an expert in the field of psychology. 4120

(B) "The practice of psychology" means rendering or 4121  
offering to render to individuals, groups, organizations, or the 4122  
public any service involving the application of psychological 4123  
procedures to assessment, diagnosis, prevention, treatment, or 4124  
amelioration of psychological problems or emotional or mental 4125  
disorders of individuals or groups; or to the assessment or 4126  
improvement of psychological adjustment or functioning of 4127  
individuals or groups, whether or not there is a diagnosable 4128  
pre-existing psychological problem. Practice of psychology 4129  
includes the practice of school psychology. For purposes of this 4130  
chapter, teaching or research shall not be regarded as the 4131  
practice of psychology, even when dealing with psychological 4132  
subject matter, provided it does not otherwise involve the 4133  
professional practice of psychology in which an individual's 4134  
welfare is directly affected by the application of psychological 4135  
procedures. 4136

(C) "Psychological procedures" include but are not 4137  
restricted to application of principles, methods, or procedures 4138  
of understanding, predicting, or influencing behavior, such as 4139  
the principles pertaining to learning, conditioning, perception, 4140  
motivation, thinking, emotions, or interpersonal relationships; 4141  
the methods or procedures of verbal interaction, interviewing, 4142  
counseling, behavior modification, environmental manipulation, 4143  
group process, psychological psychotherapy, or hypnosis; and the 4144

methods or procedures of administering or interpreting tests of 4145  
mental abilities, aptitudes, interests, attitudes, personality 4146  
characteristics, emotions, or motivation. 4147

(D) "School psychologist" means any person who holds self 4148  
out to the public by any title or description of services 4149  
incorporating the words "school psychologist" or "school 4150  
psychology," or who holds self out to be trained, experienced, 4151  
or an expert in the practice of school psychology. 4152

(E) "Practice of school psychology" means rendering or 4153  
offering to render to individuals, groups, organizations, or the 4154  
public any of the following services: 4155

(1) Evaluation, diagnosis, or test interpretation limited 4156  
to assessment of intellectual ability, learning patterns, 4157  
achievement, motivation, behavior, or personality factors 4158  
directly related to learning problems; 4159

(2) Intervention services, including counseling, for 4160  
children or adults for amelioration or prevention of 4161  
educationally related learning problems, including emotional and 4162  
behavioral aspects of such problems; 4163

(3) Psychological, educational, or vocational consultation 4164  
or direct educational services. This does not include industrial 4165  
consultation or counseling services to clients undergoing 4166  
vocational rehabilitation. 4167

(F) "Licensed psychologist" means an individual holding a 4168  
current, valid license to practice psychology issued under 4169  
section 4732.12 or 4732.15 of the Revised Code. 4170

(G) "School psychologist licensed by the state behavioral 4171  
health professionals board of psychology" means an individual 4172  
holding a current, valid license to practice school psychology 4173

issued under section 4732.12 or 4732.15 of the Revised Code. 4174

(H) "School psychologist licensed by the state board of 4175  
education" means an individual holding a current, valid school 4176  
psychologist license issued under rules adopted under section 4177  
3319.22 of the Revised Code. 4178

(I) "Mental health professional" and "mental health 4179  
service" have the same meanings as in section 2305.51 of the 4180  
Revised Code. 4181

(J) "Telepsychology" means the practice of psychology or 4182  
school psychology by distance communication technology, 4183  
including telephone, electronic mail, internet-based 4184  
communications, and video conferencing. 4185

**Sec. 4732.09.** Each person who desires to practice 4186  
psychology or school psychology shall file with the executive 4187  
director of the state behavioral health professionals board of ~~of~~ 4188  
~~psychology a written an~~ application, under oath, on a form 4189  
prescribed by the board. 4190

**Sec. 4732.091.** (A) As used in this section, "license" and 4191  
"applicant for an initial license" have the same meanings as in 4192  
section 4776.01 of the Revised Code, except that "license" as 4193  
used in both of those terms refers to the types of 4194  
authorizations otherwise issued or conferred under this chapter. 4195

(B) In addition to any other eligibility requirement set 4196  
forth in this chapter, each applicant for an initial license 4197  
shall comply with sections 4776.01 to 4776.04 of the Revised 4198  
Code. The state behavioral health professionals board of ~~of~~ 4199  
~~psychology~~ shall not grant a license to an applicant for an 4200  
initial license unless the applicant complies with sections 4201  
4776.01 to 4776.04 of the Revised Code and the board, in its 4202



discretion, decides that the results of the criminal records 4203  
check do not make the applicant ineligible for a license issued 4204  
pursuant to section 4732.14 of the Revised Code. 4205

**Sec. 4732.10.** (A) The state behavioral health 4206  
professionals board of psychology shall appoint an entrance 4207  
examiner who shall determine the sufficiency of an applicant's 4208  
qualifications for admission to the appropriate examination. A 4209  
member of the board or the executive director may be appointed 4210  
as the entrance examiner. 4211

(B) Requirements for admission to examination for a 4212  
psychologist license shall be that the applicant: 4213

(1) Is at least twenty-one years of age; 4214

(2) Is of good moral character; 4215

(3) Meets one of the following requirements: 4216

(a) Received an earned doctoral degree from an institution 4217  
accredited or recognized by a national or regional accrediting 4218  
agency and a program accredited by any of the following: 4219

(i) The American psychological association, office of 4220  
program consultation and accreditation; 4221

(ii) The accreditation office of the Canadian 4222  
psychological association; 4223

(iii) A program listed by the association of state and 4224  
provincial psychology boards/national register designation 4225  
committee; 4226

(iv) The national association of school psychologists. 4227

(b) Received an earned doctoral degree in psychology or 4228  
school psychology from an institution accredited or recognized 4229

by a national or regional accrediting agency but the program 4230  
does not meet the program accreditation requirements of division 4231  
(B) (3) (a) of this section; 4232

(c) Received from an academic institution outside of the 4233  
United States or Canada a degree determined, under rules adopted 4234  
by the board under division (E) of this section, to be 4235  
equivalent to a doctoral degree in psychology from a program 4236  
described in division (B) (3) (a) of this section; 4237

(d) Held a psychologist license, certificate, or 4238  
registration required for practice in another United States or 4239  
Canadian jurisdiction for a minimum of ten years and meets 4240  
educational, experience, and professional requirements 4241  
established under rules adopted by the board. 4242

(4) Has had at least two years of supervised professional 4243  
experience in psychological work of a type satisfactory to the 4244  
board, at least one year of which must be a predoctoral 4245  
internship. The board shall adopt guidelines for the kind of 4246  
supervised professional experience that fulfill this 4247  
requirement. 4248

(5) If applying under division (B) (3) (b) or (c) of this 4249  
section, has had at least two years of supervised professional 4250  
experience in psychological work of a type satisfactory to the 4251  
board, at least one year of which must be postdoctoral. The 4252  
board shall adopt guidelines for the kind of supervised 4253  
professional experience that fulfill this requirement. 4254

(C) Requirements for admission to examination for a school 4255  
psychologist license shall be that the applicant: 4256

(1) Has received from an educational institution 4257  
accredited or recognized by national or regional accrediting 4258

agencies as maintaining satisfactory standards, including those 4259  
approved by the state board of education for the training of 4260  
school psychologists, at least a master's degree in school 4261  
psychology, or a degree considered equivalent by the board; 4262

(2) Is at least twenty-one years of age; 4263

(3) Is of good moral character; 4264

(4) Has completed at least sixty quarter hours, or the 4265  
semester hours equivalent, at the graduate level, of accredited 4266  
study in course work relevant to the study of school psychology; 4267

(5) Has completed an internship in an educational 4268  
institution approved by the Ohio department of education for 4269  
school psychology supervised experience or one year of other 4270  
training experience acceptable to the board, such as supervised 4271  
professional experience under the direction of a licensed 4272  
psychologist or licensed school psychologist; 4273

(6) Furnishes proof of at least twenty-seven months, 4274  
exclusive of internship, of full-time experience as a 4275  
certificated school psychologist employed by a board of 4276  
education or a private school meeting the standards prescribed 4277  
by the state board of education, or of experience that the board 4278  
deems equivalent. 4279

(D) If the entrance examiner finds that the applicant 4280  
meets the requirements set forth in this section, the applicant 4281  
shall be admitted to the appropriate examination. 4282

(E) The board shall adopt under Chapter 119. of the 4283  
Revised Code rules for determining for the purposes of division 4284  
(B) (3) (b) of this section whether a degree is equivalent to a 4285  
degree in psychology from an institution in the United States. 4286

**Sec. 4732.11.** (A) (1) Each applicant for a license to 4287  
practice as a psychologist shall be required to earn a score 4288  
acceptable to the state behavioral health professionals board ~~of~~ 4289  
~~psychology~~ on an examination selected by the board. The 4290  
applicant shall follow all necessary procedures and pay all 4291  
necessary fees for the examination. An applicant who fails to 4292  
earn a score acceptable to the board may be admitted to a 4293  
subsequent examination no less than thirty days after the 4294  
initial examination. After failing to earn a passing score three 4295  
consecutive times, an applicant may not be admitted to the 4296  
examination for a period of six months following the third 4297  
examination attempt. An applicant who fails to achieve an 4298  
acceptable score in nine attempts is not eligible for additional 4299  
admissions to the examination, and the application shall be 4300  
permanently closed. 4301

An applicant who achieves an acceptable score on the 4302  
examination selected by the board as a candidate in another 4303  
state or Canadian province before or after submitting an 4304  
application to the board must cause the score to be submitted 4305  
directly to the board's executive director. 4306

(2) The board may also require that an applicant for a 4307  
license to practice as a psychologist earn a passing score on an 4308  
examination that covers one or more of the following: 4309

- (a) Chapter 4732. of the Revised Code; 4310
- (b) Rules promulgated under Chapter 4732. of the Revised 4311  
Code; 4312
- (c) Related provisions of the Revised Code; 4313
- (d) Professional ethical principles; 4314
- (e) Professional standards of care. 4315

The examination may be administered orally or in writing 4316  
in accordance with rules adopted by the board. 4317

(B) (1) Each applicant for a license to practice as a 4318  
school psychologist licensed by the state behavioral health 4319  
professionals board of psychology shall be required to earn a 4320  
score acceptable to the board on an examination selected by the 4321  
board. The applicant shall follow all necessary procedures and 4322  
pay all necessary fees for the examination. 4323

(2) The board may also require that an applicant for a 4324  
license to practice as a school psychologist licensed by the 4325  
state behavioral health professionals board of psychology earn a 4326  
passing score on an examination that covers one or more of the 4327  
following: 4328

(a) Chapter 4732. of the Revised Code; 4329

(b) Rules promulgated under Chapter 4732. of the Revised 4330  
Code; 4331

(c) Related provisions of the Revised Code; 4332

(d) Professional ethical principles; 4333

(e) Professional standards of care. 4334

The examination may be administered orally or in writing 4335  
in accordance with rules adopted by the board. 4336

(C) The board may establish procedures designed to expose 4337  
applicants to the subject matter of the examinations described 4338  
in divisions (A) (2) and (B) (2) of this section. 4339

~~(D) The board shall appoint a school psychology 4340  
examination committee responsible to the board. The committee 4341  
shall consist of five school psychologists each of whom holds 4342~~

~~either of the following:~~ 4343

~~(1) A school psychologist license issued under this chapter;~~ 4344  
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~~(2) A psychologist license issued under this chapter and a certificate or license issued by the state board of education.~~ 4346  
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~~Committee members shall be appointed by the state board of psychology for staggered five-year terms, according to rules adopted by that board. The board may delegate to the committee authority to develop the examination described in division (B) (2) of this section and any procedures to be established under division (C) of this section.~~ 4348  
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**Sec. 4732.12.** If an applicant for a license issued by the state behavioral health professionals board of psychology to practice as a psychologist or school psychologist receives a score acceptable to the board on the appropriate examination required by section 4732.11 of the Revised Code and has paid the fee required by section 4732.15 of the Revised Code, the board shall issue the appropriate license. 4354  
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**Sec. 4732.13.** A license issued under this chapter by the state behavioral health professionals 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 school psychologist license shall entitle the holder to practice school psychology. 4361  
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**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 under this chapter by the state behavioral health professionals board of psychology shall register with the 4368  
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board in a format and manner prescribed by the board, giving the 4372  
person's name, address, license number, the continuing education 4373  
information required by section 4732.141 of the Revised Code, 4374  
and such other reasonable information as the board requires. The 4375  
person shall pay to the board a biennial registration fee, as 4376  
follows: 4377

(1) From the effective date of this amendment, March 20, 4378  
2014, through June 30, 2016, three hundred fifty dollars; 4379

(2) From July 1, 2016, through June 30, 2020, three 4380  
hundred sixty dollars; 4381

(3) July 1, 2020, and thereafter three hundred sixty-five 4382  
dollars. 4383

A person licensed for the first time on or before the 4384  
thirtieth day of September of an even-numbered year shall next 4385  
be required to register on or before the thirtieth day of 4386  
September of the next even-numbered year. 4387

(B) Before the first day of August of each even-numbered 4388  
year, the board shall send a notice to each license holder, 4389  
whether a resident or not, at the license holder's last provided 4390  
official mailing address, that the license holder's continuing 4391  
education compliance must be completed on or before the last day 4392  
of August and the biennial registration form and fee are due on 4393  
or before the last day of September. A license of any license 4394  
holder shall automatically expire if any of the following are 4395  
not received on or before the thirtieth day of September of a 4396  
renewal year: 4397

(1) The biennial registration fee; 4398

(2) The registration form; 4399

(3) A report of compliance with continuing education requirements. 4400  
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Within five years thereafter, the board may reinstate any expired 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. 4402  
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The board may by rule waive the payment of the registration fee and completion of the continuing psychology education required by section 4732.141 of the Revised Code by a license holder 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. 4410  
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An individual who has had a license placed on retired status under section 4732.142 of the Revised Code may seek reinstatement of the license in accordance with rules adopted by the board. 4417  
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(C) Each license holder shall notify the executive director of any change in the license holder's official mailing address, office address, or employment within sixty days of such change. 4421  
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**Sec. 4732.141.** (A) (1) Except as provided in division (D) of this section, on or before the thirty-first day of August of each even-numbered year, each person who holds a license issued under this chapter by the state behavioral health professionals 4425  
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board ~~of psychology~~ shall have completed, in the preceding two- 4429  
year period, not less than twenty-three hours of continuing 4430  
education in psychology, including not less than four hours of 4431  
continuing education in one or more of the following: 4432

(a) Professional conduct; 4433

(b) Ethics; 4434

(c) The role of culture, ethnic identity, or both in the 4435  
provision of psychological assessment, consultation, or 4436  
psychological interventions, or a combination thereof. 4437

(2) Each license holder shall certify to the board, at the 4438  
time of biennial registration pursuant to section 4732.14 of the 4439  
Revised Code and on the registration form prescribed by the 4440  
board under that section, that in the preceding two years the 4441  
license holder has completed continuing psychology education in 4442  
compliance with this section. The board shall adopt rules 4443  
establishing the procedure for a license holder to certify to 4444  
the board and for properly recording with the Ohio psychological 4445  
association or the Ohio school psychologists association 4446  
completion of the continuing education. 4447

(B) Continuing psychology education may be applied to meet 4448  
the requirement of division (A) of this section if both of the 4449  
following requirements are met: 4450

(1) It is obtained through a program or course approved by 4451  
the state behavioral health professionals board ~~of psychology~~, 4452  
the Ohio psychological association, the Ohio association of 4453  
black psychologists, or the American psychological association 4454  
or, in the case of a school psychologist who holds a license 4455  
issued under this chapter or a licensed psychologist with a 4456  
school psychology specialty, by the state board of education, 4457

the Ohio school psychologists association, or the national 4458  
association of school psychologists; 4459

(2) Completion of the program or course is recorded with 4460  
the Ohio psychological association or the Ohio school 4461  
psychologists association in accordance with rules adopted by 4462  
the state behavioral health professionals board of psychology in 4463  
accordance with division (A) of this section. 4464

The state behavioral health professionals board of 4465  
~~psychology~~ may disapprove any program or course that has been 4466  
approved by the Ohio psychological association, Ohio association 4467  
of black psychologists, American psychological association, 4468  
state board of education, Ohio school psychologists association, 4469  
or national association of school psychologists. Such program or 4470  
course may not be applied to meet the requirement of division 4471  
(A) of this section. 4472

(C) Each license holder shall be given a sufficient choice 4473  
of continuing education programs or courses in psychology, 4474  
including programs or courses on professional conduct and ethics 4475  
when required under division (A) (2) of this section, to ensure 4476  
that the license holder has had a reasonable opportunity to 4477  
participate in programs or courses that are relevant to the 4478  
license holder's practice in terms of subject matter and level. 4479

(D) The board shall adopt rules providing for reductions 4480  
of the hours of continuing psychology education required by this 4481  
section for license holders in their first registration period. 4482

(E) Each license holder shall retain in the license 4483  
holder's records for at least three years the receipts, 4484  
vouchers, or certificates necessary to document completion of 4485  
continuing psychology education. Proof of continuing psychology 4486

education recorded with the Ohio psychological association or 4487  
the Ohio school psychologists association in accordance with the 4488  
procedures established pursuant to division (A) of this section 4489  
shall serve as sufficient documentation of completion. With 4490  
cause, the board may request the documentation from the license 4491  
holder. The board may review any continuing psychology education 4492  
records recorded by the Ohio psychological association or the 4493  
Ohio school psychologists association. 4494

(F) The board may excuse license holders, as a group or as 4495  
individuals, from all or any part of the requirements of this 4496  
section because of an unusual circumstance, emergency, or 4497  
special hardship. 4498

(G) The state behavioral health professionals board ~~of~~ 4499  
~~psychology~~ shall approve one or more continuing education 4500  
courses of study that assist psychologists and school 4501  
psychologists in recognizing the signs of domestic violence and 4502  
its relationship to child abuse. Psychologists and school 4503  
psychologists are not required to take the courses. 4504

(H) The board may require a license holder to evidence 4505  
completion of specific continuing education coursework as part 4506  
of the process of registering or continuing to register a person 4507  
working under the license holder's supervision under division 4508  
(B) of section 4732.22 of the Revised Code and conducting 4509  
psychological or psychological work or training supervision. 4510  
Procedures for the completion, verification, and documentation 4511  
of such continuing education shall be specified in rules adopted 4512  
by the board. A license holder completing this continuing 4513  
education may receive credit toward the four-hour requirement in 4514  
division (A)(1) of this section during the next continuing 4515  
education period following the completion of this continuing 4516

education. 4517

**Sec. 4732.142.** (A) The holder of a license issued under 4518  
this chapter who retires from the practice of psychology or 4519  
school psychology may request during the biennial license 4520  
registration process that the license holder's license be placed 4521  
in "licensed psychologist-retired" or "licensed school 4522  
psychologist-retired" status. Once the license is placed in 4523  
retired status, the license holder shall not practice psychology 4524  
or school psychology in this state. A license holder selecting 4525  
this status shall pay to the state behavioral health 4526  
professionals board of psychology a fee of fifty dollars. 4527

(B) Procedures for reinstating a retired license shall be 4528  
established in rules adopted by the board. 4529

**Sec. 4732.151.** The state behavioral health professionals 4530  
board of psychology shall charge a fee of forty dollars to a 4531  
license holder of a license issued under this chapter for the 4532  
written verification of licensure status, including verification 4533  
of the date of licensure, the presence or absence of a history 4534  
of disciplinary action, and the expiration date of the license. 4535

**Sec. 4732.16.** (A) The state behavioral health 4536  
professionals board of psychology shall investigate alleged 4537  
violations of this chapter or the rules adopted under it. Each 4538  
investigation shall be assigned by the executive director or 4539  
designated investigator to one of the members of the board who 4540  
shall serve as the supervising member of the investigation. 4541

As part of its conduct of investigations, the board may 4542  
examine witnesses, administer oaths, and issue subpoenas, except 4543  
that the board may not compel the attendance of the respondent 4544  
in an investigation. A subpoena for patient record information 4545

may be issued only if the supervising member, executive 4546  
director, secretary, and an attorney from the office of the 4547  
attorney general determine that there is probable cause to 4548  
believe that the complaint alleges a violation of this chapter 4549  
and that the records sought are relevant to the alleged 4550  
violation and material to the investigation. No member of the 4551  
board who supervises the investigation or approves the issuance 4552  
of a subpoena for patient records shall participate in further 4553  
adjudication of the case. The subpoena may apply only to records 4554  
that cover a reasonable period of time surrounding the alleged 4555  
violation. On failure of a person to comply with a subpoena 4556  
issued by the board and after reasonable notice to that person, 4557  
the board may move for an order compelling the production of 4558  
records or persons pursuant to the Rules of Civil Procedure. 4559

A subpoena issued by the board may be served by a sheriff, 4560  
the sheriff's deputy, or a board employee designated by the 4561  
board. Service of a subpoena issued by the board may be made by 4562  
delivering a copy of the subpoena to the person named in the 4563  
subpoena, reading it to the person, or leaving it at the 4564  
person's usual place of residence. When the person being served 4565  
is a person whose practice is authorized by this chapter, 4566  
service of the subpoena may be made by certified mail, return 4567  
receipt requested, and the subpoena shall be deemed served on 4568  
the date delivery is made or the date the person refuses to 4569  
accept delivery. 4570

A sheriff's deputy who serves a subpoena shall receive the 4571  
same fees as a sheriff. Each witness who appears before the 4572  
board in obedience to a subpoena shall receive the fees and 4573  
mileage provided for witnesses under section 119.094 of the 4574  
Revised Code. 4575

(B) (1) The board shall conduct all investigations and 4576  
proceedings in a manner that protects the confidentiality of 4577  
patients and persons who file complaints with the board. The 4578  
board shall not make public the names or any other identifying 4579  
information about patients or complainants unless proper consent 4580  
is given or, in the case of a patient, the patient privilege has 4581  
been waived by the patient. Information received by the board 4582  
pursuant to an investigation is confidential and not subject to 4583  
discovery in any civil action. 4584

(2) The board may share any information it receives 4585  
pursuant to an investigation, including patient records and 4586  
patient record information, with law enforcement agencies, other 4587  
licensing boards, and other government agencies that are 4588  
prosecuting, adjudicating, or investigating alleged violations 4589  
of statutes or administrative rules. An agency or board that 4590  
receives the information shall comply with the same requirements 4591  
regarding confidentiality as the board must comply with under 4592  
division (B) (1) of this section, notwithstanding any conflicting 4593  
provision of the Revised Code or procedure of the agency or 4594  
board that applies when it is dealing with other information in 4595  
its possession. 4596

(3) In a judicial proceeding, any information the board 4597  
receives pursuant to an investigation may be admitted into 4598  
evidence only in accordance with the Ohio Rules of Evidence, but 4599  
the court shall require that appropriate measures be taken to 4600  
ensure that confidentiality is maintained with respect to any 4601  
part of the information that contains names or other identifying 4602  
information about patients or complainants whose confidentiality 4603  
was protected by the board when the information was in the 4604  
board's possession. Measures to ensure confidentiality that may 4605  
be taken by the court include sealing its records or deleting 4606

specific information from its records. 4607

**Sec. 4732.17.** (A) Subject to division (F) of this section, 4608  
the state behavioral health professionals board of ~~psychology~~ 4609  
may take any of the actions specified in division (C) of this 4610  
section against an applicant for or a person who holds a license 4611  
issued under this chapter on any of the following grounds as 4612  
applicable: 4613

(1) Conviction, including a plea of guilty or no contest, 4614  
of a felony, or of any offense involving moral turpitude, in a 4615  
court of this or any other state or in a federal court; 4616

(2) A judicial finding of eligibility for intervention in 4617  
lieu of conviction for a felony or any offense involving moral 4618  
turpitude in a court of this or any other state or in a federal 4619  
court; 4620

(3) Using fraud or deceit in the procurement of the 4621  
license to practice psychology or school psychology or knowingly 4622  
assisting another in the procurement of such a license through 4623  
fraud or deceit; 4624

(4) Accepting commissions or rebates or other forms of 4625  
remuneration for referring persons to other professionals; 4626

(5) Willful, unauthorized communication of information 4627  
received in professional confidence; 4628

(6) Being negligent in the practice of psychology or 4629  
school psychology; 4630

(7) Inability to practice according to acceptable and 4631  
prevailing standards of care by reason of a mental, emotional, 4632  
physiological, or pharmacological condition or substance abuse; 4633

(8) Subject to section 4732.28 of the Revised Code, 4634

violating any rule of professional conduct promulgated by the 4635  
board; 4636

(9) Practicing in an area of psychology for which the 4637  
person is clearly untrained or incompetent; 4638

(10) An adjudication by a court, as provided in section 4639  
5122.301 of the Revised Code, that the person is incompetent for 4640  
the purpose of holding the license. Such person may have the 4641  
person's license issued or restored only upon determination by a 4642  
court that the person is competent for the purpose of holding 4643  
the license and upon the decision by the board that such license 4644  
be issued or restored. The board may require an examination 4645  
prior to such issuance or restoration. 4646

(11) Waiving the payment of all or any part of a 4647  
deductible or copayment that a patient, pursuant to a health 4648  
insurance or health care policy, contract, or plan that covers 4649  
psychological services, would otherwise be required to pay if 4650  
the waiver is used as an enticement to a patient or group of 4651  
patients to receive health care services from that provider; 4652

(12) Advertising that the person will waive the payment of 4653  
all or any part of a deductible or copayment that a patient, 4654  
pursuant to a health insurance or health care policy, contract, 4655  
or plan that covers psychological services, would otherwise be 4656  
required to pay; 4657

(13) Any of the following actions taken by the agency 4658  
responsible for authorizing or certifying the person to practice 4659  
or regulating the person's practice of a health care occupation 4660  
or provision of health care services in this state or another 4661  
jurisdiction, as evidenced by a certified copy of that agency's 4662  
records and findings for any reason other than the nonpayment of 4663



fees:	4664
(a) Limitation, revocation, or suspension of the person's license to practice;	4665 4666
(b) Acceptance of the person's license surrender;	4667
(c) Denial of a license to the person;	4668
(d) Refuse to renew or reinstate the person's license;	4669
(e) Imposition of probation on the person;	4670
(f) Issuance of an order of censure or other reprimand against the person;	4671 4672
(g) Other negative action or finding against the person about which information is available to the public.	4673 4674
(14) Offering or rendering psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	4675 4676 4677 4678
(15) Offering or rendering psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code;	4679 4680 4681
(16) Unless the person is a school psychologist licensed by the state board of education:	4682 4683
(a) Offering or rendering school psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	4684 4685 4686 4687
(b) Offering or rendering school psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code.	4688 4689 4690

(17) Violating any adjudication order or consent agreement adopted by the board;	4691 4692
(18) Failure to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, ordered by the board under division (E) of this section.	4693 4694 4695 4696
(B) Notwithstanding divisions (A) (11) and (12) of this section, sanctions shall not be imposed against any license holder who waives deductibles and copayments:	4697 4698 4699
(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.	4700 4701 4702 4703 4704
(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.	4705 4706 4707
(C) For any of the reasons specified in division (A) of this section, the board may do one or more of the following:	4708 4709
(1) Refuse to issue a license to an applicant;	4710
(2) Issue a reprimand to a license holder;	4711
(3) Suspend the license of a license holder;	4712
(4) Revoke the license of a license holder;	4713
(5) Limit or restrict the areas of practice of an applicant or a license holder;	4714 4715
(6) Require mental, substance abuse, or physical evaluations, or any combination of these evaluations, of an	4716 4717

applicant or a license holder; 4718

(7) Require remedial education and training of an 4719  
applicant or a license holder. 4720

(D) When it revokes the license of a license holder under 4721  
division (C)(4) of this section, the board may specify that the 4722  
revocation is permanent. An individual subject to permanent 4723  
revocation is forever thereafter ineligible to hold a license, 4724  
and the board shall not accept an application for reinstatement 4725  
of the license or issuance of a new license. 4726

(E) When the board issues a notice of opportunity for a 4727  
hearing on the basis of division (A)(7) of this section, the 4728  
supervising member of the board, with cause and upon 4729  
consultation with the board's executive director and the board's 4730  
legal counsel, may compel the applicant or license holder to 4731  
submit to mental, cognitive, substance abuse, or medical 4732  
evaluations, or a combination of these evaluations, by a person 4733  
or persons selected by the board. Notice shall be given to the 4734  
applicant or license holder in writing signed by the supervising 4735  
member, the executive director, and the board's legal counsel. 4736  
The applicant or license holder is deemed to have given consent 4737  
to submit to these evaluations and to have waived all objections 4738  
to the admissibility of testimony or evaluation reports that 4739  
constitute a privileged communication. The expense of the 4740  
evaluation or evaluations shall be the responsibility of the 4741  
applicant or license holder who is evaluated. 4742

(F) Before the board may take action under this section, 4743  
written charges shall be filed with the board by the secretary 4744  
and a hearing shall be had thereon in accordance with Chapter 4745  
119. of the Revised Code, except as follows: 4746

(1) On receipt of a complaint that any of the grounds 4747  
listed in division (A) of this section exist, the state 4748  
behavioral health professionals board of psychology may suspend 4749  
a license issued under this chapter prior to holding a hearing 4750  
in accordance with Chapter 119. of the Revised Code if it 4751  
determines, based on the complaint, that there is an immediate 4752  
threat to the public. A telephone conference call may be used to 4753  
conduct an emergency meeting for review of the matter by a 4754  
quorum of the board, taking the vote, and memorializing the 4755  
action in the minutes of the meeting. 4756

After suspending a license pursuant to division (F) (1) of 4757  
this section, the board shall notify the license holder of the 4758  
suspension in accordance with section 119.07 of the Revised 4759  
Code. If the individual whose license is suspended fails to make 4760  
a timely request for an adjudication under Chapter 119. of the 4761  
Revised Code, the board shall enter a final order permanently 4762  
revoking the license. 4763

(2) The board shall adopt rules establishing a case 4764  
management schedule for pre-hearing procedures by the hearing 4765  
examiner or presiding board member. The schedule shall include 4766  
applicable deadlines related to the hearing process, including 4767  
all of the following: 4768

(a) The date of the hearing; 4769

(b) The date for the disclosure of witnesses and exhibits; 4770

(c) The date for the disclosure of the identity of expert 4771  
witnesses and the exchange of written reports; 4772

(d) The deadline for submitting a request for the issuance 4773  
of a subpoena for the hearing as provided under Chapter 119. of 4774  
the Revised Code and division (F) (4) of this section. 4775

(3) Either party to the hearing may submit a written 4776  
request to the other party for a list of witnesses and copies of 4777  
documents intended to be introduced at the hearing. The request 4778  
shall be in writing and shall be served not less than thirty- 4779  
seven days prior to the hearing, unless the hearing officer or 4780  
presiding board member grants an extension of time to make the 4781  
request. Not later than thirty days before the hearing, the 4782  
responding party shall provide the requested list of witnesses, 4783  
summary of their testimony, and copies of documents to the 4784  
requesting party, unless the hearing officer or presiding board 4785  
member grants an extension. Failure to timely provide a list or 4786  
copies requested in accordance with this section may, at the 4787  
discretion of the hearing officer or presiding board member, 4788  
result in exclusion from the hearing of the witnesses, 4789  
testimony, or documents. 4790

(4) In addition to subpoenas for the production of books, 4791  
records, and papers requested under Chapter 119. of the Revised 4792  
Code, either party may ask the board to issue a subpoena for the 4793  
production of other tangible items. 4794

The person subject to a subpoena for the production of 4795  
books, records, papers, or other tangible items shall respond to 4796  
the subpoena at least twenty days prior to the date of the 4797  
hearing. If a person fails to respond to a subpoena issued by 4798  
the board, after providing reasonable notice to the person, the 4799  
board, the hearing officer, or both may proceed with enforcement 4800  
of the subpoena pursuant to section 119.09 of the Revised Code. 4801

**Sec. 4732.171.** (A) Except as provided in division (B) of 4802  
this section, if, at the conclusion of a hearing required by 4803  
section 4732.17 of the Revised Code, the state behavioral health 4804  
professionals board of psychology determines that a licensed 4805

psychologist or school psychologist licensed by the state 4806  
behavioral health professionals board of psychology has engaged 4807  
in sexual conduct or had sexual contact with the license 4808  
holder's patient or client in violation of any prohibition 4809  
contained in Chapter 2907. of the Revised Code, the board shall 4810  
do one of the following: 4811

(1) Suspend the license holder's license; 4812

(2) Permanently revoke the license holder's license. 4813

(B) If it determines at the conclusion of the hearing that 4814  
neither of the sanctions described in division (A) of this 4815  
section is appropriate, the board shall impose another sanction 4816  
it considers appropriate and issue a written finding setting 4817  
forth the reasons for the sanction imposed and the reason that 4818  
neither of the sanctions described in division (A) of this 4819  
section is appropriate. 4820

**Sec. 4732.172.** Any finding made, and the record of any 4821  
sanction imposed, by the state behavioral health professionals 4822  
board of psychology under section 4732.17 or 4732.171 of the 4823  
Revised Code is a public record under section 149.43 of the 4824  
Revised Code. 4825

**Sec. 4732.173.** (A) The state behavioral health 4826  
professionals board of psychology may approve or establish a 4827  
colleague assistance program for the purpose of affording 4828  
holders of licenses issued under this chapter, license 4829  
applicants, and persons subject to discipline pursuant to 4830  
division (B) of section 4731.22 of the Revised Code access to 4831  
all of the following: 4832

(1) Resources concerning the prevention of distress; 4833

(2) Evaluation and intervention services concerning 4834

mental, emotional, substance use, and other conditions that may 4835  
impair competence, objectivity, and judgment in the provision of 4836  
psychological or school psychological services; 4837

(3) Consultation and mentoring services for practice 4838  
oversight and remediation of professional skill deficits. 4839

The board may compel a license holder, applicant, or 4840  
registered person to participate in the program in conjunction 4841  
with the board's actions under section 4732.17 of the Revised 4842  
Code. 4843

(B) If a program is approved or established, the board 4844  
shall adopt rules specifying the circumstances under which self- 4845  
referred participants may receive confidential services from the 4846  
program. 4847

**Sec. 4732.18.** At any time after the suspension or 4848  
revocation of a license issued under this chapter, the state 4849  
behavioral health professionals board of psychology may restore 4850  
the license upon the written finding by the board that 4851  
circumstances so warrant. At the time it restores a license, the 4852  
board may impose restrictions and limitations on the practice of 4853  
the license holder. 4854

The board may require a person seeking restoration of a 4855  
license to submit to mental, substance abuse, cognitive, or 4856  
physical evaluations, or a combination of these evaluations. 4857  
Evaluations shall be conducted by qualified individuals selected 4858  
by the board. The costs of any evaluative processes shall be 4859  
paid by the applicant for restoration. A person requesting 4860  
restoration of a license is deemed to have given consent to 4861  
submit to a mental or physical examination when directed to do 4862  
so in writing by the board and to have waived all objections to 4863

the admissibility of testimony or examination reports that 4864  
constitute a privileged communication. 4865

As a further condition of license restoration, the board 4866  
may require the applicant to do both of the following: 4867

(A) Take the examination selected by the board under 4868  
section 4732.11 of the Revised Code and receive a score 4869  
acceptable to the board; 4870

(B) Participate in board processes designed to expose the 4871  
applicant to Chapter 4732. of the Revised Code and rules 4872  
promulgated thereunder, which may include passing a written or 4873  
oral examination on the Ohio laws and rules governing 4874  
psychologists and school psychologists. 4875

**Sec. 4732.21.** Except as provided in section 4732.22 of the 4876  
Revised Code: 4877

(A) No person who is not a licensed psychologist shall 4878  
offer or render services as a psychologist or otherwise engage 4879  
in the practice of psychology. 4880

(B) No person who is not a licensed psychologist, a school 4881  
psychologist licensed by the state behavioral health 4882  
professionals board of psychology, or a school psychologist 4883  
licensed by the state board of education shall offer or render 4884  
services as a school psychologist or otherwise engage in the 4885  
practice of school psychology. 4886

**Sec. 4732.22.** (A) The following persons are exempted from 4887  
the licensing requirements of this chapter: 4888

(1) A person who holds a license or certificate issued by 4889  
the state board of education authorizing the practice of school 4890  
psychology, while practicing school psychology within the scope 4891



of employment by a board of education or by a private school 4892  
meeting the standards prescribed by the state board of education 4893  
under division (D) of section 3301.07 of the Revised Code, or 4894  
while acting as a school psychologist within the scope of 4895  
employment in a program for children with disabilities 4896  
established under Chapter 3323. or 5126. of the Revised Code. A 4897  
person exempted under this division shall not offer 4898  
psychological services to any other individual, organization, or 4899  
group for remuneration, monetary or otherwise, unless the person 4900  
is licensed by the state behavioral health professionals board 4901  
~~of psychology.~~ 4902

(2) Any nonresident temporarily employed in this state to 4903  
render psychological services for not more than thirty days a 4904  
year, who, in the opinion of the board, meets the standards for 4905  
entrance in division (B) of section 4732.10 of the Revised Code, 4906  
who has paid the required fee and submitted an application 4907  
prescribed by the board, and who holds whatever license or 4908  
certificate, if any, is required for such practice in the 4909  
person's home state or home country. 4910

(3) Any person working under the supervision of a 4911  
psychologist or school psychologist licensed under this chapter, 4912  
while carrying out specific tasks, under the license holder's 4913  
supervision, as an extension of the license holder's legal and 4914  
ethical authority as specified under this chapter if the person 4915  
is registered under division (B) of this section. All fees shall 4916  
be billed under the name of the license holder. The person 4917  
working under the license holder's supervision shall not 4918  
represent self to the public as a psychologist or school 4919  
psychologist, although supervised persons and persons in 4920  
training may be ascribed such titles as "psychology trainee," 4921  
"psychology assistant," "psychology intern," or other 4922

appropriate term that clearly implies their supervised or 4923  
training status. 4924

(4) Any student in an accredited educational institution, 4925  
while carrying out activities that are part of the student's 4926  
prescribed course of study, provided such activities are 4927  
supervised by a professional person who is qualified to perform 4928  
such activities and is licensed under this chapter or is a 4929  
qualified supervisor pursuant to rules of the board; 4930

(5) Recognized religious officials, including ministers, 4931  
priests, rabbis, imams, Christian science practitioners, and 4932  
other persons recognized by the board, conducting counseling 4933  
when the counseling activities are within the scope of the 4934  
performance of their regular duties and are performed under the 4935  
auspices or sponsorship of an established and legally cognizable 4936  
religious denomination or sect, as defined in current federal 4937  
tax regulations, and when the religious official does not refer 4938  
to the official's self as a psychologist and remains accountable 4939  
to the established authority of the religious denomination or 4940  
sect; 4941

(6) Persons in the employ of the federal government 4942  
insofar as their activities are a part of the duties of their 4943  
positions; 4944

(7) Persons licensed, certified, or registered under any 4945  
other provision of the Revised Code who are practicing those 4946  
arts and utilizing psychological procedures that are allowed and 4947  
within the standards and ethics of their profession or within 4948  
new areas of practice that represent appropriate extensions of 4949  
their profession, provided that they do not hold themselves out 4950  
to the public by the title of psychologist; 4951

(8) Persons using the term "social psychologist," 4952  
"experimental psychologist," "developmental psychologist," 4953  
"research psychologist," "cognitive psychologist," and other 4954  
terms used by those in academic and research settings who 4955  
possess a doctoral degree in psychology from an educational 4956  
institution accredited or recognized by national or regional 4957  
accrediting agencies as maintaining satisfactory standards and 4958  
who do not use such a term in the solicitation or rendering of 4959  
professional psychological services. 4960

(B) The license holder who is supervising a person 4961  
described in division (A) (3) of this section shall register the 4962  
person with the board. The board shall adopt rules regarding the 4963  
registration process and the supervisory relationship. 4964

**Sec. 4732.221.** A nonresident applicant seeking a review of 4965  
qualifications and permission of the state behavioral health 4966  
professionals board of psychology to practice psychology in Ohio 4967  
for no more than thirty days per year under division (A) (2) of 4968  
section 4732.22 of the Revised Code shall pay a fee established 4969  
by the board of not less than seventy-five dollars and not more 4970  
than one hundred fifty dollars, no part of which shall be 4971  
returned. The board may adopt rules for the purpose of 4972  
recognizing a nonresident's interjurisdictional practice 4973  
credentials granted by the association of state and provincial 4974  
psychology boards and other relevant professional organizations. 4975

**Sec. 4732.24.** On complaint by the state behavioral health 4976  
professionals board of psychology, the unlawful practice of 4977  
psychology or school psychology may be enjoined by the common 4978  
pleas court of the county in which such practice is occurring. 4979

**Sec. 4732.25.** All fines collected for violation of section 4980  
4732.21 of the Revised Code shall be distributed as follows: 4981

(A) One half to the state behavioral health professionals 4982  
~~board of psychology;~~ 4983

(B) One half to the municipal corporation in which the 4984  
offense was committed or, if the offense was committed outside a 4985  
municipal corporation, to the county in which the offense was 4986  
committed. 4987

Money received by a municipal corporation or a county 4988  
shall be paid into its general fund and may be used for any 4989  
lawful purpose. 4990

**Sec. 4732.26.** The state behavioral health professionals 4991  
~~board of psychology,~~ subject to the approval of the controlling 4992  
board, may establish fees in excess of the amounts provided by 4993  
sections 4732.01 to 4732.99 of the Revised Code, provided that 4994  
such fees do not exceed the amounts permitted by those sections 4995  
by more than fifty per cent. 4996

**Sec. 4732.27.** On receipt of a notice pursuant to section 4997  
3123.43 of the Revised Code, the state behavioral health 4998  
professionals board of psychology shall comply with sections 4999  
3123.41 to 3123.50 of the Revised Code and any applicable rules 5000  
adopted under section 3123.63 of the Revised Code with respect 5001  
to a license issued pursuant to this chapter. 5002

**Sec. 4732.28.** (A) An individual whom the state behavioral 5003  
health professionals board of psychology licenses, certificates, 5004  
or otherwise legally authorizes to engage in the practice of 5005  
psychology may render the professional services of a 5006  
psychologist within this state through a corporation formed 5007  
under division (B) of section 1701.03 of the Revised Code, a 5008  
limited liability company formed under Chapter 1705. of the 5009  
Revised Code, a partnership, or a professional association 5010

formed under Chapter 1785. of the Revised Code. This division 5011  
does not preclude an individual of that nature from rendering 5012  
professional services as a psychologist through another form of 5013  
business entity, including, but not limited to, a nonprofit 5014  
corporation or foundation, or in another manner that is 5015  
authorized by or in accordance with this chapter, another 5016  
chapter of the Revised Code, or rules of the state behavioral 5017  
health professionals board of psychology adopted pursuant to 5018  
this chapter. 5019

(B) A corporation, limited liability company, partnership, 5020  
or professional association described in division (A) of this 5021  
section may be formed for the purpose of providing a combination 5022  
of the professional services of the following individuals who 5023  
are licensed, certificated, or otherwise legally authorized to 5024  
practice their respective professions: 5025

(1) Optometrists who are authorized to practice optometry 5026  
under Chapter 4725. of the Revised Code; 5027

(2) Chiropractors who are authorized to practice 5028  
chiropractic or acupuncture under Chapter 4734. of the Revised 5029  
Code; 5030

(3) Psychologists who are authorized to practice 5031  
psychology under this chapter; 5032

(4) Registered or licensed practical nurses who are 5033  
authorized to practice nursing as registered nurses or as 5034  
licensed practical nurses under Chapter 4723. of the Revised 5035  
Code; 5036

(5) Pharmacists who are authorized to practice pharmacy 5037  
under Chapter 4729. of the Revised Code; 5038

(6) Physical therapists who are authorized to practice 5039

physical therapy under sections 4755.40 to 4755.56 of the Revised Code; 5040  
5041

(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code; 5042  
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(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code; 5045  
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(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code; 5047  
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(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code. 5051  
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This division shall apply notwithstanding a provision of a code of ethics applicable to a psychologist that prohibits a psychologist from engaging in the practice of psychology in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, professional counseling, social work, or marriage and family therapy, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of psychology. 5056  
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**Sec. 4732.31.** (A) The state behavioral health 5068

~~professionals board of psychology~~ shall provide access to the 5069  
following information through the internet: 5070

(1) The names of all licensed psychologists and all school 5071  
psychologists licensed by the state behavioral health 5072  
professionals board of psychology; 5073

(2) The names of all licensed psychologists and all school 5074  
psychologists licensed by the state behavioral health 5075  
professionals board of psychology who have been reprimanded by 5076  
the board for misconduct, the names of all licensed 5077  
psychologists or school psychologists licensed by the state 5078  
behavioral health professionals board of psychology whose 5079  
licenses are under an active suspension imposed for misconduct, 5080  
the names of all former licensed psychologists and school 5081  
psychologists licensed by the state behavioral health 5082  
professionals board of psychology whose licenses have been 5083  
suspended or revoked for misconduct, and the reason for each 5084  
reprimand, suspension, or revocation; 5085

(3) Written findings made under division (B) of section 5086  
4732.171 of the Revised Code. 5087

(B) Division (A) (2) of this section does not apply to a 5088  
suspension of the license of a psychologist or school 5089  
psychologist that is an automatic suspension imposed under 5090  
section 4732.14 of the Revised Code. 5091

**Sec. 4732.32.** The state behavioral health professionals 5092  
~~board of psychology~~ shall comply with section 4776.20 of the 5093  
Revised Code. 5094

**Sec. 4732.33.** The state behavioral health professionals 5095  
~~board of psychology~~ shall adopt rules governing the use of 5096  
telepsychology for the purpose of protecting the welfare of 5097

recipients of telepsychology services and establishing 5098  
requirements for the responsible use of telepsychology in the 5099  
practice of psychology and school psychology, including 5100  
supervision of persons registered with the state behavioral 5101  
health professionals board of psychology as described in 5102  
division (B) of section 4732.22 of the Revised Code. 5103

**Sec. 4743.05.** Except as otherwise provided in sections 5104  
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of 5105  
the Revised Code, all money collected under Chapters 3773., 5106  
4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 5107  
4732., 4733., 4734., 4736., 4741., 4744., 4747., 4753., 4755., 5108  
4757., 4758., ~~4759., 4761.,~~ 4771., 4775., 4779., and 4781. of 5109  
the Revised Code shall be paid into the state treasury to the 5110  
credit of the occupational licensing and regulatory fund, which 5111  
is hereby created for use in administering such chapters. 5112

At the end of each quarter, the director of budget and 5113  
management shall transfer from the occupational licensing and 5114  
regulatory fund to the nurse education assistance fund created 5115  
in section 3333.28 of the Revised Code the amount certified to 5116  
the director under division (B) of section 4723.08 of the 5117  
Revised Code. 5118

At the end of each quarter, the director shall transfer 5119  
from the occupational licensing and regulatory fund to the 5120  
certified public accountant education assistance fund created in 5121  
section 4701.26 of the Revised Code the amount certified to the 5122  
director under division (H) (2) of section 4701.10 of the Revised 5123  
Code. 5124

**Sec. 4744.02.** (A) There is hereby created the state vision 5125  
and hearing professionals board consisting of the following 5126  
members, appointed by the governor with the advice and consent 5127



of the senate: 5128

(1) Two individuals licensed as optometrists under Chapter 5129  
4725. of the Revised Code; 5130

(2) Two individuals licensed as licensed dispensing 5131  
opticians under Chapter 4725. of the Revised Code; 5132

(3) Two individuals licensed as speech-language 5133  
pathologists under Chapter 4753. of the Revised Code; 5134

(4) One individual licensed as an audiologist under 5135  
Chapter 4753. of the Revised Code; 5136

(5) One individual authorized under Chapter 4731. of the 5137  
Revised Code to practice medicine and surgery or osteopathic 5138  
medicine and surgery who practices ophthalmology; 5139

(6) One individual representing the general public. 5140

(B) Not later than ninety days after the effective date of 5141  
this section, the governor shall make initial appointments to 5142  
the board. Of the initial appointments, four members shall serve 5143  
terms ending March 22, 2018, three members shall serve terms 5144  
ending March 22, 2019, and two members shall serve terms ending 5145  
March 22, 2020. 5146

Thereafter, terms of office are three years, with each 5147  
term commencing on the twenty-third day of March and ending on 5148  
the twenty-second day of March. Each member shall hold office 5149  
from the date of appointment until the end of the term for which 5150  
the member was appointed, except that a member shall continue in 5151  
office after the expiration date of the member's term until the 5152  
member's successor takes office. No member shall serve more than 5153  
three consecutive terms. 5154

Vacancies shall be filled in the same manner as original 5155

appointments. Any member appointed to fill a vacancy occurring 5156  
before the expiration of the term for which the member's 5157  
predecessor was appointed shall hold office for the remainder of 5158  
that term. 5159

(C) No individual may be appointed to the board who has 5160  
been convicted of or pleaded guilty to a felony under the laws 5161  
of this state, another state, or the United States. 5162

The governor may remove a member of the board for 5163  
malfeasance, misfeasance, or nonfeasance after a hearing in 5164  
accordance with Chapter 119. of the Revised Code. The governor 5165  
shall remove, after a hearing in accordance with Chapter 119. of 5166  
the Revised Code, any member who has been convicted of or 5167  
pleaded guilty to a felony under the laws of this state, another 5168  
state, or the United States. 5169

**Sec. 4744.04.** (A) There is hereby created the state 5170  
behavioral health professionals board consisting of the 5171  
following members, appointed by the governor with the advice and 5172  
consent of the senate: 5173

(1) One individual licensed as a psychologist under 5174  
Chapter 4732. of the Revised Code who is not a school 5175  
psychologist; 5176

(2) One individual licensed as a school psychologist under 5177  
Chapter 4732. of the Revised Code; 5178

(3) One individual licensed as an independent chemical 5179  
dependency counselor-clinical supervisor, independent chemical 5180  
dependency counselor, chemical dependency counselor II, or 5181  
chemical dependency counselor III under Chapter 4758. of the 5182  
Revised Code; 5183

(4) One individual holding a prevention consultant 5184

certificate or prevention specialist I certificate issued under 5185  
Chapter 4758. of the Revised Code; 5186

(5) One individual licensed as a professional clinical 5187  
counselor, professional counselor, independent marriage and 5188  
family therapist, or marriage and family therapist under Chapter 5189  
4757. of the Revised Code; 5190

(6) One individual licensed as an independent social 5191  
worker or social worker under Chapter 4757. of the Revised Code; 5192

(7) One individual representing the general public. 5193

(B) Not later than ninety days after the effective date of 5194  
this section, the governor shall make initial appointments to 5195  
the board. Of the initial appointments, three members shall 5196  
serve terms ending October 4, 2018, two members shall serve 5197  
terms ending October 4, 2019, and two members shall serve terms 5198  
ending October 4, 2020. Thereafter, terms of office are three 5199  
years, with each term commencing on the fifth day of October and 5200  
ending on the fourth day of October. Each member shall hold 5201  
office from the date of appointment until the end of the term 5202  
for which the member was appointed, except that a member shall 5203  
continue in office after the expiration date of the member's 5204  
term until the member's successor takes office. No member shall 5205  
serve more than three consecutive terms. 5206

Vacancies shall be filled in the same manner as original 5207  
appointments. Any member appointed to fill a vacancy occurring 5208  
before the expiration of the term for which the member's 5209  
predecessor was appointed shall hold office for the remainder of 5210  
that term. 5211

(C) No individual may be appointed to the board who has 5212  
been convicted of or pleaded guilty to a felony under the laws 5213

of this state, another state, or the United States. 5214

The governor may remove a member of the board for 5215  
malfeasance, misfeasance, or nonfeasance after a hearing in 5216  
accordance with Chapter 119. of the Revised Code. The governor 5217  
shall remove, after a hearing in accordance with Chapter 119. of 5218  
the Revised Code, any member who has been convicted of or 5219  
pleaded guilty to a felony under the laws of this state, another 5220  
state, or the United States. 5221

**Sec. 4744.041.** (A) The state behavioral health 5222  
professionals board shall appoint a school psychology 5223  
examination committee responsible to the board. 5224

(B) The committee shall consist of five school 5225  
psychologists, each of whom holds either of the following: 5226

(1) A school psychologist license issued under Chapter 5227  
4732. of the Revised Code; 5228

(2) A psychologist license issued under Chapter 4732. of 5229  
the Revised Code and a certificate or license issued by the 5230  
state board of education. 5231

(C) Committee members shall be appointed by the state 5232  
behavioral health professionals board for staggered five-year 5233  
terms, in accordance with rules adopted by the board. The board 5234  
may delegate to the committee authority to develop the 5235  
examination described in division (B) (2) of section 4732.11 of 5236  
the Revised Code and any procedures the board establishes under 5237  
division (C) of section 4732.11 of the Revised Code. 5238

**Sec. 4744.06.** (A) There is hereby created the state 5239  
physical health services board consisting of the following 5240  
members, appointed by the governor with the advice and consent 5241  
of the senate: 5242

<u>(1) One individual licensed as an occupational therapist</u>	5243
<u>under Chapter 4755. of the Revised Code;</u>	5244
<u>(2) One individual licensed as a physical therapist under</u>	5245
<u>Chapter 4755. of the Revised Code;</u>	5246
<u>(3) One individual licensed as an athletic trainer under</u>	5247
<u>Chapter 4755. of the Revised Code;</u>	5248
<u>(4) One individual licensed as an orthotist or orthotist</u>	5249
<u>or prosthetist under Chapter 4779. of the Revised Code;</u>	5250
<u>(5) One individual licensed as a prosthetist or an</u>	5251
<u>orthotist or prosthetist under Chapter 4779. of the Revised</u>	5252
<u>Code;</u>	5253
<u>(6) One individual licensed as a pedorthist under Chapter</u>	5254
<u>4779. of the Revised Code;</u>	5255
<u>(7) One individual representing the general public.</u>	5256
<u>(B) Not later than ninety days after the effective date of</u>	5257
<u>this section, the governor shall make initial appointments to</u>	5258
<u>the board. Of the initial appointments, three members shall</u>	5259
<u>serve terms ending August 27, 2018, two members shall serve</u>	5260
<u>terms ending August 27, 2019, and two members shall serve terms</u>	5261
<u>ending August 27, 2020. Thereafter, terms of office are three</u>	5262
<u>years, with each term commencing on the twenty-eighth day of</u>	5263
<u>August and ending on the twenty-seventh day of August. Each</u>	5264
<u>member shall hold office from the date of appointment until the</u>	5265
<u>end of the term for which the member was appointed, except that</u>	5266
<u>a member shall continue in office after the expiration date of</u>	5267
<u>the member's term until the member's successor takes office. No</u>	5268
<u>member shall serve more than three consecutive terms.</u>	5269
<u>Vacancies shall be filled in the same manner as original</u>	5270

appointments. Any member appointed to fill a vacancy occurring 5271  
before the expiration of the term for which the member's 5272  
predecessor was appointed shall hold office for the remainder of 5273  
that term. 5274

(C) No individual may be appointed to the board who has 5275  
been convicted of or pleaded guilty to a felony under the laws 5276  
of this state, another state, or the United States. 5277

The governor may remove a member of the board for 5278  
malfeasance, misfeasance, or nonfeasance after a hearing in 5279  
accordance with Chapter 119. of the Revised Code. The governor 5280  
shall remove, after a hearing in accordance with Chapter 119. of 5281  
the Revised Code, any member who has been convicted of or 5282  
pleaded guilty to a felony under the laws of this state, another 5283  
state, or the United States. 5284

**Sec. 4744.10.** Whenever the term "state board of 5285  
optometry," "Ohio optical dispensers board," "hearing aid 5286  
dealers and fitters licensing board," or "board of speech- 5287  
language pathology and audiology" is used in any statute, rule, 5288  
contract, or other document, the use shall be construed to mean 5289  
the "state vision and hearing professionals board" unless 5290  
another section of law expressly provides otherwise. 5291

Whenever "executive director of the state board of 5292  
optometry," "executive secretary-treasurer of the Ohio optical 5293  
dispensers board," "secretary of the hearing aid dealers and 5294  
fitters licensing board," or "executive director of the board of 5295  
speech-language pathology and audiology" is used in a statute, 5296  
rule, contract, or other document, the reference shall be 5297  
construed to refer to the executive director of the state vision 5298  
and hearing professionals board. 5299

Whenever the term "chemical dependency professionals board," "counselor, social worker, and marriage and family therapist board," or "state board of psychology" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "state behavioral health professionals board" unless another section of law expressly provides otherwise. 5300-5306

Whenever the executive director of the "chemical dependency professionals board," "counselor, social worker, and marriage and family therapist board," or "state board of psychology" is used in any statute, rule, contract, or other document, the reference shall be construed to refer to the executive director of the state behavioral health professionals board. 5307-5313

Whenever the term "Ohio occupational therapy, physical therapy, and athletic trainers board" or "state board of orthotics, prosthetics, and pedorthics" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "state physical health services board" unless another section of law expressly provides otherwise. 5314-5319

Whenever the executive director of the "Ohio occupational therapy, physical therapy, and athletic trainers board" or "state board of orthotics, prosthetics, and pedorthics" is used in any statute, rule, contract, or other document, the reference shall be construed to refer to the executive director of the state physical health services board. 5320-5325

**Sec. 4744.12.** (A) Each board organized under this chapter shall annually elect from among its members a president and secretary. Each board shall hold at least four regular meetings each year and may hold additional meetings as it considers 5326-5329

necessary. At least one of the board's regular meetings shall be 5330  
held in Franklin county. The boards shall publish the time and 5331  
place of any meetings at least thirty days before the date on 5332  
which the meeting is to be held, except that in the case of an 5333  
emergency or special meeting, the board shall give twenty-four- 5334  
hours' notice or as much notice as possible. 5335

A majority of board members constitutes a quorum. 5336

(B) Each board shall do all of the following: 5337

(1) Adopt a seal and certificate of suitable design; 5338

(2) Maintain a record of its proceedings; 5339

(3) Maintain a register of every individual holding a 5340  
certificate, license, permit, registration, or endorsement 5341  
issued under Chapters 4725., 4732., 4747., 4753., 4755., 4757., 5342  
4758., 4779., and 4783. of the Revised Code, as applicable, and 5343  
every individual whose certificate, license, permit, 5344  
registration, or endorsement has been revoked under those 5345  
chapters. 5346

(C) Except as otherwise provided in the Revised Code, the 5347  
books and records of each board, including its registers, shall 5348  
be open to public inspection at all reasonable times. A copy of 5349  
an entry in those books and records, certified by the executive 5350  
director under the board's seal, is prima facie evidence of the 5351  
facts therein stated. 5352

**Sec. 4744.14.** Each board organized under this chapter 5353  
shall hire an executive director. Before discharging the 5354  
executive director's duties, each executive director shall give 5355  
a bond, to be approved by the board, in the amount of two 5356  
thousand dollars to ensure the faithful performance of the 5357  
executive director's duties. The board shall pay the premium of 5358



the bond in the same manner as it pays other expenditures of the 5359  
board. The bond shall be deposited with the secretary of state 5360  
and kept in the secretary of state's office. 5361

The executive director of each board organized under this 5362  
chapter, in consultation with the director of administrative 5363  
services, may employ inspectors, investigators, assistants, and 5364  
other employees as necessary to administer and enforce Chapters 5365  
4725., 4732., 4747., 4753., 4755., 4757., 4758., 4779., and 5366  
4783. of the Revised Code, as applicable. 5367

**Sec. 4744.16.** Each member of a board organized under this 5368  
chapter shall receive an amount fixed under division (J) of 5369  
section 124.15 of the Revised Code for each day the member is 5370  
performing their official duties and be reimbursed for actual 5371  
and necessary expenses incurred in performing such duties. 5372

Each board, in consultation with the director of 5373  
administrative services, shall set the compensation of its 5374  
executive director and of any employees of the board. The 5375  
executive director of each board shall be reimbursed for 5376  
necessary expenses in accordance with section 126.31 of the 5377  
Revised Code. 5378

All vouchers of the board shall be approved by the board's 5379  
president or executive director, or both, as authorized by the 5380  
board. 5381

**Sec. 4744.18.** Each board organized under this chapter 5382  
shall have an office in Franklin county, where all of the 5383  
board's permanent records shall be kept. On request of each 5384  
board, the director of administrative services shall supply each 5385  
board with office space and supplies. The board's president and 5386  
executive director shall submit an order to the director of 5387

administrative services for all printing and binding necessary 5388  
for the board's work. 5389

Sec. 4744.20. All expenses of the boards organized under 5390  
this chapter shall be paid from, and all receipts of the boards 5391  
shall be deposited in, the state treasury to the credit of the 5392  
occupational licensing and regulatory fund created in section 5393  
4743.05 of the Revised Code. 5394

Sec. 4744.24. Each board organized under this chapter 5395  
shall annually, on or before the first day of February, submit a 5396  
report to the governor of all its official acts during the 5397  
preceding year, its receipts and disbursements, and a complete 5398  
report of the conditions of the professions regulated by the 5399  
board. Each board shall submit the reports to the governor 5400  
electronically. 5401

Sec. 4744.28. Each board organized under this chapter may 5402  
adopt rules as necessary for the transaction of its business. 5403

Sec. 4744.30. In the absence of fraud or bad faith, any 5404  
board organized under this chapter, current or former board 5405  
members, agents of the board, persons formally requested by the 5406  
board to be the board's representative, or employees of the 5407  
board shall not be held liable in damages to any person as the 5408  
result of any act, omission, proceeding, conduct, or decision 5409  
related to official duties undertaken or performed pursuant to 5410  
Chapters 4725., 4732., 4747., 4753., 4755., 4757., 4758., 4779., 5411  
and 4783. of the Revised Code, as applicable. 5412

If such a person asks to be defended by the state against 5413  
any claim or action arising out of any act, omission, 5414  
proceeding, conduct, or decision related to the person's 5415  
official duties, and if the request is made in writing at a 5416

reasonable time before trial and the person requesting defense 5417  
cooperates in good faith in the defense of the claim or action, 5418  
the state shall provide and pay for the person's defense and 5419  
shall pay any resulting judgment, compromise, or settlement. At 5420  
no time shall the state pay any part of a claim or judgment that 5421  
is for punitive or exemplary damages. 5422

**Sec. 4744.36.** Each board organized under this chapter may 5423  
appoint committees or other groups to assist in fulfilling its 5424  
duties. A committee or group may consist of board members, other 5425  
individuals with appropriate backgrounds, or both board members 5426  
and other individuals with appropriate backgrounds. Any 5427  
appointed committee or group shall act under the board's 5428  
direction and shall perform its functions within the limits 5429  
established by the board. 5430

Except as otherwise provided in the Revised Code, a 5431  
committee or group organized under this section is advisory in 5432  
nature and may not act independently of the board or act on the 5433  
board's behalf. 5434

Members of a committee or group may be reimbursed by the 5435  
board for any expenses incurred in the performance of their 5436  
duties, in accordance with section 126.31 of the Revised Code 5437  
and with approval from the director of administrative services. 5438

**Sec. 4744.40.** Each board organized this chapter may enter 5439  
into contracts with any person or government entity to implement 5440  
this chapter and Chapters 4725., 4732., 4747., 4753., 4755., 5441  
4757., 4758., 4779., and 4783. of the Revised Code, as 5442  
applicable, the rules adopted under those chapters, any other 5443  
applicable statutes or rules, and any applicable federal 5444  
statutes or regulations. 5445

Sec. 4744.48. Each board organized under this chapter may 5446  
become a member of a national licensing organization for the 5447  
professions regulated by that board. The board may participate 5448  
in any of the organization's activities, including reporting 5449  
actions the board takes against an applicant or license holder 5450  
to any data bank established by the organization. 5451

Sec. 4744.50. Each board organized under this chapter 5452  
shall establish a code of ethical practice for individuals 5453  
licensed, certified, or registered by that board in accordance 5454  
with rules adopted under Chapter 119. of the Revised Code. In 5455  
establishing the codes of ethical practice, the board shall 5456  
define unprofessional conduct in the rules, which shall include 5457  
engaging in a dual relationship with a client or former client, 5458  
committing an act of sexual abuse, misconduct, or exploitation 5459  
of a client or former client, and, except as permitted by law, 5460  
violating client confidentiality. 5461

The codes of ethical practice may be based on any codes of 5462  
ethical practice developed by national organizations 5463  
representing the interests of those professions regulated by 5464  
each board. The board may establish standards in its codes of 5465  
ethical practice that are more stringent than those established 5466  
by national organizations. 5467

The board may take disciplinary action against an 5468  
applicant or license holder for violating any code of ethical 5469  
practice established under this section. 5470

Sec. 4744.54. No board organized under this chapter or any 5471  
committees established by the board shall discriminate against 5472  
an applicant or license holder because of the person's race, 5473  
color, religion, sex, national origin, disability as defined in 5474  
section 4112.01 of the Revised Code, or age. A person who files 5475

with the board or committee a statement alleging discrimination 5476  
based on any of those reasons may request a hearing with the 5477  
board or committee, as appropriate. 5478

**Sec. 4745.02.** On or before the thirtieth day prior to the 5479  
expiration of any license, each licensing agency shall ~~cause to~~ 5480  
~~be mailed~~ provide a notice ~~and application~~ for renewal to every 5481  
licensee for whom a license was issued or renewed during the 5482  
current license year or other specified period and who has been 5483  
approved for renewal by the specific licensing agency. 5484

The licensee shall complete the applicable renewal 5485  
application and ~~return it to~~ pay the applicable renewal fee. 5486  
Renewal fees paid pursuant to this section shall be deposited 5487  
with the treasurer of state ~~with a renewal fee in the amount~~ 5488  
~~specified on the renewal application.~~ 5489

Upon receipt of the correct fee by the treasurer and 5490  
acceptance of the renewal application by the licensing agency, 5491  
the applicant shall be entered as currently renewed on the 5492  
records of the particular licensing agency, and notice of the 5493  
entry shall be ~~mailed~~ provided to each licensee as soon as 5494  
practicable, but not later than thirty days after receipt ~~by the~~ 5495  
~~treasurer~~ of the application and renewal fee. A certification by 5496  
the respective licensing agency, with its seal affixed, of those 5497  
records shall be prima-facie evidence of renewal in all courts 5498  
in the trial of any case. 5499

**Sec. 4745.021.** Notwithstanding any provision of the 5500  
Revised Code pertaining to the timing of a license renewal to 5501  
the contrary, if a failure in any electronic license renewal 5502  
system occurs, a licensing agency may extend the date by which 5503  
licenses must be renewed. The licensing agency may extend a 5504  
renewal period for a reasonable time period after the resolution 5505

of the system failure. However, a licensing agency must obtain 5506  
approval from the director of administrative services for an 5507  
extension in excess of fourteen days beyond the resolution of 5508  
the system failure. 5509

**Sec. 4747.04.** ~~The state vision and hearing aid dealers and~~ 5510  
~~fitters licensing board shall meet annually to elect a~~ 5511  
~~chairperson and a vice chairperson, who shall act as chairperson~~ 5512  
~~in the absence of the chairperson. A majority of the board~~ 5513  
~~constitutes a quorum. The board shall meet when called by the~~ 5514  
~~chairperson. The professionals board shall:~~ 5515

~~(A) Adopt rules for the transaction of its business;~~ 5516

~~(B)~~ Design and prepare qualifying examinations for 5517  
licensing of hearing aid dealers, fitters, and trainees; 5518

~~(C)~~ (B) Determine whether persons holding similar valid 5519  
licenses from other states or jurisdictions shall be required to 5520  
take and successfully pass the appropriate qualifying 5521  
examination as a condition for licensing in this state; 5522

~~(D)~~ (C) Determine whether charges made against any 5523  
licensee warrant a hearing before the board; 5524

~~(E)~~ (D) Hold hearings to determine the truth and 5525  
circumstances of all charges filed in writing with the board 5526  
against any licensee and determine whether any license held by 5527  
any person shall be revoked, suspended, or reissued; 5528

~~(F)~~ (E) Determine and specify the length of time each 5529  
license that is suspended or revoked shall remain suspended or 5530  
revoked; 5531

~~(G)~~ (F) Advise and assist the department of health in all 5532  
matters relating to this chapter; 5533

~~(H)~~ (G) Deposit all payments collected under this chapter 5534  
into the ~~general operations state treasury to the credit of the~~ 5535  
~~occupational licensing and regulatory fund created under in~~ 5536  
section ~~3701.83-4743.05~~ of the Revised Code ~~to be used in~~ 5537  
~~administering and enforcing this chapter;~~ 5538

~~(I)~~ (H) Establish a list of disqualifying offenses for 5539  
licensure as a hearing aid dealer or fitter, or for a hearing 5540  
aid dealer or fitter trainee permit, pursuant to sections 5541  
4747.05, 4747.10, 4747.12, and 4776.10 of the Revised Code. 5542

Nothing in this section shall be interpreted as granting 5543  
to the ~~state vision and hearing aid dealers and fitters~~ 5544  
~~licensing professionals~~ board the right to restrict advertising 5545  
which is not false or misleading, or to prohibit or in any way 5546  
restrict a hearing aid dealer or fitter from renting or leasing 5547  
space from any person, firm or corporation in a mercantile 5548  
establishment for the purpose of using such space for the lawful 5549  
sale of hearing aids or to prohibit a mercantile establishment 5550  
from selling hearing aids if the sale would be otherwise lawful 5551  
under this chapter. 5552

**Sec. 4747.05.** (A) The ~~state vision and hearing aid dealers~~ 5553  
~~and fitters licensing professionals~~ board shall issue to each 5554  
applicant, within sixty days of receipt of a properly completed 5555  
application and payment of two hundred sixty-two dollars, a 5556  
hearing aid dealer's or fitter's license if the applicant, ~~if an~~ 5557  
~~individual:~~ 5558

(1) ~~Is~~ In the case of an individual, the individual is at 5559  
least eighteen years of age. 5560

~~(2) Has,~~ has not committed a disqualifying offense or a 5561  
crime of moral turpitude, as those terms are defined in section 5562

4776.10 of the Revised Code~~+~~ 5563

~~(3) Is, is~~ free of contagious or infectious disease~~+~~ 5564

~~(4) Has, and has~~ successfully passed a qualifying 5565  
examination specified and administered by the board. 5566

~~(B) If the applicant is~~ (2) In the case of a firm, 5567  
partnership, association, or corporation, the application, in 5568  
addition to such information as the board requires, ~~shall be~~ is 5569  
accompanied by an application for a license for each person, 5570  
whether owner or employee, of the firm, partnership, 5571  
association, or corporation, who engages in dealing in or 5572  
fitting of hearing aids, or ~~shall contain~~ contains a statement 5573  
that such applications are submitted separately. No firm, 5574  
partnership, association, or corporation licensed pursuant to 5575  
this chapter shall permit any unlicensed person to sell or fit 5576  
hearing aids. 5577

~~(C)(B)~~(1) Subject to divisions ~~(C)(B)~~(2), (3), and (4) of 5578  
this section, the board shall not adopt, maintain, renew, or 5579  
enforce any rule that precludes an individual from receiving or 5580  
renewing a license issued under this chapter due to any past 5581  
criminal activity or interpretation of moral character, unless 5582  
the individual has committed a crime of moral turpitude or a 5583  
disqualifying offense as those terms are defined in section 5584  
4776.10 of the Revised Code. If the board denies an individual a 5585  
license or license renewal, the reasons for such denial shall be 5586  
put in writing. 5587

(2) Except as otherwise provided in this division, if an 5588  
individual applying for a license has been convicted of or 5589  
pleaded guilty to a misdemeanor that is not a crime of moral 5590  
turpitude or a disqualifying offense less than one year prior to 5591



making the application, the board may use the board's discretion 5592  
in granting or denying the individual a license. Except as 5593  
otherwise provided in this division, if an individual applying 5594  
for a license has been convicted of or pleaded guilty to a 5595  
felony that is not a crime of moral turpitude or a disqualifying 5596  
offense less than three years prior to making the application, 5597  
the board may use the board's discretion in granting or denying 5598  
the individual a license. The provisions in this paragraph do 5599  
not apply with respect to any offense unless the board, prior to 5600  
~~the effective date of this amendment~~ September 28, 2012, was 5601  
required or authorized to deny the application based on that 5602  
offense. 5603

In all other circumstances, the board shall follow the 5604  
procedures it adopts by rule that conform to division ~~(C)~~ (B) (1) 5605  
of this section. 5606

(3) In considering a renewal of an individual's license, 5607  
the board shall not consider any conviction or plea of guilty 5608  
prior to the initial licensing. However, the board may consider 5609  
a conviction or plea of guilty if it occurred after the 5610  
individual was initially licensed, or after the most recent 5611  
license renewal. 5612

(4) The board may grant an individual a conditional 5613  
license that lasts for one year. After the one-year period has 5614  
expired, the license is no longer considered conditional, and 5615  
the individual shall be considered fully licensed. 5616

~~(D)~~ (C) Each license issued expires on the thirtieth day 5617  
of January of the year following that in which it was issued. 5618

**Sec. 4747.051.** (A) As used in this section, "license" and 5619  
"applicant for an initial license" have the same meanings as in 5620

section 4776.01 of the Revised Code, except that "license" as 5621  
used in both of those terms refers to the types of 5622  
authorizations otherwise issued or conferred under this chapter. 5623

(B) In addition to any other eligibility requirement set 5624  
forth in this chapter, each applicant for an initial license 5625  
shall comply with sections 4776.01 to 4776.04 of the Revised 5626  
Code. The state vision and hearing professionals board shall not 5627  
grant a license to an applicant for an initial license unless 5628  
the applicant complies with sections 4776.01 to 4776.04 of the 5629  
Revised Code and the board, in its discretion, decides that the 5630  
results of the criminal records check do not make the applicant 5631  
ineligible for a license issued pursuant to section 4747.05 or 5632  
4747.10 of the Revised Code. 5633

**Sec. 4747.06.** (A) Each person engaged in the practice of 5634  
dealing in or fitting of hearing aids who holds a valid hearing 5635  
aid dealer's or fitter's license shall apply annually to the 5636  
state vision and hearing aid dealers and fitters licensing- 5637  
professionals board for renewal of such license under the 5638  
standard renewal procedure specified in Chapter 4745. of the 5639  
Revised Code. The board shall issue to each applicant, on proof 5640  
of completion of the continuing education required by division 5641  
(B) of this section and payment of one hundred fifty-seven 5642  
dollars on or before the first day of February, one hundred 5643  
eighty-three dollars on or before the first day of March, or two 5644  
hundred ten dollars thereafter, a renewed hearing aid dealer's 5645  
or fitter's license. No person who applies for renewal of a 5646  
hearing aid dealer's or fitter's license that has expired shall 5647  
be required to take any examination as a condition of renewal 5648  
provided application for renewal is made within two years of the 5649  
date such license expired. 5650

(B) Each person engaged in the practice of dealing in or fitting of hearing aids who holds a valid hearing aid dealer's or fitter's license shall complete each year not less than ten hours of continuing professional education approved by the board. On a form provided by the board, the person shall certify to the board, at the time of license renewal pursuant to division (A) of this section, that in the preceding year the person has completed continuing education in compliance with this division and shall submit any additional information required by rule of the board regarding the continuing education. The board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing the standards continuing education programs must meet to obtain board approval and continuing education reporting requirements.

Continuing education may be applied to meet the requirement of this division if it is provided or certified by any of the following:

- (1) The national institute of hearing instruments studies committee of the international hearing society;
- (2) The American speech-language hearing association;
- (3) The American academy of audiology.

The board may excuse persons licensed under this chapter, as a group or as individuals, from all or any part of the requirements of this division because of an unusual circumstance, emergency, or special hardship.

**Sec. 4747.07.** Each person who holds a hearing aid dealer's or fitter's license and engages in the practice of dealing in and fitting of hearing aids shall display such license in a conspicuous place in the person's office or place of business at

all times. Each person who maintains more than one office or 5680  
place of business shall post a duplicate copy of the license at 5681  
each location. The state vision and hearing aid dealers and 5682  
fitters licensing professionals board shall issue duplicate 5683  
copies of a license upon receipt of a properly completed 5684  
application and payment of sixteen dollars for each copy 5685  
requested. 5686

**Sec. 4747.08.** After July 1, 1970, no person shall be 5687  
issued a hearing aid dealer's or fitter's license unless such 5688  
person has successfully taken and passed a qualifying 5689  
examination. The qualifying examination shall be a thorough 5690  
testing of knowledge required for the proper selecting, fitting, 5691  
and sale of hearing aids, but shall not be such that a medical 5692  
or surgical education is required for successful completion. It 5693  
shall consist of written and practical portions which shall 5694  
include, but not be limited to, the following areas: 5695

(A) Basic physics of sound; 5696

(B) The anatomy and physiology of the human ear; 5697

(C) The function and purpose of hearing aids; 5698

(D) Pure tone audiometry, including air conduction and 5699  
bone conduction testing; 5700

(E) Live voice or recorded voice speech audiometry, 5701  
including speech reception threshold testing and speech 5702  
discrimination testing; 5703

(F) Masking techniques; 5704

(G) Recording and evaluation of audiograms and speech 5705  
audiometry to determine proper selection and adaption of hearing 5706  
aids; 5707

(H) Earmold impression techniques. 5708

The state vision and hearing aid dealers and fitters 5709  
~~licensing professionals~~ board shall design, prepare, and revise 5710  
such qualifying examinations as are determined necessary by the 5711  
board pursuant to this chapter. It shall administer all such 5712  
qualifying examinations and shall designate the time, place, and 5713  
date the examinations are held. The board shall also furnish all 5714  
materials and equipment necessary for the conducting of all 5715  
qualifying examinations. 5716

**Sec. 4747.10.** Each person currently engaged in training to 5717  
become a licensed hearing aid dealer or fitter shall apply to 5718  
the state vision and hearing aid dealers and fitters ~~licensing~~ 5719  
professionals board for a hearing aid dealer's and fitter's 5720  
trainee permit. The board shall issue to each applicant within 5721  
thirty days of receipt of a properly completed application and 5722  
payment of one hundred fifty dollars, a trainee permit if such 5723  
applicant meets all of the following criteria: 5724

(A) Is at least eighteen years of age; 5725

(B) Is the holder of a diploma from an accredited high 5726  
school or a certificate of high school equivalence issued by the 5727  
department of education; 5728

(C) Has not committed a disqualifying offense or a crime 5729  
of moral turpitude, as those terms are defined in section 5730  
4776.10 of the Revised Code; 5731

(D) Is free of contagious or infectious disease. 5732

Subject to the next paragraph, the board shall not deny a 5733  
trainee permit issued under this section to any individual based 5734  
on the individual's past criminal history or an interpretation 5735  
of moral character unless the individual has committed a 5736

disqualifying offense or crime of moral turpitude as those terms 5737  
are defined in section 4776.10 of the Revised Code. Except as 5738  
otherwise provided in this paragraph, if an individual applying 5739  
for a trainee permit has been convicted of or pleaded guilty to 5740  
a misdemeanor that is not a crime of moral turpitude or a 5741  
disqualifying offense less than one year prior to making the 5742  
application, the board may use the board's discretion in 5743  
granting or denying the individual a trainee permit. Except as 5744  
otherwise provided in this paragraph, if an individual applying 5745  
for a trainee permit has been convicted of or pleaded guilty to 5746  
a felony that is not a crime of moral turpitude or a 5747  
disqualifying offense less than three years prior to making the 5748  
application, the board may use the board's discretion in 5749  
granting or denying the individual a trainee permit. The 5750  
provisions in this paragraph do not apply with respect to any 5751  
offense unless the board, prior to September 28, 2012, was 5752  
required or authorized to deny the application based on that 5753  
offense. 5754

In all other circumstances not described in the preceding 5755  
paragraph, the board shall follow the procedures it adopts by 5756  
rule that conform to this section. 5757

In considering a renewal of an individual's trainee 5758  
permit, the board shall not consider any conviction or plea of 5759  
guilty prior to the issuance of the initial trainee permit. 5760  
However, the board may consider a conviction or plea of guilty 5761  
if it occurred after the individual was initially granted the 5762  
trainee permit, or after the most recent trainee permit renewal. 5763  
If the board denies an individual for a trainee permit or 5764  
renewal, the reasons for such denial shall be put in writing. 5765  
Additionally, the board may grant an individual a conditional 5766  
trainee permit that lasts for one year. After the one-year 5767

period has expired, the permit is no longer considered 5768  
conditional, and the individual shall be considered to be 5769  
granted a full trainee permit. 5770

Each trainee permit issued by the board expires one year 5771  
from the date it was first issued, and may be renewed once if 5772  
the trainee has not successfully completed the qualifying 5773  
requirements for licensing as a hearing aid dealer or fitter 5774  
before the expiration date of such permit. The board shall issue 5775  
a renewed permit to each applicant upon receipt of a properly 5776  
completed application and payment of one hundred five dollars. 5777  
No person holding a trainee permit shall engage in the practice 5778  
of dealing in or fitting of hearing aids except while under 5779  
supervision by a licensed hearing aid dealer or fitter. 5780

**Sec. 4747.11.** Each person who holds a hearing aid dealer's 5781  
or fitter's license or trainee permit shall notify the state 5782  
vision and hearing aid dealers and fitters licensing 5783  
professionals board in writing of the place or places where ~~he~~ 5784  
the person engages or intends to engage in the practice of 5785  
dealing in and fitting of hearing aids, and shall immediately 5786  
notify the board in writing of any change in such address or 5787  
addresses. The board shall keep a record of the past and current 5788  
place of business of each person who holds a license or permit. 5789

Any notice that is required to be given by the board to a 5790  
person holding a license or permit pursuant to the provisions of 5791  
this chapter shall be mailed to such person by certified mail to 5792  
the address of ~~his~~ the person's current or most recent place of 5793  
business as revealed in the records of the board. 5794

**Sec. 4747.12.** The state vision and hearing aid dealers and 5795  
fitters licensing professionals board may revoke or suspend a 5796  
license or permit if the person who holds such license or 5797

permit:	5798
(A) Is convicted of a disqualifying offense or a crime of moral turpitude as those terms are defined in section 4776.10 of the Revised Code. The record of conviction, or a copy thereof certified by the clerk of the court or by the judge in whose court the conviction occurs, is conclusive evidence of such conviction;	5799 5800 5801 5802 5803 5804
(B) Procured a license or permit by fraud or deceit practiced upon the board;	5805 5806
(C) Obtained any fee or made any sale of a hearing aid by fraud or misrepresentation;	5807 5808
(D) Knowingly employed any person without a license or a person whose license was suspended or revoked to engage in the fitting or sale of hearing aids;	5809 5810 5811
(E) Used or caused or promoted the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is misleading, deceptive, or untruthful;	5812 5813 5814 5815 5816
(F) Advertised a particular model or type of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the specified model or type of hearing aid;	5817 5818 5819 5820
(G) Represented or advertised that the service or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when such is not true, or using the words "doctor," "clinic," or similar words, abbreviations, or symbols which connote the medical profession when such use is not	5821 5822 5823 5824 5825 5826



accurate;	5827
(H) Is found by the board to be a person of habitual intemperance or gross immorality;	5828 5829
(I) Advertised a manufacturer's product or used a manufacturer's name or trademark in a manner which suggested the existence of a relationship with the manufacturer which did not or does not exist;	5830 5831 5832 5833
(J) Fitted or sold, or attempted to fit or sell, a hearing aid to a person without first utilizing the appropriate procedures and instruments required for proper fitting of hearing aids;	5834 5835 5836 5837
(K) Engaged in the fitting and sale of hearing aids under a false name or an alias;	5838 5839
(L) Engaged in the practice of dealing in or fitting of hearing aids while suffering from a contagious or infectious disease;	5840 5841 5842
(M) Was found by the board to be guilty of gross incompetence or negligence in the fitting or sale of hearing aids;	5843 5844 5845
(N) Permitted another person to use the licensee's license;	5846 5847
<u>(O) Violate the code of ethical practice adopted under section 4744.50 of the Revised Code.</u>	5848 5849
<b>Sec. 4747.13.</b> (A) Any person who wishes to make a complaint against any person, firm, partnership, association, or corporation licensed pursuant to this chapter shall submit such complaint in writing to the <u>state vision and hearing aid dealers and fitters licensing professionals board</u> within one year from	5850 5851 5852 5853 5854

the date of the action or event upon which the complaint is 5855  
based. The ~~hearing aid dealers and fitters~~ board shall determine 5856  
whether the charges in the complaint are of a sufficiently 5857  
serious nature to warrant a hearing before the board to 5858  
determine whether the license or permit held by the person 5859  
complained against shall be revoked or suspended. If the board 5860  
determines that a hearing is warranted, then it shall fix the 5861  
time and place of such hearing and deliver or cause to have 5862  
delivered, either in person or by registered mail, at least 5863  
twenty days before the date of such hearing, an order 5864  
instructing the licensee complained against of the date, time, 5865  
and place where the licensee shall appear before the board. Such 5866  
order shall include a copy of the complaint against the 5867  
licensee. 5868

The board, and the licensee after receipt of the order and 5869  
a copy of the complaint made against the licensee, may take 5870  
depositions in advance of the hearing, provided that each party 5871  
taking depositions shall give at least five days notice to the 5872  
other party of the time, date, and place where such depositions 5873  
shall be taken. Each party shall have the right to attend with 5874  
counsel the taking of such depositions and may cross-examine the 5875  
deponent or deponents. Each licensee appearing before the board 5876  
may be represented by counsel. No person shall have the person's 5877  
license or permit revoked or suspended without an opportunity to 5878  
present the person's case at a hearing before the board, and the 5879  
board shall grant a continuance or adjournment of a hearing date 5880  
for good cause. Each person whose license or permit is suspended 5881  
or revoked by the board may appeal such action to the court of 5882  
common pleas. 5883

(B) The board shall petition the court of common pleas of 5884  
the county in which a person, firm, partnership, or corporation 5885

engages in the sale, practice of dealing in or fitting of 5886  
hearing aids, advertises or assumes such practice, or engages in 5887  
training to become a licensed hearing aid dealer or fitter 5888  
without first being licensed, for an order enjoining any such 5889  
acts or practices. The court may grant such injunctive relief 5890  
upon a showing that the respondent named in the petition is 5891  
engaging in such acts or practices without being licensed under 5892  
this chapter. 5893

**Sec. 4747.14.** No person, firm, partnership, association, 5894  
or corporation shall: 5895

(A) Sell or barter or offer to sell or barter a hearing 5896  
aid dealers or fitters license or trainee permit issued by the 5897  
~~state vision and hearing aid dealers and fitters licensing~~ 5898  
professionals board pursuant to sections 4747.05, 4747.06, and 5899  
4747.10 of the Revised Code; 5900

(B) Purchase or procure or attempt to purchase or procure 5901  
a hearing aid dealers or fitters license or trainee permit with 5902  
intent to use such license or permit as evidence of the holder's 5903  
qualification to engage in the practice of dealing in or fitting 5904  
of hearing aids; 5905

(C) Use or attempt to use as a valid license or permit a 5906  
license or permit which has been purchased, fraudulently 5907  
obtained, counterfeited, materially altered, or suspended or 5908  
revoked; 5909

(D) Alter a license or permit in any way, shape, or form, 5910  
except as may be specified by the board; 5911

(E) Willfully and knowingly make a false statement in an 5912  
application for issuance or renewal of a license or permit. 5913

**Sec. 4747.16.** On receipt of a notice pursuant to section 5914

3123.43 of the Revised Code, the state vision and hearing aid- 5915  
dealers and fitters licensing professionals board shall comply 5916  
with sections 3123.41 to 3123.50 of the Revised Code and any 5917  
applicable rules adopted under section 3123.63 of the Revised 5918  
Code with respect to a license issued pursuant to this chapter. 5919

**Sec. 4747.17.** The state vision and hearing aid dealers and- 5920  
fitters licensing professionals board shall comply with section 5921  
4776.20 of the Revised Code. 5922

**Sec. 4752.01.** As used in this chapter: 5923

(A) "Authorized health care professional" means a person 5924  
authorized under Chapter 4731. of the Revised Code to practice 5925  
medicine and surgery or osteopathic medicine and surgery or 5926  
otherwise authorized under Ohio law to prescribe the use of home 5927  
medical equipment by a patient. 5928

(B) "Home medical equipment" means equipment that can 5929  
stand repeated use, is primarily and customarily used to serve a 5930  
medical purpose, is not useful to a person in the absence of 5931  
illness or injury, is appropriate for use in the home, and is 5932  
one or more of the following: 5933

(1) Life-sustaining equipment prescribed by an authorized 5934  
health care professional that mechanically sustains, restores, 5935  
or supplants a vital bodily function, such as breathing; 5936

(2) Technologically sophisticated medical equipment 5937  
prescribed by an authorized health care professional that 5938  
requires individualized adjustment or regular maintenance by a 5939  
home medical equipment services provider to maintain a patient's 5940  
health care condition or the effectiveness of the equipment; 5941

(3) An item specified by the ~~Ohio respiratory care board-~~ 5942  
state board of pharmacy in rules adopted under division (B) of 5943

section 4752.17 of the Revised Code. 5944

(C) "Home medical equipment services" means the sale, 5945  
delivery, installation, maintenance, replacement, or 5946  
demonstration of home medical equipment. 5947

(D) "Home medical equipment services provider" means a 5948  
person engaged in offering home medical equipment services to 5949  
the public. 5950

(E) "Hospital" has the same meaning as in section 3727.01 5951  
of the Revised Code. 5952

(F) "Sell or rent" means to transfer ownership or the 5953  
right to use property, whether in person or through an agent, 5954  
employee, or other person, in return for compensation. 5955

**Sec. 4752.03.** (A) A person seeking to comply with division 5956  
(A) of section 4752.02 of the Revised Code shall do either of 5957  
the following: 5958

(1) Apply for a license issued under this chapter; 5959

(2) Apply for a certificate of registration issued under 5960  
this chapter on the basis of being accredited by the joint 5961  
commission on accreditation of healthcare organizations or 5962  
another national accrediting body recognized by the ~~Ohio~~ 5963  
~~respiratory care board~~ state board of pharmacy, as specified in 5964  
rules adopted under section 4752.17 of the Revised Code. 5965

(B) A person intending to provide home medical equipment 5966  
services from more than one facility shall apply for a separate 5967  
license or certificate of registration for each facility. 5968

**Sec. 4752.04.** A person seeking a license to provide home 5969  
medical equipment services shall apply to the ~~Ohio respiratory~~ 5970  
~~care board~~ state board of pharmacy on a form the board shall 5971

prescribe and provide. The application must be accompanied by 5972  
the license application fee established in rules adopted under 5973  
section 4752.17 of the Revised Code, except that the board may 5974  
waive all or part of the fee if the board determines that an 5975  
applicant's license will be issued in the last six months of the 5976  
biennial licensing period established under section 4752.05 of 5977  
the Revised Code. 5978

In the application, the applicant shall specify the name 5979  
and location of the facility from which services will be 5980  
provided. 5981

**Sec. 4752.05.** (A) ~~The Ohio respiratory care board~~ state 5982  
board of pharmacy shall issue a license to provide home medical 5983  
equipment services to each applicant under section 4752.04 of 5984  
the Revised Code that meets either of the following 5985  
requirements: 5986

(1) Meets the standards established by the board in rules 5987  
adopted under section 4752.17 of the Revised Code; 5988

(2) Is a pharmacy licensed under Chapter 4729. of the 5989  
Revised Code that receives total payments of ten thousand 5990  
dollars or more per year from selling or renting home medical 5991  
equipment. 5992

(B) During the period ending one year after September 16, 5993  
2004, an applicant that does not meet either of the requirements 5994  
of division (A) of this section shall be granted a provisional 5995  
license if for at least twelve months prior to September 16, 5996  
2004, the applicant was engaged in the business of providing 5997  
home medical equipment services. The provisional license expires 5998  
one year following the date on which it is issued and is not 5999  
subject to renewal under section 4752.06 of the Revised Code. 6000

(C) The board may conduct a personal interview of an applicant, or an applicant's representative, to determine the applicant's qualifications for licensure.

(D) A license issued under division (A) of this section expires at the end of the licensing period for which it is issued and may be renewed in accordance with section 4752.06 of the Revised Code. For purposes of issuing and renewing licenses, the board shall use a biennial licensing period that begins on the first day of July of each even-numbered year and ends on the thirtieth day of June of the next succeeding even-numbered year.

(E) Any license issued under this section is valid only for the facility named in the application.

**Sec. 4752.06.** Except for a provisional license issued under section 4752.05 of the Revised Code, a license issued under this chapter shall be renewed by the ~~Ohio respiratory care board~~ state board of pharmacy if the license holder is in compliance with the applicable requirements of this chapter.

An application for license renewal shall be accompanied by the renewal fee established in rules adopted under section 4752.17 of the Revised Code and, except as provided in division (B) of section 4752.07 of the Revised Code, by documentation satisfactory to the board that the continuing education requirements of section 4752.07 of the Revised Code have been met. Renewals shall be made in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code and the renewal procedures established in rules adopted under section 4752.17 of the Revised Code.

**Sec. 4752.08.** (A) The ~~Ohio respiratory care board~~ state board of pharmacy may inspect the operations and facility,

subpoena the records, and compel testimony of employees of any 6030  
home medical equipment services provider licensed under this 6031  
chapter. Inspections shall be conducted as provided in rules 6032  
adopted by the board under section 4752.17 of the Revised Code. 6033

(B) The board shall employ investigators who shall, under 6034  
the direction of the executive director of the board, 6035  
investigate complaints and conduct inspections. Pursuant to an 6036  
investigation or inspection, investigators may review and audit 6037  
records during normal business hours at the place of business of 6038  
the person being investigated. The board and its employees shall 6039  
not disclose confidential information obtained during an 6040  
investigation, except pursuant to a court order. 6041

(C) The board shall send the provider a report of the 6042  
results of an inspection. If the board determines that the 6043  
provider is not in compliance with any requirement of this 6044  
chapter applicable to providers licensed under this chapter, the 6045  
board may direct the provider to attain compliance. Failure of 6046  
the provider to comply with the directive is grounds for action 6047  
by the board under division (A) (1) of section 4752.09 of the 6048  
Revised Code. 6049

(D) A provider that disputes the results of an inspection 6050  
may file an appeal with the board not later than ninety days 6051  
after receiving the inspection report. The board shall review 6052  
the inspection report and, at the request of the provider, 6053  
conduct a new inspection. 6054

**Sec. 4752.09.** (A) ~~The Ohio respiratory care board state~~ 6055  
board of pharmacy may, in accordance with Chapter 119. of the 6056  
Revised Code, suspend or revoke a license issued under this 6057  
chapter or discipline a license holder by imposing a fine of not 6058  
more than five thousand dollars or taking other disciplinary 6059



action on any of the following grounds:	6060
(1) Violation of any provision of this chapter or an order	6061
or rule of the board, as those provisions, orders, or rules are	6062
applicable to persons licensed under this chapter;	6063
(2) A plea of guilty to or a judicial finding of guilt of	6064
a felony or a misdemeanor that involves dishonesty or is	6065
directly related to the provision of home medical equipment	6066
services;	6067
(3) Making a material misstatement in furnishing	6068
information to the board;	6069
(4) Professional incompetence;	6070
(5) Being guilty of negligence or gross misconduct in	6071
providing home medical equipment services;	6072
(6) Aiding, assisting, or willfully permitting another	6073
person to violate any provision of this chapter or an order or	6074
rule of the board, as those provisions, orders, or rules are	6075
applicable to persons licensed under this chapter;	6076
(7) Failing, within sixty days, to provide information in	6077
response to a written request by the board;	6078
(8) Engaging in conduct likely to deceive, defraud, or	6079
harm the public;	6080
(9) Denial, revocation, suspension, or restriction of a	6081
license to provide home medical equipment services, for any	6082
reason other than failure to renew, in another state or	6083
jurisdiction;	6084
(10) Directly or indirectly giving to or receiving from	6085
any person a fee, commission, rebate, or other form of	6086

compensation for services not rendered; 6087

(11) Knowingly making or filing false records, reports, or 6088  
billings in the course of providing home medical equipment 6089  
services, including false records, reports, or billings prepared 6090  
for or submitted to state and federal agencies or departments; 6091

(12) Failing to comply with federal rules issued pursuant 6092  
to the medicare program established under Title XVIII of the 6093  
"Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as 6094  
amended, relating to operations, financial transactions, and 6095  
general business practices of home medical services providers. 6096

(B) The ~~respiratory care board~~ state board of pharmacy 6097  
immediately may suspend a license without a hearing if it 6098  
determines that there is evidence that the license holder is 6099  
subject to actions under this section and that there is clear 6100  
and convincing evidence that continued operation by the license 6101  
holder presents an immediate and serious harm to the public. The 6102  
president and executive director of the board shall make a 6103  
preliminary determination and describe, by telephone conference 6104  
or any other method of communication, the evidence on which they 6105  
made their determination to the other members of the board. The 6106  
board may by resolution designate another board member to act in 6107  
place of the president of the board or another employee to act 6108  
in the place of the executive director, in the event that the 6109  
board president or executive director is unavailable or unable 6110  
to act. On review of the evidence, the board may by a vote of 6111  
not less than seven of its members, suspend a license without a 6112  
prior hearing. The board may vote on the suspension by way of a 6113  
telephone conference call. 6114

Immediately following the decision to suspend a license 6115  
under this division, the board shall issue a written order of 6116

suspension and cause it to be delivered in accordance with 6117  
section 119.07 of the Revised Code. The order shall not be 6118  
subject to suspension by the court during the pendency of any 6119  
appeal filed under section 119.12 of the Revised Code. If the 6120  
license holder requests an adjudication hearing, the date set 6121  
for the hearing shall be within fifteen days but not earlier 6122  
than seven days after the license holder requests the hearing, 6123  
unless another date is agreed to by the license holder and the 6124  
board. The suspension shall remain in effect, unless reversed by 6125  
the board, until a final adjudication order issued by the board 6126  
pursuant to this section and Chapter 119. of the Revised Code 6127  
becomes effective. The board shall issue its final adjudication 6128  
order not later than ninety days after completion of the 6129  
hearing. The board's failure to issue the order by that day 6130  
shall cause the summary suspension to end, but shall not affect 6131  
the validity of any subsequent final adjudication order. 6132

**Sec. 4752.11.** (A) A person seeking a certificate of 6133  
registration to provide home medical equipment services shall 6134  
apply to the ~~Ohio respiratory care board~~ state board of pharmacy 6135  
on a form the board shall prescribe and provide. The application 6136  
must be accompanied by the registration fee established in rules 6137  
adopted under section 4752.17 of the Revised Code, except that 6138  
the board may waive all or part of the fee if the board 6139  
determines that an applicant's certificate of registration will 6140  
be issued in the last six months of the biennial registration 6141  
period established under section 4752.12 of the Revised Code. 6142

(B) The applicant shall specify in the application all of 6143  
the following: 6144

(1) The name of the facility from which services will be 6145  
provided; 6146

- (2) The facility's address; 6147
- (3) The facility's telephone number; 6148
- (4) A person who may be contacted with regard to the facility; 6149  
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- (5) The name of the national accrediting body that issued the accreditation on which the application is based; 6151  
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- (6) The applicant's accreditation number and the expiration date of the accreditation; 6153  
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- (7) A telephone number that may be used twenty-four hours a day, seven days a week, to obtain information related to the facility's provision of home medical equipment services. 6155  
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- Sec. 4752.12.** (A) ~~The Ohio respiratory care board~~ state board of pharmacy shall issue a certificate of registration to provide home medical equipment services to each applicant who submits a complete application under section 4752.11 of the Revised Code. For purposes of this division, an application is complete only if the board finds that the applicant holds accreditation from the joint commission on accreditation of healthcare organizations or another national accrediting body recognized by the board, as specified in rules adopted under section 4752.17 of the Revised Code. 6158  
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- (B) A certificate of registration issued under this section expires at the end of the registration period for which it is issued and may be renewed in accordance with section 4752.13 of the Revised Code. For purposes of renewing certificates of registration, the board shall use a biennial registration period that begins on the first day of July of each even-numbered year and ends on the thirtieth day of June of the next succeeding even-numbered year. 6168  
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(C) A certificate of registration issued under this 6176  
section is valid only for the facility named in the application. 6177

**Sec. 4752.13.** A certificate of registration issued under 6178  
this chapter shall be renewed by the ~~Ohio respiratory care board~~ 6179  
state board of pharmacy if the certificate holder is accredited 6180  
by the joint commission on accreditation of healthcare 6181  
organizations or another national accrediting body recognized by 6182  
the board, as specified in rules adopted under section 4752.17 6183  
of the Revised Code. 6184

An application for renewal of a certificate of 6185  
registration shall be accompanied by the renewal fee established 6186  
in rules adopted under section 4752.17 of the Revised Code. 6187  
Renewals shall be made in accordance with the standard renewal 6188  
procedure established under Chapter 4745. of the Revised Code 6189  
and the renewal procedures established in rules adopted under 6190  
section 4752.17 of the Revised Code. 6191

**Sec. 4752.14.** The ~~Ohio respiratory care board~~ state board 6192  
of pharmacy shall enter into a cooperative agreement with each 6193  
of the national accrediting bodies it recognizes in rules 6194  
adopted under section 4752.17 of the Revised Code for purposes 6195  
of issuing certificates of registration under this chapter. The 6196  
board shall ensure that each cooperative agreement establishes 6197  
or specifies standards or procedures regarding a complaint 6198  
process, patient safety and care, and any other matter the board 6199  
considers appropriate for home medical equipment services 6200  
providers that receive certificates of registration under this 6201  
chapter. 6202

**Sec. 4752.15.** (A) The ~~Ohio respiratory care board~~ state 6203  
board of pharmacy shall, in accordance with Chapter 119. of the 6204  
Revised Code, suspend or revoke a certificate of registration 6205

issued under this chapter if it learns from any source that the 6206  
accreditation on which the certificate of registration was 6207  
issued has been revoked or suspended or is otherwise no longer 6208  
valid. 6209

(B) If the status of the accreditation on which a 6210  
certificate of registration is issued under this chapter changes 6211  
for any reason, the holder of the certificate shall notify the 6212  
board. On receipt of the notice, the board shall take action 6213  
under division (A) of this section, if appropriate. 6214

**Sec. 4752.17.** (A) The ~~Ohio respiratory care board~~ state 6215  
board of pharmacy shall adopt rules to implement and administer 6216  
this chapter. The rules shall do all of the following: 6217

(1) Specify items considered to be home medical equipment 6218  
for purposes of divisions (B)(1) and (2) of section 4752.01 of 6219  
the Revised Code; 6220

(2) Establish procedures for issuance and renewal of 6221  
licenses and certificates of registration under this chapter, 6222  
including the duties that may be fulfilled by the board's 6223  
executive director and other board employees; 6224

(3) Specify the national accrediting bodies the board 6225  
recognizes for purposes of issuing certificates of registration 6226  
under this chapter; 6227

(4) Establish standards an applicant must meet to be 6228  
eligible to be granted a license under section 4752.05 of the 6229  
Revised Code; 6230

(5) Establish standards for personnel policies, equipment 6231  
storage, equipment maintenance, and record keeping to be 6232  
followed by home medical equipment services providers licensed 6233  
under this chapter; 6234

(6) Establish standards for continuing education programs 6235  
in home medical equipment services for individuals who provide 6236  
home medical equipment services while employed by or under the 6237  
control of a home medical equipment services provider licensed 6238  
under this chapter; 6239

(7) Establish standards and procedures for inspection of 6240  
home medical equipment providers licensed under this chapter and 6241  
the facilities from which their home medical equipment services 6242  
are provided and for appeal of inspection results; 6243

(8) Establish fees for issuing and renewing licenses under 6244  
this chapter, in an amount sufficient to meet the expenses the 6245  
board incurs in administering the licensing program; 6246

(9) Establish fees for conducting inspections of home 6247  
medical equipment services providers licensed under this 6248  
chapter, in an amount sufficient to meet the expenses the board 6249  
incurs in administering the inspection program; 6250

(10) Establish fees for issuing and renewing certificates 6251  
of registration under this chapter, in an amount sufficient to 6252  
meet the expenses the board incurs in administering the 6253  
registration program; 6254

(11) Establish any other standards, requirements, or 6255  
procedures the board considers necessary for the implementation 6256  
or administration of this chapter. 6257

(B) The board may adopt rules specifying items that are 6258  
considered home medical equipment for purposes of division (B) 6259  
(3) of section 4752.01 of the Revised Code. 6260

(C) Rules shall be adopted under this chapter in 6261  
accordance with Chapter 119. of the Revised Code. Prior to 6262  
adopting any rule, the board shall consult with representatives 6263

of any association of home medical equipment services providers 6264  
that do business in this state. 6265

**Sec. 4752.18.** All moneys the ~~Ohio respiratory care board~~ 6266  
state board of pharmacy receives under this chapter, from any 6267  
source, shall be deposited into the state treasury to the credit 6268  
of the occupational licensing and regulatory fund created under 6269  
section 4743.05 of the Revised Code. 6270

**Sec. 4752.19.** (A) At the request of the ~~Ohio respiratory~~ 6271  
~~care board~~ state board of pharmacy, the attorney general may 6272  
bring a civil action for appropriate relief, including a 6273  
temporary restraining order, preliminary or permanent 6274  
injunction, and civil penalties, in the court of common pleas of 6275  
the county in which a violation has occurred, is occurring, or 6276  
is threatening to occur against any person who has violated, is 6277  
violating, or threatens to violate section 4752.02 of the 6278  
Revised Code. In accordance with the Rules of Civil Procedure, 6279  
the court of common pleas in which an action for injunction is 6280  
filed has jurisdiction to grant, and shall grant, a temporary 6281  
restraining order and preliminary and permanent injunctive 6282  
relief upon a showing that the person against whom the action is 6283  
brought has violated, is violating, or threatens to violate 6284  
section 4752.02 of the Revised Code. In an action for a civil 6285  
penalty, the court may impose upon a person found to have 6286  
violated section 4752.02 of the Revised Code a civil penalty of 6287  
not less than five hundred and not more than two thousand five 6288  
hundred dollars for each day of violation. Moneys resulting from 6289  
civil penalties imposed under this section shall be deposited 6290  
into the state treasury to the credit of the occupational 6291  
licensing and regulatory fund created under section 4743.05 of 6292  
the Revised Code. 6293



(B) The remedies provided in this section are in addition 6294  
to remedies otherwise available under any federal or state law 6295  
or ordinance of a municipal corporation. 6296

**Sec. 4752.20.** The ~~Ohio respiratory care board~~ state 6297  
pharmacy board shall comply with section 4776.20 of the Revised 6298  
Code. 6299

**Sec. 4753.05.** (A) The state vision and hearing 6300  
professionals board ~~of speech language pathology and audiology~~ 6301  
may make reasonable rules necessary for the administration of 6302  
this chapter. ~~The board shall adopt rules to ensure ethical~~ 6303  
~~standards of practice by speech language pathologists and~~ 6304  
~~audiologists licensed or permitted pursuant to this chapter.~~ All 6305  
rules adopted under this chapter shall be adopted in accordance 6306  
with Chapter 119. of the Revised Code. 6307

(B) The board shall determine the nature and scope of 6308  
examinations to be administered to applicants for licensure 6309  
pursuant to this chapter in the practices of speech-language 6310  
pathology and audiology, and shall evaluate the qualifications 6311  
of all applicants. Written examinations may be supplemented by 6312  
such practical and oral examinations as the board shall 6313  
determine by rule. The board shall determine by rule the minimum 6314  
examination score for licensure. Licensure shall be granted 6315  
independently in speech-language pathology and audiology. The 6316  
board shall maintain a current public record of all persons 6317  
licensed, to be made available upon request. 6318

(C) The board shall publish and make available, upon 6319  
request, the licensure and permit standards prescribed by this 6320  
chapter and rules adopted pursuant thereto. 6321

(D) ~~The board shall submit to the governor each year a~~ 6322

~~report of all its official actions during the preceding year~~ 6323  
~~together with any recommendations and findings with regard to~~ 6324  
~~the improvement of the professions of audiology and speech~~ 6325  
~~language pathology.~~ 6326

~~(E)~~The board shall investigate all alleged irregularities 6327  
in the practices of speech-language pathology and audiology by 6328  
persons licensed or permitted pursuant to this chapter and any 6329  
violations of this chapter or rules adopted by the board. The 6330  
board shall not investigate the practice of any person 6331  
specifically exempted from licensure under this chapter by 6332  
section 4753.12 of the Revised Code, as long as the person is 6333  
practicing within the scope of the person's license or is 6334  
carrying out responsibilities as described in division (G) or 6335  
(H) of section 4753.12 of the Revised Code and does not claim to 6336  
be a speech-language pathologist or audiologist. 6337

In conducting investigations under this division, the 6338  
board may administer oaths, order the taking of depositions, 6339  
issue subpoenas, and compel the attendance of witnesses and the 6340  
production of books, accounts, papers, records, documents, and 6341  
testimony. In any case of disobedience or neglect of any 6342  
subpoena served on any person or the refusal of any witness to 6343  
testify to any matter regarding which the witness may lawfully 6344  
be interrogated, the court of common pleas of any county where 6345  
such disobedience, neglect, or refusal occurs or any judge 6346  
thereof, on application by the board, shall compel obedience by 6347  
attachment proceedings for contempt, as in the case of 6348  
disobedience of the requirements of a subpoena issued from such 6349  
court, or a refusal to testify therein. 6350

~~(F)~~(E) The board shall conduct such hearings ~~and keep~~ 6351  
~~such records and minutes~~ as are necessary to carry out this 6352

chapter. 6353

~~(C) The board shall adopt a seal by which it shall 6354  
authenticate its proceedings. Copies of the proceedings, 6355  
records, and acts signed by the chairperson or executive 6356  
director and authenticated by such seal shall be prima facie 6357  
evidence thereof in all courts of this state. 6358~~

**Sec. 4753.06.** No person is eligible for licensure as a 6359  
speech-language pathologist or audiologist unless: 6360

(A) The person has obtained a broad general education to 6361  
serve as a background for the person's specialized academic 6362  
training and preparatory professional experience. Such 6363  
background may include study from among the areas of human 6364  
psychology, sociology, psychological and physical development, 6365  
the physical sciences, especially those that pertain to acoustic 6366  
and biological phenomena, and human anatomy and physiology, 6367  
including neuroanatomy and neurophysiology. 6368

(B) If the person seeks licensure as a speech-language 6369  
pathologist, the person submits to the state vision and hearing 6370  
professionals board of speech-language pathology and audiology 6371  
an official transcript demonstrating that the person has at 6372  
least a master's degree in speech-language pathology or the 6373  
equivalent as determined by the board. The person's academic 6374  
credit must include course work accumulated in the completion of 6375  
a well-integrated course of study approved by the board and 6376  
delineated by rule dealing with the normal aspects of human 6377  
communication, development and disorders thereof, and clinical 6378  
techniques for the evaluation and the improvement or eradication 6379  
of such disorders. The course work must have been completed at 6380  
colleges or universities accredited by regional or national 6381  
accrediting organizations recognized by the board. 6382

(C) Except as provided in division (F) (1) (b) of this 6383  
section, if the person seeks licensure as an audiologist, the 6384  
person submits to the board an official transcript demonstrating 6385  
that the person has at least a doctor of audiology degree or the 6386  
equivalent as determined by the board. The person's academic 6387  
credit must include course work accumulated in the completion of 6388  
a well-integrated course of study approved by the board and 6389  
delineated by rules dealing with the normal aspects of human 6390  
hearing, balance, and related development and clinical 6391  
evaluation, audiologic diagnosis, and treatment of disorders of 6392  
human hearing, balance, and related development. The course work 6393  
must have been completed in an audiology program that is 6394  
accredited by an organization recognized by the United States 6395  
department of education and operated by a college or university 6396  
accredited by a regional or national accrediting organization 6397  
recognized by the board. 6398

(D) The person submits to the board evidence of the 6399  
completion of appropriate, supervised clinical experience in the 6400  
professional area, speech-language pathology or audiology, for 6401  
which licensure is requested, dealing with a variety of 6402  
communication disorders. The appropriateness of the experience 6403  
shall be determined under rules of the board. This experience 6404  
shall have been obtained in an accredited college or university, 6405  
in a cooperating program of an accredited college or university, 6406  
or in another program approved by the board. 6407

(E) The person submits to the board evidence that the 6408  
person has passed the examination for licensure to practice 6409  
speech-language pathology or audiology pursuant to division (B) 6410  
of section 4753.05 of the Revised Code. 6411

(F) (1) In the case of either of the following, the person 6412

presents to the board written evidence that the person has 6413  
obtained professional experience: 6414

(a) The person seeks licensure as a speech-language 6415  
pathologist; 6416

(b) The person seeks licensure as an audiologist and does 6417  
not meet the requirements of division (C) of this section 6418  
regarding a doctor of audiology degree, but before January 1, 6419  
2006, the person met the requirements of division (B) of this 6420  
section regarding a master's degree in audiology as that 6421  
division existed on December 31, 2005. 6422

(2) The professional experience shall be appropriately 6423  
supervised as determined by board rule. The amount of 6424  
professional experience shall be determined by board rule and 6425  
shall be bona fide clinical work that has been accomplished in 6426  
the major professional area, speech-language pathology or 6427  
audiology, in which licensure is being sought. If the person 6428  
seeks licensure as a speech-language pathologist, this 6429  
experience shall not begin until the requirements of divisions 6430  
(B), (D), and (E) of this section have been completed unless 6431  
approved by the board. If the person seeks licensure as an 6432  
audiologist, this experience shall not begin until the 6433  
requirements of division (B) of this section, as that division 6434  
existed on December 31, 2005, and divisions (D) and (E) of this 6435  
section have been completed unless approved by the board. Before 6436  
beginning the supervised professional experience pursuant to 6437  
this section, the applicant for licensure to practice speech- 6438  
language pathology or audiology shall obtain a conditional 6439  
license pursuant to section 4753.071 of the Revised Code. 6440

Sec. 4753.061. (A) As used in this section, "license" and 6441  
"applicant for an initial license" have the same meanings as in 6442

section 4776.01 of the Revised Code, except that "license" as 6443  
used in both of those terms refers to the types of 6444  
authorizations otherwise issued or conferred under this chapter. 6445

(B) In addition to any other eligibility requirement set 6446  
forth in this chapter, each applicant for an initial license 6447  
shall comply with sections 4776.01 to 4776.04 of the Revised 6448  
Code. The state vision and hearing professionals board shall not 6449  
grant a license to an applicant for an initial license unless 6450  
the applicant complies with sections 4776.01 to 4776.04 of the 6451  
Revised Code and the board, in its discretion, decides that the 6452  
results of the criminal records check do not make the applicant 6453  
ineligible for a license issued pursuant to section 4753.06 or 6454  
4753.07 of the Revised Code. 6455

**Sec. 4753.07.** The state vision and hearing professionals 6456  
board of speech language pathology and audiology shall issue 6457  
under its seal a license or conditional license to every 6458  
applicant who has passed the appropriate examinations designated 6459  
by the board and who otherwise complies with the licensure 6460  
requirements of this chapter. The license or conditional license 6461  
entitles the holder to practice speech-language pathology or 6462  
audiology. Each licensee shall display the license or 6463  
conditional license or an official duplicate in a conspicuous 6464  
place where the licensee practices speech-language pathology or 6465  
audiology or both. 6466

**Sec. 4753.071.** A person who is required to meet the 6467  
supervised professional experience requirement of division (F) 6468  
of section 4753.06 of the Revised Code shall submit to the state 6469  
vision and hearing professionals board of speech language 6470  
pathology and audiology an application for a conditional 6471  
license. The application shall include a plan for the content of 6472

the supervised professional experience on a form the board shall 6473  
prescribe. The board shall issue the conditional license to the 6474  
applicant if the applicant meets the requirements of section 6475  
4753.06 of the Revised Code, other than the requirement to have 6476  
obtained the supervised professional experience, and pays to the 6477  
board the appropriate fee for a conditional license. An 6478  
applicant may not begin employment until the conditional license 6479  
has been issued. 6480

A conditional license authorizes an individual to practice 6481  
speech-language pathology or audiology while completing the 6482  
supervised professional experience as required by division (F) 6483  
of section 4753.06 of the Revised Code. A person holding a 6484  
conditional license may practice speech-language pathology or 6485  
audiology while working under the supervision of a person fully 6486  
licensed in accordance with this chapter. A conditional license 6487  
is valid for eighteen months unless suspended or revoked 6488  
pursuant to section 3123.47 or 4753.10 of the Revised Code. 6489

A person holding a conditional license may perform 6490  
services for which payment will be sought under the medicare 6491  
program or the medicaid program but all requests for payment for 6492  
such services shall be made by the person who supervises the 6493  
person performing the services. 6494

**Sec. 4753.072.** The state vision and hearing professionals 6495  
~~board of speech language pathology and audiology~~ shall establish 6496  
by rule pursuant to Chapter 119. of the Revised Code the 6497  
qualifications for persons seeking licensure as a speech- 6498  
language pathology aide or an audiology aide. The qualifications 6499  
shall be less than the standards for licensure as a speech- 6500  
language pathologist or audiologist. An aide shall not act 6501  
independently and shall work under the direction and supervision 6502

of a speech-language pathologist or audiologist licensed by the 6503  
board. An aide shall not dispense hearing aids. An applicant 6504  
shall not begin employment until the license has been approved. 6505

**Sec. 4753.073.** (A)~~(1)~~ The state vision and hearing 6506  
professionals board of speech-language pathology and audiology 6507  
shall issue under its seal a speech-language pathology student 6508  
permit to any applicant who submits a plan that has been 6509  
approved by the applicant's university graduate program in 6510  
speech-language pathology and that conforms to requirements 6511  
determined by the board by rule and who meets all of the 6512  
following requirements: 6513

~~(a)~~(1) Is enrolled in a graduate program at an educational 6514  
institution located in this state that is accredited by the 6515  
council on academic accreditation in audiology and speech- 6516  
language pathology of the American speech-language-hearing 6517  
association; 6518

~~(b)~~(2) Has completed at least one year of postgraduate 6519  
training in speech-language pathology, or equivalent coursework 6520  
as determined by the board, and any student clinical experience 6521  
the board may require by rule~~+~~. 6522

~~(2)~~(B) The speech-language pathology student permit 6523  
authorizes the holder to practice speech-language pathology 6524  
within limits determined by the board by rule, which shall 6525  
include the following: 6526

~~(a)~~(1) The permit holder's caseload shall be limited in a 6527  
manner to be determined by the board by rule. 6528

~~(b)~~(2) The permit holder's authorized scope of practice 6529  
shall be limited in a manner to be determined by the board by 6530  
rule. The rule shall consider the coursework and clinical 6531



experience that has been completed by the permit holder and the 6532  
recommendation of the applicant's university graduate program in 6533  
speech-language pathology. 6534

~~(e)~~(3) The permit holder shall practice only when under 6535  
the supervision of a speech-language pathologist who is licensed 6536  
by the board and acting under the approval and direction of the 6537  
applicant's university graduate program in speech-language 6538  
pathology. The board shall determine by rule the manner of 6539  
supervision. 6540

~~(3)~~(C) A permit issued under this section shall expire two 6541  
years after the date of issuance. Student permits may be renewed 6542  
in a manner to be determined by the board by rule. 6543

~~(4)~~(D) Each permit holder shall display the permit or an 6544  
official duplicate in a conspicuous place where the permit 6545  
holder practices speech-language pathology. 6546

**Sec. 4753.08.** The state vision and hearing professionals 6547  
~~board of speech-language pathology and audiology~~ shall waive the 6548  
examination, educational, and professional experience 6549  
requirements for any applicant who meets any of the following 6550  
requirements: 6551

(A) On September 26, 1975, ~~has had~~ at least a bachelor's 6552  
degree with a major in speech-language pathology or audiology 6553  
from an accredited college or university, or ~~who has been~~ was 6554  
employed as a speech-language pathologist or audiologist for at 6555  
least nine months at any time within the three years prior to 6556  
September 26, 1975, if an application providing bona fide proof 6557  
of such degree or employment ~~is was~~ filed with the former board 6558  
of speech-language pathology and audiology within one year after 6559  
~~September 26, 1975 that date,~~ and ~~is was~~ accompanied by the 6560

application fee as prescribed in division (A) of section 4753.11 6561  
of the Revised Code; 6562

(B) Presents proof to the state vision and hearing 6563  
professionals board of current certification or licensure in 6564  
good standing in the area in which licensure is sought in a 6565  
state that has standards at least equal to the standards for 6566  
licensure that are in effect in this state at the time the 6567  
applicant applies for the license; 6568

(C) Presents proof to the state vision and hearing 6569  
professionals board of both of the following: 6570

(1) Having current certification or licensure in good 6571  
standing in audiology in a state that has standards at least 6572  
equal to the standards for licensure as an audiologist that were 6573  
in effect in this state on December 31, 2005; 6574

(2) Having first obtained that certification or licensure 6575  
not later than December 31, 2007. 6576

(D) Presents proof to the state vision and hearing 6577  
professionals board of a current certificate of clinical 6578  
competence in speech-language pathology or audiology that is in 6579  
good standing and received from the American speech-language- 6580  
hearing association in the area in which licensure is sought. 6581

**Sec. 4753.09.** Except as provided in this section and in 6582  
section 4753.10 of the Revised Code, a license issued by the 6583  
~~state vision and hearing professionals board of speech language~~ 6584  
~~pathology and audiology~~ shall be renewed biennially in 6585  
accordance with the standard renewal procedure contained in 6586  
Chapter 4745. of the Revised Code. If the application for 6587  
renewal is made one year or longer after the renewal application 6588  
is due, the person shall apply for licensure as provided in 6589

section 4753.06 or division (B), (C), or (D) of section 4753.08 6590  
of the Revised Code. The board shall not renew a conditional 6591  
license; however, the board may grant an applicant a second 6592  
conditional license. 6593

The board shall establish by rule adopted pursuant to 6594  
Chapter 119. of the Revised Code the qualifications for license 6595  
renewal. Applicants shall demonstrate continued competence, 6596  
which may include continuing education, examination, self- 6597  
evaluation, peer review, performance appraisal, or practical 6598  
simulation. The board may establish other requirements as a 6599  
condition for license renewal as considered appropriate by the 6600  
board. 6601

The board may renew a license which expires while the 6602  
license is suspended, but the renewal shall not affect the 6603  
suspension. The board shall not renew a license which has been 6604  
revoked. If a revoked license is reinstated under section 6605  
4753.10 of the Revised Code after it has expired, the licensee, 6606  
as a condition of reinstatement, shall pay a reinstatement fee 6607  
in the amount equal to the renewal fee in effect on the last 6608  
preceding regular renewal date on which it is reinstated, plus 6609  
any delinquent fees accrued from the time of the revocation, if 6610  
such a fee is prescribed by the board by rule. 6611

**Sec. 4753.091.** (A) A person licensed under this chapter 6612  
may apply to the state vision and hearing professionals board of 6613  
~~speech language pathology and audiology~~ to have the person's 6614  
license classified as inactive. If a fee is charged under 6615  
division (B) of this section, the person shall include the fee 6616  
with the application. 6617

If the person's license is in good standing, the person is 6618  
not the subject of any complaint, the person is not the subject 6619

of an investigation or disciplinary action by the board, and the 6620  
person meets any other requirements established by the board in 6621  
rules adopted under this section, the board shall classify the 6622  
license as inactive. The inactive classification shall become 6623  
effective on the date immediately following the date that the 6624  
person's license is scheduled to expire. 6625

(B) The board may charge a fee for classifying a license 6626  
as inactive. 6627

(C) During the period that a license is classified as 6628  
inactive, the person may not engage in the practice of speech- 6629  
language pathology or the practice of audiology, as applicable, 6630  
in this state or make any representation to the public 6631  
indicating that the person is actively licensed under this 6632  
chapter. 6633

(D) A person whose license has been classified as inactive 6634  
may apply to the board to have the license reactivated. The 6635  
board shall reactivate the license if the person meets the 6636  
requirements established by the board in rules adopted under 6637  
this section. 6638

(E) The board's jurisdiction to take disciplinary action 6639  
under this chapter is not removed or limited when a person's 6640  
license is classified as inactive under this section. 6641

(F) The board shall adopt rules as necessary for 6642  
classifying a license as inactive and reactivating an inactive 6643  
license. The rules shall be adopted in accordance with Chapter 6644  
119. of the Revised Code. 6645

**Sec. 4753.10.** In accordance with Chapter 119. of the 6646  
Revised Code, the state vision and hearing professionals board 6647  
~~of speech language pathology and audiology~~ may reprimand or 6648

place on probation a speech-language pathologist or audiologist 6649  
or suspend, revoke, or refuse to issue or renew the license of a 6650  
speech-language pathologist or audiologist. Disciplinary actions 6651  
may be taken by the board for conduct that may result from but 6652  
not necessarily be limited to: 6653

(A) Fraud, deception, or misrepresentation in obtaining or 6654  
attempting to obtain a license; 6655

(B) Fraud, deception, or misrepresentation in using a 6656  
license; 6657

(C) Altering a license; 6658

(D) Aiding or abetting unlicensed practice; 6659

(E) Committing fraud, deception, or misrepresentation in 6660  
the practice of speech-language pathology or audiology 6661  
including: 6662

(1) Making or filing a false report or record in the 6663  
practice of speech-language pathology or audiology; 6664

(2) Submitting a false statement to collect a fee; 6665

(3) Obtaining a fee through fraud, deception, or 6666  
misrepresentation, or accepting commissions or rebates or other 6667  
forms of remuneration for referring persons to others. 6668

(F) Using or promoting or causing the use of any 6669  
misleading, deceiving, improbable, or untruthful advertising 6670  
matter, promotional literature, testimonial, guarantee, 6671  
warranty, label, brand, insignia, or any other representation; 6672

(G) Falsely representing the use or availability of 6673  
services or advice of a physician; 6674

(H) Misrepresenting the applicant, licensee, or holder by 6675

using the word "doctor" or any similar word, abbreviation, or 6676  
symbol if the use is not accurate or if the degree was not 6677  
obtained from an accredited institution; 6678

(I) Committing any act of dishonorable, immoral, or 6679  
unprofessional conduct while engaging in the practice of speech- 6680  
language pathology or audiology; 6681

(J) Engaging in illegal, incompetent, or habitually 6682  
negligent practice; 6683

(K) Providing professional services while: 6684

(1) Mentally incompetent; 6685

(2) Under the influence of alcohol; 6686

(3) Using any narcotic or controlled substance or other 6687  
drug that is in excess of therapeutic amounts or without valid 6688  
medical indication. 6689

(L) Providing services or promoting the sale of devices, 6690  
appliances, or products to a person who cannot reasonably be 6691  
expected to benefit from such services, devices, appliances, or 6692  
products in accordance with results obtained utilizing 6693  
appropriate assessment procedures and instruments; 6694

(M) Violating this chapter or any lawful order given or 6695  
rule adopted by the board; 6696

(N) Being convicted of or pleading guilty or nolo 6697  
contendere to a felony or to a crime involving moral turpitude, 6698  
whether or not any appeal or other proceeding is pending to have 6699  
the conviction or plea set aside; 6700

(O) Being disciplined by a licensing or disciplinary 6701  
authority of this or any other state or country or convicted or 6702

disciplined by a court of this or any other state or country for 6703  
an act that would be grounds for disciplinary action under this 6704  
section. 6705

After revocation of a license under this section, 6706  
application may be made to the board for reinstatement. The 6707  
board, in accordance with an order of revocation as issued under 6708  
Chapter 119. of the Revised Code, may require an examination for 6709  
~~such~~ reinstatement. 6710

If any person has engaged in any practice which 6711  
constitutes an offense under the provisions of this chapter or 6712  
rules promulgated thereunder by the board, the board may apply 6713  
to the court of common pleas of the county for an injunction or 6714  
other appropriate order restraining such conduct, and the court 6715  
may issue such order. 6716

Any person who wishes to make a complaint against any 6717  
person licensed pursuant to this chapter shall submit the 6718  
complaint in writing to the board within one year from the date 6719  
of the action or event upon which the complaint is based. The 6720  
board shall determine whether the allegations in the complaint 6721  
are of a sufficiently serious nature to warrant formal 6722  
disciplinary charges against the licensee pursuant to this 6723  
section. If the board determines that formal disciplinary 6724  
charges are warranted, it shall proceed in accordance with the 6725  
procedures established in Chapter 119. of the Revised Code. 6726

**Sec. 4753.101.** The state vision and hearing professionals 6727  
~~board of speech language pathology and audiology,~~ in accordance 6728  
with Chapter 119. of the Revised Code, may establish rules to 6729  
govern any disciplinary action to be taken against a student 6730  
issued a permit under section 4753.073 of the Revised Code. The 6731  
rules established by the board are not subject to the 6732

adjudication procedure requirements of sections 119.06 to 119.13 6733  
of the Revised Code. 6734

**Sec. 4753.11.** (A) For all types of licenses and permits, 6735  
the state vision and hearing professionals board of speech- 6736  
language pathology and audiology shall charge a nonrefundable 6737  
licensure or permit fee, to be determined by board rule, which 6738  
shall be paid at the time the application is filed with the 6739  
board. 6740

(B) On or before the thirty-first day of January of every 6741  
other year, the board shall charge a biennial licensure renewal 6742  
fee which shall be determined by board rule and used to defray 6743  
costs of the board. 6744

(C) The board may, by rule, provide for the waiver of all 6745  
or part of such fees when the license is issued less than one 6746  
hundred days before the date on which it will expire. 6747

(D) After the last day of the month designated by the 6748  
board for renewal, the board shall charge a late fee to be 6749  
determined by board rule in addition to the biennial licensure 6750  
renewal fee. 6751

(E) No municipal corporation shall levy an occupational or 6752  
similar excise tax on any person licensed under this chapter. 6753

(F) All fees collected under this section and section 6754  
4753.09 of the Revised Code shall be paid into the state 6755  
treasury to the credit of the occupational licensing and 6756  
regulatory fund created in section 4743.05 of the Revised Code. 6757

**Sec. 4753.12.** Nothing in this chapter shall be construed 6758  
to: 6759

(A) Prohibit a person other than an individual from 6760



engaging in the business of speech-language pathology or 6761  
audiology without licensure if it employs a licensed individual 6762  
in the direct practice of speech-language pathology and 6763  
audiology. Such entity shall file a statement with the state 6764  
vision and hearing professionals board, on a form approved by 6765  
the board for this purpose, swearing that it submits itself to 6766  
the rules of the board and the provisions of this chapter which 6767  
the board determines applicable. 6768

(B) Prevent or restrict the practice of a person employed 6769  
as a speech-language pathologist or audiologist by any agency of 6770  
the federal government. 6771

(C) Restrict the activities and services of a student or 6772  
intern in speech-language pathology or audiology from pursuing a 6773  
course of study leading to a degree in these areas at a college 6774  
or university accredited by a recognized regional or national 6775  
accrediting body or in one of its cooperating clinical training 6776  
facilities, if these activities and services are supervised by a 6777  
person licensed in the area of study or certified by the 6778  
American speech-language-hearing association in the area of 6779  
study and if the student is designated by a title such as 6780  
"speech-language pathology intern," "audiology intern," 6781  
"trainee," or other such title clearly indicating the training 6782  
status. 6783

(D) Prevent a person from performing speech-language 6784  
pathology or audiology services when performing these services 6785  
in pursuit of the required supervised professional experience as 6786  
prescribed in section 4753.06 of the Revised Code and that 6787  
person has been issued a conditional license pursuant to section 6788  
4753.071 of the Revised Code. 6789

(E) Restrict a speech-language pathologist or audiologist 6790

who holds the certification of the American speech-language- 6791  
hearing association, or who is licensed as a speech-language 6792  
pathologist or audiologist in another state and who has made 6793  
application to the board for a license in this state from 6794  
practicing speech-language pathology or audiology without a 6795  
valid license pending the disposition of the application. 6796

(F) Restrict a person not a resident of this state from 6797  
offering speech-language pathology or audiology services in this 6798  
state if such services are performed for not more than one 6799  
period of thirty consecutive calendar days in any year, if the 6800  
person is licensed in the state of the person's residence or 6801  
certified by the American speech-language-hearing association 6802  
and files a statement as prescribed by the board in advance of 6803  
providing these services. Such person shall be subject to the 6804  
rules of the board and the provisions of this chapter. 6805

(G) Restrict a person licensed under Chapter 4747. of the 6806  
Revised Code from engaging in the duties as defined in that 6807  
chapter related to measuring, testing, and counseling for the 6808  
purpose of identifying or modifying hearing conditions in 6809  
connection with the fitting, dispensing, or servicing of a 6810  
hearing aid, or affect the authority of hearing aid dealers to 6811  
deal in hearing aids or advertise the practice of dealing in 6812  
hearing aids in accordance with Chapter 4747. of the Revised 6813  
Code. 6814

(H) Restrict a physician from engaging in the practice of 6815  
medicine and surgery or osteopathic medicine and surgery or 6816  
prevent any individual from carrying out any properly delegated 6817  
responsibilities within the normal practice of medicine and 6818  
surgery or osteopathic medicine and surgery. 6819

(I) Restrict a person registered or licensed under Chapter 6820

4723. of the Revised Code from performing those acts and 6821  
utilizing those procedures that are within the scope of the 6822  
practice of professional or practical nursing as defined in 6823  
Chapter 4723. of the Revised Code and the ethics of the nursing 6824  
profession, provided such a person does not claim to the public 6825  
to be a speech-language pathologist or audiologist. 6826

(J) Restrict an individual licensed as an audiologist 6827  
under this chapter from fitting, selling, or dispensing hearing 6828  
aids. 6829

(K) Authorize the practice of medicine and surgery or 6830  
entitle a person licensed pursuant to this chapter to engage in 6831  
the practice of medicine or surgery or any of its branches. 6832

(L) Restrict a person licensed pursuant to Chapter 4755. 6833  
of the Revised Code from performing those acts and utilizing 6834  
those procedures that are within the scope of the practice of 6835  
occupational therapy or occupational therapy assistant as 6836  
defined in Chapter 4755. of the Revised Code, provided the 6837  
person does not claim to the public to be a speech-language 6838  
pathologist or audiologist. 6839

**Sec. 4753.15.** On receipt of a notice pursuant to section 6840  
3123.43 of the Revised Code, the state vision and hearing 6841  
professionals board of speech-language pathology and audiology 6842  
shall comply with sections 3123.41 to 3123.50 of the Revised 6843  
Code and any applicable rules adopted under section 3123.63 of 6844  
the Revised Code with respect to a license issued pursuant to 6845  
this chapter. 6846

**Sec. 4753.16.** The state vision and hearing professionals 6847  
board of speech-language pathology and audiology shall comply 6848  
with section 4776.20 of the Revised Code. 6849

**Sec. 4755.02.** (A) The ~~appropriate section of the Ohio~~ 6850  
~~occupational therapy, physical therapy, and athletic trainers~~ 6851  
state physical health services board shall investigate 6852  
compliance with this chapter or any rule or order issued under 6853  
this chapter and shall investigate alleged grounds for the 6854  
suspension, revocation, or refusal to issue or renew licenses or 6855  
limited permits under section 3123.47, 4755.11, 4755.47, or 6856  
4755.64 of the Revised Code. The ~~appropriate section board~~ may 6857  
subpoena witnesses and documents in connection with its 6858  
investigations. 6859

(B) Through the attorney general or an appropriate 6860  
prosecuting attorney, the ~~appropriate section board~~ may apply to 6861  
an appropriate court for an order enjoining the violation of 6862  
this chapter. On the filing of a verified petition, the court 6863  
shall conduct a hearing on the petition and give the same 6864  
preference to the proceeding as is given to all proceedings 6865  
under Chapter 119. of the Revised Code, irrespective of the 6866  
position of the proceeding on the court's calendar. On a showing 6867  
that a person has violated or is about to violate this chapter, 6868  
the court shall grant an injunction, restraining order, or other 6869  
order as appropriate. The injunction proceedings provided by 6870  
this division are in addition to all penalties and other 6871  
remedies provided in this chapter. 6872

(C) When requested by the ~~appropriate section board~~, the 6873  
prosecuting attorney of a county, or the village solicitor or 6874  
city director of law of a municipal corporation, where a 6875  
violation of this chapter allegedly occurs, shall take charge of 6876  
and conduct the prosecution. 6877

(D) ~~The appropriate section may employ investigators who~~ 6878  
Investigators employed by the board pursuant to section 4744.14 6879

of the Revised Code shall investigate complaints, conduct 6880  
inspections, and make inquiries as in the judgment of the 6881  
~~section-board~~ are appropriate to enforce sections 3123.41 to 6882  
3123.50 of the Revised Code or this chapter. These investigators 6883  
have the right to review, obtain copies, and audit the patient 6884  
records and personnel files of licensees and limited permit 6885  
holders at the place of business of the licensees or limited 6886  
permit holders or any other place where such documents may be 6887  
and shall be given access to such documents during normal 6888  
business hours. 6889

(E) (1) Subject to division (E) (2) of this section, 6890  
information and records received or generated by the board 6891  
pursuant to an investigation are confidential, are not public 6892  
records as defined in section 149.43 of the Revised Code, and 6893  
are not subject to discovery in any civil or administrative 6894  
action. 6895

(2) For good cause, the board may disclose information 6896  
gathered pursuant to an investigation to any federal, state, or 6897  
local law enforcement, prosecutorial, or regulatory agency or 6898  
its officers or agents engaging in an investigation the board 6899  
believes is within the agency's jurisdiction. An agency that 6900  
receives confidential information shall comply with the same 6901  
requirements regarding confidentiality as those with which the 6902  
board must comply, notwithstanding any conflicting provision of 6903  
the Revised Code or procedure of the agency that applies when 6904  
the agency is dealing with other information in its possession. 6905  
The information may be admitted into evidence in a criminal 6906  
trial in accordance with the Rules of Evidence, or in an 6907  
administrative hearing conducted by an agency, but the court or 6908  
agency shall require that appropriate measures be taken to 6909  
ensure that confidentiality is maintained with respect to any 6910

part of the information that contains names or other identifying 6911  
information about patients, complainants, or others whose 6912  
confidentiality was protected by the board when the information 6913  
was in the board's possession. Measures to ensure 6914  
confidentiality that may be taken by the court or agency include 6915  
sealing its records or redacting specific information from its 6916  
records. 6917

(F) The ~~appropriate section board~~ shall conduct hearings, 6918  
keep records and minutes, and enforce the relevant sections of 6919  
this chapter. 6920

(G) ~~Each section of the~~ The board shall publish and make 6921  
available, upon request and for a fee not to exceed the actual 6922  
cost of printing and mailing, the licensure standards prescribed 6923  
by the relevant sections of this chapter and the Administrative 6924  
Code. 6925

~~(H) The board shall submit to the governor and to the~~ 6926  
~~general assembly each year a report of all its official actions~~ 6927  
~~during the preceding year, together with any recommendations and~~ 6928  
~~findings with regard to the status of the professions of~~ 6929  
~~physical therapy, occupational therapy, and athletic training.~~ 6930

**Sec. 4755.03.** Except as provided in section 4755.99 of the 6931  
Revised Code, all fees and fines collected and assessed under 6932  
this chapter by the ~~appropriate section of the Ohio occupational~~ 6933  
~~therapy, physical therapy, and athletic trainers state physical~~ 6934  
health services board, shall be deposited into the state 6935  
treasury to the credit of the occupational licensing and 6936  
regulatory fund created in section 4743.05 of the Revised Code. 6937

**Sec. 4755.031.** A person sanctioned under section 4755.11, 6938  
4755.47, 4755.482, or 4755.64 of the Revised Code shall pay a 6939

fee in the amount of the actual cost of the administrative 6940  
hearing, including the cost of the court reporter, the hearing 6941  
officer, transcripts, and any witness fees for lodging and 6942  
travel, as determined by the ~~appropriate section of the state~~ 6943  
physical health services board. The fee shall be collected by 6944  
the ~~appropriate section~~ board. 6945

**Sec. 4755.06.** The ~~occupational therapy section of the Ohio~~ 6946  
~~occupational therapy, physical therapy, and athletic trainers~~ 6947  
state physical health services board may make reasonable rules 6948  
in accordance with Chapter 119. of the Revised Code relating to, 6949  
but not limited to, the following: 6950

(A) The form and manner for filing applications for 6951  
licensure under sections 4755.04 to 4755.13 of the Revised Code; 6952

(B) The issuance, suspension, and revocation of the 6953  
licenses and the conducting of investigations and hearings; 6954

(C) Standards for approval of courses of study relative to 6955  
the practice of occupational therapy; 6956

(D) The time and form of examination for the licensure; 6957

~~(E) Standards of ethical conduct in the practice of~~ 6958  
~~occupational therapy;~~ 6959

~~(F)~~ The form and manner for filing applications for 6960  
renewal and a schedule of deadlines for renewal; 6961

~~(G)~~ (F) The conditions under which a license of a licensee 6962  
who files a late application for renewal will be reinstated; 6963

~~(H)~~ (G) Placing an existing license in escrow; 6964

~~(I)~~ (H) The amount, scope, and nature of continuing 6965  
education activities required for license renewal, including 6966

waivers of the continuing education requirements; 6967

~~(J)~~ (I) Guidelines for limited permits; 6968

~~(K)~~ (J) Requirements for criminal records checks of 6969  
applicants under section 4776.03 of the Revised Code; 6970

~~(L)~~ (K) Subject to section 4755.061 of the Revised Code, 6971  
the amount for each fee specified in section 4755.12 of the 6972  
Revised Code ~~that the section charges;~~ 6973

~~(M)~~ (L) The amount and content of corrective action 6974  
courses required by the board under section 4755.11 of the 6975  
Revised Code. 6976

The ~~section board~~ may hear testimony in matters relating 6977  
to the duties imposed upon it, and the ~~chairperson president and~~ 6978  
secretary of the ~~section board~~ may administer oaths. The ~~section~~ 6979  
board may require proof, beyond the evidence found in the 6980  
application, of the honesty, truthfulness, and good reputation 6981  
of any person named in an application for licensure, before 6982  
admitting the applicant to an examination or issuing a license. 6983

**Sec. 4755.061.** If the ~~occupational therapy section of the~~ 6984  
~~Ohio occupational therapy, physical therapy, and athletic~~ 6985  
~~trainers state physical health services board~~ adopts rules 6986  
pursuant to section 4755.06 of the Revised Code relating to the 6987  
amounts of the fees that the ~~section board~~ may charge for the 6988  
late renewal of licenses and the review of continuing education 6989  
activities, as provided in divisions (A) (5) and ~~(A)~~ (6) of 6990  
section 4755.12 of the Revised Code, the ~~section board~~ shall not 6991  
establish fee amounts for those services that exceed the actual 6992  
costs the ~~section board~~ incurs in providing the services to a 6993  
licensee. 6994

**Sec. 4755.07.** No person shall qualify for licensure as an 6995



occupational therapist or as an occupational therapy assistant 6996  
unless the person has shown to the satisfaction of the 6997  
~~occupational therapy section of the Ohio occupational therapy,~~ 6998  
~~physical therapy, and athletic trainers~~ state physical health 6999  
services board that the person: 7000

(A) Is of good moral character; 7001

(B) Has successfully completed the academic requirements 7002  
of an educational program recognized by the ~~section~~ board, 7003  
including a concentration of instruction in basic human 7004  
sciences, the human development process, occupational tasks and 7005  
activities, the health-illness-health continuum, and 7006  
occupational therapy theory and practice; 7007

(C) Has successfully completed a period of supervised 7008  
field work experience at a recognized educational institution or 7009  
a training program approved by the educational institution where 7010  
the person met the academic requirements. For an occupational 7011  
therapist, a minimum of six months of supervised field work 7012  
experience is required. For an occupational therapy assistant, a 7013  
minimum of two months of supervised field work experience is 7014  
required. 7015

(D) Has successfully passed a written examination testing 7016  
the person's knowledge of the basic and clinical sciences 7017  
relating to occupational therapy, and occupational therapy 7018  
theory and practice, including the applicant's professional 7019  
skills and judgment in the utilization of occupational therapy 7020  
techniques and methods, and such other subjects as the ~~section-~~ 7021  
board may consider useful to determine the applicant's fitness 7022  
to practice. The ~~section~~ board may require separate examinations 7023  
of applicants for licensure as occupational therapy assistants 7024  
and applicants for licensure as occupational therapists. 7025

Applicants for licensure shall be examined at a time and 7026  
place and under such supervision as the ~~section board~~ 7027  
determines. 7028

**Sec. 4755.08.** The ~~occupational therapy section of the Ohio~~ 7029  
~~occupational therapy, physical therapy, and athletic trainers~~ 7030  
state physical health services board shall issue a license to 7031  
every applicant who has passed the appropriate examination 7032  
designated by the ~~section board~~ and who otherwise complies with 7033  
the licensure requirements of sections 4755.04 to 4755.13 of the 7034  
Revised Code. The license entitles the holder to practice 7035  
occupational therapy or to assist in the practice of 7036  
occupational therapy. The licensee shall display the license in 7037  
a conspicuous place at the licensee's principal place of 7038  
business. 7039

The ~~section board~~ may issue a limited permit to persons 7040  
who have satisfied the requirements of divisions (A) to (C) of 7041  
section 4755.07 of the Revised Code. This permit allows the 7042  
person to practice as an occupational therapist or occupational 7043  
therapy assistant under the supervision of a licensed 7044  
occupational therapist and is valid until the date on which the 7045  
results of the examination are made public. This limited permit 7046  
shall not be renewed if the applicant has failed the 7047  
examination. 7048

**Sec. 4755.09.** The ~~occupational therapy section of the Ohio~~ 7049  
~~occupational therapy, physical therapy, and athletic trainers~~ 7050  
state physical health services board may waive the examination 7051  
requirement under section 4755.07 of the Revised Code for any 7052  
applicant for licensure as an occupational therapist or 7053  
occupational therapy assistant who either has met educational, 7054  
training, and job experience requirements established by the 7055

~~section board~~, or presents proof of current certification or 7056  
licensure in another state that requires standards for licensure 7057  
at least equal to those for licensure in this state. 7058

The ~~section board~~ may waive the educational requirements 7059  
under section 4755.07 of the Revised Code for any applicant who 7060  
has met job experience requirements established by the ~~section~~  
board. 7062

**Sec. 4755.10.** Each license issued under section 4755.08 of 7063  
the Revised Code is valid without further recommendation or 7064  
examination until revoked or suspended or until the license 7065  
expires for failure to file an application for renewal as 7066  
provided for in this section. 7067

Licenses shall be renewed biennially in accordance with 7068  
the schedule established in rules adopted by the ~~occupational~~  
~~therapy section of the Ohio occupational therapy, physical~~  
~~therapy, and athletic trainers state physical health services~~  
board under section 4755.06 of the Revised Code. Applicants for 7072  
renewal shall file the fee for renewal as provided in section 7073  
4755.12 of the Revised Code, an application for renewal on a 7074  
form prescribed by the ~~occupational therapy section board~~, and 7075  
proof of completion of continuing education requirements as 7076  
provided in rules adopted by the ~~section board~~ under section 7077  
4755.06 of the Revised Code. An application for renewal shall be 7078  
mailed by the ~~section board~~ to the licensee in accordance with 7079  
the schedule established in rules adopted by the ~~section board~~ 7080  
under section 4755.06 of the Revised Code. In all other respects 7081  
the renewal process is as provided in section 4745.02 of the 7082  
Revised Code. 7083

The license of any licensee who fails to file an 7084  
application for renewal on or before the deadline established in 7085

rules adopted by the ~~section board~~ under section 4755.06 of the Revised Code shall expire automatically, unless the ~~section board~~, for good cause shown, determines that the application for renewal could not have been filed by such day.

Except as provided in sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code, the ~~section board~~ may renew a license while the license is suspended, but the renewal shall not affect the suspension. The ~~section board~~ shall not renew a license that has been revoked. If a revoked license is reinstated under section 4755.11 of the Revised Code after it has expired, the licensee, as a condition of reinstatement, shall pay a reinstatement fee equal to the renewal fee in effect on the last preceding regular renewal date before the reinstatement date, plus any delinquent fees accrued from the time of the revocation, if such fees are prescribed by the ~~section board~~ by rule.

**Sec. 4755.11.** (A) In accordance with Chapter 119. of the Revised Code, the ~~occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board~~ may suspend, revoke, or refuse to issue or renew an occupational therapist license, occupational therapy assistant license, occupational therapist limited permit, occupational therapy assistant limited permit, or reprimand, fine, place a license or limited permit holder on probation, or require the license or limited permit holder to take corrective action courses, for any of the following:

(1) Conviction of an offense involving moral turpitude or a felony, regardless of the state or country in which the conviction occurred;

- (2) Violation of any provision of sections 4755.04 to 7116  
4755.13 of the Revised Code; 7117
- (3) Violation of any lawful order or rule of the 7118  
~~occupational therapy section board~~; 7119
- (4) Obtaining or attempting to obtain a license or limited 7120  
permit issued by the ~~occupational therapy section board~~ by fraud 7121  
or deception, including the making of a false, fraudulent, 7122  
deceptive, or misleading ~~statements~~ statement in relation to 7123  
these activities; 7124
- (5) Negligence, unprofessional conduct, or gross 7125  
misconduct in the practice of the profession of occupational 7126  
therapy; 7127
- (6) Accepting commissions or rebates or other forms of 7128  
remuneration for referring persons to other professionals; 7129
- (7) Communicating, without authorization, information 7130  
received in professional confidence; 7131
- (8) Using controlled substances, habit forming drugs, or 7132  
alcohol to an extent that it impairs the ability to perform the 7133  
work of an occupational therapist, occupational therapy 7134  
assistant, occupational therapist limited permit holder, or 7135  
occupational therapy assistant limited permit holder; 7136
- (9) Practicing in an area of occupational therapy for 7137  
which the individual is untrained or incompetent; 7138
- (10) Failing the licensing or Ohio jurisprudence 7139  
examination; 7140
- (11) Aiding, abetting, directing, or supervising the 7141  
unlicensed practice of occupational therapy; 7142

(12) Denial, revocation, suspension, or restriction of 7143  
authority to practice a health care occupation, including 7144  
occupational therapy, for any reason other than a failure to 7145  
renew, in Ohio or another state or jurisdiction; 7146

(13) Except as provided in division (B) of this section: 7147

(a) Waiving the payment of all or any part of a deductible 7148  
or copayment that a patient, pursuant to a health insurance or 7149  
health care policy, contract, or plan that covers occupational 7150  
therapy, would otherwise be required to pay if the waiver is 7151  
used as an enticement to a patient or group of patients to 7152  
receive health care services from that provider; 7153

(b) Advertising that the individual will waive the payment 7154  
of all or any part of a deductible or copayment that a patient, 7155  
pursuant to a health insurance or health care policy, contract, 7156  
or plan that covers occupational therapy, would otherwise be 7157  
required to pay. 7158

(14) Working or representing oneself as an occupational 7159  
therapist, occupational therapy assistant, occupational 7160  
therapist limited permit holder, or occupational therapy 7161  
assistant limited permit holder without a current and valid 7162  
license or limited permit issued by the ~~occupational therapy~~ 7163  
section board; 7164

(15) Engaging in a deceptive trade practice, as defined in 7165  
section 4165.02 of the Revised Code; 7166

(16) Violation of the standards of ethical conduct in the 7167  
practice of occupational therapy as identified ~~by the~~ 7168  
~~occupational therapy section~~ pursuant to section 4744.50 of the 7169  
Revised Code; 7170

(17) A departure from, or the failure to conform to, 7171

minimal standards of care required of licensees or limited 7172  
permit holders, whether or not actual injury to a patient is 7173  
established; 7174

(18) An adjudication by a court that the applicant, 7175  
licensee, or limited permit holder is incompetent for the 7176  
purpose of holding a license or limited permit and has not 7177  
thereafter been restored to legal capacity for that purpose; 7178

(19) (a) Except as provided in division (A) (19) (b) of this 7179  
section, failure to cooperate with an investigation conducted by 7180  
the ~~occupational therapy section board~~, including failure to 7181  
comply with a subpoena or orders issued by the ~~section board~~ or 7182  
failure to answer truthfully a question presented by the ~~section~~ 7183  
~~board~~ at a deposition or in written interrogatories. 7184

(b) Failure to cooperate with an investigation does not 7185  
constitute grounds for discipline under this section if a court 7186  
of competent jurisdiction issues an order that either quashes a 7187  
subpoena or permits the individual to withhold the testimony or 7188  
evidence at issue. 7189

(20) Conviction of a misdemeanor reasonably related to the 7190  
practice of occupational therapy, regardless of the state or 7191  
country in which the conviction occurred; 7192

(21) Inability to practice according to acceptable and 7193  
prevailing standards of care because of mental or physical 7194  
illness, including physical deterioration that adversely affects 7195  
cognitive, motor, or perception skills; 7196

(22) Violation of conditions, limitations, or agreements 7197  
placed by the ~~occupational therapy section board~~ on a license or 7198  
limited permit to practice; 7199

(23) Making a false, fraudulent, deceptive, or misleading 7200

statement in the solicitation of or advertising for patients in 7201  
relation to the practice of occupational therapy; 7202

(24) Failure to complete continuing education requirements 7203  
as prescribed in rules adopted by the ~~occupational therapy~~ 7204  
~~section board~~ under section 4755.06 of the Revised Code. 7205

(B) Sanctions shall not be imposed under division (A) (13) 7206  
of this section against any individual who waives deductibles 7207  
and copayments as follows: 7208

(1) In compliance with the health benefit plan that 7209  
expressly allows such a practice. Waiver of the deductibles or 7210  
copayments shall be made only with the full knowledge and 7211  
consent of the plan purchaser, payer, and third-party 7212  
administrator. Documentation of the consent shall be made 7213  
available to the ~~section board~~ upon request. 7214

(2) For professional services rendered to any other person 7215  
licensed pursuant to sections 4755.04 to 4755.13 of the Revised 7216  
Code to the extent allowed by those sections and the rules of 7217  
the ~~occupational therapy section board~~. 7218

(C) Except as provided in division (D) of this section, 7219  
the suspension or revocation of a license or limited permit 7220  
under this section is not effective until either the order for 7221  
suspension or revocation has been affirmed following an 7222  
adjudication hearing, or the time for requesting a hearing has 7223  
elapsed. 7224

When a license or limited permit is revoked under this 7225  
section, application for reinstatement may not be made sooner 7226  
than one year after the date of revocation. The ~~occupational~~ 7227  
~~therapy section board~~ may accept or refuse an application for 7228  
reinstatement and may require that the applicant pass an 7229



examination as a condition of reinstatement. 7230

When a license or limited permit holder is placed on 7231  
probation under this section, the ~~occupational therapy section's~~ 7232  
board's probation order shall be accompanied by a statement of 7233  
the conditions under which the individual may be removed from 7234  
probation and restored to unrestricted practice. 7235

(D) On receipt of a complaint that a person who holds a 7236  
license or limited permit issued by the ~~occupational therapy~~ 7237  
~~section board~~ has committed any of the prohibited actions listed 7238  
in division (A) of this section, the ~~section board~~ may 7239  
immediately suspend the license or limited permit prior to 7240  
holding a hearing in accordance with Chapter 119. of the Revised 7241  
Code if it determines, based on the complaint, that the licensee 7242  
or limited permit holder poses an immediate threat to the 7243  
public. The ~~section board~~ may review the allegations and vote on 7244  
the suspension by telephone conference call. If the ~~section~~ 7245  
board votes to suspend a license or limited permit under this 7246  
division, the ~~section board~~ shall issue a written order of 7247  
summary suspension to the licensee or limited permit holder in 7248  
accordance with section 119.07 of the Revised Code. If the 7249  
individual whose license or limited permit is suspended fails to 7250  
make a timely request for an adjudication under Chapter 119. of 7251  
the Revised Code, the ~~section board~~ shall enter a final order 7252  
permanently revoking the individual's license or limited permit. 7253  
Notwithstanding section 119.12 of the Revised Code, a court of 7254  
common pleas shall not grant a suspension of the ~~section's~~ 7255  
board's order of summary suspension pending the determination of 7256  
an appeal filed under that section. Any order of summary 7257  
suspension issued under this division shall remain in effect, 7258  
unless reversed on appeal, until a final adjudication order 7259  
issued by the ~~section board~~ pursuant to division (A) of this 7260

section becomes effective. The ~~section-board~~ shall issue its 7261  
final adjudication order regarding an order of summary 7262  
suspension issued under this division not later than ninety days 7263  
after completion of its hearing. Failure to issue the order 7264  
within ninety days shall result in immediate dissolution of the 7265  
suspension order, but shall not invalidate any subsequent, final 7266  
adjudication order. 7267

(E) If any person other than a person who holds a license 7268  
or limited permit issued under section 4755.08 of the Revised 7269  
Code has engaged in any practice that is prohibited under 7270  
sections 4755.04 to 4755.13 of the Revised Code or the rules of 7271  
the ~~occupational therapy section-board~~, the ~~section-board~~ may 7272  
apply to the court of common pleas of the county in which the 7273  
violation occurred, for an injunction or other appropriate order 7274  
restraining this conduct, and the court shall issue this order. 7275

**Sec. 4755.111.** (A) An individual whom the ~~occupational-~~ 7276  
~~therapy section of the Ohio occupational therapy, physical-~~ 7277  
~~therapy, and athletic trainers state physical health services~~ 7278  
board licenses, certificates, or otherwise legally authorizes to 7279  
engage in the practice of occupational therapy may render the 7280  
professional services of an occupational therapist within this 7281  
state through a corporation formed under division (B) of section 7282  
1701.03 of the Revised Code, a limited liability company formed 7283  
under Chapter 1705. of the Revised Code, a partnership, or a 7284  
professional association formed under Chapter 1785. of the 7285  
Revised Code. This division does not preclude an individual of 7286  
that nature from rendering professional services as an 7287  
occupational therapist through another form of business entity, 7288  
including, but not limited to, a nonprofit corporation or 7289  
foundation, or in another manner that is authorized by or in 7290  
accordance with sections 4755.04 to 4755.13 of the Revised Code, 7291

another chapter of the Revised Code, or rules of the ~~Ohio~~ 7292  
~~occupational therapy, physical therapy, and athletic trainers~~ 7293  
state physical health services board adopted pursuant to 7294  
sections 4755.04 to 4755.13 of the Revised Code. 7295

(B) A corporation, limited liability company, partnership, 7296  
or professional association described in division (A) of this 7297  
section may be formed for the purpose of providing a combination 7298  
of the professional services of the following individuals who 7299  
are licensed, certificated, or otherwise legally authorized to 7300  
practice their respective professions: 7301

(1) Optometrists who are authorized to practice optometry 7302  
under Chapter 4725. of the Revised Code; 7303

(2) Chiropractors who are authorized to practice 7304  
chiropractic or acupuncture under Chapter 4734. of the Revised 7305  
Code; 7306

(3) Psychologists who are authorized to practice 7307  
psychology under Chapter 4732. of the Revised Code; 7308

(4) Registered or licensed practical nurses who are 7309  
authorized to practice nursing as registered nurses or as 7310  
licensed practical nurses under Chapter 4723. of the Revised 7311  
Code; 7312

(5) Pharmacists who are authorized to practice pharmacy 7313  
under Chapter 4729. of the Revised Code; 7314

(6) Physical therapists who are authorized to practice 7315  
physical therapy under sections 4755.40 to 4755.56 of the 7316  
Revised Code; 7317

(7) Occupational therapists who are authorized to practice 7318  
occupational therapy under sections 4755.04 to 4755.13 of the 7319

Revised Code; 7320

(8) Mechanotherapists who are authorized to practice 7321  
mechanotherapy under section 4731.151 of the Revised Code; 7322

(9) Doctors of medicine and surgery, osteopathic medicine 7323  
and surgery, or podiatric medicine and surgery who are 7324  
authorized for their respective practices under Chapter 4731. of 7325  
the Revised Code; 7326

(10) Licensed professional clinical counselors, licensed 7327  
professional counselors, independent social workers, social 7328  
workers, independent marriage and family therapists, or marriage 7329  
and family therapists who are authorized for their respective 7330  
practices under Chapter 4757. of the Revised Code. 7331

This division shall apply notwithstanding a provision of a 7332  
code of ethics applicable to an occupational therapist that 7333  
prohibits an occupational therapist from engaging in the 7334  
practice of occupational therapy in combination with a person 7335  
who is licensed, certificated, or otherwise legally authorized 7336  
to practice optometry, chiropractic, acupuncture through the 7337  
state chiropractic board, psychology, nursing, pharmacy, 7338  
physical therapy, mechanotherapy, medicine and surgery, 7339  
osteopathic medicine and surgery, podiatric medicine and 7340  
surgery, professional counseling, social work, or marriage and 7341  
family therapy but who is not also licensed, certificated, or 7342  
otherwise legally authorized to engage in the practice of 7343  
occupational therapy. 7344

**Sec. 4755.12.** (A) ~~The occupational therapy section of the~~ 7345  
~~Ohio occupational therapy, physical therapy, and athletic~~ 7346  
~~trainers state physical health services board~~ may charge any or 7347  
all of the following fees: 7348

(1) A nonrefundable examination fee, which is to be paid at the time of application for licensure;	7349 7350
(2) An application fee for an initial license;	7351
(3) An initial licensure fee;	7352
(4) A fee for biennial renewal of a license;	7353
(5) A fee for late renewal of a license;	7354
(6) A fee for the review of continuing education activities;	7355 7356
(7) A fee for a limited permit;	7357
(8) A fee for verification of a license.	7358
(B) Any person who is qualified to practice occupational therapy as certified by the <del>section board</del> , but who is not in the active practice, as defined by <del>section board</del> rule, may register with the <del>section board</del> as a nonactive licensee at a biennial fee.	7359 7360 7361 7362 7363
(C) The <del>section board</del> may, by rule, provide for the waiver of all or part of a fee when the license is issued less than one hundred days before the date on which it will expire.	7364 7365 7366
(D) Except when all or part of a fee is waived under division (C) of this section, the amount charged by the <del>occupational therapy section board</del> for each of its fees shall be the applicable amount established in rules adopted under section 4755.06 of the Revised Code.	7367 7368 7369 7370 7371
<b>Sec. 4755.41.</b> (A) The <del>physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board</del> shall license persons desiring to practice physical therapy or to practice as physical	7372 7373 7374 7375

therapist assistants in this state. 7376

(B) An investigation, inquiry, or hearing which the 7377  
~~section board~~ is authorized to undertake or hold may be 7378  
undertaken or held in accordance with section 4755.02 of the 7379  
Revised Code. Any finding or order shall be confirmed or 7380  
approved by the ~~section board~~. 7381

(C) The ~~physical therapy section board shall do both of~~ 7382  
~~the following:~~ 7383

(1) ~~Keep a record of its proceedings;~~ 7384

~~(2) Keep a register of applicants showing the name and~~ 7385  
~~location of the institution granting the applicant's degree or~~ 7386  
~~certificate in physical therapy and whether or not a license was~~ 7387  
~~issued;~~ 7388

~~(3) Maintain a register of every physical therapist and~~ 7389  
~~physical therapist assistant in this state, including the~~ 7390  
~~licensee's last known place of business, the licensee's last~~ 7391  
~~known residence, and the date and number of the licensee's~~ 7392  
~~license;~~ 7393

~~(4) Deposit all fees collected by the section board in~~ 7394  
accordance with section 4755.03 of the Revised Code; 7395

~~(5)~~ (2) On receipt of an application for a license to 7396  
practice as a physical therapist or physical therapist 7397  
assistant, provide to the applicant the ~~section's board's~~ 7398  
address, dates of upcoming ~~section board~~ meetings, and a list of 7399  
names of the ~~section board~~ members. 7400

**Sec. 4755.411.** The ~~physical therapy section of the Ohio~~ 7401  
~~occupational therapy, physical therapy, and athletic trainers~~ 7402  
~~state physical health services board shall adopt rules in~~ 7403

accordance with Chapter 119. of the Revised Code pertaining to	7404
the following:	7405
(A) Fees for the verification of a license and license	7406
reinstatement, and other fees established by the <del>section</del> <u>board</u> ;	7407
(B) Provisions for the <del>section's</del> <u>board's</u> government and	7408
control of its actions and business affairs;	7409
(C) Minimum curricula for physical therapy education	7410
programs that prepare graduates to be licensed in this state as	7411
physical therapists and physical therapist assistants;	7412
(D) Eligibility criteria to take the examinations required	7413
under sections 4755.43 and 4755.431 of the Revised Code;	7414
(E) The form and manner for filing applications for	7415
licensure with the <del>section</del> <u>board</u> ;	7416
(F) For purposes of section 4755.46 of the Revised Code,	7417
all of the following:	7418
(1) A schedule regarding when licenses to practice as a	7419
physical therapist and physical therapist assistant expire	7420
during a biennium;	7421
(2) An additional fee, not to exceed thirty-five dollars,	7422
that may be imposed if a licensee files a late application for	7423
renewal;	7424
(3) The conditions under which the license of a person who	7425
files a late application for renewal will be reinstated.	7426
(G) The issuance, renewal, suspension, and permanent	7427
revocation of a license and the conduct of hearings;	7428
(H) <del>Appropriate ethical conduct in the practice of</del>	7429
<del>physical therapy;</del>	7430

~~(I)~~ Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;

~~(J)~~ (I) Conditions that may be imposed for reinstatement of a license following suspension pursuant to section 4755.47 of the Revised Code;

~~(K)~~ (J) For purposes of section 4755.45 of the Revised Code, both of the following:

(1) Identification of the credentialing organizations from which the ~~section board~~ will accept equivalency evaluations for foreign physical therapist education. The ~~physical therapy section board~~ shall identify only those credentialing organizations that use a course evaluation tool or form approved by the ~~physical therapy section board~~.

(2) Evidence, other than the evaluations described in division ~~(K)~~ (J) (1) of this section, that the ~~section board~~ will consider for purposes of evaluating whether an applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state as a physical therapist on the date of the applicant's initial licensure or registration in another state or country.

~~(L)~~ (K) Standards of conduct for physical therapists and physical therapist assistants, including requirements for supervision, delegation, and practicing with or without referral or prescription;

~~(M)~~ (L) Appropriate display of a license;

~~(N)~~ (M) Procedures for a licensee to follow in notifying the ~~section board~~ within thirty days of a change in name or address, or both;



~~(O)~~-(N) The amount and content of corrective action 7460  
courses required by the board under section 4755.47 of the 7461  
Revised Code. 7462

**Sec. 4755.412.** The ~~physical therapy section of the Ohio~~ 7463  
~~occupational therapy, physical therapy, and athletic trainers~~ 7464  
state physical health services board, subject to the approval of 7465  
the controlling board, may establish fees in excess of the 7466  
amounts provided by sections 4755.42, 4755.421, 4755.45, 7467  
4755.451, and 4755.46 of the Revised Code, provided that such 7468  
fees do not exceed those amounts by more than fifty per cent. 7469

**Sec. 4755.42.** (A) Each person who desires to practice 7470  
physical therapy shall file with the ~~secretary of the physical~~ 7471  
~~therapy section of the Ohio occupational therapy, physical~~ 7472  
~~therapy, and athletic trainers state physical health services~~ 7473  
board ~~a notarized~~ an application that includes the following: 7474

(1) Name; 7475

(2) Current address; 7476

(3) Physical description and photograph; 7477

(4) Proof of completion of a master's or doctorate program 7478  
of physical therapy education that is accredited by a national 7479  
physical therapy accreditation agency recognized by the United 7480  
States department of education and that includes: 7481

(a) A minimum of one hundred twenty academic semester 7482  
credits or its equivalent, including courses in the biological 7483  
and other physical sciences; 7484

(b) A course in physical therapy education that has 7485  
provided instruction in basic sciences, clinical sciences, and 7486  
physical therapy theory and procedures. 7487

(B) On making application under division (A) of this section, the applicant shall pay a fee of not more than one hundred twenty-five dollars for the license.

(C) The ~~physical therapy section board~~ shall approve an application to sit for the examination required under division (A) of section 4755.43 of the Revised Code not later than one hundred twenty days after receiving an application that the ~~section board~~ considers complete unless the board has done either of the following:

(1) Requested documents relevant to the ~~section's board's~~ evaluation of the application;

(2) Notified the applicant in writing of the ~~section's board's~~ intent to deny a license and the applicant's right to request a hearing in accordance with Chapter 119. of the Revised Code to appeal the ~~section's board's~~ intent to deny a license.

(D) If the ~~section board~~ fails to comply with division (C) of this section, the ~~section board~~ shall refund one-half of the application fee to the applicant.

**Sec. 4755.421.** (A) Each applicant seeking licensure as a physical therapist assistant shall file with the ~~secretary of the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board~~ a ~~notarized~~ an application that includes the following:

(1) Name;

(2) Current address;

(3) Physical description and photograph;

(4) Proof of completion of a two-year program of education

that is accredited by a national physical therapy accreditation agency recognized by the United States department of education. 7516  
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(B) On making application under division (A) of this section, the applicant shall pay a fee of not more than one hundred twenty-five dollars for the license. 7518  
7519  
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(C) (1) The ~~physical therapy section board~~ shall approve an applicant to sit for the examination required under division (A) of section 4755.431 of the Revised Code not later than one hundred twenty days after receiving an application that the ~~section board~~ considers complete unless the board has done either of the following: 7521  
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(a) Requested documents relevant to the ~~section's board's~~ evaluation of the application; 7527  
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(b) Notified the applicant in writing of the ~~section's board's~~ intent to deny a license and the applicant's right to request a hearing in accordance with Chapter 119. of the Revised Code to appeal the ~~section's board's~~ intent to deny a license. 7529  
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(2) If the ~~section board~~ fails to comply with division (C) (1) of this section, the ~~section board~~ shall refund half of the application fee to the applicant. 7533  
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7535

**Sec. 4755.43.** Except as provided in section 4755.45 of the Revised Code, to be eligible to receive a license to practice as a physical therapist, an applicant must pass both of the following: 7536  
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7539

(A) A national physical therapy examination for physical therapists approved by the ~~physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board~~ that tests the applicant's knowledge of the basic and applied sciences as they relate to 7540  
7541  
7542  
7543  
7544

physical therapy and physical therapy theory and procedures. 7545

(B) A jurisprudence examination on Ohio's laws and rules 7546  
governing the practice of physical therapy that is approved by 7547  
the ~~physical therapy section board~~. 7548

**Sec. 4755.431.** Except as provided in section 4755.451 of 7549  
the Revised Code, to be eligible to receive a license to 7550  
practice as a physical therapist assistant, an applicant must 7551  
pass both of the following: 7552

(A) A national physical therapy examination for physical 7553  
therapist assistants approved by the ~~physical therapy section of~~ 7554  
~~the Ohio occupational therapy, physical therapy, and athletic~~ 7555  
~~trainers state physical health services~~ board. 7556

(B) A jurisprudence examination approved by the ~~physical~~ 7557  
~~therapy section board~~ on Ohio's laws and rules governing the 7558  
practice of physical therapy. 7559

**Sec. 4755.44.** If an applicant passes the examination or 7560  
examinations required under section 4755.43 of the Revised Code 7561  
and pays the fee required by division (B) of section 4755.42 of 7562  
the Revised Code, the ~~physical therapy section of the Ohio~~ 7563  
~~occupational therapy, physical therapy, and athletic trainers~~ 7564  
~~state physical health services~~ board shall issue a license, 7565  
attested by the seal of the board, to the applicant to practice 7566  
as a physical therapist. 7567

**Sec. 4755.441.** If an applicant passes the examination or 7568  
examinations required under section 4755.431 of the Revised Code 7569  
and pays the fee required by division (B) of section 4755.421 of 7570  
the Revised Code, the ~~physical therapy section of the Ohio~~ 7571  
~~occupational therapy, physical therapy, and athletic trainers~~ 7572  
~~state physical health services~~ board shall issue a license, 7573

attested by the seal of the board, to the applicant to practice 7574  
as physical therapist assistant. 7575

**Sec. 4755.45.** (A) The ~~physical therapy section of the Ohio~~ 7576  
~~occupational therapy, physical therapy, and athletic trainers~~ 7577  
state physical health services board shall issue to an applicant 7578  
a license to practice as a physical therapist without requiring 7579  
the applicant to have passed the national examination for 7580  
physical therapists described in division (A) of section 4755.43 7581  
of the Revised Code within one year of filing an application 7582  
described in section 4755.42 of the Revised Code if all of the 7583  
following are true: 7584

(1) The applicant presents evidence satisfactory to the 7585  
~~physical therapy section board~~ that the applicant received a 7586  
score on the national physical therapy examination described in 7587  
division (A) of section 4755.43 of the Revised Code that would 7588  
have been a passing score according to the board in the year the 7589  
applicant sat for the examination; 7590

(2) The applicant presents evidence satisfactory to the 7591  
~~physical therapy section board~~ that the applicant passed the 7592  
jurisprudence examination described in division (B) of section 7593  
4755.43 of the Revised Code; 7594

(3) The applicant holds a current and valid license or 7595  
registration to practice physical therapy in another state or 7596  
country; 7597

(4) Subject to division (B) of this section, the applicant 7598  
can demonstrate that the applicant's education is reasonably 7599  
equivalent to the educational requirements that were in force 7600  
for licensure in this state on the date of the applicant's 7601  
initial licensure or registration in the other state or country; 7602

(5) The applicant pays the fee described in division (B) 7603  
of section 4755.42 of the Revised Code; 7604

(6) The applicant is not in violation of any section of 7605  
this chapter or rule adopted under it. 7606

(B) For purposes of division (A) (4) of this section, if, 7607  
after receiving the results of an equivalency evaluation from a 7608  
credentialing organization identified by the ~~section-board~~ 7609  
pursuant to rules adopted under section 4755.411 of the Revised 7610  
Code, the ~~section-board~~ determines that regardless of the 7611  
results of the evaluation the applicant's education is not 7612  
reasonably equivalent to the educational requirements that were 7613  
in force for licensure in this state on the date of the 7614  
applicant's initial licensure or registration in another state 7615  
or foreign country, the ~~section-board~~ shall send a written 7616  
notice to the applicant stating that the ~~section-board~~ is 7617  
denying the applicant's application and stating the specific 7618  
reason why the ~~section-board~~ is denying the applicant's 7619  
application. The ~~section-board~~ shall send the notice to the 7620  
applicant through certified mail within thirty days after the 7621  
~~section-board~~ makes that determination. 7622

**Sec. 4755.451.** The ~~physical therapy section of the Ohio-~~ 7623  
~~occupational therapy, physical therapy, and athletic trainers-~~ 7624  
state physical health services board shall issue to an applicant 7625  
a license as a physical therapist assistant without requiring 7626  
the applicant to have passed the national examination for 7627  
physical therapist assistants described in division (A) of 7628  
section 4755.431 of the Revised Code within one year of filing 7629  
an application described in section 4755.421 of the Revised Code 7630  
if all of the following are true: 7631

(A) The applicant presents evidence satisfactory to the 7632

~~physical therapy section board~~ that the applicant received a 7633  
score on the national physical therapy examination described in 7634  
division (A) of section 4755.431 of the Revised Code that would 7635  
have been a passing score according to the board in the year the 7636  
applicant sat for the examination; 7637

(B) The applicant presents evidence satisfactory to the 7638  
~~physical therapy section board~~ that the applicant passed the 7639  
jurisprudence examination described in division (B) of section 7640  
4755.431 of the Revised Code; 7641

(C) The applicant holds a current and valid license or 7642  
registration to practice as a physical therapist assistant in 7643  
another state; 7644

(D) The applicant can demonstrate that the applicant's 7645  
education is reasonably equivalent to the educational 7646  
requirements that were in force for licensure in this state on 7647  
the date of the applicant's initial licensure or registration in 7648  
the other state; 7649

(E) The applicant pays the fee described in division (B) 7650  
of section 4755.421 of the Revised Code; 7651

(F) The applicant is not in violation of any section of 7652  
this chapter or rule adopted under it. 7653

**Sec. 4755.46.** (A) Every license to practice as a physical 7654  
therapist or physical therapist assistant expires biennially in 7655  
accordance with the schedule established in rules adopted by the 7656  
~~physical therapy section of the Ohio occupational therapy,~~ 7657  
~~physical therapy, and athletic trainers~~ state physical health 7658  
services board under section 4755.411 of the Revised Code. 7659

Each individual holding a valid and current license may 7660  
apply to the ~~physical therapy section board~~ to renew the license 7661

in accordance with rules adopted by the board under section 7662  
4755.411 of the Revised Code. Each application for license 7663  
renewal shall be accompanied by a biennial renewal fee of not 7664  
more than one hundred twenty-five dollars and, if applicable, 7665  
the applicant's signed statement that the applicant completed 7666  
the continuing education required under section 4755.51 or 7667  
4755.551 of the Revised Code within the time frame established 7668  
in rules adopted by the physical therapy section under section 7669  
4755.411 of the Revised Code. 7670

A license that is not renewed by the last day for renewal 7671  
established in rules shall automatically expire on that date. 7672

(B) Each licensee shall report to the ~~section~~ board in 7673  
writing a change in name, business address, or home address not 7674  
later than thirty days after the date of the change. 7675

**Sec. 4755.47.** (A) In accordance with Chapter 119. of the 7676  
Revised Code, the ~~physical therapy section of the Ohio~~ 7677  
~~occupational therapy, physical therapy, and athletic trainers~~ 7678  
state physical health services board may refuse to grant a 7679  
license to an applicant for an initial or renewed license as a 7680  
physical therapist or physical therapist assistant or, by an 7681  
affirmative vote of not less than five members, may limit, 7682  
suspend, or revoke the license of a physical therapist or 7683  
physical therapist assistant or reprimand, fine, place a license 7684  
holder on probation, or require the license holder to take 7685  
corrective action courses, on any of the following grounds: 7686

(1) Habitual indulgence in the use of controlled 7687  
substances, other habit-forming drugs, or alcohol to an extent 7688  
that affects the individual's professional competency; 7689

(2) Conviction of a felony or a crime involving moral 7690



- turpitude, regardless of the state or country in which the conviction occurred; 7691  
7692
- (3) Obtaining or attempting to obtain a license issued by the ~~physical therapy section board~~ by fraud or deception, including the making of a false, fraudulent, deceptive, or misleading statement; 7693  
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- (4) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the applicant or licensee is incompetent for the purpose of holding the license and has not thereafter been restored to legal capacity for that purpose; 7697  
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7700
- (5) Subject to section 4755.471 of the Revised Code, violation of the code of ethics adopted ~~by the physical therapy section~~ under section 4744.50 of the Revised Code; 7701  
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- (6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 4755.40 to 4755.56 of the Revised Code or any order issued or rule adopted under those sections; 7704  
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7707
- (7) Failure of one or both of the examinations required under section 4755.43 or 4755.431 of the Revised Code; 7708  
7709
- (8) Permitting the use of one's name or license by a person, group, or corporation when the one permitting the use is not directing the treatment given; 7710  
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- (9) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including physical therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction; 7713  
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- (10) Failure to maintain minimal standards of practice in the administration or handling of drugs, as defined in section 7717  
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4729.01 of the Revised Code, or failure to employ acceptable 7719  
scientific methods in the selection of drugs, as defined in 7720  
section 4729.01 of the Revised Code, or other modalities for 7721  
treatment; 7722

(11) Willful betrayal of a professional confidence; 7723

(12) Making a false, fraudulent, deceptive, or misleading 7724  
statement in the solicitation of or advertising for patients in 7725  
relation to the practice of physical therapy; 7726

(13) A departure from, or the failure to conform to, 7727  
minimal standards of care required of licensees when under the 7728  
same or similar circumstances, whether or not actual injury to a 7729  
patient is established; 7730

(14) Obtaining, or attempting to obtain, money or anything 7731  
of value by fraudulent misrepresentations in the course of 7732  
practice; 7733

(15) Violation of the conditions of limitation or 7734  
agreements placed by the ~~physical therapy section board~~ on a 7735  
license to practice; 7736

(16) Failure to renew a license in accordance with section 7737  
4755.46 of the Revised Code; 7738

(17) Except as provided in section 4755.471 of the Revised 7739  
Code, engaging in the division of fees for referral of patients 7740  
or receiving anything of value in return for a specific referral 7741  
of a patient to utilize a particular service or business; 7742

(18) Inability to practice according to acceptable and 7743  
prevailing standards of care because of mental illness or 7744  
physical illness, including physical deterioration that 7745  
adversely affects cognitive, motor, or perception skills; 7746

(19) The revocation, suspension, restriction, or 7747  
termination of clinical privileges by the United States 7748  
department of defense or department of veterans affairs; 7749

(20) Termination or suspension from participation in the 7750  
medicare or medicaid program established under Title XVIII and 7751  
Title XIX, respectively, of the "Social Security Act," 49 Stat. 7752  
620 (1935), 42 U.S.C. 301, as amended, for an act or acts that 7753  
constitute a violation of sections 4755.40 to 4755.56 of the 7754  
Revised Code; 7755

(21) Failure of a physical therapist to maintain 7756  
supervision of a student, physical therapist assistant, 7757  
unlicensed support personnel, other assistant personnel, or a 7758  
license applicant in accordance with the requirements of 7759  
sections 4755.40 to 4755.56 of the Revised Code and rules 7760  
adopted under those sections; 7761

(22) Failure to complete continuing education requirements 7762  
as prescribed in section 4755.51 or 4755.511 of the Revised Code 7763  
or to satisfy any rules applicable to continuing education 7764  
requirements that are adopted by the ~~physical therapy section~~ 7765  
board; 7766

(23) Conviction of a misdemeanor when the act that 7767  
constitutes the misdemeanor occurs during the practice of 7768  
physical therapy; 7769

(24) (a) Except as provided in division (A) (24) (b) of this 7770  
section, failure to cooperate with an investigation conducted by 7771  
the ~~physical therapy section~~ board, including failure to comply 7772  
with a subpoena or orders issued by the ~~section~~ board or failure 7773  
to answer truthfully a question presented by the ~~section~~ board 7774  
at a deposition or in written interrogatories. 7775

(b) Failure to cooperate with an investigation does not 7776  
constitute grounds for discipline under this section if a court 7777  
of competent jurisdiction issues an order that either quashes a 7778  
subpoena or permits the individual to withhold the testimony or 7779  
evidence at issue. 7780

(25) Regardless of whether the contact or verbal behavior 7781  
is consensual, engaging with a patient other than the spouse of 7782  
the physical therapist or physical therapist assistant, in any 7783  
of the following: 7784

(a) Sexual contact, as defined in section 2907.01 of the 7785  
Revised Code; 7786

(b) Verbal behavior that is sexually demeaning to the 7787  
patient or may be reasonably interpreted by the patient as 7788  
sexually demeaning. 7789

(26) Failure to notify the ~~physical therapy section board~~ 7790  
of a change in name, business address, or home address within 7791  
thirty days after the date of change; 7792

(27) Except as provided in division (B) of this section: 7793

(a) Waiving the payment of all or any part of a deductible 7794  
or copayment that a patient, pursuant to a health insurance or 7795  
health care policy, contract, or plan that covers physical 7796  
therapy, would otherwise be required to pay if the waiver is 7797  
used as an enticement to a patient or group of patients to 7798  
receive health care services from that provider; 7799

(b) Advertising that the individual will waive the payment 7800  
of all or any part of a deductible or copayment that a patient, 7801  
pursuant to a health insurance or health care policy, contract, 7802  
or plan that covers physical therapy, would otherwise be 7803  
required to pay. 7804

(28) Violation of any section of this chapter or rule 7805  
adopted under it. 7806

(B) Sanctions shall not be imposed under division (A) (27) 7807  
of this section against any individual who waives deductibles 7808  
and copayments as follows: 7809

(1) In compliance with the health benefit plan that 7810  
expressly allows such a practice. Waiver of the deductibles or 7811  
copayments shall be made only with the full knowledge and 7812  
consent of the plan purchaser, payer, and third-party 7813  
administrator. Documentation of the consent shall be made 7814  
available to the ~~physical therapy section~~ board upon request. 7815

(2) For professional services rendered to any other person 7816  
licensed pursuant to sections 4755.40 to 4755.56 of the Revised 7817  
Code to the extent allowed by those sections and the rules of 7818  
the ~~physical therapy section~~ board. 7819

(C) When a license is revoked under this section, 7820  
application for reinstatement may not be made sooner than one 7821  
year after the date of revocation. The ~~physical therapy section~~ 7822  
board may accept or refuse an application for reinstatement and 7823  
may require that the applicant pass an examination as a 7824  
condition for reinstatement. 7825

When a license holder is placed on probation under this 7826  
section, the physical therapy section's order for placement on 7827  
probation shall be accompanied by a statement of the conditions 7828  
under which the individual may be removed from probation and 7829  
restored to unrestricted practice. 7830

(D) When an application for an initial or renewed license 7831  
is refused under this section, the ~~physical therapy section~~ 7832  
board shall notify the applicant in writing of the section's 7833

decision to refuse issuance of a license and the reason for its 7834  
decision. 7835

(E) On receipt of a complaint that a person licensed by 7836  
the ~~physical therapy section board~~ has committed any of the 7837  
actions listed in division (A) of this section, the ~~physical-~~ 7838  
~~therapy section board~~ may immediately suspend the license of the 7839  
physical therapist or physical therapist assistant prior to 7840  
holding a hearing in accordance with Chapter 119. of the Revised 7841  
Code if it determines, based on the complaint, that the person 7842  
poses an immediate threat to the public. The ~~physical therapy-~~ 7843  
~~section board~~ may review the allegations and vote on the 7844  
suspension by telephone conference call. If the ~~physical therapy-~~ 7845  
~~section board~~ votes to suspend a license under this division, 7846  
the ~~physical therapy section board~~ shall issue a written order 7847  
of summary suspension to the person in accordance with section 7848  
119.07 of the Revised Code. If the person fails to make a timely 7849  
request for an adjudication under Chapter 119. of the Revised 7850  
Code, the ~~physical therapy section board~~ shall enter a final 7851  
order permanently revoking the person's license. Notwithstanding 7852  
section 119.12 of the Revised Code, a court of common pleas 7853  
shall not grant a suspension of the ~~physical therapy section's-~~ 7854  
~~board's~~ order of summary suspension pending the determination of 7855  
an appeal filed under that section. Any order of summary 7856  
suspension issued under this division shall remain in effect, 7857  
unless reversed on appeal, until a final adjudication order 7858  
issued by the ~~physical therapy section board~~ pursuant to 7859  
division (A) of this section becomes effective. The ~~physical-~~ 7860  
~~therapy section board~~ shall issue its final adjudication order 7861  
regarding an order of summary suspension issued under this 7862  
division not later than ninety days after completion of its 7863  
hearing. Failure to issue the order within ninety days shall 7864

result in immediate dissolution of the suspension order, but 7865  
shall not invalidate any subsequent, final adjudication order. 7866

**Sec. 4755.471.** (A) An individual whom the ~~physical therapy~~ 7867  
~~section of the Ohio occupational therapy, physical therapy, and~~ 7868  
~~athletic trainers state physical health services~~ board licenses, 7869  
certificates, or otherwise legally authorizes to engage in the 7870  
practice of physical therapy may render the professional 7871  
services of a physical therapist within this state through a 7872  
corporation formed under division (B) of section 1701.03 of the 7873  
Revised Code, a limited liability company formed under Chapter 7874  
1705. of the Revised Code, a partnership, or a professional 7875  
association formed under Chapter 1785. of the Revised Code. This 7876  
division does not preclude an individual of that nature from 7877  
rendering professional services as a physical therapist through 7878  
another form of business entity, including, but not limited to, 7879  
a nonprofit corporation or foundation, or in another manner that 7880  
is authorized by or in accordance with sections 4755.40 to 7881  
4755.53 of the Revised Code, another chapter of the Revised 7882  
Code, or rules ~~of the Ohio occupational therapy, physical~~ 7883  
~~therapy, and athletic trainers state physical health services~~ 7884  
board adopted pursuant to sections 4755.40 to 4755.53 of the 7885  
Revised Code. 7886

(B) A corporation, limited liability company, partnership, 7887  
or professional association described in division (A) of this 7888  
section may be formed for the purpose of providing a combination 7889  
of the professional services of the following individuals who 7890  
are licensed, certificated, or otherwise legally authorized to 7891  
practice their respective professions: 7892

(1) Optometrists who are authorized to practice optometry 7893  
under Chapter 4725. of the Revised Code; 7894

(2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;	7895 7896 7897
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	7898 7899
(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;	7900 7901 7902 7903
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	7904 7905
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	7906 7907 7908
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	7909 7910 7911
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	7912 7913
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	7914 7915 7916 7917
(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code.	7918 7919 7920 7921 7922



This division shall apply notwithstanding a provision of a  
code of ethics applicable to a physical therapist that prohibits  
a physical therapist from engaging in the practice of physical  
therapy in combination with a person who is licensed,  
certificated, or otherwise legally authorized to practice  
optometry, chiropractic, acupuncture through the state  
chiropractic board, psychology, nursing, pharmacy, occupational  
therapy, mechanotherapy, medicine and surgery, osteopathic  
medicine and surgery, podiatric medicine and surgery,  
professional counseling, social work, or marriage and family  
therapy, but who is not also licensed, certificated, or  
otherwise legally authorized to engage in the practice of  
physical therapy.

**Sec. 4755.482.** (A) Except as otherwise provided in  
divisions (B) and (C) of this section, a person shall not teach  
a physical therapy theory and procedures course in physical  
therapy education without obtaining a license as a physical  
therapist from the ~~physical therapy section of the Ohio~~  
~~occupational therapy, physical therapy, and athletic trainers~~  
state physical health services board.

(B) A person who is registered or licensed as a physical  
therapist under the laws of another state shall not teach a  
physical therapy theory and procedures course in physical  
therapy education for more than one year without obtaining a  
license as a physical therapist from the ~~physical therapy~~  
section board.

(C) A person who is registered or licensed as a physical  
therapist under the laws of a foreign country and is not  
registered or licensed as a physical therapist in any state who  
wishes to teach a physical therapy theory and procedures course

in physical therapy education in this state, or an institution 7953  
that wishes the person to teach such a course at the 7954  
institution, may apply to the ~~physical therapy section board~~ to 7955  
request authorization for the person to teach such a course for 7956  
a period of not more than one year. Any member of the ~~physical-~~ 7957  
~~therapy section board~~ may approve the person's or institution's 7958  
application. No person described in this division shall teach 7959  
such a course for longer than one year without obtaining a 7960  
license from the ~~physical therapy section board~~. 7961

(D) The ~~physical therapy section board~~ may investigate any 7962  
person who allegedly has violated this section. The ~~physical-~~ 7963  
~~therapy section board~~ has the same powers to investigate an 7964  
alleged violation of this section as those powers specified in 7965  
section 4755.02 of the Revised Code. If, after investigation, 7966  
the ~~physical therapy section board~~ determines that reasonable 7967  
evidence exists that a person has violated this section, within 7968  
seven days after that determination, the ~~physical therapy-~~ 7969  
~~section board~~ shall send a written notice to that person in the 7970  
same manner as prescribed in section 119.07 of the Revised Code 7971  
for licensees, except that the notice shall specify that a 7972  
hearing will be held and specify the date, time, and place of 7973  
the hearing. 7974

The ~~physical therapy section board~~ shall hold a hearing 7975  
regarding the alleged violation in the same manner prescribed 7976  
for an adjudication hearing under section 119.09 of the Revised 7977  
Code. If the ~~physical therapy section board~~, after the hearing, 7978  
determines a violation has occurred, the ~~physical therapy-~~ 7979  
~~section board~~ may discipline the person in the same manner as 7980  
the ~~physical therapy section board~~ disciplines licensees under 7981  
section 4755.47 of the Revised Code. The ~~physical therapy-~~ 7982  
~~section's board's~~ determination is an order that the person may 7983

appeal in accordance with section 119.12 of the Revised Code. 7984

If a person who allegedly committed a violation of this 7985  
section fails to appear for a hearing, the ~~physical therapy~~ 7986  
~~section board~~ may request the court of common pleas of the 7987  
county where the alleged violation occurred to compel the person 7988  
to appear before the ~~physical therapy section board~~ for a 7989  
hearing. If the ~~physical therapy section board~~ assesses a person 7990  
a civil penalty for a violation of this section and the person 7991  
fails to pay that civil penalty within the time period 7992  
prescribed by the ~~physical therapy section board~~, the ~~physical~~ 7993  
~~therapy section board~~ shall forward to the attorney general the 7994  
name of the person and the amount of the civil penalty for the 7995  
purpose of collecting that civil penalty. In addition to the 7996  
civil penalty assessed pursuant to this section, the person also 7997  
shall pay any fee assessed by the attorney general for 7998  
collection of the civil penalty. 7999

**Sec. 4755.51.** Except in the case of a first license 8000  
renewal, a physical therapist is eligible for renewal of the 8001  
physical therapist's license only if the physical therapist has 8002  
completed twenty-four units of continuing education in one or 8003  
more courses, activities, or programs approved by the ~~physical~~ 8004  
~~therapy section of the Ohio occupational therapy, physical~~ 8005  
~~therapy, and athletic trainers state physical health services~~ 8006  
board. 8007

On request of the ~~physical therapy section board~~, an 8008  
applicant for license renewal shall submit evidence satisfactory 8009  
to the ~~section board~~ of completion of the required continuing 8010  
physical therapy education. 8011

**Sec. 4755.511.** Except in the case of a first license 8012  
renewal, a physical therapist assistant is eligible for renewal 8013

of the physical therapist assistant's license only if the 8014  
physical therapist assistant has completed twelve units of 8015  
continuing education in one or more courses, activities, or 8016  
programs approved by the ~~physical therapy section of the Ohio-~~ 8017  
~~occupational therapy, physical therapy, and athletic trainers-~~ 8018  
state physical health services board. 8019

On request of the ~~physical therapy section board,~~ an 8020  
applicant for license renewal shall submit evidence satisfactory 8021  
to the ~~section board~~ of completion of the required continuing 8022  
physical therapist assistant education. 8023

**Sec. 4755.52.** (A) In accordance with Chapter 119. of the 8024  
Revised Code, the ~~physical therapy section of the Ohio-~~ 8025  
~~occupational therapy, physical therapy, and athletic trainers-~~ 8026  
state physical health services board shall adopt rules 8027  
specifying standards, in addition to the standards specified by 8028  
division (B) of this section, for approval of continuing 8029  
education courses, programs, and activities for physical 8030  
therapists and physical therapist assistants. 8031

(B) To be eligible for approval by the ~~physical therapy-~~ 8032  
~~section board,~~ a continuing education course, program, or 8033  
activity shall meet all of the following requirements: 8034

(1) Include significant intellectual or practical content, 8035  
the primary objective of which is to improve the professional 8036  
competence of the participant; 8037

(2) Be an organized program of learning dealing with 8038  
matters directly related to the practice of physical therapy, 8039  
professional responsibility, ethical obligations, or similar 8040  
subjects that the ~~section board~~ determines maintain and improve 8041  
the quality of physical therapy services in this state; 8042

(3) Consist of in-person instruction or other methods of instruction, including the use of self-study materials prepared and conducted by an individual or a group qualified by practical or academic experience as determined by the ~~section board~~; 8043  
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(4) Be presented in a setting physically suited to the educational activity of the course, program, or activity; 8047  
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(5) Include thorough, high-quality written material; 8049

(6) Meet any other standards established by rule of the ~~section board~~ adopted under division (A) of this section. 8050  
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(C) The ~~physical therapy section board~~ shall review physical therapy continuing education programs, courses, and activities and grant approval to those that meet the standards established under divisions (A) and (B) of this section. If the ~~section board~~ denies approval of a course, program, or activity, it shall give a written explanation of the reason for denial to the person requesting approval. 8052  
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The ~~physical therapy section board~~ may approve continuing education courses, programs, and activities that have been approved by an agency in another state that governs the licensure of physical therapists and physical therapist assistants if the ~~section board~~ determines that the standards for continuing education courses established by the agency are comparable to those established pursuant to this section. 8059  
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~~The physical therapy section may contract with the Ohio chapter of the American physical therapy association for assistance in performance of the section's duties under this section.~~ 8066  
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**Sec. 4755.53.** (A) Subject to division (B) of this section, the ~~physical therapy section of the Ohio occupational therapy,~~ 8070  
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~~physical therapy, and athletic trainers~~ state physical health 8072  
services board shall grant continuing education units to a 8073  
licensed physical therapist or physical therapist assistant as 8074  
follows: 8075

(1) For completing an approved continuing education 8076  
course, program, or activity, one unit for each hour of 8077  
instruction received; 8078

(2) For teaching as a faculty member of an institution of 8079  
higher education a course that is part of the curriculum of the 8080  
institution, one-half unit for each semester hour of the course, 8081  
or an equivalent portion of a unit, as determined by the ~~section~~ 8082  
board, for each quarter or trimester hour of the course; 8083

(3) For teaching an approved course that is part of the 8084  
curriculum of an institution of higher education other than as a 8085  
faculty member, one unit for each hour of teaching the course; 8086

(4) For teaching an approved course, program, or activity, 8087  
other than a course that is part of the curriculum of an 8088  
institution of higher education, three units for each hour of 8089  
teaching the course, program, or activity the first time and 8090  
one-half unit for each hour of teaching the course, program, or 8091  
activity any time after the first time; 8092

(5) For authoring a published article or book, up to ten 8093  
units as determined by the ~~physical therapy section~~ board. 8094

(B) The ~~physical therapy section~~ board shall grant no more 8095  
than twelve units of continuing education for teaching during a 8096  
biennial renewal period. 8097

~~(C) The physical therapy section may contract with the~~ 8098  
~~Ohio chapter of the American physical therapy association for~~ 8099  
~~assistance in performance of the section's duties under this~~ 8100

~~section.~~ 8101

**Sec. 4755.61.** (A) ~~The athletic trainers section of the~~ 8102  
~~Ohio occupational therapy, physical therapy, and athletic~~ 8103  
~~trainers state physical health services board shall:~~ 8104

(1) Adopt rules, not inconsistent with this chapter, for 8105  
the licensure of athletic trainers, including rules that specify 8106  
the application form and educational course work and clinical 8107  
experience requirements for licensure and rules that prescribe 8108  
requirements for criminal records checks of applicants under 8109  
section 4776.03 of the Revised Code; 8110

(2) Establish and deposit fees in accordance with division 8111  
(B) of this section and section 4755.03 of the Revised Code; 8112

(3) Conduct hearings, ~~keep records of its proceedings,~~ and 8113  
do all things necessary and proper to administer and enforce 8114  
sections 4755.60 to 4755.65 of the Revised Code; 8115

(4) Publish and make available, upon request and for a fee 8116  
not to exceed the actual cost of printing and mailing, the 8117  
requirements for the issuance of an athletic trainers license 8118  
under this chapter and the rules adopted under it; 8119

(5) ~~Maintain a register of every person licensed to~~ 8120  
~~practice athletic training in this state, including the~~ 8121  
~~addresses of the licensee's last known place of business and~~ 8122  
~~residence, and the effective date and identification number of~~ 8123  
~~the person's license. The section shall make this list available~~ 8124  
~~to any person upon request and payment of a fee not to exceed~~ 8125  
~~the actual cost of printing and mailing.~~ 8126

~~(6)~~ Publish and make available, upon request and for a fee 8127  
not to exceed the actual cost of printing and mailing, a list of 8128  
persons who passed the examination required under section 8129

4755.62 of the Revised Code; 8130

~~(7)~~ (6) Investigate complaints concerning alleged 8131  
violations of section 4755.62 of the Revised Code or other 8132  
grounds for the suspension, revocation, or refusal to issue a 8133  
license under section 3123.47 or 4755.64 of the Revised Code. In 8134  
connection with its investigations, the ~~athletic trainers-~~ 8135  
~~section board~~ may subpoena witnesses, issue subpoenas, examine 8136  
witnesses, administer oaths, and, under the direction of the 8137  
executive director of the board, investigate complaints and make 8138  
inspections and other inquiries as in the judgment of the 8139  
section are appropriate to enforce sections 3123.41 to 3123.50 8140  
and this chapter of the Revised Code. The ~~section board~~ may 8141  
review and audit the records of any licensee during normal 8142  
business hours at the licensee's place of business or at any 8143  
other place where the licensee's records are kept. 8144  
Notwithstanding section 149.43 of the Revised Code, the ~~athletic-~~ 8145  
~~trainers section board~~ and its employees, except pursuant to a 8146  
court order, shall maintain in confidence all information 8147  
obtained. 8148

~~(8)~~ (7) Adopt rules governing the nature and scope of the 8149  
examination required under section 4755.62 of the Revised Code 8150  
and the reexamination required under section 4755.63 of the 8151  
Revised Code and the minimum examination score for licensure or 8152  
renewal thereof. The rules for the examination required under 8153  
section 4755.62 of the Revised Code shall ensure the testing of 8154  
the applicant's knowledge of the basic and clinical sciences 8155  
relating to athletic training theory and practice, including 8156  
professional skills and judgment in the utilization of athletic 8157  
training techniques and such other subjects as the ~~athletic-~~ 8158  
~~trainers section board~~ considers useful in determining 8159  
competency to practice athletic training. 8160



~~(9)~~ (8) Conduct the examination required under section 8161  
4755.62 of the Revised Code at least twice a year at a time and 8162  
place and under such supervision as the ~~athletic trainers~~ 8163  
~~section board~~ determines; 8164

~~(10)~~ (9) Adopt rules to determine which states' standards 8165  
for licensure are equal to or greater than this state's for the 8166  
purpose of waiving requirements under division (D) of section 8167  
4755.62 of the Revised Code; 8168

~~(11)~~ (10) Adopt rules to determine which examinations meet 8169  
the requirements of division (E) of section 4755.62 of the 8170  
Revised Code; 8171

~~(12) Adopt rules establishing the standards of ethical~~ 8172  
~~conduct for licensed athletic trainers under this chapter;~~ 8173

~~(13)~~ (11) Adopt rules specifying the scope and nature of 8174  
the continuing education courses that are acceptable to the 8175  
~~athletic trainers section board~~ and the number of courses that 8176  
must be completed to comply with the requirement for renewal of 8177  
a license under section 4755.63 of the Revised Code. 8178

~~(14)~~ (12) Adopt rules establishing the schedule when 8179  
licenses to practice as an athletic trainer expire during a 8180  
biennium for purposes of section 4755.63 of the Revised Code. 8181

(B) The fees adopted by the ~~athletic trainers section~~ 8182  
~~board~~ pursuant to division (A) (2) of this section shall be 8183  
established and adjusted as required to provide sufficient 8184  
revenues to meet the expenses of the section in administering 8185  
sections 4755.60 to 4755.66 of the Revised Code. The fees shall 8186  
include the following: 8187

(1) A nonrefundable examination fee, not to exceed the 8188  
amount necessary to cover the expense of administering the 8189

examination;	8190
(2) An initial license fee;	8191
(3) A biennial license renewal fee;	8192
(4) A late renewal penalty, not to exceed fifty per cent of the renewal fee.	8193 8194
The <del>athletic trainers section</del> <u>board</u> may, by rule, provide for the waiver of all or part of a license fee if the license is issued less than one hundred days before its expiration date.	8195 8196 8197
(C) All rules under sections 4755.60 to 4755.65 of the Revised Code shall be adopted by the <del>athletic trainers section</del> <u>board</u> in accordance with Chapter 119. of the Revised Code.	8198 8199 8200
<b>Sec. 4755.62.</b> (A) No person shall claim to the public to be an athletic trainer or imply by words, actions, or letters that the person is an athletic trainer, or otherwise engage in the practice of athletic training, unless the person is licensed as an athletic trainer pursuant to this chapter.	8201 8202 8203 8204 8205
(B) Except as otherwise provided in division (B) of section 4755.65 of the Revised Code, no educational institution, partnership, association, or corporation shall advertise or otherwise offer to provide or convey the impression that it is providing athletic training unless an individual licensed as an athletic trainer pursuant to this chapter is employed by, or under contract to, the educational institution, partnership, association, or corporation and will be performing the athletic training services to which reference is made.	8206 8207 8208 8209 8210 8211 8212 8213 8214
(C) To qualify for an athletic trainers license, a person shall:	8215 8216
(1) Have satisfactorily completed an application for	8217

licensure in accordance with rules adopted by the ~~athletic-~~ 8218  
~~trainers section of the Ohio occupational therapy, physical-~~ 8219  
~~therapy, and athletic trainers~~ state physical health services 8220  
board under section 4755.61 of the Revised Code; 8221

(2) Have paid the examination fee required under this 8222  
section; 8223

(3) Be of good moral character; 8224

(4) Have shown, to the satisfaction of the ~~athletic-~~ 8225  
~~trainers section~~ board, that the applicant has received a 8226  
baccalaureate or higher degree from an institution of higher 8227  
education, approved by the ~~athletic trainers section~~ board of 8228  
the board and the federal regional accreditation agency and 8229  
recognized by the council on postsecondary accreditation, and 8230  
has satisfactorily completed the educational course work 8231  
requirements established by rule of the ~~athletic trainers-~~ 8232  
~~section~~ board under section 4755.61 of the Revised Code. 8233

(5) In addition to educational course work requirements, 8234  
have obtained supervised clinical experience that meets the 8235  
requirements established in rules adopted by the ~~athletic-~~ 8236  
~~trainers section~~ board under section 4755.61 of the Revised 8237  
Code; 8238

(6) Have passed an examination adopted by the ~~athletic-~~ 8239  
~~trainers section~~ board under division (A) ~~(8)~~ (7) of section 8240  
4755.61 of the Revised Code. Each applicant for licensure shall 8241  
pay, at the time of application, the nonrefundable examination 8242  
fee set by the ~~athletic trainers section~~ board. 8243

(D) The ~~section~~ board may waive the requirements of 8244  
division (C) of this section for any applicant who presents 8245  
proof of current licensure in another state whose standards for 8246

licensure, as determined by the ~~section board~~, are equal to or 8247  
greater than those in effect in this state on the date of 8248  
application. 8249

(E) The ~~section board~~ shall issue a license to every 8250  
applicant who complies with the requirements of division (C) of 8251  
this section, files the required application form, and pays the 8252  
fees required by section 4755.61 of the Revised Code. A license 8253  
issued under this section entitles the holder to engage in the 8254  
practice of athletic training, claim to the public to be an 8255  
athletic trainer, or to imply by words or letters that the 8256  
licensee is an athletic trainer. Each licensee shall display the 8257  
licensee's license in a conspicuous place at the licensee's 8258  
principal place of employment. 8259

**Sec. 4755.63.** Each license issued under section 4755.62 of 8260  
the Revised Code expires biennially in accordance with the 8261  
schedule established in rules adopted by the ~~athletic trainers-~~ 8262  
~~section of the Ohio occupational therapy, physical therapy, and~~ 8263  
~~athletic trainers-state physical health services~~ board under 8264  
section 4755.61 of the Revised Code, but each person holding a 8265  
valid, unexpired license may apply to the ~~athletic trainers-~~ 8266  
~~section board~~, on forms approved by the ~~section board~~, for 8267  
license renewal. The ~~section board~~ shall renew a license upon 8268  
the payment of the license renewal fee prescribed by section 8269  
4755.61 of the Revised Code, submission of the renewal 8270  
application, and submission to the ~~section board~~ of proof of 8271  
satisfactory completion of the required number of continuing 8272  
education courses, as specified in rules adopted by the ~~section-~~ 8273  
~~board~~ under section 4755.61 of the Revised Code. 8274

**Sec. 4755.64.** (A) In accordance with Chapter 119. of the 8275  
Revised Code, the ~~athletic trainers section of the Ohio-~~ 8276

~~occupational therapy, physical therapy, and athletic trainers-~~ 8277  
state physical health services board may suspend, revoke, or 8278  
refuse to issue or renew an athletic trainers license, or 8279  
reprimand, fine, or place a licensee on probation, for any of 8280  
the following: 8281

(1) Conviction of a felony or offense involving moral 8282  
turpitude, regardless of the state or country in which the 8283  
conviction occurred; 8284

(2) Violation of sections 4755.61 to 4755.65 of the 8285  
Revised Code or any order issued or rule adopted thereunder; 8286

(3) Obtaining a license through fraud, false or misleading 8287  
representation, or concealment of material facts; 8288

(4) Negligence or gross misconduct in the practice of 8289  
athletic training; 8290

(5) Violating the standards of ethical conduct in the 8291  
practice of athletic training as adopted ~~by the athletic-~~ 8292  
~~trainers section~~ under section ~~4755.61~~ 4744.50 of the Revised 8293  
Code; 8294

(6) Using any controlled substance or alcohol to the 8295  
extent that the ability to practice athletic training at a level 8296  
of competency is impaired; 8297

(7) Practicing in an area of athletic training for which 8298  
the individual is untrained, incompetent, or practicing without 8299  
the referral of a practitioner licensed under Chapter 4731. of 8300  
the Revised Code, a dentist licensed under Chapter 4715. of the 8301  
Revised Code, a chiropractor licensed under Chapter 4734. of the 8302  
Revised Code, or a physical therapist licensed under this 8303  
chapter; 8304

(8) Employing, directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;

(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;

(10) Failing the licensing examination;

(11) Aiding or abetting the unlicensed practice of athletic training;

(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic training, for any reason other than a failure to renew, in Ohio or another state or jurisdiction.

(B) If the ~~athletic trainers section board~~ places a licensee on probation under division (A) of this section, the ~~section's board's~~ order for placement on probation shall be accompanied by a written statement of the conditions under which the person may be removed from probation and restored to unrestricted practice.

(C) A licensee whose license has been revoked under division (A) of this section may apply to the ~~athletic trainers section board~~ for reinstatement of the license one year following the date of revocation. The ~~athletic trainers section board~~ may accept or deny the application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement.

(D) On receipt of a complaint that a person licensed by

the ~~athletic trainers section board~~ has committed any of the 8334  
prohibited actions listed in division (A) of this section, the 8335  
~~section board~~ may immediately suspend the license of a licensed 8336  
athletic trainer prior to holding a hearing in accordance with 8337  
Chapter 119. of the Revised Code if it determines, based on the 8338  
complaint, that the licensee poses an immediate threat to the 8339  
public. The ~~section board~~ may review the allegations and vote on 8340  
the suspension by telephone conference call. If the ~~section~~ 8341  
~~board~~ votes to suspend a license under this division, the 8342  
~~section board~~ shall issue a written order of summary suspension 8343  
to the licensed athletic trainer in accordance with section 8344  
119.07 of the Revised Code. If the individual whose license is 8345  
suspended fails to make a timely request for an adjudication 8346  
under Chapter 119. of the Revised Code, the ~~section board~~ shall 8347  
enter a final order permanently revoking the individual's 8348  
license. Notwithstanding section 119.12 of the Revised Code, a 8349  
court of common pleas shall not grant a suspension of the 8350  
~~section's board's~~ order of summary suspension pending the 8351  
determination of an appeal filed under that section. Any order 8352  
of summary suspension issued under this division shall remain in 8353  
effect, unless reversed on appeal, until a final adjudication 8354  
order issued by the ~~section board~~ pursuant to division (A) of 8355  
this section becomes effective. The ~~section board~~ shall issue 8356  
its final adjudication order regarding an order of summary 8357  
suspension issued under this division not later than ninety days 8358  
after completion of its hearing. Failure to issue the order 8359  
within ninety days shall result in immediate dissolution of the 8360  
suspension order, but shall not invalidate any subsequent, final 8361  
adjudication order. 8362

**Sec. 4755.65.** (A) Nothing in sections 4755.61 to 4755.64 8363  
of the Revised Code shall be construed to prevent or restrict 8364

- the practice, services, or activities of any person who: 8365
- (1) Is an individual authorized under Chapter 4731. of the 8366  
Revised Code to practice medicine and surgery, osteopathic 8367  
medicine and surgery, or podiatry, a dentist licensed under 8368  
Chapter 4715. of the Revised Code, a chiropractor licensed under 8369  
Chapter 4734. of the Revised Code, a dietitian licensed under 8370  
Chapter 4759. of the Revised Code, a physical therapist licensed 8371  
under this chapter, or a qualified member of any other 8372  
occupation or profession practicing within the scope of the 8373  
person's license or profession and who does not claim to the 8374  
public to be an athletic trainer; 8375
- (2) Is employed as an athletic trainer by an agency of the 8376  
United States government and provides athletic training solely 8377  
under the direction or control of the agency by which the person 8378  
is employed; 8379
- (3) Is a student in an athletic training education program 8380  
approved by the ~~athletic trainers section~~ state physical health  
services board leading to a baccalaureate or higher degree from 8381  
an accredited college or university and is performing duties 8382  
that are a part of a supervised course of study; 8383  
8384
- (4) Is not an individual licensed as an athletic trainer 8385  
in this state who practices or offers to practice athletic 8386  
training while traveling with a visiting team or organization 8387  
from outside the state or an event approved by the ~~section~~ board 8388  
for the purpose of providing athletic training to the visiting 8389  
team, organization, or event; 8390
- (5) Provides athletic training only to relatives or in 8391  
medical emergencies; 8392
- (6) Provides gratuitous care to friends or members of the 8393



person's family; 8394

(7) Provides only self-care. 8395

(B) Nothing in this chapter shall be construed to prevent 8396  
any person licensed under Chapter 4723. of the Revised Code and 8397  
whose license is in good standing, any person authorized under 8398  
Chapter 4731. of the Revised Code to practice medicine and 8399  
surgery or osteopathic medicine and surgery and whose 8400  
certificate to practice is in good standing, any person 8401  
authorized under Chapter 4731. of the Revised Code to practice 8402  
podiatry and whose certificate to practice is in good standing, 8403  
any person licensed under Chapter 4734. of the Revised Code to 8404  
practice chiropractic and whose license is in good standing, any 8405  
person licensed as a dietitian under Chapter 4759. of the 8406  
Revised Code to practice dietetics and whose license is in good 8407  
standing, any person licensed as a physical therapist under this 8408  
chapter to practice physical therapy and whose license is in 8409  
good standing, or any association, corporation, or partnership 8410  
from advertising, describing, or offering to provide athletic 8411  
training, or billing for athletic training if the athletic 8412  
training services are provided by a person licensed under this 8413  
chapter and practicing within the scope of the person's license, 8414  
by a person licensed under Chapter 4723. of the Revised Code and 8415  
practicing within the scope of the person's license, by a person 8416  
authorized under Chapter 4731. of the Revised Code to practice 8417  
podiatry, by a person authorized under Chapter 4731. of the 8418  
Revised Code to practice medicine and surgery or osteopathic 8419  
medicine and surgery, by a person licensed under Chapter 4734. 8420  
of the Revised Code to practice chiropractic, or by a person 8421  
licensed under Chapter 4759. of the Revised Code to practice 8422  
dietetics. 8423

(C) Nothing in this chapter shall be construed as 8424  
authorizing a licensed athletic trainer to practice medicine and 8425  
surgery, osteopathic medicine and surgery, podiatry, or 8426  
chiropractic. 8427

**Sec. 4755.66.** On receipt of a notice pursuant to section 8428  
3123.43 of the Revised Code, the ~~appropriate section of the Ohio~~ 8429  
~~occupational therapy, physical therapy, and athletic trainers~~ 8430  
state physical health services board shall comply with sections 8431  
3123.41 to 3123.50 of the Revised Code and any applicable rules 8432  
adopted under section 3123.63 of the Revised Code with respect 8433  
to a license issued pursuant to this chapter. 8434

**Sec. 4755.70.** (A) As used in this section, "license" and 8435  
"applicant for an initial license" have the same meanings as in 8436  
section 4776.01 of the Revised Code, except that "license" as 8437  
used in both of those terms refers to the types of 8438  
authorizations otherwise issued or conferred under this chapter. 8439

(B) In addition to any other eligibility requirement set 8440  
forth in this chapter, each applicant for an initial license 8441  
shall comply with sections 4776.01 to 4776.04 of the Revised 8442  
Code. The ~~occupational therapy section, the physical therapy~~ 8443  
~~section, and the athletic trainers section of the Ohio~~ 8444  
~~occupational therapy, physical therapy, and athletic trainers~~ 8445  
state physical health services board shall not grant a license 8446  
to an applicant for an initial license unless the applicant 8447  
complies with sections 4776.01 to 4776.04 of the Revised Code 8448  
and the board, in its discretion, decides that the results of 8449  
the criminal records check do not make the applicant ineligible 8450  
for a license issued pursuant to section 4755.07, 4755.09, 8451  
4755.44, 4755.441, 4755.45, 4755.451, or 4755.62 of the Revised 8452  
Code. 8453

**Sec. 4755.71.** ~~The Ohio occupational therapy, physical-~~ 8454  
~~therapy, and athletic trainers state physical health services~~ 8455  
board shall comply with section 4776.20 of the Revised Code. 8456

**Sec. 4755.99.** (A) Whoever violates ~~sections~~ section 8457  
4755.05 or 4755.62 or ~~divisions~~ division (A), (B), (C), (D), or 8458  
(H) of section 4755.48 of the Revised Code is guilty of a minor 8459  
misdemeanor. If the offender has previously been convicted of an 8460  
offense under that section, the offender is guilty of a 8461  
misdemeanor of the third degree on a first offense and a 8462  
misdemeanor of the first degree on each subsequent offense. 8463

(B) ~~(1)~~ One-half of all fines collected for violation of 8464  
~~section~~ sections 4755.05, 4755.48, and 4755.62 of the Revised 8465  
Code shall be distributed to the ~~occupational therapy section of~~ 8466  
~~the Ohio occupational therapy, physical therapy, and athletic~~ 8467  
~~trainers state physical health services~~ board and then paid into 8468  
the state treasury to the credit of the occupational licensing 8469  
and regulatory fund created in section 4743.05 of the Revised 8470  
Code, and one-half to the treasury of the municipal corporation 8471  
in which the offense was committed, or if the offense was 8472  
committed outside the limits of a municipal corporation, to the 8473  
treasury of the county. 8474

~~(2) One half of all fines collected for violation of~~ 8475  
~~section 4755.48 of the Revised Code shall be distributed to the~~ 8476  
~~physical therapy section of the Ohio occupational therapy,~~ 8477  
~~physical therapy, and athletic trainers board and then paid into~~ 8478  
~~the state treasury to the credit of the occupational licensing~~ 8479  
~~and regulatory fund, and one half to the treasury of the~~ 8480  
~~municipal corporation in which the offense was committed, or if~~ 8481  
~~the offense was committed outside the limits of a municipal~~ 8482  
~~corporation, to the treasury of the county.~~ 8483

~~(3) One half of all fines collected for violation of section 4755.62 of the Revised Code shall be distributed to the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board and then paid into the state treasury to the credit of the occupational licensing and regulatory fund, and one half to the treasury of the municipal corporation in which the offense was committed, or if the offense was committed outside the limits of a municipal corporation, to the treasury of the county.~~

**Sec. 4757.10.** ~~The counselor, social worker, and marriage and family therapist~~ state behavioral health professionals board may adopt any rules necessary to carry out this chapter.

The board shall adopt rules that do all of the following:

(A) Concern intervention for and treatment of any impaired person holding a license or certificate of registration issued under this chapter;

(B) Establish standards for training and experience of supervisors described in division (C) of section 4757.30 of the Revised Code;

(C) Define the requirement that an applicant be of good moral character in order to be licensed or registered under this chapter;

(D) Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;

(E) Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that ~~any~~ ~~professional standards committee~~ of the board may charge for a disciplinary violation described in section 4757.36 of the

Revised Code; 8513

(F) Establish the amount and content of corrective action 8514  
courses required by the board under section ~~4755.36~~4757.36 of 8515  
the Revised Code; 8516

(G) Provide for voluntary registration of all of the 8517  
following: 8518

(1) Master's level counselor trainees enrolled in practice 8519  
and internships; 8520

(2) Master's level social worker trainees enrolled in 8521  
fieldwork, practice, and internships; 8522

(3) Master's level marriage and family therapist trainees 8523  
enrolled in practice and internships. 8524

Rules adopted under division (G) of this section shall not 8525  
require a trainee to register with the board, and if a trainee 8526  
has not registered, shall prohibit any adverse effect with 8527  
respect to a trainee's application for licensure by the board. 8528

All rules adopted under this section shall be adopted in 8529  
accordance with Chapter 119. of the Revised Code. When it adopts 8530  
rules under this section or any other section of this chapter, 8531  
the board may consider standards established by any national 8532  
association or other organization representing the interests of 8533  
those involved in professional counseling, social work, or 8534  
marriage and family therapy. 8535

**Sec. 4757.101.** (A) As used in this section, "license" and 8536  
"applicant for an initial license" have the same meanings as in 8537  
section 4776.01 of the Revised Code, except that "license" as 8538  
used in both of those terms refers to the types of 8539  
authorizations otherwise issued or conferred under this chapter. 8540

(B) In addition to any other eligibility requirement set 8541  
forth in this chapter, each applicant for an initial license 8542  
shall comply with sections 4776.01 to 4776.04 of the Revised 8543  
Code. The ~~counselor, social worker, and marriage and family-~~ 8544  
~~therapist~~ state behavioral health professionals board shall not 8545  
grant a license to an applicant for an initial license unless 8546  
the applicant complies with sections 4776.01 to 4776.04 of the 8547  
Revised Code and the board, in its discretion, decides that the 8548  
results of the criminal records check do not make the applicant 8549  
ineligible for a license issued pursuant to section 4757.22, 8550  
4757.23, 4757.27, 4757.28, 4757.29, 4757.30, or 4757.301 of the 8551  
Revised Code. 8552

**Sec. 4757.13.** (A) Each individual who engages in the 8553  
practice of professional counseling, social work, or marriage 8554  
and family therapy shall prominently display, in a conspicuous 8555  
place in the office or place where a major portion of the 8556  
individual's practice is conducted, and in such a manner as to 8557  
be easily seen and read, the license granted to the individual 8558  
by the state ~~counselor, social worker, and marriage and family-~~ 8559  
~~therapist~~ behavioral health professionals board. 8560

(B) A license holder engaged in a private individual 8561  
practice, partnership, or group practice shall prominently 8562  
display the license holder's fee schedule in the office or place 8563  
where a major portion of the license holder's practice is 8564  
conducted. The bottom of the first page of the fee schedule 8565  
shall include the following statement, which shall be followed 8566  
by the name, address, and telephone number of the board: 8567

"This information is required by the ~~Counselor, Social-~~ 8568  
~~Worker, and Marriage and Family Therapist~~ State Behavioral 8569  
Health Professionals Board, which regulates the practices of 8570

professional counseling, social work, and marriage and family  
therapy in this state." 8571  
8572

**Sec. 4757.15.** ~~The counselor, social worker, and marriage~~ 8573  
~~and family therapist state behavioral health professionals board~~ 8574  
shall prepare, cause to be prepared, or procure the use of, and 8575  
grade, have graded, or procure the grading of, examinations to 8576  
determine the competence of applicants for licensure under this 8577  
chapter. The board may administer separate examinations to 8578  
reflect differences in educational degrees earned by applicants. 8579  
The board may develop the examinations or use examinations 8580  
prepared by state or national organizations that represent the 8581  
interests of those involved in professional counseling, social 8582  
work, or marriage and family therapy. The board shall conduct 8583  
examinations at least twice each year and shall determine the 8584  
level of competence necessary for a passing score. 8585

**Sec. 4757.16.** (A) A person seeking to be licensed or 8586  
registered under this chapter as a licensed professional 8587  
clinical counselor, ~~or licensed professional counselor, social~~ 8588  
~~worker, independent social worker, social worker assistant,~~ 8589  
independent marriage and family therapist, or marriage and 8590  
family therapist shall file with the ~~counselors professional~~ 8591  
~~standards committee of the counselor, social worker, and~~ 8592  
~~marriage and family therapist state behavioral health~~ 8593  
professionals board a written an application on a form 8594  
prescribed by the board. ~~A person seeking to be licensed under~~ 8595  
~~this chapter as an independent social worker or social worker or~~ 8596  
~~registered under this chapter as a social work assistant shall~~ 8597  
~~file with the social workers professional standards committee of~~ 8598  
~~the board a written application on a form prescribed by the~~ 8599  
~~board. A person seeking to be licensed under this chapter as an~~ 8600  
~~independent marriage and family therapist or a marriage and~~ 8601

~~family therapist shall file with the marriage and family  
therapist professional standards committee of the board a  
written application on a form prescribed by the board.~~

Each form prescribed by the board shall contain a  
statement informing the applicant that a person who knowingly  
makes a false statement on the form is guilty of falsification  
under section 2921.13 of the Revised Code, a misdemeanor of the  
first degree.

(B) The ~~professional standards committees board~~ shall  
adopt rules under Chapter 119. of the Revised Code concerning  
the process for review of each application received to determine  
whether the applicant meets the requirements to receive the  
license or certificate of registration for which application has  
been made.

**Sec. 4757.17.** The ~~professional standards committees of the  
counselor, social worker, and marriage and family therapist  
state behavioral health professionals board~~ shall review the  
applications of applicants for licensure or registration under  
this chapter who have received a post-secondary degree from an  
educational institution outside the United States. The ~~committee  
reviewing the application board~~ shall determine whether the  
applicant's experience, command of the English language, and  
completed academic program meet the standards of an academic  
program of an accredited educational institution. If they do,  
the applicant shall be considered to have received the education  
from an accredited educational institution as required by this  
chapter and rules adopted under it.

**Sec. 4757.18.** The ~~counselor, social worker, and marriage  
and family therapist~~ state behavioral health professionals board  
may enter into a reciprocal agreement with any state that



regulates individuals practicing in the same capacities as those 8632  
regulated under this chapter if the board finds that the state 8633  
has requirements substantially equivalent to the requirements 8634  
this state has for receipt of a license or certificate of 8635  
registration under this chapter. In a reciprocal agreement, the 8636  
board agrees to issue the appropriate license or certificate of 8637  
registration to any resident of the other state whose practice 8638  
is currently authorized by that state if that state's regulatory 8639  
body agrees to authorize the appropriate practice of any 8640  
resident of this state who holds a valid license or certificate 8641  
of registration issued under this chapter. 8642

The ~~professional standards committees of the board~~ may, by 8643  
endorsement, issue the appropriate license or certificate of 8644  
registration to a resident of a state with which the board does 8645  
not have a reciprocal agreement, if the person submits proof 8646  
satisfactory to the ~~committee board~~ of currently being licensed, 8647  
certified, registered, or otherwise authorized to practice by 8648  
that state. 8649

**Sec. 4757.19.** On receipt of a notice pursuant to section 8650  
3123.43 of the Revised Code, the ~~counselor, social worker, and~~ 8651  
~~marriage and family therapist state behavioral health~~ 8652  
professionals board shall comply with sections 3123.41 to 8653  
3123.50 of the Revised Code and any applicable rules adopted 8654  
under section 3123.63 of the Revised Code with respect to a 8655  
license issued pursuant to this chapter. 8656

**Sec. 4757.22.** (A) The ~~counselors professional standards~~ 8657  
~~committee of the counselor, social worker, and marriage and~~ 8658  
~~family therapist state behavioral health professionals board~~ 8659  
shall issue a license to practice as a licensed professional 8660  
clinical counselor to each applicant who submits a properly 8661

completed application, pays the fee established under section 8662  
4757.31 of the Revised Code, and meets the requirements 8663  
specified in division (B) of this section. 8664

(B)(1) To be eligible for a licensed professional clinical 8665  
counselor license, an individual must meet the following 8666  
requirements: 8667

(a) The individual must be of good moral character. 8668

(b) The individual must hold from an accredited 8669  
educational institution a graduate degree in counseling. 8670

(c) The individual must complete a minimum of ninety 8671  
quarter hours or sixty semester hours of graduate credit in 8672  
counselor training acceptable to the ~~committee board~~, including 8673  
instruction in the following areas: 8674

(i) Clinical psychopathology, personality, and abnormal 8675  
behavior; 8676

(ii) Evaluation of mental and emotional disorders; 8677

(iii) Diagnosis of mental and emotional disorders; 8678

(iv) Methods of prevention, intervention, and treatment of 8679  
mental and emotional disorders. 8680

(d) The individual must complete, in either a private or 8681  
clinical counseling setting, supervised experience in counseling 8682  
that is of a type approved by the ~~committee board~~, is supervised 8683  
by a licensed professional clinical counselor or other qualified 8684  
professional approved by the ~~committee board~~, and is in the 8685  
following amounts: 8686

(i) In the case of an individual holding only a master's 8687  
degree, not less than two years of experience, which must be 8688

completed after the award of the master's degree; 8689

(ii) In the case of an individual holding a doctorate, not 8690  
less than one year of experience, which must be completed after 8691  
the award of the doctorate. 8692

(e) The individual must pass a field evaluation that meets 8693  
the following requirements: 8694

(i) Has been completed by the applicant's instructors, 8695  
employers, supervisors, or other persons determined by the 8696  
~~committee board~~ to be competent to evaluate an individual's 8697  
professional competence; 8698

(ii) Includes documented evidence of the quality, scope, 8699  
and nature of the applicant's experience and competence in 8700  
diagnosing and treating mental and emotional disorders. 8701

(f) The individual must pass an examination administered 8702  
by the board for the purpose of determining ability to practice 8703  
as a licensed professional clinical counselor. 8704

(2) To meet the requirement of division (B)(1)(b) of this 8705  
section, a graduate degree in counseling obtained from a mental 8706  
health counseling program in this state after January 1, 2018, 8707  
must be from a clinical mental health counseling program, a 8708  
clinical rehabilitation counseling program, or an addiction 8709  
counseling program accredited by the council for accreditation 8710  
of counseling and related educational programs. 8711

(3) All of the following meet the educational requirements 8712  
of division (B)(1)(c) of this section: 8713

(a) A clinical mental health counseling program accredited 8714  
by the council for accreditation of counseling and related 8715  
educational programs; 8716

(b) Until January 1, 2018, a mental health counseling 8717  
program accredited by the council for accreditation of 8718  
counseling and related educational programs; 8719

(c) A graduate degree in counseling issued by another 8720  
state from a clinical mental health counseling program, a 8721  
clinical rehabilitation counseling program, or an addiction 8722  
counseling program that is accredited by the council for 8723  
accreditation of counseling and related educational programs; 8724

(d) Any other accredited counseling programs accepted by 8725  
the board in accordance with rules adopted under division (F) (3) 8726  
of this section. 8727

(C) To be accepted by the ~~committee~~ board for purposes of 8728  
division (B) of this section, counselor training must include at 8729  
least the following: 8730

(1) Instruction in human growth and development; 8731  
counseling theory; counseling techniques; group dynamics, 8732  
processing, and counseling; appraisal of individuals; research 8733  
and evaluation; professional, legal, and ethical 8734  
responsibilities; social and cultural foundations; and lifestyle 8735  
and career development; 8736

(2) Participation in a supervised practicum and internship 8737  
in counseling. 8738

(D) The ~~committee~~ board may issue a temporary license to 8739  
an applicant who meets all of the requirements to be licensed 8740  
under this section, pending the receipt of transcripts or action 8741  
by the ~~committee~~ board to issue a license to practice as a 8742  
licensed professional clinical counselor. 8743

(E) An individual may not sit for the licensing 8744  
examination unless the individual meets the educational 8745

requirements to be licensed under this section. An individual 8746  
who is denied admission to the licensing examination may appeal 8747  
the denial in accordance with Chapter 119. of the Revised Code. 8748

(F) The board shall adopt any rules necessary ~~for the~~ 8749  
~~committee~~ to implement this section. The rules shall do all of 8750  
the following: 8751

(1) Establish criteria for the ~~committee~~ board to use in 8752  
determining whether an applicant's training should be accepted 8753  
and supervised experience approved; 8754

(2) Establish course content requirements for qualifying 8755  
counseling degrees issued by institutions in other states from 8756  
clinical mental health counseling programs, clinical 8757  
rehabilitation counseling programs, and addiction counseling 8758  
programs that are not accredited by the council for 8759  
accreditation of counseling and related educational programs and 8760  
for graduate degrees from other accredited counseling programs 8761  
approved by the board in accordance with rules adopted under 8762  
division (F) (3) of this section; 8763

(3) For purposes of divisions (B) (2) (b) and (3) of this 8764  
section, establish requirements for acceptance by the ~~committee~~ 8765  
board of accredited counseling programs. 8766

Rules adopted under this division shall be adopted in 8767  
accordance with Chapter 119. of the Revised Code. 8768

**Sec. 4757.23.** (A) The ~~counselors professional standards~~ 8769  
~~committee of the counselor, social worker, and marriage and~~ 8770  
~~family therapist~~ state behavioral health professionals board 8771  
shall issue a license as a licensed professional counselor to 8772  
each applicant who submits a properly completed application, 8773  
pays the fee established under section 4757.31 of the Revised 8774

Code, and meets the requirements established under division (B) 8775  
of this section. 8776

(B) (1) To be eligible for a license as a licensed 8777  
professional counselor, an individual must meet the following 8778  
requirements: 8779

(a) The individual must be of good moral character. 8780

(b) The individual must hold from an accredited 8781  
educational institution a graduate degree in counseling. 8782

(c) The individual must complete a minimum of ninety 8783  
quarter hours or sixty semester hours of graduate credit in 8784  
counselor training acceptable to the ~~committee~~ board, which the 8785  
individual may complete while working toward receiving a 8786  
graduate degree in counseling, or subsequent to receiving the 8787  
degree, and which shall include training in the following areas: 8788

(i) Clinical psychopathology, personality, and abnormal 8789  
behavior; 8790

(ii) Evaluation of mental and emotional disorders; 8791

(iii) Diagnosis of mental and emotional disorders; 8792

(iv) Methods of prevention, intervention, and treatment of 8793  
mental and emotional disorders. 8794

(d) The individual must pass an examination administered 8795  
by the board for the purpose of determining ability to practice 8796  
as a licensed professional counselor. 8797

(2) To meet the requirement of division (B) (1) (b) of this 8798  
section, a graduate degree in counseling obtained from a mental 8799  
health counseling program in this state after January 1, 2018, 8800  
must be from a clinical mental health counseling program, 8801

clinical rehabilitation counseling program, or addiction 8802  
counseling program accredited by the council for accreditation 8803  
of counseling and related educational programs. 8804

(3) All of the following meet the educational requirements 8805  
of division (B) (1) (c) of this section: 8806

(a) A clinical mental health counseling program accredited 8807  
by the council for accreditation of counseling and related 8808  
educational programs; 8809

(b) Until January 1, 2018, a mental health counseling 8810  
program accredited by the council for accreditation of 8811  
counseling and related educational programs; 8812

(c) A graduate degree in counseling issued by an 8813  
institution in another state from a clinical mental health 8814  
counseling program, a clinical rehabilitation counseling 8815  
program, or an addiction counseling program that is accredited 8816  
by the council for accreditation of counseling and related 8817  
educational programs; 8818

(d) Any other accredited counseling programs accepted by 8819  
the board in accordance with rules adopted under division (F) (3) 8820  
of this section. 8821

(C) To be accepted by the ~~committee~~ board for purposes of 8822  
division (B) of this section, counselor training must include at 8823  
least the following: 8824

(1) Instruction in human growth and development; 8825  
counseling theory; counseling techniques; group dynamics, 8826  
processing, and counseling; appraisal of individuals; research 8827  
and evaluation; professional, legal, and ethical 8828  
responsibilities; social and cultural foundations; and lifestyle 8829  
and career development; 8830

(2) Participation in a supervised practicum and internship 8831  
in counseling. 8832

(D) The ~~committee board~~ may issue a temporary license to 8833  
practice as a licensed professional counselor to an applicant 8834  
who meets all of the requirements to be licensed under this 8835  
section as follows: 8836

(1) Pending the receipt of transcripts or action by the 8837  
~~committee board~~ to issue a license as a licensed professional 8838  
counselor; 8839

(2) For a period not to exceed ninety days, to an 8840  
applicant who provides the board with a statement from the 8841  
applicant's academic institution indicating that the applicant 8842  
has met the academic requirements for the applicant's degree and 8843  
the projected date the applicant will receive the applicant's 8844  
transcript showing a conferred degree. 8845

On application to the ~~committee board~~, a temporary license 8846  
issued under division (D) (2) of this section may be renewed for 8847  
good cause shown. 8848

(E) An individual may not sit for the licensing 8849  
examination unless the individual meets the educational 8850  
requirements to be licensed under this section. An individual 8851  
who is denied admission to the licensing examination may appeal 8852  
the denial in accordance with Chapter 119. of the Revised Code. 8853

(F) The board shall adopt any rules necessary ~~for the~~ 8854  
~~committee~~ to implement this section. The rules shall do all of 8855  
the following: 8856

(1) Establish criteria for the ~~committee board~~ to use in 8857  
determining whether an applicant's training should be accepted 8858  
and supervised experience approved; 8859



(2) Establish course content requirements for qualifying 8860  
counseling degrees issued by institutions in other states from 8861  
clinical mental health counseling programs, clinical 8862  
rehabilitation counseling programs, and addiction counseling 8863  
programs that are not accredited by the council for 8864  
accreditation of counseling and related educational programs and 8865  
for graduate degrees from other accredited counseling programs 8866  
accepted by the board in accordance with rules adopted under 8867  
division (F) (3) of this section; 8868

(3) For purposes of divisions (B) (2) (b) and (3) of this 8869  
section, establish requirements for acceptance by the ~~committee~~ 8870  
board of accredited counseling programs. 8871

Rules adopted under this division shall be adopted in 8872  
accordance with Chapter 119. of the Revised Code. 8873

**Sec. 4757.27.** (A) The ~~social workers professional~~ 8874  
~~standards committee of the counselor, social worker, and~~ 8875  
~~marriage and family therapist state behavioral health~~ 8876  
professionals board shall issue a license as an independent 8877  
social worker to each applicant who submits a properly completed 8878  
application, pays the fee established under section 4757.31 of 8879  
the Revised Code, and meets the requirements specified in 8880  
division (B) of this section. An independent social worker 8881  
license shall clearly indicate each academic degree earned by 8882  
the person to whom it has been issued. 8883

(B) To be eligible for a license as an independent social 8884  
worker, an individual must meet the following requirements: 8885

(1) The individual must be of good moral character. 8886

(2) The individual must hold a master's degree in social 8887  
work from an educational institution accredited by the council 8888

on social work education or an educational institution in 8889  
candidacy for accreditation by the council. 8890

(3) The individual must complete at least two years of 8891  
post-master's degree social work experience supervised by an 8892  
independent social worker. 8893

(4) The individual must pass an examination administered 8894  
by the board for the purpose of determining ability to practice 8895  
as an independent social worker. 8896

(C) The ~~committee board~~ may issue a temporary license to 8897  
an applicant who meets all of the requirements to be licensed 8898  
under this section, pending the receipt of transcripts or action 8899  
by the ~~committee board~~ to issue a license as an independent 8900  
social worker. 8901

(D) The board shall adopt any rules necessary ~~for the~~ 8902  
~~committee~~ to implement this section, including criteria ~~for the~~ 8903  
~~committee~~ to use in determining whether an applicant's training 8904  
should be accepted and supervised experience approved. Rules 8905  
adopted under this division shall be adopted in accordance with 8906  
Chapter 119. of the Revised Code. 8907

**Sec. 4757.28.** (A) The ~~social workers professional~~ 8908  
~~standards committee of the counselor, social worker, and~~ 8909  
~~marriage and family therapist state behavioral health~~ 8910  
professionals board shall issue a license as a social worker to 8911  
each applicant who submits a properly completed application, 8912  
pays the fee established under section 4757.31 of the Revised 8913  
Code, and meets the requirements specified in division (B) of 8914  
this section. A social worker license shall clearly indicate 8915  
each academic degree earned by the person to whom it is issued. 8916

(B) To be eligible for a license as a social worker, an 8917

individual must meet the following requirements: 8918

(1) The individual must be of good moral character. 8919

(2) The individual must hold from an accredited 8920  
educational institution one of the following: 8921

(a) A baccalaureate degree in social work; 8922

(b) A master's degree in social work; 8923

(c) A doctorate in social work. 8924

(3) The individual must pass an examination administered 8925  
by the board for the purpose of determining ability to practice 8926  
as a social worker. 8927

(C) The ~~committee~~ board may issue a temporary license to 8928  
practice as a social worker as follows: 8929

(1) To an applicant who meets all of the requirements to 8930  
be licensed under this section, pending the receipt of 8931  
transcripts or action by the ~~committee~~ board to issue a license 8932  
as a social worker; 8933

(2) For a period not to exceed ninety days, to an 8934  
applicant who provides the board with a statement from the 8935  
applicant's academic institution indicating that the applicant 8936  
has met the academic requirements for the applicant's degree, 8937  
and the projected date the applicant will receive the 8938  
applicant's transcript showing a conferred degree. 8939

On application to the ~~committee~~ board, a temporary license 8940  
issued under division (C) (2) of this section may be renewed for 8941  
good cause shown. 8942

(D) The board shall adopt any rules necessary ~~for the~~ 8943  
~~committee~~ to implement this section, including criteria ~~for the~~ 8944

~~committee~~ to use in determining whether an applicant's training 8945  
should be accepted and supervised experience approved. Rules 8946  
adopted under this division shall be adopted in accordance with 8947  
Chapter 119. of the Revised Code. 8948

**Sec. 4757.29.** ~~The social workers professional standards-~~ 8949  
~~committee of the counselor, social worker, and marriage and~~ 8950  
~~family therapist~~ state behavioral health professionals board 8951  
shall issue a certificate of registration as a social work 8952  
assistant to each applicant who submits a properly completed 8953  
application, pays the fee established under section 4757.31 of 8954  
the Revised Code, is of good moral character, and holds from an 8955  
accredited educational institution an associate degree in social 8956  
service technology or a bachelor's degree that is equivalent to 8957  
an associate degree in social service technology or a related 8958  
bachelor's or higher degree that is approved by the ~~committee-~~ 8959  
board. 8960

**Sec. 4757.30.** (A) ~~The marriage and family therapist-~~ 8961  
~~professional standards committee of the counselor, social-~~ 8962  
~~worker, and marriage and family therapist~~ state behavioral 8963  
health professionals board shall issue a license to practice as 8964  
a marriage and family therapist to a person who has done all of 8965  
the following: 8966

(1) Properly completed an application for the license; 8967

(2) Paid the required fee established by the board under 8968  
section 4757.31 of the Revised Code; 8969

(3) Achieved one of the following: 8970

(a) Received from an educational institution accredited at 8971  
the time the degree was granted by a regional accrediting 8972  
organization recognized by the board a master's degree or a 8973

doctorate in marriage and family therapy;	8974
(b) Completed a graduate degree that includes a minimum of	8975
ninety quarter hours of graduate level course work in marriage	8976
and family therapy training that is acceptable to the <del>committee</del>	8977
<u>board</u> ;	8978
(4) Passed an examination administered by the board for	8979
the purpose of determining the person's ability to be a marriage	8980
and family therapist;	8981
(5) Completed a practicum that includes at least three	8982
hundred hours of client contact.	8983
(B) To be accepted by the <del>committee</del> <u>board</u> for purposes of	8984
division (A) (3) (b) of this section, marriage and family	8985
therapist training must include instruction in at least the	8986
following:	8987
(1) Research and evaluation;	8988
(2) Professional, legal, and ethical responsibilities;	8989
(3) Marriage and family studies;	8990
(4) Marriage and family therapy, including therapeutic	8991
theory and techniques for individuals, groups, and families;	8992
(5) Human development;	8993
(6) Appraisal of individuals and families;	8994
(7) Diagnosis of mental and emotional disorders;	8995
(8) Systems theory.	8996
(C) The <del>marriage and family therapist professional</del>	8997
<del>standards committee</del> <u>board</u> shall issue a license to practice as	8998
an independent marriage and family therapist to a person who	8999

does both of the following: 9000

(1) Meets all of the requirements of division (A) of this 9001  
section; 9002

(2) After meeting the requirements of division (A) (3) of 9003  
this section, completes at least two calendar years of 9004  
supervised training while engaged in the practice of marriage 9005  
and family therapy. 9006

The two years of supervised training must include two 9007  
hundred hours of face-to-face supervision while completing a 9008  
minimum of one thousand hours of documented client contact in 9009  
marriage and family therapy. Of the required two hundred hours, 9010  
a minimum of one hundred hours must be individual supervision. 9011  
Supervision shall be performed by a supervisor whose training 9012  
and experience meets standards established by the board in rules 9013  
adopted under section 4757.10 of the Revised Code. 9014

(D) An independent marriage and family therapist or a 9015  
marriage and family therapist may engage in the private practice 9016  
of marriage and family therapy as an individual practitioner or 9017  
as a member of a partnership or group practice. 9018

(E) A marriage and family therapist may diagnose and treat 9019  
mental and emotional disorders only under the supervision of a 9020  
psychologist, psychiatrist, licensed professional clinical 9021  
counselor, independent social worker, or independent marriage 9022  
and family therapist. An independent marriage and family 9023  
therapist may diagnose and treat mental and emotional disorders 9024  
without supervision. 9025

(F) Nothing in this chapter or rules adopted under it 9026  
authorizes an independent marriage and family therapist or a 9027  
marriage and family therapist to admit a patient to a hospital 9028

or requires a hospital to allow a marriage and family therapist 9029  
to admit a patient. 9030

(G) An independent marriage and family therapist or a 9031  
marriage and family therapist may not diagnose, treat, or advise 9032  
on conditions outside the recognized boundaries of the marriage 9033  
and family therapist's competency. An independent marriage and 9034  
family therapist or a marriage and family therapist shall make 9035  
appropriate and timely referrals when a client's needs exceed 9036  
the marriage and family therapist's competence level. 9037

**Sec. 4757.301.** On receipt of an application for a license 9038  
as a marriage and family therapist, the ~~counselor, social-~~ 9039  
~~worker, and marriage and family therapist~~ state behavioral 9040  
health professionals board may issue a temporary license to an 9041  
individual who qualifies under division (A) of section 4757.30 9042  
of the Revised Code for licensure as a marriage and family 9043  
therapist or divisions (A) and (C) of section 4757.30 of the 9044  
Revised Code for licensure as an independent marriage and family 9045  
therapist, except that the individual is awaiting the next 9046  
opportunity to take an examination required by the board under 9047  
that division. The temporary license allows the holder to engage 9048  
in the practice of independent marriage and family therapy or 9049  
marriage and family therapy as appropriate and is valid from the 9050  
date of issuance until the earlier of one year from that date, 9051  
the date the applicant withdraws from taking the examination, 9052  
the date the applicant is notified that the applicant failed the 9053  
examination, or the date the applicant's license is issued under 9054  
section 4757.30 of the Revised Code. A temporary license may not 9055  
be renewed. 9056

**Sec. 4757.31.** (A) Subject to division (B) of this section, 9057  
the ~~counselor, social worker, and marriage and family therapist-~~ 9058

state behavioral health professionals board shall establish, and 9059  
may from time to time adjust, fees to be charged for the 9060  
following: 9061

(1) Examination for licensure as a licensed professional 9062  
clinical counselor, licensed professional counselor, marriage 9063  
and family therapist, independent marriage and family therapist, 9064  
social worker, or independent social worker; 9065

(2) Initial licenses of licensed professional clinical 9066  
counselors, licensed professional counselors, marriage and 9067  
family therapists, independent marriage and family therapists, 9068  
social workers, and independent social workers, except that the 9069  
board shall charge only one fee to a person who fulfills all 9070  
requirements for more than one of the following initial 9071  
licenses: an initial license as a social worker or independent 9072  
social worker, an initial license as a licensed professional 9073  
counselor or licensed professional clinical counselor, and an 9074  
initial license as a marriage and family therapist or 9075  
independent marriage and family therapist; 9076

(3) Initial certificates of registration of social work 9077  
assistants; 9078

(4) Renewal and late renewal of licenses of licensed 9079  
professional clinical counselors, licensed professional 9080  
counselors, marriage and family therapists, independent marriage 9081  
and family therapists, social workers, and independent social 9082  
workers and renewal and late renewal of certificates of 9083  
registration of social work assistants; 9084

(5) Verification, to another jurisdiction, of a license or 9085  
registration issued by the board; 9086

(6) Continuing education programs offered by the board to 9087



licensees or registrants; 9088

(7) Approval of continuing education programs; 9089

(8) Approval of continuing education providers to be 9090  
authorized to offer continuing education programs without prior 9091  
approval from the board for each program offered; 9092

(9) Issuance of a replacement copy of any wall certificate 9093  
issued by the board; 9094

(10) Late completion of continuing counselor, social 9095  
worker, or marriage and family therapy education required under 9096  
section 4757.33 of the Revised Code and the rules adopted under 9097  
it. 9098

(B) The fees charged under division (A) (1) of this section 9099  
shall be established in amounts sufficient to cover the direct 9100  
expenses incurred in examining applicants for licensure. The 9101  
fees charged under divisions (A) (2) to (9) of this section shall 9102  
be nonrefundable and shall be established in amounts sufficient 9103  
to cover the necessary expenses in administering this chapter 9104  
and rules adopted under it that are not covered by fees charged 9105  
under division (A) (1) or (C) of this section. The renewal fee 9106  
for a license or certificate of registration shall not be less 9107  
than the initial fee for that license or certificate. The fees 9108  
charged for licensure and registration and the renewal of 9109  
licensure and registration may differ for the various types of 9110  
licensure and registration, but shall not exceed one hundred 9111  
twenty-five dollars each, unless the board determines that 9112  
amounts in excess of one hundred twenty-five dollars are needed 9113  
to cover its necessary expenses in administering this chapter 9114  
and rules adopted under it and the amounts in excess of one 9115  
hundred twenty-five dollars are approved by the controlling 9116

board. 9117

(C) All receipts of the board shall be deposited in the 9118  
state treasury to the credit of the occupational licensing and 9119  
regulatory fund created in section 4743.05 of the Revised Code. 9120  
~~All vouchers of the board shall be approved by the chairperson~~ 9121  
~~or executive director of the board, or both, as authorized by~~ 9122  
~~the board.~~ 9123

**Sec. 4757.32.** A license or certificate of registration 9124  
issued under this chapter expires two years after it is issued 9125  
and may be renewed in accordance with the standard renewal 9126  
procedure established under Chapter 4745. of the Revised Code. 9127

Subject to section 4757.36 of the Revised Code, the staff 9128  
of the ~~appropriate professional standards committee of the~~ 9129  
~~counselor, social worker, and marriage and family therapist~~ 9130  
state behavioral health professionals board shall, on behalf of 9131  
~~each committee the board,~~ issue a renewed license or certificate 9132  
of registration to each applicant who has paid the renewal fee 9133  
established by the board under section 4757.31 of the Revised 9134  
Code and satisfied the continuing education requirements 9135  
established by the board under section 4757.33 of the Revised 9136  
Code. 9137

A license or certificate of registration that is not 9138  
renewed lapses on its expiration date. A license or certificate 9139  
of registration that has lapsed may be restored if the 9140  
individual, not later than two years after the license or 9141  
certificate expired, applies for restoration of the license or 9142  
certificate. The staff of the ~~appropriate professional standards~~ 9143  
~~committee board~~ shall issue a restored license or certificate of 9144  
registration to the applicant if the applicant pays the renewal 9145  
fee established under section 4757.31 of the Revised Code and 9146

satisfies the continuing education requirements established 9147  
under section 4757.33 of the Revised Code for restoring the 9148  
license or certificate of registration. The board ~~and its~~ 9149  
~~professional standards committees~~ shall not require a person to 9150  
take an examination as a condition of having a lapsed license or 9151  
certificate of registration restored. 9152

**Sec. 4757.321.** (A) A person licensed or registered under 9153  
this chapter may apply to the ~~counselor, social worker, and~~ 9154  
~~marriage and family therapist~~ state behavioral health 9155  
professionals board to have the person's license or registration 9156  
classified as inactive. If a fee is charged under division (B) 9157  
of this section, the person shall include the fee with the 9158  
application. If the person's license or registration is in good 9159  
standing and the person meets any other requirements established 9160  
by the board in rules adopted under this section, the board 9161  
shall classify the license or registration as inactive. The 9162  
inactive classification shall become effective on the date 9163  
immediately following the date that the person's license or 9164  
registration is scheduled to expire. 9165

(B) The board may charge a fee for classifying a license 9166  
or registration as inactive. 9167

(C) During the period that a license or registration is 9168  
classified as inactive, the person may not engage in the 9169  
practice of professional counseling, social work, or marriage 9170  
and family therapy, as applicable, in this state or make any 9171  
representation to the public indicating that the person is 9172  
actively licensed or registered under this chapter. 9173

(D) A person whose license or registration has been 9174  
classified as inactive may apply to the board to have the 9175  
license or registration reactivated. The board shall reactivate 9176

the license or registration if the person meets the requirements 9177  
established by the board in rules adopted under this section. 9178

(E) The board's jurisdiction to take disciplinary action 9179  
under this chapter is not removed or limited when a license or 9180  
registration is classified as inactive under this section. 9181

(F) The board shall adopt rules as necessary for 9182  
classifying a license or registration as inactive and 9183  
reactivating an inactive license or registration. The rules 9184  
shall be adopted in accordance with Chapter 119. of the Revised 9185  
Code. 9186

(G) This section does not apply to registration of 9187  
master's level counselor trainees, social worker trainees, 9188  
marriage and family therapist trainees, or continuing education 9189  
providers. 9190

**Sec. 4757.33.** (A) Except as provided in division (B) of 9191  
this section, each person who holds a license or certificate of 9192  
registration issued under this chapter shall complete during the 9193  
period that the license or certificate is in effect not less 9194  
than thirty clock hours of continuing professional education as 9195  
a condition of receiving a renewed license or certificate. To 9196  
have a lapsed license or certificate of registration restored, a 9197  
person shall complete the number of hours of continuing 9198  
education specified by the ~~counselor, social worker, and~~ 9199  
~~marriage and family therapist state behavioral health~~ 9200  
professionals board in rules it shall adopt in accordance with 9201  
Chapter 119. of the Revised Code. 9202

~~The professional standards committees of the counselor,~~ 9203  
~~social worker, and marriage and family therapist board shall~~ 9204  
adopt rules in accordance with Chapter 119. of the Revised Code 9205

~~establishing standards and procedures to be followed by the~~ 9206  
~~committees in for~~ conducting the continuing education approval 9207  
process, which shall include registering individuals and 9208  
entities to provide continuing education programs approved by 9209  
the board. 9210

(B) The board may waive the continuing education 9211  
requirements established under this section for persons who are 9212  
unable to fulfill them because of military service, illness, 9213  
residence abroad, or any other reason the ~~committee~~ board 9214  
considers acceptable. 9215

**Sec. 4757.34.** ~~The counselor, social worker, and marriage~~ 9216  
~~and family therapist~~ state behavioral health professionals board 9217  
shall approve one or more continuing education courses of study 9218  
that assist social workers, independent social workers, social 9219  
work assistants, independent marriage and family therapists, 9220  
marriage and family therapists, licensed professional clinical 9221  
counselors, and licensed professional counselors in recognizing 9222  
the signs of domestic violence and its relationship to child 9223  
abuse. Social workers, independent social workers, social work 9224  
assistants, independent marriage and family therapists, marriage 9225  
and family therapists, licensed professional clinical 9226  
counselors, and licensed professional counselors are not 9227  
required to take the courses. 9228

**Sec. 4757.36.** (A) ~~The appropriate professional standards~~ 9229  
~~committee of the counselor, social worker, and marriage and~~ 9230  
~~family therapist~~ state behavioral health professionals board 9231  
may, in accordance with Chapter 119. of the Revised Code, take 9232  
any action specified in division (B) of this section for any 9233  
reason described in division (C) of this section against an 9234  
individual who has applied for or holds a license issued under 9235

this chapter; a master's level counselor trainee, social worker 9236  
trainee, or marriage and family therapist trainee; or an 9237  
individual or entity that is registered, or has applied for 9238  
registration, in accordance with rules adopted under section 9239  
4757.33 of the Revised Code to provide continuing education 9240  
programs approved by the board. 9241

(B) In its imposition of sanctions against an individual 9242  
or entity specified in division (A) of this section, the board 9243  
may do any of the following: 9244

(1) Refuse to issue or refuse to renew a license or 9245  
certificate of registration; 9246

(2) Suspend, revoke, or otherwise restrict a license or 9247  
certificate of registration; 9248

(3) Reprimand an individual holding a license or 9249  
certificate of registration; 9250

(4) Impose a fine in accordance with the graduated system 9251  
of fines established by the board in rules adopted under section 9252  
4757.10 of the Revised Code; 9253

(5) Require an individual holding a license or certificate 9254  
of registration to take corrective action courses. 9255

(C) ~~The appropriate professional standards committee of~~ 9256  
~~the board~~ may take an action specified in division (B) of this 9257  
section for any of the following reasons: 9258

(1) Commission of an act that violates any provision of 9259  
this chapter or rules adopted under it; 9260

(2) Knowingly making a false statement on an application 9261  
for licensure or registration, or for renewal of a license or 9262  
certificate of registration; 9263

- (3) Accepting a commission or rebate for referring persons 9264  
to any professionals licensed, certified, or registered by any 9265  
court or board, commission, department, division, or other 9266  
agency of the state, including, but not limited to, individuals 9267  
practicing counseling, social work, or marriage and family 9268  
therapy or practicing in fields related to counseling, social 9269  
work, or marriage and family therapy; 9270
- (4) A failure to comply with section 4757.13 of the 9271  
Revised Code; 9272
- (5) A conviction in this or any other state of a crime 9273  
that is a felony in this state; 9274
- (6) A failure to perform properly as a licensed 9275  
professional clinical counselor, licensed professional 9276  
counselor, independent marriage and family therapist, marriage 9277  
and family therapist, social work assistant, social worker, or 9278  
independent social worker due to the use of alcohol or other 9279  
drugs or any other physical or mental condition; 9280
- (7) A conviction in this state or in any other state of a 9281  
misdemeanor committed in the course of practice as a licensed 9282  
professional clinical counselor, licensed professional 9283  
counselor, independent marriage and family therapist, marriage 9284  
and family therapist, social work assistant, social worker, or 9285  
independent social worker; 9286
- (8) Practicing outside the scope of practice applicable to 9287  
that person; 9288
- (9) Practicing in violation of the supervision 9289  
requirements specified under sections 4757.21 and 4757.26, and 9290  
division (E) of section 4757.30, of the Revised Code; 9291
- (10) A violation of the person's code of ethical practice 9292

adopted by rule of the board pursuant to section ~~4757.11~~4744.50 9293  
of the Revised Code; 9294

(11) Revocation or suspension of a license or certificate 9295  
of registration, other disciplinary action against a license 9296  
holder or registration, or the voluntary surrender of a license 9297  
or certificate of registration in another state or jurisdiction 9298  
for an offense that would be a violation of this chapter. 9299

(D) A disciplinary action under division (B) of this 9300  
section shall be taken pursuant to an adjudication under Chapter 9301  
119. of the Revised Code, except that in lieu of an 9302  
adjudication, the ~~appropriate professional standards committee~~ 9303  
board may enter into a consent agreement with an individual or 9304  
entity specified in division (A) of this section to resolve an 9305  
allegation of a violation of this chapter or any rule adopted 9306  
under it. A consent agreement, when ratified by the ~~appropriate~~ 9307  
~~professional standards committee~~ board, constitutes the findings 9308  
and order of the board with respect to the matter addressed in 9309  
the agreement. If ~~a committee~~ the board refuses to ratify a 9310  
consent agreement, the admissions and findings contained in the 9311  
consent agreement are of no force or effect. 9312

(E) In any instance in which ~~a professional standards~~ 9313  
~~committee of~~ the board is required by Chapter 119. of the 9314  
Revised Code to give notice of the opportunity for a hearing and 9315  
the individual or entity subject to the notice does not timely 9316  
request a hearing in accordance with section 119.07 of the 9317  
Revised Code, the ~~committee~~ board may adopt a final order that 9318  
contains the board's findings. In that final order, the 9319  
~~committee~~ board may order any of the sanctions identified in 9320  
division (B) of this section. 9321

(F) One year or more after the date of suspension or 9322



revocation of a license or certificate of registration under 9323  
this section, application may be made to the ~~appropriate~~ 9324  
~~professional standards committee board~~ for reinstatement. The 9325  
~~committee board~~ may approve or deny an application for 9326  
reinstatement. If a license has been suspended or revoked, the 9327  
~~committee board~~ may require an examination for reinstatement. 9328

(G) On request of the board, the attorney general shall 9329  
bring and prosecute to judgment a civil action to collect any 9330  
fine imposed under division (B) (4) of this section that remains 9331  
unpaid. 9332

(H) All fines collected under division (B) (4) of this 9333  
section shall be deposited into the state treasury to the credit 9334  
of the occupational licensing and regulatory fund created in 9335  
section 4743.05 of the Revised Code. 9336

**Sec. 4757.361.** (A) As used in this section, with regard to 9337  
offenses committed in Ohio, "aggravated murder," "murder," 9338  
"voluntary manslaughter," "felonious assault," "kidnapping," 9339  
"rape," "sexual battery," "gross sexual imposition," "aggravated 9340  
arson," "aggravated robbery," and "aggravated burglary" mean 9341  
such offenses as defined in Title XXIX of the Revised Code; with 9342  
regard to offenses committed in other jurisdictions, the terms 9343  
mean offenses comparable to offenses defined in Title XXIX of 9344  
the Revised Code. 9345

(B) When there is clear and convincing evidence that 9346  
continued practice by an individual licensed under this chapter 9347  
presents a danger of immediate and serious harm to the public, 9348  
as determined on consideration of the evidence by the 9349  
~~professional standards committees of the counselor, social~~ 9350  
~~worker, and marriage and family therapist~~ state behavioral 9351  
health professionals board, the ~~appropriate committee board~~ 9352

shall impose on the individual a summary suspension without a hearing. 9353  
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Immediately following the decision to impose a summary suspension, the ~~appropriate committee board~~ shall issue a written order of suspension and cause it to be delivered by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during the pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the suspension requests an adjudication, the date set for the adjudication shall be within fifteen days but not earlier than seven days after the individual makes the request, unless another date is agreed to by both the individual and the ~~committee imposing the suspension board~~. The summary suspension shall remain in effect, unless reversed by the ~~committee board~~, until a final adjudication order issued by the ~~committee board~~ pursuant to this section and Chapter 119. of the Revised Code becomes effective. 9355  
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The ~~committee board~~ shall issue its final adjudication order within ninety days after completion of the adjudication. If the ~~committee board~~ does not issue a final order within the ninety-day period, the summary suspension shall be void, but any final adjudication order issued subsequent to the ninety-day period shall not be affected. 9371  
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(C) The license issued to an individual under this chapter is automatically suspended on that individual's conviction of, plea of guilty to, or judicial finding with regard to any of the following: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or 9377  
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aggravated burglary. The suspension shall remain in effect from 9383  
the date of the conviction, plea, or finding until an 9384  
adjudication is held under Chapter 119. of the Revised Code. If 9385  
the ~~appropriate committee board~~ has knowledge that an automatic 9386  
suspension has occurred, it shall notify the individual subject 9387  
to the suspension. If the individual is notified and either 9388  
fails to request an adjudication within the time periods 9389  
established by Chapter 119. of the Revised Code or fails to 9390  
participate in the adjudication, the ~~committee board~~ shall enter 9391  
a final order permanently revoking the person's license or 9392  
certificate. 9393

**Sec. 4757.37.** (A) An individual whom the ~~counselor, social-~~ 9394  
~~worker, and marriage and family therapist state behavioral~~ 9395  
health professionals board licenses, certificates, or otherwise 9396  
legally authorizes to engage in the practice of professional 9397  
counseling, social work, or marriage and family therapy may 9398  
render the professional services of a licensed professional 9399  
clinical counselor, licensed professional counselor, independent 9400  
social worker, social worker, independent marriage and family 9401  
therapist, or marriage and family therapist within this state 9402  
through a corporation formed under division (B) of section 9403  
1701.03 of the Revised Code, a limited liability company formed 9404  
under Chapter 1705. of the Revised Code, a partnership, or a 9405  
professional association formed under Chapter 1785. of the 9406  
Revised Code. This division does not preclude such an individual 9407  
from rendering professional services as a licensed professional 9408  
clinical counselor, licensed professional counselor, independent 9409  
social worker, social worker, independent marriage and family 9410  
therapist, or marriage and family therapist through another form 9411  
of business entity, including, but not limited to, a nonprofit 9412  
corporation or foundation, or in another manner that is 9413

authorized by or in accordance with this chapter, another 9414  
chapter of the Revised Code, or rules of the ~~counselor, social-~~ 9415  
~~worker, and marriage and family therapist~~ state behavioral 9416  
health professionals board adopted pursuant to this chapter. 9417

(B) A corporation, limited liability company, partnership, 9418  
or professional association described in division (A) of this 9419  
section may be formed for the purpose of providing a combination 9420  
of the professional services of the following individuals who 9421  
are licensed, certificated, or otherwise legally authorized to 9422  
practice their respective professions: 9423

(1) Optometrists who are authorized to practice optometry 9424  
under Chapter 4725. of the Revised Code; 9425

(2) Chiropractors who are authorized to practice 9426  
chiropractic or acupuncture under Chapter 4734. of the Revised 9427  
Code; 9428

(3) Psychologists who are authorized to practice 9429  
psychology under Chapter 4732. of the Revised Code; 9430

(4) Registered or licensed practical nurses who are 9431  
authorized to practice nursing as registered nurses or as 9432  
licensed practical nurses under Chapter 4723. of the Revised 9433  
Code; 9434

(5) Pharmacists who are authorized to practice pharmacy 9435  
under Chapter 4729. of the Revised Code; 9436

(6) Physical therapists who are authorized to practice 9437  
physical therapy under sections 4755.40 to 4755.56 of the 9438  
Revised Code; 9439

(7) Occupational therapists who are authorized to practice 9440  
occupational therapy under sections 4755.04 to 4755.13 of the 9441

Revised Code;	9442
(8) Mechanotherapists who are authorized to practice	9443
mechanotherapy under section 4731.151 of the Revised Code;	9444
(9) Doctors of medicine and surgery, osteopathic medicine	9445
and surgery, or podiatric medicine and surgery who are	9446
authorized for their respective practices under Chapter 4731. of	9447
the Revised Code;	9448
(10) Licensed professional clinical counselors, licensed	9449
professional counselors, independent social workers, social	9450
workers, independent marriage and family therapists, or marriage	9451
and family therapists who are authorized for their respective	9452
practices under this chapter.	9453
This division applies notwithstanding a provision of a	9454
code of ethics applicable to an individual who is a licensed	9455
professional clinical counselor, licensed professional	9456
counselor, independent social worker, social worker, independent	9457
marriage and family therapist, or marriage and family therapist	9458
that prohibits the individual from engaging in the individual's	9459
practice in combination with a person who is licensed,	9460
certificated, or otherwise legally authorized to practice	9461
optometry, chiropractic, acupuncture through the state	9462
chiropractic board, psychology, nursing, pharmacy, physical	9463
therapy, occupational therapy, mechanotherapy, medicine and	9464
surgery, osteopathic medicine and surgery, or podiatric medicine	9465
and surgery, but who is not also licensed, certificated, or	9466
otherwise legally authorized to engage in the practice of	9467
professional counseling, social work, or marriage and family	9468
therapy.	9469
<b>Sec. 4757.38.</b> (A) <del>The counselor, social worker, and</del>	9470

~~marriage and family therapist state behavioral health~~ 9471  
professionals board shall investigate alleged violations of this 9472  
chapter or the rules adopted under it and alleged irregularities 9473  
in the delivery of services related to professional counseling, 9474  
social work, or marriage and family therapy by persons licensed 9475  
or registered under this chapter. As part of its conduct of an 9476  
investigation, the board may issue subpoenas, examine witnesses, 9477  
and administer oaths. 9478

(B) All of the following apply under this chapter with 9479  
respect to the confidentiality of information: 9480

(1) Information received by the board pursuant to a 9481  
complaint or an investigation is confidential and not subject to 9482  
discovery in any civil action, except that the board may 9483  
disclose information to law enforcement officers and government 9484  
entities for purposes of an investigation of either an 9485  
individual who holds a license or certificate of registration 9486  
issued under this chapter or an individual or entity that may 9487  
have engaged in the unauthorized practice of professional 9488  
counseling, social work, or marriage and family therapy. No law 9489  
enforcement officer or government entity with knowledge of any 9490  
information disclosed by the board pursuant to this division 9491  
shall divulge the information to any other person or government 9492  
entity except for the purpose of a government investigation, a 9493  
prosecution, or an adjudication by a court or government entity. 9494

(2) If an investigation requires a review of patient 9495  
records, the investigation and proceeding shall be conducted in 9496  
such a manner as to protect patient confidentiality. 9497

(3) All adjudications and investigations of the board are 9498  
civil actions for the purposes of section 2305.252 of the 9499  
Revised Code. 9500

(4) Any board activity that involves continued monitoring 9501  
of an individual as part of or following any disciplinary action 9502  
taken under section 4755.36 of the Revised Code shall be 9503  
conducted in a manner that maintains the individual's 9504  
confidentiality. Information received or maintained by the board 9505  
with respect to the board's monitoring activities is not subject 9506  
to discovery in any civil action and is confidential, except 9507  
that the board may disclose information to law enforcement 9508  
officers and government entities for purposes of an 9509  
investigation of an individual holding a license or certificate 9510  
of registration issued under this chapter. 9511

(C) The board may receive any information necessary to 9512  
conduct an investigation under this section. If the board is 9513  
investigating the provision of services to a couple or group, it 9514  
is not necessary for both members of the couple or for all 9515  
members of the group to consent to the release of information 9516  
relevant to the investigation. 9517

(D) The board shall ensure that all records it holds 9518  
pertaining to an investigation remain confidential. The board 9519  
shall adopt rules establishing procedures to be followed in 9520  
maintaining the confidentiality of its investigative records. 9521  
The rules shall be adopted in accordance with Chapter 119. of 9522  
the Revised Code. 9523

**Sec. 4757.39.** For any hearing it is authorized to conduct 9524  
under this chapter, the state behavioral health professionals 9525  
board may appoint one of its members to act on behalf of the 9526  
board. The board shall make such appointments in writing. It is 9527  
not necessary for a member to be an attorney to be appointed. A 9528  
finding or order of a member appointed to act on behalf of the 9529  
board is a finding or order of the board when confirmed by the 9530

board. 9531

**Sec. 4757.40.** In addition to any other remedies provided 9532  
by law, the ~~counselor and social worker~~ state behavioral health 9533  
professionals board may apply to an appropriate court for an 9534  
order enjoining the violation of any provision of this chapter, 9535  
and on a showing that any person has violated or is about to 9536  
violate any provision of this chapter, the court shall grant an 9537  
order enjoining the violation. 9538

**Sec. 4757.41.** (A) This chapter shall not apply to the 9539  
following: 9540

(1) A person certified by the state board of education 9541  
under Chapter 3319. of the Revised Code while performing any 9542  
services within the person's scope of employment by a board of 9543  
education or by a private school meeting the standards 9544  
prescribed by the state board of education under division (D) of 9545  
section 3301.07 of the Revised Code or in a program operated 9546  
under Chapter 5126. of the Revised Code for training individuals 9547  
with developmental disabilities; 9548

(2) Psychologists or school psychologists licensed under 9549  
Chapter 4732. of the Revised Code; 9550

(3) Members of other professions licensed, certified, or 9551  
registered by this state while performing services within the 9552  
recognized scope, standards, and ethics of their respective 9553  
professions; 9554

(4) Rabbis, priests, Christian science practitioners, 9555  
clergy, or members of religious orders and other individuals 9556  
participating with them in pastoral counseling when the 9557  
counseling activities are within the scope of the performance of 9558  
their regular or specialized ministerial duties and are 9559



performed under the auspices or sponsorship of an established 9560  
and legally cognizable church, denomination, or sect or an 9561  
integrated auxiliary of a church as defined in federal tax 9562  
regulations, paragraph (g) (5) of 26 C.F.R. 1.6033-2 (1995), and 9563  
when the individual rendering the service remains accountable to 9564  
the established authority of that church, denomination, sect, or 9565  
integrated auxiliary; 9566

(5) Any person who is not licensed under this chapter as a 9567  
licensed professional clinical counselor, licensed professional 9568  
counselor, independent social worker, or social worker and is 9569  
employed in the civil service as defined in section 124.01 of 9570  
the Revised Code while engaging in professional counseling or 9571  
social work as a civil service employee, if on July 10, 2014, 9572  
the person has at least two years of service in that capacity; 9573

(6) A student in an accredited educational institution 9574  
while carrying out activities that are part of the student's 9575  
prescribed course of study if the activities are supervised as 9576  
required by the educational institution and if the student does 9577  
not hold herself or himself out as a person licensed or 9578  
registered under this chapter; 9579

(7) An individual who holds a license or certificate under 9580  
Chapter 4758. of the Revised Code who is acting within the scope 9581  
of the individual's license or certificate as a member of the 9582  
profession of chemical dependency counseling or prevention 9583  
services; 9584

(8) Any person employed by the American red cross while 9585  
engaging in activities relating to services for military 9586  
families and veterans and disaster relief, as described in the 9587  
"American National Red Cross Act," 33 Stat. 599 (1905), 36 9588  
U.S.C.A. 1, as amended; 9589

(9) Members of labor organizations who hold union counselor certificates while performing services in their official capacity as union counselors;

(10) Any person employed in a hospital as defined in section 3727.01 of the Revised Code or in a nursing home as defined in section 3721.01 of the Revised Code while providing as a hospital employee or nursing home employee, respectively, social services other than counseling and the use of psychosocial interventions and social psychotherapy;

(11) A vocational rehabilitation professional who is providing rehabilitation services to individuals under section 3304.17 of the Revised Code, or holds certification by the commission on rehabilitation counselor certification and is providing rehabilitation counseling services consistent with the commission's standards;

(12) A caseworker not licensed under this chapter as an independent social worker or social worker who is employed by a public children services agency under section 5153.112 of the Revised Code.

(B) Divisions (A) (5) and (10) of this section do not prevent a person described in those divisions from obtaining a license or certificate of registration under this chapter.

(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 state behavioral health professionals board. Failure to comply with this division

constitutes nonfeasance under section 124.34 of the Revised Code 9619  
or just cause under a collective bargaining agreement. Nothing 9620  
in this division restricts the director of administrative 9621  
services from developing new classifications related to this 9622  
division or from reassigning affected employees to appropriate 9623  
classifications based on the employee's duties and 9624  
qualifications. 9625

(D) Except as provided in division (A) of this section, an 9626  
employee who was engaged in the practice of professional 9627  
counseling, social work, or marriage and family therapy in the 9628  
service of the state prior to July 10, 2014, including public 9629  
employees as defined by Chapter 4117. of the Revised Code, shall 9630  
comply with division (C) of this section within two years after 9631  
July 10, 2014. Any such employee who fails to comply shall be 9632  
removed from employment. 9633

(E) Nothing in this chapter prevents a public children 9634  
services agency from employing as a caseworker a person not 9635  
licensed under this chapter as an independent social worker or 9636  
social worker who has the qualifications specified in section 9637  
5153.112 of the Revised Code. 9638

**Sec. 4757.44.** For the purposes of section 2305.51 of the 9639  
Revised Code, a person who holds a license issued under this 9640  
chapter is a mental health professional. 9641

A license holder is not liable in damages in a civil 9642  
action, and shall not be subject to disciplinary action by the 9643  
~~counselor, social worker, and marriage and family therapist~~ 9644  
state behavioral health professionals board, for disclosing any 9645  
confidential information about a client that is disclosed for 9646  
the purposes of section 2305.51 of the Revised Code. 9647

**Sec. 4757.45.** The ~~counselor, social worker, and marriage~~ 9648  
~~and family therapist~~ state behavioral health professionals board 9649  
shall comply with section 4776.20 of the Revised Code. 9650

**Sec. 4758.20.** (A) The ~~chemical dependency~~ state behavioral 9651  
health professionals board shall adopt rules to establish, 9652  
specify, or provide for all of the following: 9653

(1) Fees for the purposes authorized by section 4758.21 of 9654  
the Revised Code; 9655

(2) If the board, pursuant to section 4758.221 of the 9656  
Revised Code, elects to administer examinations for individuals 9657  
seeking to act as substance abuse professionals in a U.S. 9658  
department of transportation drug and alcohol testing program, 9659  
the board's administration of the examinations; 9660

(3) ~~For the purpose of section 4758.23 of the Revised~~ 9661  
~~Code, codes of ethical practice and professional conduct for~~ 9662  
~~individuals who hold a license, certificate, or endorsement~~ 9663  
~~issued under this chapter;~~ 9664

~~(4)~~ For the purpose of section 4758.24 of the Revised 9665  
Code, all of the following: 9666

(a) Good moral character requirements for an individual 9667  
who seeks or holds a license, certificate, or endorsement issued 9668  
under this chapter; 9669

(b) The documents that an individual seeking such a 9670  
license, certificate, or endorsement must submit to the board; 9671

(c) Requirements to obtain the license, certificate, or 9672  
endorsement that are in addition to the requirements established 9673  
under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 9674  
4758.44, 4758.45, 4758.46, 4758.47, and 4758.48 of the Revised 9675

Code. The additional requirements may include preceptorships. 9676

(d) The period of time that an individual whose registered 9677  
applicant certificate has expired must wait before applying for 9678  
a new registered applicant certificate. 9679

~~(5)~~(4) For the purpose of section 4758.28 of the Revised 9680  
Code, requirements for approval of continuing education courses 9681  
of study for individuals who hold a license, certificate, or 9682  
endorsement issued under this chapter; 9683

~~(6)~~(5) For the purpose of section 4758.30 of the Revised 9684  
Code, the intervention for and treatment of an individual 9685  
holding a license, certificate, or endorsement issued under this 9686  
chapter whose abilities to practice are impaired due to abuse of 9687  
or dependency on alcohol or other drugs or other physical or 9688  
mental condition; 9689

~~(7)~~(6) Requirements governing reinstatement of a 9690  
suspended or revoked license, certificate, or endorsement under 9691  
division (B) of section 4758.30 of the Revised Code, including 9692  
requirements for determining the amount of time an individual 9693  
must wait to apply for reinstatement; 9694

~~(8)~~(7) For the purpose of section 4758.31 of the Revised 9695  
Code, methods of ensuring that all records the board holds 9696  
pertaining to an investigation remain confidential during the 9697  
investigation; 9698

~~(9)~~(8) Criteria for employees of the board to follow when 9699  
performing their duties under division (B) of section 4758.35 of 9700  
the Revised Code; 9701

~~(10)~~(9) For the purpose of division (A) (1) of section 9702  
4758.39 and division (A) (1) of section 4758.40 of the Revised 9703  
Code, course requirements for a degree in a behavioral science 9704

or nursing that shall, at a minimum, include at least forty	9705
semester hours in all of the following courses:	9706
(a) Theories of counseling and psychotherapy;	9707
(b) Counseling procedures;	9708
(c) Group process and techniques;	9709
(d) Relationship therapy;	9710
(e) Research methods and statistics;	9711
(f) Fundamentals of assessment and diagnosis, including	9712
measurement and appraisal;	9713
(g) Psychopathology;	9714
(h) Human development;	9715
(i) Cultural competence in counseling;	9716
(j) Ethics.	9717
<del>(11)</del> <u>(10)</u> For the purpose of division (A) (2) of section	9718
4758.39 of the Revised Code, the number of hours of compensated	9719
work or supervised internship experience that an individual must	9720
have and the number of those hours that must be in clinical	9721
supervisory experience;	9722
<del>(12)</del> <u>(11)</u> For the purpose of division (A) (3) of section	9723
4758.39, division (A) (3) of section 4758.40, division (A) (3) of	9724
section 4758.41, and division (A) (3) of section 4758.42 of the	9725
Revised Code, both of the following:	9726
(a) The number of hours of training in chemical dependency	9727
an individual must have;	9728
(b) Training requirements for chemical dependency that	9729
shall, at a minimum, include qualifications for the individuals	9730

who provide the training and the content areas covered in the 9731  
training. 9732

~~(13)~~(12) For the purpose of division (A) (2) of section 9733  
4758.40, division (A) (2) of section 4758.41, and division (A) (2) 9734  
of section 4758.42 of the Revised Code, the number of hours of 9735  
compensated work or supervised internship experience that an 9736  
individual must have; 9737

~~(14)~~(13) For the purpose of division (B) (2) (b) of section 9738  
4758.40 and division (B) (2) of section 4758.41 of the Revised 9739  
Code, requirements for the forty clock hours of training on the 9740  
version of the diagnostic and statistical manual of mental 9741  
disorders that is current at the time of the training, including 9742  
the number of the clock hours that must be on substance-related 9743  
disorders, the number of the clock hours that must be on 9744  
chemical dependency conditions, and the number of the clock 9745  
hours that must be on awareness of other mental and emotional 9746  
disorders; 9747

~~(15)~~(14) For the purpose of division (A) (1) of section 9748  
4758.41 of the Revised Code, course requirements for a degree in 9749  
a behavioral science or nursing; 9750

~~(16)~~(15) For the purpose of division (A) of section 9751  
4758.43 of the Revised Code, both of the following: 9752

(a) The number of hours of training in chemical dependency 9753  
counseling that an individual must have; 9754

(b) Training requirements for chemical dependency 9755  
counseling that shall, at a minimum, include qualifications for 9756  
the individuals who provide the training and the content areas 9757  
covered in the training. 9758

~~(17)~~(16) For the purpose of division (A) (1) of section 9759

4758.44 of the Revised Code, the number of hours of compensated 9760  
work experience in prevention services that an individual must 9761  
have and the number of those hours that must be in administering 9762  
or supervising the services; 9763

~~(18)~~(17) For the purpose of division (A) (2) of section 9764  
4758.44 of the Revised Code, the field of study in which an 9765  
individual must obtain at least a bachelor's degree; 9766

~~(19)~~(18) For the purpose of division (A) (3) of section 9767  
4758.44, division (A) (3) of section 4758.45, and division (D) of 9768  
section 4758.46 of the Revised Code, both of the following: 9769

(a) The number of hours of prevention-related education 9770  
that an individual must have; 9771

(b) Requirements for prevention-related education. 9772

~~(20)~~(19) For the purpose of division (A) (4) of section 9773  
4758.44 of the Revised Code, the number of hours of 9774  
administrative or supervisory education that an individual must 9775  
have; 9776

~~(21)~~(20) For the purpose of division (A) (1) of section 9777  
4758.45 of the Revised Code, the number of hours of compensated 9778  
or volunteer work, field placement, intern, or practicum 9779  
experience in prevention services that an individual must have 9780  
and the number of those hours that must be in planning or 9781  
delivering the services; 9782

~~(22)~~(21) For the purpose of division (A) (2) of section 9783  
4758.45 of the Revised Code, the field of study in which an 9784  
individual must obtain at least an associate's degree; 9785

~~(23)~~(22) For the purpose of division (C) of section 9786  
4758.46 of the Revised Code, the number of hours of compensated 9787



or volunteer work, field placement, intern, or practicum	9788
experience in prevention services that an individual must have;	9789
<del>(24)</del> <u>(23)</u> Standards for the one hundred hours of	9790
compensated work or supervised internship in gambling disorder	9791
direct clinical experience required by division (B) (2) of	9792
section 4758.48 of the Revised Code;	9793
<del>(25)</del> <u>(24)</u> For the purpose of section 4758.51 of the	9794
Revised Code, continuing education requirements for individuals	9795
who hold a license, certificate, or endorsement issued under	9796
this chapter;	9797
<del>(26)</del> <u>(25)</u> For the purpose of section 4758.51 of the	9798
Revised Code, the number of hours of continuing education that	9799
an individual must complete to have an expired license,	9800
certificate, or endorsement restored under section 4758.26 of	9801
the Revised Code;	9802
<del>(27)</del> <u>(26)</u> For the purpose of divisions (A) and (B) of	9803
section 4758.52 of the Revised Code, training requirements for	9804
chemical dependency counseling;	9805
<del>(28)</del> <u>(27)</u> The duties, which may differ, of all of the	9806
following:	9807
(a) An independent chemical dependency counselor-clinical	9808
supervisor licensed under this chapter who supervises a chemical	9809
dependency counselor III under section 4758.56 of the Revised	9810
Code;	9811
(b) An independent chemical dependency counselor-clinical	9812
supervisor, independent chemical dependency counselor, or	9813
chemical dependency counselor III licensed under this chapter	9814
who supervises a chemical dependency counselor assistant under	9815
section 4758.59 of the Revised Code;	9816

(c) A prevention consultant or prevention specialist 9817  
certified under this chapter or independent chemical dependency 9818  
counselor-clinical supervisor, independent chemical dependency 9819  
counselor, or chemical dependency counselor III licensed under 9820  
this chapter who supervises a prevention specialist assistant or 9821  
registered applicant under section 4758.61 of the Revised Code. 9822

~~(29)~~-(28) The duties of an independent chemical dependency 9823  
counselor licensed under this chapter who holds the gambling 9824  
disorder endorsement who supervises a chemical dependency 9825  
counselor III with the gambling disorder endorsement under 9826  
section 4758.62 of the Revised Code. 9827

~~(30)~~-(29) Anything else necessary to administer this 9828  
chapter. 9829

(B) All rules adopted under this section shall be adopted 9830  
in accordance with Chapter 119. of the Revised Code and any 9831  
applicable federal laws and regulations. 9832

(C) When it adopts rules under this section, the board may 9833  
consider standards established by any national association or 9834  
other organization representing the interests of those involved 9835  
in chemical dependency counseling or prevention services. 9836

**Sec. 4758.21.** (A) In accordance with rules adopted under 9837  
section 4758.20 of the Revised Code and subject to division (B) 9838  
of this section, the ~~chemical dependency state behavioral health~~ 9839  
professionals board shall establish, and may from time to time 9840  
adjust, fees to be charged for the following: 9841

(1) Admitting an individual to an examination administered 9842  
pursuant to section 4758.22 of the Revised Code; 9843

(2) Issuing an initial independent chemical dependency 9844  
counselor-clinical supervisor license, independent chemical 9845

dependency counselor license, chemical dependency counselor III	9846
license, chemical dependency counselor II license, chemical	9847
dependency counselor assistant certificate, prevention	9848
consultant certificate, prevention specialist certificate,	9849
prevention specialist assistant certificate, or registered	9850
applicant certificate;	9851
(3) Issuing an initial gambling disorder endorsement;	9852
(4) Renewing an independent chemical dependency counselor-	9853
clinical supervisor license, independent chemical dependency	9854
counselor license, chemical dependency counselor III license,	9855
chemical dependency counselor II license, chemical dependency	9856
counselor assistant certificate, prevention consultant	9857
certificate, prevention specialist certificate, or prevention	9858
specialist assistant certificate;	9859
(5) Renewing a gambling disorder endorsement;	9860
(6) Approving continuing education courses under section	9861
4758.28 of the Revised Code;	9862
(7) Doing anything else the board determines necessary to	9863
administer this chapter.	9864
(B) The fees established under division (A) of this	9865
section are nonrefundable. They shall be in amounts sufficient	9866
to cover the necessary expenses of the board in administering	9867
this chapter and rules adopted under it. The fees for a license,	9868
certificate, or endorsement and the renewal of a license,	9869
certificate, or endorsement may differ for the various types of	9870
licenses, certificates, or endorsements, but shall not exceed	9871
one hundred seventy-five dollars each, unless the board	9872
determines that amounts in excess of one hundred seventy-five	9873
dollars are needed to cover its necessary expenses in	9874

administering this chapter and rules adopted under it and the 9875  
amounts in excess of one hundred seventy-five dollars are 9876  
approved by the controlling board. 9877

~~(C) All vouchers of the board shall be approved by the 9878  
chairperson or executive director of the board, or both, as 9879  
authorized by the board. 9880~~

**Sec. 4758.22.** The ~~chemical dependency state behavioral~~ 9881  
health professionals board shall prepare, cause to be prepared, 9882  
or procure the use of, and grade, cause to be graded, or procure 9883  
the grading of, examinations to determine the competence of 9884  
individuals seeking an independent chemical dependency 9885  
counselor-clinical supervisor license, independent chemical 9886  
dependency counselor license, chemical dependency counselor III 9887  
license, chemical dependency counselor II license, prevention 9888  
consultant certificate, or prevention specialist certificate. 9889  
The board may develop the examinations or use examinations 9890  
prepared by state or national organizations that represent the 9891  
interests of those involved in chemical dependency counseling or 9892  
prevention services. The board shall conduct examinations at 9893  
least twice each year and shall determine the level of 9894  
competence necessary for a passing score. 9895

An individual may not sit for an examination administered 9896  
pursuant to this section unless the individual meets the 9897  
requirements to obtain the license or certificate the individual 9898  
seeks, other than the requirement to have passed the 9899  
examination, and pays the fee established under section 4758.21 9900  
of the Revised Code. An individual who is denied admission to 9901  
the examination may appeal the denial in accordance with Chapter 9902  
119. of the Revised Code. 9903

**Sec. 4758.221.** In accordance with rules adopted under 9904

section 4758.20 of the Revised Code, the ~~chemical dependency~~ 9905  
state behavioral health professionals board may administer 9906  
examinations for individuals seeking to act as substance abuse 9907  
professionals in a U.S. department of transportation drug and 9908  
alcohol testing program. If it elects to administer the 9909  
examinations, the board shall use examinations that 9910  
comprehensively cover all the elements of substance abuse 9911  
professional qualification training listed in 49 C.F.R. 9912  
40.281(c) (1) and are prepared by a nationally recognized 9913  
professional or training organization that represents the 9914  
interests of those involved in chemical dependency counseling 9915  
services. 9916

**Sec. 4758.24.** (A) The ~~chemical dependency~~ state behavioral 9917  
health professionals board shall issue a license, certificate, 9918  
or endorsement under this chapter to an individual who meets all 9919  
of the following requirements: 9920

(1) Is of good moral character as determined in accordance 9921  
with rules adopted under section 4758.20 of the Revised Code; 9922

(2) Except as provided in section 4758.241 of the Revised 9923  
Code, submits a properly completed application and all other 9924  
documentation specified in rules adopted under section 4758.20 9925  
of the Revised Code; 9926

(3) Except as provided in section 4758.241 of the Revised 9927  
Code, pays the fee established under section 4758.21 of the 9928  
Revised Code for the license, certificate, or endorsement that 9929  
the individual seeks; 9930

(4) Meets the requirements to obtain the license, 9931  
certificate, or endorsement that the individual seeks as 9932  
specified in section 4758.39, 4758.40, 4758.41, 4758.42, 9933

4758.43, 4758.44, 4758.45, 4758.46, 4758.47, or 4758.48 of the Revised Code;

(5) Meets any additional requirements specified in rules adopted under section 4758.20 of the Revised Code to obtain the license, certificate, or endorsement that the individual seeks.

(B) The board shall not do either of the following:

(1) Issue a certificate to practice as a chemical dependency counselor I;

(2) Issue a new registered applicant certificate to an individual whose previous registered applicant certificate has been expired for less than the period of time specified in rules adopted under section 4758.20 of the Revised Code.

**Sec. 4758.241.** The ~~chemical dependency state behavioral~~ health professionals board shall issue an independent chemical dependency counselor-clinical supervisor license under section 4758.24 of the Revised Code to each individual who, on ~~the~~ effective date of this section March 22, 2013, holds a valid independent chemical dependency counselor license without requiring the individual to comply with divisions (A) (2) and (3) of that section.

**Sec. 4758.242.** (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state behavioral health professionals board shall not

grant a license to an applicant for an initial license unless 9963  
the applicant complies with sections 4776.01 to 4776.04 of the 9964  
Revised Code and the board, in its discretion, decides that the 9965  
results of the criminal records check do not make the applicant 9966  
ineligible for a license issued pursuant to this chapter. 9967

**Sec. 4758.25.** (A) The ~~chemical dependency state behavioral~~ 9968  
~~health~~ professionals board may enter into a reciprocal agreement 9969  
with any state that regulates individuals practicing in the same 9970  
capacities as those regulated under this chapter if the board 9971  
finds that the state has requirements substantially equivalent 9972  
to the requirements of this state to receive a license or 9973  
certificate under this chapter. 9974

The board may become a member of a national reciprocity 9975  
organization that requires its members to have requirements 9976  
substantially equivalent to the requirements of this state to 9977  
receive a license or certificate to practice in the same 9978  
capacities as those regulated under this chapter. If the board 9979  
becomes a member of such an organization, the board shall 9980  
consider itself to have a reciprocal agreement with the other 9981  
states that are also members of the organization. 9982

(B) The board may, by endorsement, issue the appropriate 9983  
license or certificate to a resident of a state with which the 9984  
board does not have a reciprocal agreement if both of the 9985  
following apply: 9986

(1) The board finds that the state has requirements 9987  
substantially equivalent to the requirements of this state for 9988  
receipt of a license or certificate under this chapter. 9989

(2) The individual submits proof satisfactory to the board 9990  
of being currently authorized to practice by that state. 9991

(C) A license or certificate obtained by reciprocity or endorsement under this section may be renewed or restored under section 4758.26 of the Revised Code if the individual holding the license or certificate satisfies the renewal or restoration requirements established by that section. An individual holding a license or certificate obtained by reciprocity or endorsement under this section may obtain, under section 4758.24 of the Revised Code, a different license or certificate available under this chapter if the individual meets all of the requirements as specified in that section for the license or certificate the individual seeks.

**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:

(1) In the case of an initial chemical dependency counselor assistant certificate, thirteen months;

(2) In the case of any other license, certificate, or endorsement, two years.

(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~~ state behavioral health 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 renewal pays the renewal fee established under section 4758.21 of the Revised Code and does the following:

(1) In the case of an individual seeking renewal of an



initial chemical dependency counselor assistant certificate, 10021  
satisfies the additional training requirement established under 10022  
section 4758.52 of the Revised Code; 10023

(2) In the case of any other individual, satisfies the 10024  
continuing education requirements established under section 10025  
4758.51 of the Revised Code. 10026

(C) Subject to section 4758.30 of the Revised Code and 10027  
except as provided in section 4758.27 of the Revised Code, a 10028  
license, certificate, or endorsement issued under this chapter 10029  
that has expired may be restored if the individual seeking the 10030  
restoration, not later than two years after the license, 10031  
certificate, or endorsement expires, applies for restoration of 10032  
the license, certificate, or endorsement. The board shall issue 10033  
a restored license, certificate, or endorsement to the 10034  
individual if the individual pays the renewal fee established 10035  
under section 4758.21 of the Revised Code and does the 10036  
following: 10037

(1) In the case of an individual whose initial chemical 10038  
dependency counselor assistant certificate expired, satisfies 10039  
the additional training requirement established under section 10040  
4758.52 of the Revised Code; 10041

(2) In the case of any other individual, satisfies the 10042  
continuing education requirements established under section 10043  
4758.51 of the Revised Code for restoring the license, 10044  
certificate, or endorsement. 10045

The board shall not require an individual to take an 10046  
examination as a condition of having an expired license, 10047  
certificate, or endorsement restored under this section. 10048

**Sec. 4758.27.** ~~The chemical dependency state behavioral~~ 10049

health professionals board shall not renew or restore under 10050  
section 4758.26 of the Revised Code either of the following: 10051

(A) A certificate to practice as a chemical dependency 10052  
counselor I; 10053

(B) A registered applicant certificate. 10054

**Sec. 4758.28.** The ~~chemical dependency state behavioral~~ 10055  
health professionals board shall approve, in accordance with 10056  
rules adopted under section 4758.20 of the Revised Code and 10057  
subject to payment of the fee established under section 4758.21 10058  
of the Revised Code, continuing education courses of study for 10059  
individuals who hold a license, certificate, or endorsement 10060  
issued under this chapter. 10061

**Sec. 4758.29.** On receipt of a notice pursuant to section 10062  
3123.43 of the Revised Code, the ~~chemical dependency state~~ 10063  
behavioral health professionals board shall comply with sections 10064  
3123.41 to 3123.50 of the Revised Code and any applicable rules 10065  
adopted under section 3123.63 of the Revised Code with respect 10066  
to a license, certificate, or endorsement issued pursuant to 10067  
this chapter. 10068

**Sec. 4758.30.** (A) The ~~chemical dependency state behavioral~~ 10069  
health professionals board, in accordance with Chapter 119. of 10070  
the Revised Code, may refuse to issue a license, certificate, or 10071  
endorsement applied for under this chapter; refuse to renew or 10072  
restore a license, certificate, or endorsement issued under this 10073  
chapter; suspend, revoke, or otherwise restrict a license, 10074  
certificate, or endorsement issued under this chapter; or 10075  
reprimand an individual holding a license, certificate, or 10076  
endorsement issued under this chapter. These actions may be 10077  
taken by the board regarding the applicant for a license, 10078

certificate, or endorsement of the individual holding a license,	10079
certificate, or endorsement for one or more of the following	10080
reasons:	10081
(1) Violation of any provision of this chapter or rules	10082
adopted under it;	10083
(2) Knowingly making a false statement on an application	10084
for a license, certificate, or endorsement or for renewal,	10085
restoration, or reinstatement of a license, certificate, or	10086
endorsement;	10087
(3) Acceptance of a commission or rebate for referring an	10088
individual to a person who holds a license or certificate issued	10089
by, or who is registered with, an entity of state government,	10090
including persons practicing chemical dependency counseling,	10091
prevention services, gambling disorder counseling, or fields	10092
related to chemical dependency counseling, prevention services,	10093
or gambling disorder counseling;	10094
(4) Conviction in this or any other state of any crime	10095
that is a felony in this state;	10096
(5) Conviction in this or any other state of a misdemeanor	10097
committed in the course of practice as an independent chemical	10098
dependency counselor-clinical supervisor, independent chemical	10099
dependency counselor, chemical dependency counselor III,	10100
chemical dependency counselor II, chemical dependency counselor	10101
assistant, prevention consultant, gambling disorder endorsee,	10102
prevention specialist, prevention specialist assistant, or	10103
registered applicant;	10104
(6) Inability to practice as an independent chemical	10105
dependency counselor-clinical supervisor, independent chemical	10106
dependency counselor, chemical dependency counselor III,	10107

chemical dependency counselor II, chemical dependency counselor 10108  
assistant, gambling disorder endorsee, prevention consultant, 10109  
prevention specialist, prevention specialist assistant, or 10110  
registered applicant due to abuse of or dependency on alcohol or 10111  
other drugs or other physical or mental condition; 10112

(7) Practicing outside the individual's scope of practice; 10113

(8) Practicing without complying with the supervision 10114  
requirements specified under section 4758.56, 4758.59, 4758.61, 10115  
or 4758.62 of the Revised Code; 10116

(9) Violation of the code of ethical practice and 10117  
professional conduct for chemical dependency counseling, 10118  
prevention services, or gambling disorder counseling adopted by 10119  
the board pursuant to section ~~4758.23~~4744.50 of the Revised 10120  
Code; 10121

(10) Revocation of a license, certificate, or endorsement 10122  
or voluntary surrender of a license, certificate, or endorsement 10123  
in another state or jurisdiction for an offense that would be a 10124  
violation of this chapter. 10125

(B) An individual whose license, certificate, or 10126  
endorsement has been suspended or revoked under this section may 10127  
apply to the board for reinstatement after an amount of time the 10128  
board shall determine in accordance with rules adopted under 10129  
section 4758.20 of the Revised Code. The board may accept or 10130  
refuse an application for reinstatement. The board may require 10131  
an examination for reinstatement of a license, certificate, or 10132  
endorsement that has been suspended or revoked. 10133

**Sec. 4758.31.** The ~~chemical dependency state behavioral~~ 10134  
health professionals board shall investigate alleged violations 10135  
of this chapter or the rules adopted under it and alleged 10136

irregularities in the delivery of chemical dependency counseling 10137  
services, prevention services, or gambling disorder counseling 10138  
services by individuals who hold a license, certificate, or 10139  
endorsement issued under this chapter. As part of an 10140  
investigation, the board may issue subpoenas, examine witnesses, 10141  
and administer oaths. 10142

The board may receive any information necessary to conduct 10143  
an investigation under this section that has been obtained in 10144  
accordance with federal laws and regulations. If the board is 10145  
investigating the provision of chemical dependency counseling 10146  
services or gambling disorder counseling services to a couple or 10147  
group, it is not necessary for both members of the couple or all 10148  
members of the group to consent to the release of information 10149  
relevant to the investigation. 10150

The board shall ensure, in accordance with rules adopted 10151  
under section 4758.20 of the Revised Code, that all records it 10152  
holds pertaining to an investigation remain confidential during 10153  
the investigation. After the investigation, the records are 10154  
public records except as otherwise provided by federal or state 10155  
law. 10156

**Sec. 4758.32.** For any hearing it conducts under this 10157  
chapter, the ~~chemical dependency~~ state behavioral health 10158  
professionals board may appoint one of its voting members to act 10159  
on behalf of the board. It is not necessary that the member be 10160  
an attorney to be appointed. The board shall make the 10161  
appointment in writing. 10162

A finding or order of a member appointed to act on behalf 10163  
of the board is a finding or order of the board when confirmed 10164  
by the board. 10165

**Sec. 4758.35.** (A) An individual seeking a license, 10166  
certificate, or endorsement issued under this chapter shall file 10167  
with the ~~chemical dependency state behavioral health~~ 10168  
professionals board ~~a written~~ an application on a form 10169  
prescribed by the board. Each form shall state that a false 10170  
statement made on the form is the crime of falsification under 10171  
section 2921.13 of the Revised Code. 10172

(B) The board shall require an individual or individuals 10173  
employed by the board ~~under section 4758.15 of the Revised Code~~ 10174  
to do both of the following in accordance with criteria 10175  
established by rules adopted under section 4758.20 of the 10176  
Revised Code: 10177

(1) Receive and review all applications submitted to the 10178  
board; 10179

(2) Submit to the board all applications the individual or 10180  
individuals recommend the board review based on the criteria 10181  
established in the rules. 10182

(C) The board shall review all applications submitted to 10183  
the board pursuant to division (B) (2) of this section. 10184

**Sec. 4758.36.** As part of the review process under division 10185  
(C) of section 4758.35 of the Revised Code of an application 10186  
submitted by an applicant whose education or experience in 10187  
chemical dependency counseling, prevention services, or gambling 10188  
disorder counseling was obtained outside the United States, or 10189  
whose education and experience both were obtained outside the 10190  
United States, the ~~chemical dependency state behavioral health~~ 10191  
professionals board shall determine whether the applicant's 10192  
command of the English language and education or experience meet 10193  
the standards required by this chapter and rules adopted under 10194

it. 10195

**Sec. 4758.47.** An individual seeking a registered applicant 10196  
certificate shall meet all of the following requirements: 10197

(A) Be at least eighteen years of age; 10198

(B) Have at least a high school diploma or a certificate 10199  
of high school equivalence; 10200

(C) Submit to the ~~chemical dependency state behavioral~~ 10201  
health professionals board a professional development plan that 10202  
is acceptable to the board. 10203

**Sec. 4758.51.** (A) Except as provided in division (C) of 10204  
this section and in accordance with rules adopted under section 10205  
4758.20 of the Revised Code, each individual who holds a 10206  
license, certificate, or endorsement issued under this chapter, 10207  
other than an initial chemical dependency counselor assistant 10208  
certificate, shall complete during the period that the license, 10209  
certificate, or endorsement is in effect not less than the 10210  
following number of clock hours of continuing education as a 10211  
condition of receiving a renewed license, certificate, or 10212  
endorsement: 10213

(1) In the case of an individual holding a prevention 10214  
specialist assistant certificate, twenty; 10215

(2) In the case of an individual holding a gambling 10216  
disorder endorsement, six; 10217

(3) In the case of any other individual, forty. 10218

(B) Except as provided in division (C) of this section, an 10219  
individual whose license, certificate, or endorsement issued 10220  
under this chapter, other than an initial chemical dependency 10221  
counselor assistant certificate, has expired shall complete the 10222

number of hours of continuing education specified in rules 10223  
adopted under section 4758.20 of the Revised Code as a condition 10224  
of receiving a restored license, certificate, or endorsement. 10225

(C) The ~~chemical dependency~~ state behavioral health 10226  
professionals board may waive the continuing education 10227  
requirements established under this section for individuals who 10228  
are unable to fulfill them because of military service, illness, 10229  
residence outside the United States, or any other reason the 10230  
board considers acceptable. 10231

**Sec. 4758.52.** (A) Except as provided in division (C) of 10232  
this section, each individual who holds an initial chemical 10233  
dependency counselor assistant certificate shall complete, 10234  
during the first twelve months that the initial certificate is 10235  
in effect, at least thirty additional hours of training in 10236  
chemical dependency counseling that meets the requirements 10237  
specified in rules adopted under section 4758.20 of the Revised 10238  
Code as a condition of having the initial certificate renewed. 10239

(B) Except as provided in division (C) of this section, an 10240  
individual whose initial chemical dependency counselor assistant 10241  
certificate has expired shall complete at least thirty 10242  
additional hours of training in chemical dependency counseling 10243  
that meets the requirements specified in rules adopted under 10244  
section 4758.20 of the Revised Code as a condition of receiving 10245  
a restored chemical dependency counselor assistant certificate. 10246

(C) The ~~chemical dependency~~ state behavioral health 10247  
professionals board may waive the additional training 10248  
requirement established under this section for individuals who 10249  
are unable to fulfill the requirement because of military 10250  
service, illness, residence outside the United States, or any 10251  
other reason the board considers acceptable. 10252



**Sec. 4758.72.** The ~~chemical dependency state behavioral~~ health professionals board shall comply with section 4776.20 of the Revised Code. 10253  
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**Sec. 4759.011.** Wherever the Ohio board of dietetics or the chairperson of the Ohio board of dietetics is referred to in any law, contract, or other document, the reference shall be deemed to refer to the state medical board or the executive director of the state medical board, whichever is appropriate. 10256  
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**Sec. 4759.02.** (A) Except as otherwise provided in this section or in section 4759.10 of the Revised Code, no person shall practice, offer to practice, or hold ~~himself self~~ forth to practice dietetics unless ~~he~~ the person has been licensed under section 4759.06 of the Revised Code. 10261  
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(B) Except for a licensed dietitian holding an inactive license who does not practice or offer to practice dietetics, or a person licensed under section 4759.06 of the Revised Code, or as otherwise provided in this section or in section 4759.10 of the Revised Code: 10266  
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(1) No person shall use the title "dietitian"; and 10271

(2) No person except for a person licensed under Chapters 4701. to 4755. of the Revised Code, when acting within the scope of their practice, shall use any other title, designation, words, letters, abbreviation, or insignia or combination of any title, designation, words, letters, abbreviation, or insignia tending to indicate that the person is practicing dietetics. 10272  
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(C) Notwithstanding division (B) of this section, a person who is a dietitian registered by the commission on dietetic registration and who does not violate division (A) of this section may use the designation "registered dietitian" and the 10278  
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abbreviation "R.D." 10282

(D) Division (A) of this section does not apply to: 10283

(1) A student enrolled in an academic program that is in 10284  
compliance with division (A) (5) of section 4759.06 of the 10285  
Revised Code who is engaging in the practice of dietetics under 10286  
the supervision of a dietitian licensed under section 4759.06 of 10287  
the Revised Code or a dietitian registered by the commission on 10288  
dietetic registration, as part of the academic program; 10289

(2) A person participating in the pre-professional 10290  
experience required by division (A) (6) of section 4759.06 of the 10291  
Revised Code; 10292

(3) A person holding a limited permit under division (F) 10293  
of section 4759.06 of the Revised Code. 10294

(E) Divisions (A) and (B) of this section do not apply to 10295  
a person who performs no more than fifteen days of dietetic 10296  
practice in the state and who meets at least one of the 10297  
following requirements: 10298

(1) ~~The Ohio state medical board of dietetics~~ determines 10299  
that ~~he~~ the person is licensed in another state with licensure 10300  
requirements equivalent to or more stringent than those set 10301  
forth in this chapter; 10302

(2) ~~He~~ The person is a dietitian registered by the 10303  
commission on dietetic registration and resides in another state 10304  
that either has no dietitian licensure requirements or has 10305  
licensure requirements less stringent than those set forth in 10306  
this chapter. 10307

**Sec. 4759.05.** ~~The Ohio state medical board of dietetics~~ 10308  
shall: 10309

(A) Adopt, amend, or rescind rules pursuant to Chapter 119. of the Revised Code to carry out the provisions of this chapter, including rules governing the following:	10310 10311 10312
(1) Selection and approval of a dietitian licensure examination offered by the commission on dietetic registration or any other examination;	10313 10314 10315
(2) The examination of applicants for licensure as a dietitian, to be held at least twice annually, as required under division (A) of section 4759.06 of the Revised Code;	10316 10317 10318
(3) Requirements for pre-professional dietetic experience of applicants for licensure as a dietitian that are at least equivalent to the requirements adopted by the commission on dietetic registration;	10319 10320 10321 10322
(4) Requirements for a person holding a limited permit under division (F) of section 4759.06 of the Revised Code, including the duration of validity of a limited permit;	10323 10324 10325
(5) Requirements for a licensed dietitian who places a license in inactive status under division (G) of section 4759.06 of the Revised Code, including a procedure for changing inactive status to active status;	10326 10327 10328 10329
(6) Continuing education requirements for renewal of a license, except that the board may adopt rules to waive the requirements for a person who is unable to meet the requirements due to illness or other reasons. Rules adopted under this division shall be consistent with the continuing education requirements adopted by the commission on dietetic registration.	10330 10331 10332 10333 10334 10335
(7) Any additional education requirements the board considers necessary, for applicants who have not practiced dietetics within five years of the initial date of application	10336 10337 10338

for licensure; 10339

(8) Standards of professional responsibility and practice 10340  
for persons licensed under this chapter that are consistent with 10341  
those standards of professional responsibility and practice 10342  
adopted by the academy of nutrition and dietetics; 10343

(9) Formulation of ~~a written~~ an application form for 10344  
licensure or license renewal that includes the statement that 10345  
any applicant who knowingly makes a false statement on the 10346  
application is guilty of a misdemeanor of the first degree under 10347  
section 2921.13 of the Revised Code; 10348

(10) Procedures for license renewal; 10349

(11) Establishing a time period after the notification of 10350  
a violation of section 4759.02 of the Revised Code, by which the 10351  
person notified must request a hearing by the board under 10352  
section 4759.09 of the Revised Code; 10353

(12) Requirements for criminal records checks of 10354  
applicants under section 4776.03 of the Revised Code. 10355

(B) Investigate alleged violations of sections 4759.02 to 10356  
4759.10 of the Revised Code. In making its investigations, the 10357  
board may issue subpoenas, examine witnesses, and administer 10358  
oaths. 10359

(C) ~~Adopt a seal,~~ 10360

~~(D)~~ Conduct meetings and keep records as are necessary to 10361  
carry out the provisions of this chapter; 10362

~~(E)~~ (D) Publish, and make available to the public, upon 10363  
request and for a fee not to exceed the actual cost of printing 10364  
and mailing, the board's rules and requirements for licensure 10365  
adopted under division (A) of this section ~~and a record of all~~ 10366

~~persons licensed under section 4759.06 of the Revised Code.~~ 10367

**Sec. 4759.06.** (A) The ~~Ohio~~ state medical board of ~~dietetics~~ shall issue or renew a license to practice dietetics to an applicant who: 10368  
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(1) Has satisfactorily completed an application for licensure in accordance with division (A) of section 4759.05 of the Revised Code; 10371  
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(2) Has paid the fee required under division (A) of section 4759.08 of the Revised Code; 10374  
10375

(3) Is a resident of the state or performs or plans to perform dietetic services within the state; 10376  
10377

(4) Is of good moral character; 10378

(5) Has received a baccalaureate or higher degree from an institution of higher education that is approved by the board or a regional accreditation agency that is recognized by the council on postsecondary accreditation, and has completed a program consistent with the academic standards for dietitians established by the academy of nutrition and dietetics; 10379  
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(6) Has successfully completed a pre-professional dietetic experience approved by the academy of nutrition and dietetics, or experience approved by the board under division (A) (3) of section 4759.05 of the Revised Code; 10385  
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(7) Has passed the examination approved by the board under division (A) (1) of section 4759.05 of the Revised Code; 10389  
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(8) Is an applicant for renewal of a license, and has fulfilled the continuing education requirements adopted under division (A) (6) of section 4759.05 of the Revised Code. 10391  
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(B) The board shall waive the requirements of divisions (A) (5), (6), and (7) of this section and any rules adopted under division (A) (7) of section 4759.05 of the Revised Code if the applicant presents satisfactory evidence to the board of current registration as a registered dietitian with the commission on dietetic registration.

(C) The board shall waive the requirements of division (A) (7) of this section if the application for renewal is made within two years after the date of license expiration.

(D) The board may waive the requirements of division (A) (5), (6), or (7) of this section or any rules adopted under division (A) (7) of section 4759.05 of the Revised Code, if the applicant presents satisfactory evidence of education, experience, or passing an examination in another state or a foreign country, that the board considers the equivalent of the requirements stated in those divisions or rules.

(E) The board shall issue an initial license to practice dietetics to an applicant who meets the requirements of division (A) of this section. An initial license shall be valid from the date of issuance through the thirtieth day of June following issuance of the license. Each subsequent license shall be valid from the first day of July through the thirtieth day of June. The board shall renew the license of an applicant who is licensed to practice dietetics and who meets the continuing education requirements of division (A) (6) of section 4759.05 of the Revised Code. The renewal shall be pursuant to the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code.

(F) The board may grant a limited permit to a person who has completed the education and pre-professional requirements of

divisions (A) (5) and (6) of this section and who presents 10424  
evidence to the board of having applied to take the examination 10425  
approved by the board under division (A) (1) of section 4759.05 10426  
of the Revised Code. A person holding a limited permit who has 10427  
failed the examination shall practice only under the direct 10428  
supervision of a licensed dietitian. 10429

(G) A licensed dietitian may place the license in inactive 10430  
status. 10431

**Sec. 4759.061.** (A) As used in this section, "license" and 10432  
"applicant for an initial license" have the same meanings as in 10433  
section 4776.01 of the Revised Code, except that "license" as 10434  
used in both of those terms refers to the types of 10435  
authorizations otherwise issued or conferred under this chapter. 10436

(B) In addition to any other eligibility requirement set 10437  
forth in this chapter, each applicant for an initial license 10438  
shall comply with sections 4776.01 to 4776.04 of the Revised 10439  
Code. The ~~Ohio state medical board of dietetics~~ shall not grant 10440  
a license to an applicant for an initial license unless the 10441  
applicant complies with sections 4776.01 to 4776.04 of the 10442  
Revised Code and the board, in its discretion, decides that the 10443  
results of the criminal records check do not make the applicant 10444  
ineligible for a license issued pursuant to section 4759.06 of 10445  
the Revised Code. 10446

**Sec. 4759.07.** (A) The ~~Ohio state medical board of~~ 10447  
~~dietetics~~ may, in accordance with Chapter 119. of the Revised 10448  
Code, refuse to issue, review, or renew, or may suspend, revoke, 10449  
or impose probationary conditions upon any license or permit to 10450  
practice dietetics, if the applicant has: 10451

(1) Violated sections 4759.02 to 4759.10 of the Revised 10452

Code or rules adopted under those sections;	10453
(2) Knowingly made a false statement in <del>his</del> <u>an</u> application for licensure or license renewal;	10454 10455
(3) Been convicted of any crime constituting a felony in this or any other state;	10456 10457
(4) Been impaired in <del>his</del> ability to perform as a licensed dietitian due to the use of a controlled substance or alcoholic beverage;	10458 10459 10460
(5) Been convicted of a misdemeanor committed in the course of <del>his</del> work as a dietitian in this or any other state;	10461 10462
(6) A record of incompetent or negligent conduct in <del>his</del> <u>the</u> practice of dietetics.	10463 10464
(B) <u>For purposes of this division, any individual who holds a license or permit issued under this chapter, or applies for a license or permit to practice dietetics, 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.</u>	10465 10466 10467 10468 10469 10470 10471
<u>For purposes of division (A) (4) of this section, if the board has reason to believe that any individual who holds a license or permit issued under this chapter or any applicant for a license or permit suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.</u>	10472 10473 10474 10475 10476 10477 10478 10479 10480 10481



Failure to submit to a mental or physical examination 10482  
ordered by the board constitutes an admission of the allegations 10483  
against the individual unless the failure is due to 10484  
circumstances beyond the individual's control, and a default and 10485  
final order may be entered without the taking of testimony or 10486  
presentation of evidence. If the board determines that the 10487  
individual's ability to practice is impaired, the board shall 10488  
suspend the individual's license or permit or deny the 10489  
individual's application and shall require the individual, as a 10490  
condition for initial, continued, reinstated, or renewed 10491  
licensure, to submit to treatment. 10492

Before being eligible to apply for reinstatement of a 10493  
license or permit suspended under this division, the dietician 10494  
shall demonstrate to the board the ability to resume practice in 10495  
compliance with acceptable and prevailing standards of care. The 10496  
demonstration shall include the following: 10497

(1) Certification from a treatment provider approved under 10498  
section 4731.25 of the Revised Code that the individual has 10499  
successfully completed any required inpatient treatment; 10500

(2) Evidence of continuing full compliance with an 10501  
aftercare contract or consent agreement; 10502

(3) Two written reports indicating that the individual's 10503  
ability to practice has been assessed and that the individual 10504  
has been found capable of practicing according to acceptable and 10505  
prevailing standards of care. The reports shall be made by 10506  
individuals or providers approved by the board for making such 10507  
assessments and shall describe the basis for their 10508  
determination. 10509

The board may reinstate a license or permit suspended 10510

under this division after such demonstration and after the 10511  
individual has entered into a written consent agreement. 10512

When the impaired dietician resumes practice, the board 10513  
shall require continued monitoring of the dietician. The 10514  
monitoring shall include compliance with the written consent 10515  
agreement entered into before reinstatement or with conditions 10516  
imposed by board order after a hearing, and, upon termination of 10517  
the consent agreement, submission to the board for at least two 10518  
years of annual written progress reports made under penalty of 10519  
falsification stating whether the dietician has maintained 10520  
sobriety. 10521

(C) One year or more after the date of suspension or 10522  
revocation of a license or permit under division (A) (1), (2), 10523  
(3), (5), or (6) of this section, an application for 10524  
reinstatement of the license or permit may be made to the board. 10525  
The board shall grant or deny reinstatement with a hearing, at 10526  
the request of the applicant, in accordance with Chapter 119. of 10527  
the Revised Code and may impose conditions upon the 10528  
reinstatement, including the requirement of passing an 10529  
examination approved by the board. 10530

**Sec. 4759.08.** (A) ~~The Ohio state medical board of~~ 10531  
~~dietetics~~ shall charge and collect fees as described in this 10532  
section for issuing the following: 10533

(1) An application for an initial dietitian license, or an 10534  
application for reactivation of an inactive license, one hundred 10535  
twenty-five dollars, and for reinstatement of a lapsed, revoked, 10536  
or suspended license, one hundred eighty dollars; 10537

(2) License renewal, ninety-five dollars; 10538

(3) A limited permit, and renewal of the permit, sixty- 10539

five dollars; 10540

(4) A duplicate license or permit, twenty dollars; 10541

(5) For processing a late application for renewal of any 10542  
license or permit, an additional fee equal to fifty per cent of 10543  
the fee for the renewal. 10544

(B) The board shall not require a licensed dietitian 10545  
holding an inactive license to pay the renewal fee. 10546

(C) Subject to the approval of the controlling board, the 10547  
~~Ohio state medical board of dietetics~~ may establish fees in 10548  
excess of the amounts provided in division (A) of this section, 10549  
provided that the fees do not exceed the amounts by greater than 10550  
fifty per cent. 10551

(D) The board may adopt rules pursuant to Chapter 119. of 10552  
the Revised Code to waive all or part of the fee for an initial 10553  
license if the license is issued within one hundred days of the 10554  
date of expiration of the license. 10555

(E) All receipts of the board shall be deposited in the 10556  
state treasury to the credit of the ~~occupational licensing and~~ 10557  
~~regulatory fund. All vouchers of the board shall be approved by~~ 10558  
~~the chairperson or secretary of the board, or both, as~~ 10559  
~~authorized by the board~~ state medical board operating fund in 10560  
accordance with section 4731.24 of the Revised Code. 10561

**Sec. 4759.09.** The ~~Ohio state medical board of dietetics~~ 10562  
shall notify in writing any person determined by the board to be 10563  
in violation of section 4759.02 of the Revised Code. The 10564  
notification shall state that the person may request a hearing 10565  
by the board within the amount of time specified by the board 10566  
pursuant to division (A) of section 4759.05 of the Revised Code. 10567  
If the person fails to request the hearing, or if the board 10568

determines from the hearing that the person is in violation of 10569  
section 4759.02 of the Revised Code, the board may apply to the 10570  
court of common pleas of the county in which the violation is 10571  
occurring for an injunction or other appropriate restraining 10572  
order to prohibit the continued violation of section 4759.02 of 10573  
the Revised Code. 10574

**Sec. 4759.10.** Sections 4759.01 to 4759.09 of the Revised 10575  
Code do not apply to any of the following: 10576

(A) A person licensed under Chapters 4701. to 4755. of the 10577  
Revised Code who is acting within the scope of the person's 10578  
profession, provided that the person complies with division (B) 10579  
of section 4759.02 of the Revised Code; 10580

(B) A person who is a graduate of an associate degree 10581  
program approved by the academy of nutrition and dietetics or 10582  
the ~~Ohio state medical board of dietetics~~ who is working as a 10583  
dietetic technician under the supervision of a dietitian 10584  
licensed under section 4759.06 of the Revised Code or registered 10585  
by the commission on dietetic registration, except that the 10586  
person is subject to division (B) of section 4759.02 of the 10587  
Revised Code if the person uses a title other than "dietetic 10588  
technician"; 10589

(C) A person who practices dietetics related to employment 10590  
in the armed forces, veteran's administration, or the public 10591  
health service of the United States; 10592

(D) Persons employed by a nonprofit agency approved by the 10593  
board or by a federal, state, municipal or county government, or 10594  
by any other political subdivision, elementary or secondary 10595  
school, or an institution of higher education approved by the 10596  
board or by a regional agency recognized by the council on 10597

postsecondary accreditation, who performs only nutritional 10598  
education activities and such other nutritional activities as 10599  
the state medical board of dietetics, by rule, permits, provided 10600  
the person does not violate division (B) of section 4759.02 of 10601  
the Revised Code; 10602

(E) A person who has completed a program meeting the 10603  
academic standards set for dietitians by the academy of 10604  
nutrition and dietetics, received a baccalaureate or higher 10605  
degree from a school, college, or university approved by a 10606  
regional accreditation agency recognized by the council on 10607  
postsecondary accreditation, works under the supervision of a 10608  
licensed dietitian or registered dietitian, and does not violate 10609  
division (B) of section 4759.02 of the Revised Code; 10610

(F) A person when acting, under the direction and 10611  
supervision of a person licensed under Chapters 4701. to 4755. 10612  
of the Revised Code, in the execution of a plan of treatment 10613  
authorized by the licensed person, provided the person complies 10614  
with division (B) of section 4759.02 of the Revised Code; 10615

(G) The free dissemination of literature in the state; 10616

(H) Provided that the persons involved in the sale, 10617  
promotion, or explanation of the sale of food, food materials, 10618  
or dietary supplements do not violate division (B) of section 10619  
4759.02 of the Revised Code, the sale of food, food materials, 10620  
or dietary supplements and the marketing and distribution of 10621  
food, food materials, or dietary supplements and the promotion 10622  
or explanation of the use of food, food materials, or dietary 10623  
supplements provided that the promotion or explanation does not 10624  
violate Chapter 1345. of the Revised Code; 10625

(I) A person who offers dietary supplements for sale and 10626

who makes the following statements about the product if the 10627  
statements are consistent with the dietary supplement's label or 10628  
labeling: 10629

(1) Claim a benefit related to a classical nutrient 10630  
deficiency disease and disclose the prevalence of the disease in 10631  
the United States; 10632

(2) Describe the role of a nutrient or dietary ingredient 10633  
intended to affect the structure or function of the human body; 10634

(3) Characterize the documented mechanism by which a 10635  
nutrient or dietary ingredient acts to maintain the structure or 10636  
function of the human body; 10637

(4) Describe general well-being from the consumption of a 10638  
nutrient or dietary ingredient. 10639

(J) Provided that the persons involved in presenting a 10640  
general program of instruction for weight control do not violate 10641  
division (B) of section 4759.02 of the Revised Code, a general 10642  
program of instruction for weight control approved in writing by 10643  
a licensed dietitian, a physician licensed under Chapter 4731. 10644  
of the Revised Code to practice medicine or surgery or 10645  
osteopathic medicine or surgery, a person licensed in another 10646  
state that the board considers to have substantially equivalent 10647  
licensure requirements as this state, or a registered dietitian; 10648

(K) The continued practice of dietetics at a hospital by a 10649  
person employed at that same hospital to practice dietetics for 10650  
the twenty years immediately prior to July 1, 1987, so long as 10651  
the person works under the supervision of a dietitian licensed 10652  
under section 4759.06 of the Revised Code and does not violate 10653  
division (B) of section 4759.02 of the Revised Code. This 10654  
division does not apply to any person who has held a license 10655

issued under this chapter to practice dietetics. As used in this 10656  
division, "hospital" has the same meaning as in section 3727.01 10657  
of the Revised Code. 10658

**Sec. 4759.11.** On receipt of a notice pursuant to section 10659  
3123.43 of the Revised Code, the state medical board of 10660  
~~dietetics~~ shall comply with sections 3123.41 to 3123.50 of the 10661  
Revised Code and any applicable rules adopted under section 10662  
3123.63 of the Revised Code with respect to a license issued 10663  
pursuant to this chapter. 10664

**Sec. 4759.12.** The ~~Ohio state medical board of dietetics~~ 10665  
shall comply with section 4776.20 of the Revised Code. 10666

**Sec. 4761.011.** Whenever the term "Ohio respiratory care 10667  
board" is used, referred to, or designated in any statute, rule, 10668  
contract, grant, or other document, the use, reference, or 10669  
designation shall be construed to mean the "state medical board" 10670  
unless another section of law expressly provides otherwise. 10671

Whenever the executive director of the Ohio respiratory 10672  
care board is referred to in a statute, contract, or other 10673  
instrument, the reference shall be construed to refer to the 10674  
executive director of the state medical board. 10675

**Sec. 4761.03.** The ~~Ohio respiratory care board state~~ 10676  
~~medical board~~ shall regulate the practice of respiratory care in 10677  
this state and the persons to whom the board issues licenses and 10678  
limited permits under this chapter ~~and shall license and~~ 10679  
~~register home medical equipment services providers under Chapter~~ 10680  
~~4752. of the Revised Code.~~ Rules adopted under this chapter that 10681  
deal with the provision of respiratory care in a hospital, other 10682  
than rules regulating the issuance of licenses or limited 10683  
permits, shall be consistent with the conditions for 10684

participation under medicare, Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended, and with the respiratory care accreditation standards of the joint commission on accreditation of healthcare organizations or the American osteopathic association.

The board shall:

(A) Adopt, and may rescind or amend, rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this chapter, including rules prescribing:

(1) The form and manner for filing applications for licensure and renewal, limited permits, and limited permit extensions under sections 4761.05 and 4761.06 of the Revised Code;

(2) The form, scoring, and scheduling of examinations and reexaminations for licensure and license renewal;

(3) Standards for the approval of educational programs required to qualify for licensure and continuing education programs required for license renewal;

(4) Continuing education courses and the number of hour requirements necessary for license renewal, in accordance with section 4761.06 of the Revised Code;

(5) Procedures for the issuance and renewal of licenses and limited permits, including the duties that may be fulfilled by the board's executive director and other board employees;

(6) Procedures for the denial, suspension, permanent revocation, refusal to renew, and reinstatement of licenses and limited permits, the conduct of hearings, and the imposition of fines for engaging in conduct that is grounds for such action



and hearings under section 4761.09 of the Revised Code;	10713
(7) Standards of ethical conduct for the practice of respiratory care;	10714 10715
(8) Conditions under which the license renewal fee and continuing education requirements may be waived at the request of a licensee who is not in active practice;	10716 10717 10718
(9) The respiratory care tasks that may be performed by an individual practicing as a polysomnographic technologist pursuant to division (B) (3) of section 4761.10 of the Revised Code;	10719 10720 10721 10722
(10) Procedures for registering out-of-state respiratory care providers authorized to practice in this state under division (A) (4) of section 4761.11 of the Revised Code;	10723 10724 10725
(11) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	10726 10727
(12) Procedures for accepting and storing copies of hyperbaric technologist certifications filed with the board pursuant to division (A) (11) of section 4761.11 of the Revised Code.	10728 10729 10730 10731
(B) Determine the sufficiency of an applicant's qualifications for admission to the licensing examination or a reexamination, and for the issuance or renewal of a license or limited permit;	10732 10733 10734 10735
(C) Determine the respiratory care educational programs that are acceptable for fulfilling the requirements of division (A) of section 4761.04 of the Revised Code;	10736 10737 10738
(D) Schedule, administer, and score the licensing examination or any reexamination for license renewal or	10739 10740

reinstatement. The board shall administer the licensing 10741  
examinations at least twice a year and notify applicants of the 10742  
time and place of the examinations. 10743

(E) Investigate complaints concerning alleged violations 10744  
of section 4761.10 of the Revised Code or grounds for the 10745  
suspension, permanent revocation, or refusal to issue licenses 10746  
or limited permits under section 3123.47 or 4761.09 of the 10747  
Revised Code. The board shall employ investigators who shall, 10748  
under the direction of the executive director of the board, 10749  
investigate complaints and make inspections and other inquiries 10750  
as, in the judgment of the board, are appropriate to enforce 10751  
sections 3123.41 to 3123.50, 4761.09, and 4761.10 of the Revised 10752  
Code. Pursuant to an investigation and inspection, the 10753  
investigators may review and audit records during normal 10754  
business hours at the place of business of a licensee or person 10755  
who is the subject of a complaint filed with the board or at any 10756  
place where the records are kept. 10757

Except when required by court order, the board and its 10758  
employees shall not disclose confidential information obtained 10759  
during an investigation or identifying information about any 10760  
person who files a complaint with the board. 10761

The board may hear testimony in matters relating to the 10762  
duties imposed upon it and issue subpoenas pursuant to an 10763  
investigation. The president and secretary of the board may 10764  
administer oaths. 10765

(F) Conduct hearings, keep records of its proceedings, and 10766  
do other things as are necessary and proper to carry out and 10767  
enforce the provisions of this chapter; 10768

(G) Maintain, publish, and make available upon request, 10769

for a fee not to exceed the actual cost of printing and mailing: 10770

(1) The requirements for the issuance of licenses and 10771  
limited permits under this chapter and rules adopted by the 10772  
board; 10773

~~(2) A current register of every person licensed to 10774  
practice respiratory care in this state, to include the 10775  
addresses of the person's last known place of business and 10776  
residence, the effective date and identification number of the 10777  
license, the name and location of the institution that granted 10778  
the person's degree or certificate of completion of respiratory 10779  
care educational requirements, and the date the degree or 10780  
certificate was issued; 10781~~

~~(3) A list of the names and locations of the institutions 10782  
that each year granted degrees or certificates of completion in 10783  
respiratory care; 10784~~

~~(4) (3) After the administration of each examination, a 10785  
list of persons who passed the examination. 10786~~

(H) Submit to the governor and to the general assembly 10787  
each year a report of all of its official actions during the 10788  
preceding year, together with any findings and recommendations 10789  
with regard to the improvement of the profession of respiratory 10790  
care; 10791

~~(I) Administer and enforce Chapter 4752. of the Revised 10792  
Code. 10793~~

**Sec. 4761.031.** The ~~Ohio respiratory care board state 10794  
medical board~~ may share any information it receives pursuant to 10795  
an investigation conducted under division (E) of section 4761.03 10796  
of the Revised Code, including patient records and patient 10797  
record information, with other licensing boards and governmental 10798

agencies that are investigating alleged professional misconduct 10799  
and with law enforcement agencies and other governmental 10800  
agencies that are investigating or prosecuting alleged criminal 10801  
offenses. A board or agency that receives the information shall 10802  
comply with the same requirements regarding confidentiality as 10803  
those with which the ~~Ohio respiratory care board~~ state medical 10804  
board must comply, notwithstanding any conflicting provision of 10805  
the Revised Code or procedure of the board or agency that 10806  
applies when the board or agency is dealing with other 10807  
information in its possession. The information may be admitted 10808  
into evidence in a criminal trial in accordance with the Rules 10809  
of Evidence, but the court shall require that appropriate 10810  
measures are taken to ensure that confidentiality is maintained 10811  
with respect to any part of the information that contains names 10812  
or other identifying information about persons whose 10813  
confidentiality was protected by the ~~Ohio respiratory care board~~ 10814  
state medical board when the information was in the board's 10815  
possession. Measures to ensure confidentiality that may be taken 10816  
by the court include sealing its records or deleting specific 10817  
information from its records. 10818

**Sec. 4761.04.** (A) Except as provided in division (B) of 10819  
this section, no person is eligible for licensure as a 10820  
respiratory care professional unless the person has shown, to 10821  
the satisfaction of the ~~Ohio respiratory care board~~ state 10822  
medical board, all of the following: 10823

(1) That the person is of good moral character; 10824

(2) That the person has successfully completed the 10825  
requirements of an educational program approved by the board 10826  
that includes instruction in the biological and physical 10827  
sciences, pharmacology, respiratory care theory, procedures, and 10828

clinical practice, and cardiopulmonary rehabilitation 10829  
techniques; 10830

(3) That the person has passed an examination administered 10831  
by the board that tests the applicant's knowledge of the basic 10832  
and clinical sciences relating to respiratory care theory and 10833  
practice, professional skills and judgment in the utilization of 10834  
respiratory care techniques, and such other subjects as the 10835  
board considers useful in determining fitness to practice. 10836

(B) The board may waive the requirements of division (A) 10837  
of this section with respect to any applicant who presents proof 10838  
of current licensure in another state whose standards for 10839  
licensure are at least equal to those in effect in this state on 10840  
the date of application. The board may waive the requirements of 10841  
divisions (A) (2) and (3) of this section with respect to any 10842  
applicant who presents proof of having successfully completed 10843  
any examination recognized by the board as meeting the 10844  
requirements of division (A) (3) of this section. 10845

**Sec. 4761.05.** (A) ~~The Ohio respiratory care board state~~ 10846  
medical board shall issue a license to any applicant who 10847  
complies with the requirements of section 4761.04 of the Revised 10848  
Code, files the prescribed application form, and pays the fee or 10849  
fees required under section 4761.07 of the Revised Code. The 10850  
license entitles the holder to practice respiratory care. The 10851  
licensee shall display the license in a conspicuous place at the 10852  
licensee's principal place of business. 10853

(B) (1) The board shall issue a limited permit to any 10854  
applicant who meets the requirements of division (A) (1) of 10855  
section 4761.04 of the Revised Code, files the prescribed 10856  
application form, pays the fee required under section 4761.07 of 10857  
the Revised Code, and meets either of the following 10858

requirements: 10859

(a) Is enrolled in and is in good standing in a 10860  
respiratory care educational program approved by the board that 10861  
meets the requirements of division (A) (2) of section 4761.04 of 10862  
the Revised Code leading to a degree or certificate of 10863  
completion or is a graduate of the program; 10864

(b) Is employed as a provider of respiratory care in this 10865  
state and was employed as a provider of respiratory care in this 10866  
state prior to March 14, 1989. 10867

(2) The limited permit authorizes the holder to provide 10868  
respiratory care under the supervision of a respiratory care 10869  
professional. A person issued a limited permit under division 10870  
(B) (1) (a) of this section may practice respiratory care under 10871  
the limited permit for not more than the earliest of the 10872  
following: 10873

(a) Three years after the date the limited permit is 10874  
issued; 10875

(b) One year following the date of receipt of a 10876  
certificate of completion from a board-approved respiratory care 10877  
education program; 10878

(c) Until the holder discontinues participation in the 10879  
educational program. 10880

The board may extend the term of a limited permit in cases 10881  
of unusual hardship. The holder seeking an extension shall 10882  
petition the board in the form and manner prescribed by the 10883  
board in rules adopted under section 4761.03 of the Revised 10884  
Code. This division does not require a student enrolled in an 10885  
educational program leading to a degree or certificate of 10886  
completion in respiratory care approved by the board to obtain a 10887

limited permit to perform any duties that are part of the 10888  
required course of study. 10889

(3) A person issued a limited permit under division (B)(1) 10890  
(b) of this section may practice under a limited permit for not 10891  
more than three years, except that this restriction does not 10892  
apply to a permit holder who, on March 14, 1989, has been 10893  
employed as a provider of respiratory care for an average of not 10894  
less than twenty-five hours per week for a period of not less 10895  
than five years by a hospital. 10896

(C) All holders of licenses and limited permits issued 10897  
under this section shall display, in a conspicuous place on 10898  
their persons, information that identifies the type of 10899  
authorization under which they practice. 10900

**Sec. 4761.051.** (A) As used in this section, "license" and 10901  
"applicant for an initial license" have the same meanings as in 10902  
section 4776.01 of the Revised Code, except that "license" as 10903  
used in both of those terms refers to the types of 10904  
authorizations otherwise issued or conferred under this chapter. 10905

(B) In addition to any other eligibility requirement set 10906  
forth in this chapter, each applicant for an initial license 10907  
shall comply with sections 4776.01 to 4776.04 of the Revised 10908  
Code. The ~~Ohio respiratory care board~~ state medical board shall 10909  
not grant a license to an applicant for an initial license 10910  
unless the applicant complies with sections 4776.01 to 4776.04 10911  
of the Revised Code and the board, in its discretion, decides 10912  
that the results of the criminal records check do not make the 10913  
applicant ineligible for a license issued pursuant to section 10914  
4761.05 of the Revised Code. 10915

**Sec. 4761.06.** (A) Each license to practice respiratory 10916

care shall be renewed biennially. Each limited permit to 10917  
practice respiratory care shall be renewed annually. Each person 10918  
holding a license or limited permit to practice respiratory care 10919  
shall apply to the ~~Ohio respiratory care board~~ state medical 10920  
board on the form and according to the schedule prescribed by 10921  
the board for renewal of the license or limited permit. Licenses 10922  
and limited permits shall be renewed in accordance with the 10923  
standard renewal procedure of Chapter 4745. of the Revised Code. 10924  
The board shall renew a license upon the payment of the license 10925  
renewal fee prescribed under section 4761.07 of the Revised Code 10926  
and proof of satisfactory completion of the continuing education 10927  
or reexamination requirements of division (B) of this section. 10928  
The board shall renew a limited permit upon payment of the 10929  
limited permit renewal fee prescribed under section 4761.07 of 10930  
the Revised Code and submission of one of the following: 10931

(1) If the limited permit was issued on the basis of 10932  
division (B) (1) (a) of section 4761.05 of the Revised Code, proof 10933  
acceptable to the board of enrollment and good standing in an 10934  
educational program that meets the requirements of division (A) 10935  
(2) of section 4761.04 of the Revised Code or of graduation from 10936  
such a program; 10937

(2) If the limited permit was issued on the basis of 10938  
division (B) (1) (b) of section 4761.05 of the Revised Code, proof 10939  
acceptable to the board of employment as a provider of 10940  
respiratory care. 10941

(B) On and after March 14, 1991, and every year 10942  
thereafter, on or before the annual renewal date, the holder of 10943  
a limited permit issued under division (B) (1) (b) of section 10944  
4761.05 of the Revised Code shall submit proof to the board that 10945  
the holder has satisfactorily completed the number of hours of 10946



continuing education required by the board, which shall not be 10947  
less than three nor more than ten hours of continuing education 10948  
acceptable to the board. 10949

On or before the biennial renewal date, a license holder 10950  
shall submit proof to the board that the license holder has 10951  
satisfactorily completed the number of hours of continuing 10952  
education required by the board, which shall be not less than 10953  
six nor more than twenty hours of continuing education 10954  
acceptable to the board, or has passed a reexamination in 10955  
accordance with the board's renewal requirements. The board may 10956  
waive all or part of the continuing education requirement for a 10957  
license holder who has held the license for less than two years. 10958

**Sec. 4761.07.** (A) The ~~Ohio respiratory care board~~ state 10959  
medical board shall charge any license applicant or holder who 10960  
is to take an examination required under division (A) (3) of 10961  
section 4761.04 or a reexamination required under division (B) 10962  
of section 4761.06 of the Revised Code for license renewal or 10963  
under section 4761.09 of the Revised Code for license 10964  
reinstatement, a nonrefundable examination fee, not to exceed 10965  
the amount necessary to cover the expense of administering the 10966  
examination. The license applicant or holder shall pay the fee 10967  
at the time of application for licensure or renewal. 10968

(B) The board shall establish the following additional 10969  
nonrefundable fees and penalty: 10970

(1) An initial license fee, not to exceed seventy-five 10971  
dollars; 10972

(2) A biennial license renewal fee, not to exceed one 10973  
hundred dollars; 10974

(3) A limited permit fee, not to exceed twenty dollars; 10975

(4) A limited permit renewal fee, not to exceed ten dollars; 10976  
10977

(5) A late renewal penalty, not to exceed fifty per cent of the renewal fee; 10978  
10979

(6) A fee for accepting and storing hyperbaric technologist certifications filed with the board under division (A) (11) of section 4761.11 of the Revised Code, not to exceed twenty dollars. 10980  
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(C) Notwithstanding division (B) (4) of this section, after the third renewal of a limited permit that meets the exception in division (B) (3) of section 4761.05 of the Revised Code, the limited permit renewal fee shall be one-half the amount of the biennial license renewal fee established under division (B) (2) of this section and section 4761.08 of the Revised Code. 10984  
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(D) The board shall adjust the fees biennially and within the limits established by division (B) of this section to provide sufficient revenues to meet its expenses. 10990  
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(E) The board may, by rule, provide for the waiver of all or part of a license fee when the license is issued less than eighteen months before its expiration date. 10993  
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(F) All fees received by the board shall be deposited into the state treasury to the credit of the ~~occupational licensing and regulatory fund~~ state medical board operating fund pursuant to section 4731.24 of the Revised Code. 10996  
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**Sec. 4761.08.** ~~The Ohio respiratory care board~~ state medical board, subject to the approval of the controlling board, may establish fees, except fees established at amounts adequate to cover designated expenses, in excess of the amounts provided in this chapter. The fees shall not exceed the amounts specified 11000  
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by more than fifty per cent. 11005

**Sec. 4761.09.** (A) The ~~Ohio respiratory care board~~ state  
medical board may refuse to issue or renew a license or a 11006  
limited permit, may issue a reprimand, may suspend or 11007  
permanently revoke a license or limited permit, or may place a 11008  
license or limited permit holder on probation, on any of the 11009  
following grounds: 11010  
11011

(1) A plea of guilty to, a judicial finding of guilt of, 11012  
or a judicial finding of eligibility for intervention in lieu of 11013  
conviction for an offense involving moral turpitude or of a 11014  
felony, in which case a certified copy of the court record shall 11015  
be conclusive evidence of the matter; 11016

(2) Violating any provision of this chapter or an order or 11017  
rule of the board; 11018

(3) Assisting another person in that person's violation of 11019  
any provision of this chapter or an order or rule of the board; 11020

(4) Obtaining a license or limited permit by means of 11021  
fraud, false or misleading representation, or concealment of 11022  
material facts or making any other material misrepresentation to 11023  
the board; 11024

(5) Being guilty of negligence or gross misconduct in the 11025  
practice of respiratory care; 11026

(6) Violating the standards of ethical conduct adopted by 11027  
the board, in the practice of respiratory care; 11028

(7) Engaging in dishonorable, unethical, or unprofessional 11029  
conduct of a character likely to deceive, defraud, or harm the 11030  
public; 11031

(8) Using any dangerous drug, as defined in section 11032

4729.01 of the Revised Code, or alcohol to the extent that the use impairs the ability to practice respiratory care at an acceptable level of competency; 11033  
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(9) Practicing respiratory care while mentally incompetent; 11036  
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(10) Accepting commissions, rebates, or other forms of remuneration for patient referrals; 11038  
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(11) Practicing in an area of respiratory care for which the person is clearly untrained or incompetent or practicing in a manner that conflicts with section 4761.17 of the Revised Code; 11040  
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(12) Employing, directing, or supervising a person who is not authorized to practice respiratory care under this chapter in the performance of respiratory care procedures; 11044  
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(13) Misrepresenting educational attainments or authorized functions for the purpose of obtaining some benefit related to the practice of respiratory care; 11047  
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(14) Assisting suicide as defined in section 3795.01 of the Revised Code. 11050  
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Before the board may take any action under this section, other than issuance of a summary suspension order under division (C) of this section, the executive director of the board shall prepare and file written charges with the board. Disciplinary actions taken by the board under this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by the board, shall constitute 11052  
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the findings and order of the board with respect to the matter 11062  
addressed in the agreement. If the board refuses to ratify a 11063  
consent agreement, the admissions and findings contained in the 11064  
consent agreement shall be of no effect. 11065

(B) If the board orders a license or limited permit holder 11066  
placed on probation, the order shall be accompanied by a written 11067  
statement of the conditions under which the person may be 11068  
restored to practice. 11069

The person may reapply to the board for original issuance 11070  
of a license after one year following the date the license was 11071  
denied. 11072

~~A~~ Except as otherwise provided in division (D) of this 11073  
section, a person may apply to the board for the reinstatement 11074  
of a license or limited permit after one year following the date 11075  
of suspension or refusal to renew. The board may accept or 11076  
refuse the application for reinstatement and may require that 11077  
the applicant pass a reexamination as a condition of eligibility 11078  
for reinstatement. 11079

(C) If the president and secretary of the board determine 11080  
that there is clear and convincing evidence that a license or 11081  
limited permit holder has committed an act that is grounds for 11082  
board action under division (A) of this section and that 11083  
continued practice by the license or permit holder presents a 11084  
danger of immediate and serious harm to the public, the 11085  
president and secretary may recommend that the board suspend the 11086  
license or limited permit without a prior hearing. The president 11087  
and secretary shall submit in writing to the board the 11088  
allegations causing them to recommend the suspension. 11089

On review of the allegations, the board, by a vote of not 11090

less than seven of its members, may suspend a license or limited permit without a prior hearing. The board may review the allegations and vote on the suspension by a telephone conference call.

If the board votes to suspend a license or limited permit under this division, the board shall issue a written order of summary suspension to the license or limited permit holder in accordance with section 119.07 of the Revised Code. If the license or limited permit holder requests a hearing by the board, the board shall conduct the hearing in accordance with Chapter 119. of the Revised Code. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the board's order of summary suspension pending determination of an appeal filed under that section.

Any order of summary suspension issued under this division shall remain in effect until a final adjudication order issued by the board pursuant to division (A) of this section becomes effective. The board shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

(D) For purposes of this division, any individual who holds a license or permit issued under this chapter, or applies for a license or permit to practice respiratory care, 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. 11121

For purposes of division (A) (8) of this section, if the 11122  
board has reason to believe that any individual who holds a 11123  
license or permit issued under this chapter or any applicant for 11124  
a license or permit suffers such impairment, the board may 11125  
compel the individual to submit to a mental or physical 11126  
examination, or both. The expense of the examination is the 11127  
responsibility of the individual compelled to be examined. Any 11128  
mental or physical examination required under this division 11129  
shall be undertaken by a treatment provider or physician 11130  
qualified to conduct such examination and chosen by the board. 11131

Failure to submit to a mental or physical examination 11132  
ordered by the board constitutes an admission of the allegations 11133  
against the individual unless the failure is due to 11134  
circumstances beyond the individual's control, and a default and 11135  
final order may be entered without the taking of testimony or 11136  
presentation of evidence. If the board determines that the 11137  
individual's ability to practice is impaired, the board shall 11138  
suspend the individual's license or permit or deny the 11139  
individual's application and shall require the individual, as a 11140  
condition for initial, continued, reinstated, or renewed 11141  
licensure, to submit to treatment. 11142

Before being eligible to apply for reinstatement of a 11143  
license or permit suspended under this division, the respiratory 11144  
care professional shall demonstrate to the board the ability to 11145  
resume practice in compliance with acceptable and prevailing 11146  
standards of care. The demonstration shall include the 11147  
following: 11148

(1) Certification from a treatment provider approved under 11149  
section 4731.25 of the Revised Code that the individual has 11150

successfully completed any required inpatient treatment; 11151

(2) Evidence of continuing full compliance with an 11152  
aftercare contract or consent agreement; 11153

(3) Two written reports indicating that the individual's 11154  
ability to practice has been assessed and that the individual 11155  
has been found capable of practicing according to acceptable and 11156  
prevailing standards of care. The reports shall be made by 11157  
individuals or providers approved by the board for making such 11158  
assessments and shall describe the basis for their 11159  
determination. 11160

The board may reinstate a license or permit suspended 11161  
under this division after such demonstration and after the 11162  
individual has entered into a written consent agreement. 11163

When the impaired respiratory care professional resumes 11164  
practice, the board shall require continued monitoring of the 11165  
respiratory care professional. The monitoring shall include 11166  
compliance with the written consent agreement entered into 11167  
before reinstatement or with conditions imposed by board order 11168  
after a hearing, and, upon termination of the consent agreement, 11169  
submission to the board for at least two years of annual written 11170  
progress reports made under penalty of falsification stating 11171  
whether the respiratory care professional has maintained 11172  
sobriety. 11173

**Sec. 4761.10.** (A) No person shall offer or render 11174  
respiratory care services, or represent that the person is a 11175  
respiratory care professional, respiratory therapist, 11176  
respiratory technologist, respiratory care technician, 11177  
respiratory practitioner, inhalation therapist, inhalation 11178  
technologist, or inhalation therapy technician, or to have any 11179



similar title or to provide these services under a similar 11180  
description, unless the person holds a license or limited permit 11181  
issued under this chapter. No partnership, association, or 11182  
corporation shall advertise or otherwise offer to provide or 11183  
convey the impression that it is providing respiratory care 11184  
unless an individual holding a license or limited permit issued 11185  
under this chapter is employed by or under contract with the 11186  
partnership, association, or corporation and will be performing 11187  
the respiratory care services to which reference is made. 11188

(B) Notwithstanding the provisions of division (A) of this 11189  
section, all of the following apply: 11190

(1) In the case of a hospital or nursing facility, some 11191  
limited aspects of respiratory care services such as measuring 11192  
blood pressure and taking blood samples may be performed by 11193  
persons demonstrating current competence in such procedures, as 11194  
long as the person acts under the direction of a physician or 11195  
the delegation of a registered nurse and the person does not 11196  
represent that the person is engaged in the practice of 11197  
respiratory care. The above limited aspects of respiratory care 11198  
do not include any of the following: the administration of 11199  
aerosol medication, the maintenance of patients on mechanical 11200  
ventilators, aspiration, and the application and maintenance of 11201  
artificial airways. 11202

(2) In the case of a facility, institution, or other 11203  
setting that exists for a purpose substantially other than the 11204  
provision of health care, if nursing tasks are delegated by a 11205  
registered nurse as provided in Chapter 4723. of the Revised 11206  
Code and the rules adopted under it, respiratory care tasks may 11207  
be performed under that delegation by persons demonstrating 11208  
current competence in performing the tasks, as long as the 11209

person does not represent that the person is engaged in the 11210  
practice of respiratory care. 11211

(3) A polysomnographic technologist credentialed by an 11212  
organization the ~~Ohio respiratory care board~~ state medical board 11213  
recognizes, a trainee under the direct supervision of a 11214  
polysomnographic technologist credentialed by an organization 11215  
the board recognizes, or a person the board recognizes as being 11216  
eligible to be credentialed as a polysomnographic technologist 11217  
may perform the respiratory care tasks specified in rules 11218  
adopted under section 4761.03 of the Revised Code, as long as 11219  
both of the following apply: 11220

(a) The tasks are performed in the diagnosis and 11221  
therapeutic intervention of sleep-related breathing disorders 11222  
and under the general supervision of a physician. 11223

(b) The person performing the tasks does not represent 11224  
that the person is engaged in the practice of respiratory care. 11225

(c) If the ~~Ohio respiratory care board~~ state medical board 11226  
finds that any person, including any partnership, association, 11227  
or corporation, has engaged or is engaging in any activity or 11228  
conduct that is prohibited under division (A) of this section or 11229  
rules of the board, or that is grounds for the denial, 11230  
suspension, or permanent revocation of a person's license under 11231  
section 4761.09 of the Revised Code, it may apply to the court 11232  
of common pleas in the county in which the violation occurred 11233  
for an order restraining the unlawful activity or conduct, 11234  
including the continued practice of respiratory care. Upon a 11235  
showing that the law or rule has been violated, or the person 11236  
has engaged in conduct constituting such grounds, the court may 11237  
issue an injunction or other appropriate restraining order. 11238

**Sec. 4761.11.** (A) Nothing in this chapter shall be 11239  
construed to prevent or restrict the practice, services, or 11240  
activities of any person who: 11241

(1) Is a health care professional licensed by this state 11242  
providing respiratory care services included in the scope of 11243  
practice established by the license held, as long as the person 11244  
does not represent that the person is engaged in the practice of 11245  
respiratory care; 11246

(2) Is employed as a respiratory care professional by an 11247  
agency of the United States government and provides respiratory 11248  
care solely under the direction or control of the employing 11249  
agency; 11250

(3) Is a student enrolled in a board-approved respiratory 11251  
care education program leading to a certificate of completion in 11252  
respiratory care and is performing duties that are part of a 11253  
supervised course of study; 11254

(4) Is a nonresident of this state practicing or offering 11255  
to practice respiratory care, if the respiratory care services 11256  
are offered for not more than thirty days in a year, services 11257  
are provided under the supervision of a respiratory care 11258  
professional licensed under this chapter, and the nonresident 11259  
registers with the board in accordance with rules adopted by the 11260  
board under section 4761.03 of the Revised Code and meets either 11261  
of the following requirements: 11262

(a) Qualifies for licensure under this chapter, except for 11263  
passage of the examination required under division (A) (3) of 11264  
section 4761.04 of the Revised Code; 11265

(b) Holds a valid license issued by a state that has 11266  
licensure requirements considered by the state medical board to 11267

be comparable to those of this state and has not been issued a license in another state that has been revoked or is currently under suspension or on probation.

(5) Provides respiratory care only to relatives or in medical emergencies;

(6) Provides gratuitous care to friends or personal family members;

(7) Provides only self care;

(8) Is employed in the office of a physician and renders medical assistance under the physician's direct supervision without representing that the person is engaged in the practice of respiratory care;

(9) Is employed in a clinical chemistry or arterial blood gas laboratory and is supervised by a physician without representing that the person is engaged in the practice of respiratory care;

(10) Is engaged in the practice of respiratory care as an employee of a person or governmental entity located in another state and provides respiratory care services for less than seventy-two hours to patients being transported into, out of, or through this state;

(11) Is employed as a certified hyperbaric technologist, has filed with the board a copy of the person's current certification as a hyperbaric technologist in accordance with the rules adopted by the board under section 4761.03 of the Revised Code, has paid the fee established pursuant to section 4761.07 of the Revised Code, and administers hyperbaric oxygen therapy under the direct supervision of a physician, a physician assistant, or an advanced practice registered nurse and without

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representing that the person is engaged in the practice of 11297  
respiratory care. 11298

(B) Nothing in this chapter shall be construed to prevent 11299  
any person from advertising, describing, or offering to provide 11300  
respiratory care or billing for respiratory care when the 11301  
respiratory care services are provided by a health care 11302  
professional licensed by this state practicing within the scope 11303  
of practice established by the license held. Nothing in this 11304  
chapter shall be construed to prevent a hospital or nursing 11305  
facility from advertising, describing, or offering to provide 11306  
respiratory care, or billing for respiratory care rendered by a 11307  
person licensed under this chapter or persons who may provide 11308  
limited aspects of respiratory care or respiratory care tasks 11309  
pursuant to division (B) of section 4761.10 of the Revised Code. 11310

(C) Notwithstanding division (A) of section 4761.10 of the 11311  
Revised Code, in a life-threatening situation, in the absence of 11312  
licensed personnel, unlicensed persons shall not be prohibited 11313  
from taking life-saving measures. 11314

(D) Nothing in this chapter shall be construed as 11315  
authorizing a respiratory care professional to practice medicine 11316  
and surgery or osteopathic medicine and surgery. This division 11317  
does not prohibit a respiratory care professional from 11318  
administering topical or intradermal medications for the purpose 11319  
of producing localized decreased sensation as part of a 11320  
procedure or task that is within the scope of practice of a 11321  
respiratory care professional. 11322

**Sec. 4761.12.** On receipt of a notice pursuant to section 11323  
3123.43 of the Revised Code, the ~~respiratory care board~~ state 11324  
medical board shall comply with sections 3123.41 to 3123.50 of 11325  
the Revised Code and any applicable rules adopted under section 11326

3123.63 of the Revised Code with respect to a license or permit 11327  
issued pursuant to this chapter. 11328

**Sec. 4761.13.** (A) As used in this section, "prosecutor" 11329  
has the same meaning as in section 2935.01 of the Revised Code. 11330

(B) The prosecutor in any case against any respiratory 11331  
care professional or an individual holding a limited permit 11332  
issued under this chapter shall promptly notify the ~~Ohio~~ 11333  
~~respiratory care board~~ state medical board of any of the 11334  
following: 11335

(1) A plea of guilty to, or a finding of guilt by a jury 11336  
or court of, a felony, or a case in which the trial court issues 11337  
an order of dismissal upon technical or procedural grounds of a 11338  
felony charge; 11339

(2) A plea of guilty to, or a finding of guilt by a jury 11340  
or court of, a misdemeanor committed in the course of practice, 11341  
or a case in which the trial court issues an order of dismissal 11342  
upon technical or procedural grounds of a charge of a 11343  
misdemeanor, if the alleged act was committed in the course of 11344  
practice; 11345

(3) A plea of guilty to, or a finding of guilt by a jury 11346  
or court of, a misdemeanor involving moral turpitude, or a case 11347  
in which the trial court issues an order of dismissal upon 11348  
technical or procedural grounds of a charge of a misdemeanor 11349  
involving moral turpitude. 11350

(C) The report shall include the name and address of the 11351  
respiratory care professional or person holding a limited 11352  
permit, the nature of the offense for which the action was 11353  
taken, and the certified court documents recording the action. 11354  
The board may prescribe and provide forms for prosecutors to 11355

make reports under this section. The form may be the same as the 11356  
form required to be provided under section 2929.42 of the 11357  
Revised Code. 11358

**Sec. 4761.14.** An employer that disciplines or terminates 11359  
the employment of a respiratory care professional or individual 11360  
holding a limited permit issued under this chapter because of 11361  
conduct that would be grounds for disciplinary action under 11362  
section 4761.09 of the Revised Code shall report the action to 11363  
~~the Ohio respiratory care board~~ state medical board. The report 11364  
shall state the name of the respiratory care professional or 11365  
individual holding the limited permit and the reason the 11366  
employer took the action. If an employer fails to report to the 11367  
board, the board may seek an order from a court of competent 11368  
jurisdiction compelling submission of the report. 11369

**Sec. 4761.18.** The ~~Ohio respiratory care board~~ state 11370  
medical board shall comply with section 4776.20 of the Revised 11371  
Code. 11372

**Sec. 4776.01.** As used in this chapter: 11373

(A) "License" means an authorization evidenced by a 11374  
license, certificate, registration, permit, card, or other 11375  
authority that is issued or conferred by a licensing agency to a 11376  
licensee or to an applicant for an initial license by which the 11377  
licensee or initial license applicant has or claims the 11378  
privilege to engage in a profession, occupation, or occupational 11379  
activity, or, except in the case of the state dental board, to 11380  
have control of and operate certain specific equipment, 11381  
machinery, or premises, over which the licensing agency has 11382  
jurisdiction. 11383

(B) Except as provided in section 4776.20 of the Revised 11384

Code, "licensee" means the person to whom the license is issued 11385  
by a licensing agency. 11386

(C) Except as provided in section 4776.20 of the Revised 11387  
Code, "licensing agency" means any of the following: 11388

(1) The board authorized by Chapters 4701., 4717., 4725., 11389  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4753., 11390  
4755., 4757., 4758., 4759., 4760., 4761., 4762., 4779., and 11391  
4783. of the Revised Code to issue a license to engage in a 11392  
specific profession, occupation, or occupational activity, or to 11393  
have charge of and operate certain specified equipment, 11394  
machinery, or premises. 11395

(2) The state dental board, relative to its authority to 11396  
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 11397  
or 4715.27 of the Revised Code. 11398

(D) "Applicant for an initial license" includes persons 11399  
seeking a license for the first time and persons seeking a 11400  
license by reciprocity, endorsement, or similar manner of a 11401  
license issued in another state. 11402

(E) "Applicant for a restored license" includes persons 11403  
seeking restoration of a certificate under section 4730.14, 11404  
4731.281, 4760.06, or 4762.06 of the Revised Code. 11405

(F) "Criminal records check" has the same meaning as in 11406  
section 109.572 of the Revised Code. 11407

**Sec. 4779.02.** (A) Except as provided in division (B) of 11408  
this section, no person shall practice or represent that the 11409  
person is authorized to practice orthotics, prosthetics, or 11410  
pedorthics unless the person holds a current, valid license 11411  
issued or renewed under this chapter. 11412



(B) Division (A) of this section does not apply to any of 11413  
the following: 11414

(1) An individual who holds a current, valid license, 11415  
certificate, or registration issued under Chapter 4723., 4729., 11416  
4730., 4731., 4734., or 4755. of the Revised Code and is 11417  
practicing within the individual's scope of practice under 11418  
statutes and rules regulating the individual's profession; 11419

(2) An individual who practices orthotics, prosthetics, or 11420  
pedorthics as an employee of the federal government and is 11421  
engaged in the performance of duties prescribed by statutes and 11422  
regulations of the United States; 11423

(3) An individual who provides orthotic, prosthetic, or 11424  
pedorthic services under the supervision of a licensed 11425  
orthotist, prosthetist, or pedorthist in accordance with section 11426  
4779.04 of the Revised Code; 11427

(4) An individual who provides orthotic, prosthetic, or 11428  
pedorthic services as part of an educational, certification, or 11429  
residency program approved by the state physical health services 11430  
~~board of orthotics, prosthetics, and pedorthics~~ under sections 11431  
4779.25 to 4779.27 of the Revised Code; 11432

(5) An individual who provides orthotic, prosthetic, or 11433  
pedorthic services under the direct supervision of an individual 11434  
authorized under Chapter 4731. of the Revised Code to practice 11435  
medicine and surgery or osteopathic medicine and surgery. 11436

**Sec. 4779.08.** (A) The state physical health services board 11437  
~~of orthotics, prosthetics, and pedorthics~~ shall adopt rules in 11438  
accordance with Chapter 119. of the Revised Code to carry out 11439  
the purposes of this chapter, including rules prescribing all of 11440  
the following: 11441

(1) The form and manner of filing of applications to be admitted to examinations and for licensure and license renewal;	11442 11443
(2) Standards and procedures for formulating, evaluating, approving, and administering licensing examinations or recognizing other entities that conduct examinations;	11444 11445 11446
(3) The form, scoring, and scheduling of licensing examinations;	11447 11448
(4) Fees for examinations and applications for licensure and license renewal;	11449 11450
(5) Fees for approval of continuing education courses;	11451
(6) Procedures for issuance, renewal, suspension, and revocation of licenses and the conduct of disciplinary hearings;	11452 11453
<del>(7) Standards of ethical and professional conduct in the practice of orthotics, prosthetics, and pedorthics;</del>	11454 11455
<del>(8) Standards for approving national certification organizations in orthotics, prosthetics, and pedorthics;</del>	11456 11457
<del>(9) (8) Fines for violations of this chapter;</del>	11458
<del>(10) (9) Standards for the recognition and approval of educational programs required for licensure, including standards for approving foreign educational credentials;</del>	11459 11460 11461
<del>(11) (10) Standards for continuing education programs required for license renewal;</del>	11462 11463
<del>(12) Provisions for making available the information described in section 4779.22 of the Revised Code;</del>	11464 11465
<del>(13) (11) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.</del>	11466 11467

(B) The board may adopt any other rules necessary for the 11468  
administration of this chapter. 11469

(C) ~~The All fees prescribed received by the board under~~ 11470  
~~this section shall be paid to the treasurer of~~ deposited in the 11471  
~~state, who shall deposit the fees in~~ treasury to the credit of 11472  
the occupational licensing and regulatory fund established in 11473  
section 4743.05 of the Revised Code. 11474

**Sec. 4779.09.** An applicant for a license to practice 11475  
orthotics, prosthetics, orthotics and prosthetics, or pedorthics 11476  
shall apply to the state physical health services board ~~of~~ 11477  
~~orthotics, prosthetics, and pedorthics~~ in accordance with rules 11478  
adopted under section 4779.08 of the Revised Code and pay the 11479  
application fee specified in the rules. The board shall issue a 11480  
license to an applicant who is eighteen years of age or older, 11481  
of good moral character, and meets either the requirements of 11482  
divisions (A) and (B) of this section or the requirements of 11483  
section ~~4779.16 or~~ 4779.17 of the Revised Code. 11484

(A) The applicant must pass an examination conducted 11485  
pursuant to section 4779.15 of the Revised Code; 11486

(B) The applicant must meet the requirements of one of the 11487  
following: 11488

(1) In the case of an applicant for a license to practice 11489  
orthotics, the requirements of section 4779.10 of the Revised 11490  
Code; 11491

(2) In the case of an applicant for a license to practice 11492  
prosthetics, the requirements of section 4779.11 of the Revised 11493  
Code; 11494

(3) In the case of an applicant for a license to practice 11495  
orthotics and prosthetics, the requirements of section 4779.12 11496

of the Revised Code; 11497

(4) In the case of an applicant for a license to practice 11498  
pedorthics, the requirements of section 4779.13 of the Revised 11499  
Code. 11500

**Sec. 4779.091.** (A) As used in this section, "license" and 11501  
"applicant for an initial license" have the same meanings as in 11502  
section 4776.01 of the Revised Code, except that "license" as 11503  
used in both of those terms refers to the types of 11504  
authorizations otherwise issued or conferred under this chapter. 11505

(B) In addition to any other eligibility requirement set 11506  
forth in this chapter, each applicant for an initial license 11507  
shall comply with sections 4776.01 to 4776.04 of the Revised 11508  
Code. The state physical health services board ~~of orthotics,~~ 11509  
~~prosthetics, and pedorthics~~ shall not grant a license to an 11510  
applicant for an initial license unless the applicant complies 11511  
with sections 4776.01 to 4776.04 of the Revised Code and the 11512  
board, in its discretion, decides that the results of the 11513  
criminal records check do not make the applicant ineligible for 11514  
a license issued pursuant to section 4779.09, ~~4779.16,~~ 4779.17, 11515  
or 4779.18 of the Revised Code. 11516

**Sec. 4779.10.** To be eligible for a license to practice 11517  
orthotics, an applicant must meet the following requirements ~~of~~ 11518  
~~division (A) of this section, or, if the application is made on~~ 11519  
~~or before January 1, 2008, the requirements of either division~~ 11520  
~~(A) or (B) of this section:~~ 11521

(A) ~~The requirements of this division are met if the~~ 11522  
~~applicant is in compliance with divisions (A) (1), (2), and (3)~~ 11523  
~~of this section.~~ 11524

~~(1)~~ On the date of application, the applicant has 11525

practiced orthotics for not less than eight months under the 11526  
supervision of an individual licensed under this chapter to 11527  
practice orthotics~~†~~. 11528

~~(2)~~ (B) The applicant has completed an orthotics residency 11529  
program approved by the state physical health services board 11530  
under section 4779.27 of the Revised Code~~†~~. 11531

~~(3)~~ (C) One of the following is the case: 11532

~~(a)~~ (1) The applicant holds a bachelor's degree in 11533  
orthotics and prosthetics from an accredited college or 11534  
university whose orthotics and prosthetics program is recognized 11535  
by the ~~state board of orthotics, prosthetics, and pedorthics~~ 11536  
under section 4779.25 of the Revised Code or an equivalent 11537  
educational credential from a foreign educational institution 11538  
recognized by the board~~†~~. 11539

~~(b)~~ (2) The applicant holds a bachelor's degree in a 11540  
subject other than orthotics and prosthetics or an equivalent 11541  
educational credential from a foreign educational institution 11542  
recognized by the board and has completed a certificate program 11543  
in orthotics recognized by the board under section 4779.26 of 11544  
the Revised Code. 11545

~~(B)~~ This division applies to applications made on or 11546  
before January 1, 2008. The requirements of this division are 11547  
met if the applicant is in compliance with division (B) (1) or 11548  
~~(B) (2) (a) or (b) of this section:~~ 11549

~~(1)~~ If application is made on or before January 1, 2006, 11550  
the applicant meets all of the following requirements: 11551

~~(a)~~ Holds an associate's degree or higher from an 11552  
accredited college or university or an equivalent credential 11553  
from a foreign educational institution recognized by the board~~†~~ 11554

~~(b) Has completed a certificate program in orthotics recognized by the board under section 4779.26 of the Revised Code;~~ 11555  
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~~(c) Has three years of documented, full-time experience practicing or teaching orthotics.~~ 11558  
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~~(2) If the application is made on or before January 1, 2008, the applicant meets the requirements of division (B) (2) (a) or (b) of this section:~~ 11560  
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~~(a) (i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~ 11563  
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~~(ii) The applicant holds a valid certificate in orthotics issued by the American board for certification in orthotics and prosthetics, the board for orthotist/prosthetist certification, or an equivalent successor organization recognized by the board;~~ 11567  
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~~(iii) The applicant has completed three years of documented, full-time experience practicing or teaching orthotics.~~ 11571  
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~~(b) (i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~ 11574  
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~~(ii) The applicant has completed a certificate program in orthotics recognized by the board under section 4779.26 of the Revised Code;~~ 11578  
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~~(iii) The applicant has completed a residency program in orthotics recognized by the board under section 4779.27 of the~~ 11581  
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~~Revised Code or has three years of documented, full-time  
experience practicing or teaching orthotics.~~ 11583  
11584

**Sec. 4779.11.** To be eligible for a license to practice 11585  
prosthetics, an applicant must meet the following requirements 11586  
~~of division (A) of this section, or, if the application is made-~~ 11587  
~~on or before January 1, 2008, the requirements of either~~ 11588  
~~division (A) or (B) of this section:~~ 11589

~~(A) The requirements of this division are met if the~~ 11590  
~~applicant is in compliance with divisions (A) (1), (2), and (3)-~~ 11591  
~~of this section.~~ 11592

~~(1) On the date of application, the applicant has~~ 11593  
~~practiced prosthetics for not less than eight months under the~~ 11594  
~~supervision of an individual licensed under this chapter to~~ 11595  
~~practice prosthetics.~~ 11596

~~(2) (B) The applicant has completed a prosthetics~~ 11597  
~~residency program approved by the state physical health services~~ 11598  
~~board under section 4779.27 of the Revised Code.~~ 11599

~~(3) (C) One of the following is the case:~~ 11600

~~(a) (1) The applicant holds a bachelor's degree in~~ 11601  
~~orthotics and prosthetics from an accredited college or~~ 11602  
~~university whose orthotics and prosthetics program is recognized~~ 11603  
~~by the ~~state board of orthotics, prosthetics, and pedorthics-~~~~ 11604  
~~under section 4779.25 of the Revised Code or an equivalent~~ 11605  
~~educational credential from a foreign educational institution~~ 11606  
~~recognized by the board.~~ 11607

~~(b) (2) The applicant holds a bachelor's degree in a~~ 11608  
~~subject other than orthotics and prosthetics or an equivalent~~ 11609  
~~educational credential from a foreign educational institution~~ 11610  
~~recognized by the board and has completed a certificate program~~ 11611

in prosthetics recognized by the board under section 4779.26 of 11612  
the Revised Code. 11613

~~(B) This division applies to applications made on or 11614  
before January 1, 2008. The requirements of this division are 11615  
met if the applicant is in compliance with division (B) (1) or 11616  
(B) (2) (a) or (b) of this section: 11617~~

~~(1) If application is made on or before January 1, 2006, 11618  
the applicant meets all of the following requirements: 11619~~

~~(a) Holds an associate's degree or higher from an 11620  
accredited college or university or an equivalent credential 11621  
from a foreign educational institution recognized by the board; 11622~~

~~(b) Has completed a certificate program in prosthetics 11623  
recognized by the board under section 4779.26 of the Revised 11624  
Code; 11625~~

~~(c) Has three years of documented, full time experience 11626  
practicing or teaching prosthetics. 11627~~

~~(2) If the application is made on or before January 1, 11628  
2008, the applicant meets the requirements of division (B) (2) (a) 11629  
or (b) of this section: 11630~~

~~(a) (i) The applicant holds a bachelor's degree or higher 11631  
from a nationally accredited college or university or an 11632  
equivalent credential from a foreign educational institution 11633  
recognized by the board; 11634~~

~~(ii) The applicant holds a valid certificate in 11635  
prosthetics issued by the American board for certification in 11636  
orthotics and prosthetics, the board for orthotist/prosthetist 11637  
certification, or an equivalent successor organization 11638  
recognized by the board; 11639~~



~~(iii) The applicant has completed three years of documented, full-time experience practicing or teaching prosthetics.~~ 11640  
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~~(b) (i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~ 11643  
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~~(ii) The applicant has completed a certificate program in prosthetics recognized by the board under section 4779.26 of the Revised Code;~~ 11647  
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~~(iii) The applicant has completed a residency program in prosthetics recognized by the board under section 4779.27 of the Revised Code or has three years of documented, full-time experience practicing or teaching prosthetics.~~ 11650  
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**Sec. 4779.12.** To be eligible for a license to practice 11654  
orthotics and prosthetics, an applicant must meet the following 11655  
~~requirements of division (A) of this section, or, if the~~ 11656  
~~application is made on or before January 1, 2008, the~~ 11657  
~~requirements of either division (A) or (B) of this section:~~ 11658

~~(A) The requirements of this division are met if the applicant is in compliance with divisions (A) (1), (2), and (3) of this section.~~ 11659  
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~~(1) On the date of application, the applicant has practiced orthotics and prosthetics for not less than eight months under the supervision of an individual licensed under this chapter to practice orthotics and prosthetics.~~ 11662  
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~~(2) (B) The applicant has completed an orthotics and prosthetics residency program approved by the state physical health services board under section 4779.27 of the Revised~~ 11666  
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Code~~7~~. 11669

~~(3)~~ (C) One of the following is the case: 11670

~~(a)~~ (1) The applicant holds a bachelor's degree in 11671  
orthotics and prosthetics from an accredited college or 11672  
university whose orthotics and prosthetics program is recognized 11673  
by the ~~state board of orthotics, prosthetics, and pedorthics~~ 11674  
under section 4779.25 of the Revised Code or an equivalent 11675  
educational credential from a foreign educational institution 11676  
recognized by the board~~7~~. 11677

~~(b)~~ (2) The applicant holds a bachelor's degree in a 11678  
subject other than orthotics and prosthetics or an equivalent 11679  
educational credential from a foreign educational institution 11680  
recognized by the board and has completed a certificate program 11681  
in orthotics and prosthetics recognized by the board under 11682  
section 4779.26 of the Revised Code. 11683

~~(B)~~ This division applies to applications made on or 11684  
before January 1, 2008. The requirements of this division are 11685  
met if the applicant is in compliance with division (B) (1) or 11686  
~~(B) (2) (a) or (b) of this section:~~ 11687

~~(1)~~ If application is made on or before January 1, 2006,~~7~~ 11688  
the applicant meets all of the following requirements: 11689

~~(a)~~ Holds an associate's degree or higher from an 11690  
accredited college or university or an equivalent credential 11691  
from a foreign educational institution recognized by the board~~7~~; 11692

~~(b)~~ Has completed a certificate program in orthotics and 11693  
prosthetics recognized by the board under section 4779.26 of the 11694  
Revised Code~~7~~; 11695

~~(c)~~ Has six years of documented, full-time experience 11696

~~practicing or teaching orthotics or prosthetics.~~ 11697

~~(2) If the application is made on or before January 1, 2008, the applicant meets the requirements of division (B)(2)(a) or (b) of this section:~~ 11698  
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~~(a) (i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~ 11701  
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~~(ii) The applicant holds a valid certificate in orthotics and prosthetics issued by the American board for certification in orthotics and prosthetics, the board for orthotist/prosthetist certification, or an equivalent successor organization recognized by the board;~~ 11705  
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~~(iii) The applicant has completed six years of documented, full-time experience practicing or teaching orthotics or prosthetics.~~ 11710  
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~~(b) (i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~ 11713  
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~~(ii) The applicant has completed a certificate program in orthotics and prosthetics recognized by the board under section 4779.26 of the Revised Code;~~ 11717  
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~~(iii) The applicant has completed a residency program in orthotics and prosthetics recognized by the board under section 4779.27 of the Revised Code or has six years of documented, full-time experience practicing or teaching orthotics or prosthetics.~~ 11720  
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**Sec. 4779.13.** To be eligible for a license to practice pedorthics, an applicant must meet all of the following requirements: 11725  
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(A) On the date of application, has practiced pedorthics for not less than eight months under the supervision of an individual licensed under this chapter to practice pedorthics; 11728  
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(B) Holds a high school diploma or certificate of high school equivalence issued by the department of education, or a primary-secondary education or higher education agency of another state; 11731  
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(C) Has completed the education, training, and experience required to take the certification examination developed by the state physical health services board for certification in pedorthics or an equivalent successor organization recognized by the board. 11735  
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**Sec. 4779.15.** Except as provided in ~~sections 4779.16 and section 4779.17~~ of the Revised Code, the state physical health services board ~~of orthotics, prosthetics, and pedorthics~~ shall examine or cause to be examined each individual who seeks to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics in this state. 11740  
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To be eligible to take an examination conducted by the board or an entity recognized by the board for the purpose of this section, an individual must file an application and pay an examination fee as specified in rules adopted by the board under section 4779.08 of the Revised Code and meet all the requirements of section 4779.09 of the Revised Code other than the requirement of having passed the examination. 11746  
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Examinations shall be conducted at least once a year in 11753

accordance with rules adopted by the board under section 4779.08 11754  
of the Revised Code. Each applicant shall be examined in such 11755  
subjects as the board requires. 11756

The board may use as its examination all or part of a 11757  
standard orthotics, prosthetics, orthotics and prosthetics, or 11758  
pedorthics licensing examination established for the purpose of 11759  
determining the competence of individuals to practice orthotics, 11760  
prosthetics, or pedorthics in the United States. In lieu of 11761  
conducting examinations, the board may accept the results of 11762  
examinations conducted by entities recognized by the board. 11763

**Sec. 4779.17.** The state physical health services board ~~of~~ 11764  
~~orthotics, prosthetics, and pedorthics~~ shall issue a license 11765  
under section 4779.09 of the Revised Code to practice orthotics, 11766  
prosthetics, orthotics and prosthetics, or pedorthics without 11767  
examination to an applicant who meets all of the following 11768  
requirements: 11769

(A) Applies to the board in accordance with section 11770  
4779.09 of the Revised Code; 11771

(B) Holds a license to practice orthotics, prosthetics, 11772  
orthotics and prosthetics, or pedorthics issued by the 11773  
appropriate authority of another state; 11774

(C) One of the following applies: 11775

(1) In the case of an applicant for a license to practice 11776  
orthotics, the applicant meets the requirements in divisions ~~(A)~~ 11777  
~~(2)~~ (B) and ~~(3)~~ (C) of section 4779.10 of the Revised Code. 11778

(2) In the case of an applicant for a license to practice 11779  
prosthetics, the applicant meets the requirements in divisions 11780  
~~(A)~~ ~~(2)~~ (B) and ~~(3)~~ (C) of section 4779.11 of the Revised Code. 11781

(3) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions ~~(A) (2)~~ (B) and ~~(3)~~ (C) of section 4779.12 of the Revised Code.

(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.

(D) ~~The All fees prescribed received by the board under this section shall be paid to the treasurer of deposited in the state, who shall deposit the fees in treasury to the credit of the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.~~

**Sec. 4779.18.** (A) The state physical health services board ~~of orthotics, prosthetics, and pedorthics~~ shall issue a temporary license to an individual who meets all of the following requirements:

(1) Applies to the board in accordance with rules adopted under section 4779.08 of the Revised Code and pays the application fee specified in the rules;

(2) Is eighteen years of age or older;

(3) Is of good moral character;

(4) One of the following applies:

(a) In the case of an applicant for a license to practice orthotics, the applicant meets the requirements in divisions ~~(A) (2)~~ (B) and ~~(3)~~ (C) of section 4779.10 of the Revised Code.

(b) In the case of an applicant for a license to practice prosthetics, the applicant meets the requirements in divisions ~~(A) (2)~~ (B) and ~~(3)~~ (C) of section 4779.11 of the Revised Code.

(c) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions ~~(A) (2)~~ (B) and ~~(3)~~ (C) of section 4779.12 of the Revised Code.

(d) In the case of an applicant for a license to practice pedorthics, the applicant meets the requirements in divisions (B) and (C) of section 4779.13 of the Revised Code.

(B) A temporary license issued under this section is valid for one year and may be renewed once in accordance with rules adopted by the board under section 4779.08 of the Revised Code.

An individual who holds a temporary license may practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics only under the supervision of an individual who holds a license issued under section 4779.09 of the Revised Code in the same area of practice.

(C) ~~The All fees prescribed received by the board under this section shall be paid to the treasurer of deposited in the state, who shall deposit the fees in treasury fund to the credit of the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.~~

**Sec. 4779.20.** (A) An individual seeking to renew a license issued under section 4779.09 of the Revised Code shall, on or before the day the license expires pursuant to section 4779.19 of the Revised Code, apply for renewal. The state physical health services board ~~of orthotics, prosthetics, and pedorthics~~ shall send renewal notices at least one month prior to the expiration date.

Applications shall be submitted to the board on forms the board prescribes and furnishes. Each application shall be

accompanied by a renewal fee specified in rules adopted by the board under section 4779.08 of the Revised Code, except that the board may waive part of the renewal fee for the first renewal of an initial license that expires one hundred days or less after it is issued.

(B) Beginning with the fourth renewal and every third renewal thereafter, a license holder must certify to the board one of the following:

(1) In the case of an individual licensed as an orthotist or prosthetist, the individual has completed within the preceding three years forty-five continuing education units granted by the board under section 4779.24 of the Revised Code;

(2) In the case of an individual licensed as a prosthetist and orthotist, the individual has completed within the preceding three years seventy-five continuing education units granted by the board under section 4779.24 of the Revised Code;

(3) In the case of an individual licensed as a pedorthist, the individual has completed within the previous three years the continuing education courses required by the board for certification in pedorthics or an equivalent organization recognized by the board.

**Sec. 4779.23.** (A) To be eligible for approval by the state physical health services board ~~of orthotics, prosthetics, and pedorthics~~, a continuing education course must satisfy all of the following requirements:

(1) Include significant intellectual or practical content and be designed to improve the professional competence of participants;

(2) Deal with matters directly related to the practice of



orthotics, prosthetics, or pedorthics, including professional 11868  
responsibility, ethical obligations, or similar subjects that 11869  
the board considers necessary to maintain and improve the 11870  
quality of orthotic and prosthetic services in this state; 11871

(3) Involve in-person instruction, except that a course 11872  
may use self-study materials if the materials are prepared and 11873  
presented by a group with appropriate practical experience; 11874

(4) Be presented in a setting that is physically suited to 11875  
the course; 11876

(5) Include thorough, high-quality written material; 11877

(6) Meet any other requirements the board considers 11878  
appropriate. 11879

(B) The board shall, in accordance with the standards in 11880  
division (A) of this section, review and approve continuing 11881  
education courses. If the board does not approve a course, it 11882  
shall provide a written explanation of the reason for the denial 11883  
to the person that requested approval. The board may approve 11884  
continuing education courses approved by boards of other states 11885  
that regulate orthotics, prosthetics, and pedorthics if the 11886  
other board's standards for approving continuing education 11887  
courses are equivalent to the standards established pursuant to 11888  
division (A) of this section. 11889

**Sec. 4779.24.** The state physical health services board ~~of~~ 11890  
~~orthotics, prosthetics, and pedorthics~~ shall grant continuing 11891  
education units to individuals licensed under this chapter on 11892  
the following basis: 11893

(A) For completing a continuing education course approved 11894  
by the board under section 4779.23 of the Revised Code, one unit 11895  
for each hour of instruction received; 11896

(B) For teaching as a faculty member a course in orthotics, prosthetics, or pedorthics that is part of the curriculum of an institution of higher education, one-half unit for each semester hour of the course, or an equivalent unit for each quarter or trimester hour of the course;

(C) For teaching other than as a faculty member a course that is part of an institution of higher education's orthotics, prosthetics, or pedorthics curriculum, one unit for each hour teaching the course;

(D) For teaching a continuing education course that is approved by the board under section 4779.23 of the Revised Code that is not part of an institution of higher education's orthotics, prosthetics, or pedorthics curriculum, three units for each hour teaching the course for the first time and one-half unit for each hour teaching the course each time thereafter.

**Sec. 4779.25.** The state physical health services board ~~of orthotics, prosthetics, and pedorthics~~ shall recognize an institution of higher education's bachelor's degree program in orthotics and prosthetics if the program satisfies all of the following requirements:

(A) Provides not less than two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics;

(B) Requires as a condition of entry a high school diploma or certificate of high school equivalence;

(C) Includes a written description of the program that includes learning goals, course objectives, and competencies for graduation;

(D) Requires frequent, documented evaluation of students	11926
to assess their acquisition of knowledge, problem identification	11927
and solving skills, and psychomotor, behavioral, and clinical	11928
competencies;	11929
(E) Requires as a condition of entry successful completion	11930
of courses in biology, chemistry, physics, psychology, computer	11931
science, algebra or higher math, human anatomy with a laboratory	11932
section, and physiology with a laboratory section;	11933
(F) Requires formal instruction in biomechanics, gait	11934
analysis and pathometrics, kinesiology, pathology, materials	11935
science, research methods, and diagnostic imaging techniques;	11936
(G) Requires students as a condition of graduation to	11937
demonstrate orthotics skills, including measurement, impression-	11938
taking, model rectification, and fitting and alignment of	11939
orthoses for the lower limbs, upper limbs, and spines;	11940
(H) Requires students as a condition of graduation to	11941
complete training in orthotic systems, including foot orthosis,	11942
ankle-foot orthosis, knee orthosis, knee-ankle-foot orthosis,	11943
hip-knee-ankle orthosis, hip orthosis, wrist-hand orthosis,	11944
cervical-thoracic-lumbo-sacral orthosis, thoracolumbo-sacral	11945
orthosis, lumbo-sacral orthosis, HALO, fracture management, RGO,	11946
standing frames, and seating;	11947
(I) Requires students as a condition of graduation to	11948
demonstrate prosthetic skills that include measurement,	11949
impression-taking, model rectification, diagnostic fitting,	11950
definitive fitting, postoperative management, external power,	11951
and static and dynamic alignment of sockets related to various	11952
amputation levels, including partial foot, Syme's below knee,	11953
above knee, below elbow, above elbow, and the various joint	11954

disarticulations; 11955

(J) Requires as a condition of graduation students to 11956  
complete not less than five hundred hours of supervised clinical 11957  
experience that focus on patient-related activities, including 11958  
recommendation, measurement, impression-taking, model 11959  
rectification, fabrication, fitting, and evaluating patients in 11960  
the use and function of orthotics and prosthetics; 11961

(K) Provides for the evaluation of the program's 11962  
compliance with the requirements of this section through 11963  
regular, on-site visits conducted by a team of qualified 11964  
individuals from a nationally recognized orthotic, prosthetic, 11965  
or orthotic and prosthetic certifying body; 11966

(L) Meets any other standards adopted by the board under 11967  
section 4779.08 of the Revised Code. 11968

**Sec. 4779.26.** The state physical health services board of 11969  
~~orthotics, prosthetics, and pedorthics~~ shall recognize a 11970  
certificate program in orthotics, prosthetics, or orthotics and 11971  
prosthetics if the program satisfies all of the following 11972  
requirements: 11973

(A) Meets the requirements in divisions (B), (C), (D), 11974  
(E), (F), (K), and (L) of section 4779.25 of the Revised Code; 11975

(B) In the case of a certificate program in orthotics, the 11976  
program does all of the following: 11977

(1) Provides not less than two semesters or three quarters 11978  
of instruction in orthotics; 11979

(2) Requires students to complete not less than two 11980  
hundred fifty hours of supervised clinical experience that 11981  
focuses on patient-related activities, recommendation, 11982

measurement, impression-taking, model rectification, 11983  
fabrication, fitting, and evaluating patients in the use and 11984  
function of orthotics; 11985

(3) Meets the requirements in divisions (G) and (H) of 11986  
section 4779.25 of the Revised Code. 11987

(C) In the case of a certificate program in prosthetics, 11988  
the program does all of the following: 11989

(1) Provides not less than two semesters or three quarters 11990  
of instruction in prosthetics; 11991

(2) Requires students to complete not less than two 11992  
hundred fifty hours of supervised clinical experience that 11993  
focuses on patient-related activities, recommendation, 11994  
measurement, impression-taking, model rectification, 11995  
fabrication, fitting, and evaluating patients in the use and 11996  
function of prosthetics; 11997

(3) Meets the requirements in divisions (F) and (I) of 11998  
section 4779.25 of the Revised Code. 11999

(D) In the case of a certificate program in orthotics and 12000  
prosthetics, the program does both of the following: 12001

(1) Provides not less than two semesters or three quarters 12002  
of instruction in orthotics and two semesters or three quarters 12003  
of instruction in prosthetics; 12004

(2) Meets the requirements in divisions (H) and (I) of 12005  
section 4779.25 of the Revised Code. 12006

**Sec. 4779.27.** The state physical health services board of 12007  
~~orthotics, prosthetics, and pedorthics~~ shall approve a residency 12008  
program in orthotics, prosthetics, or orthotics and prosthetics 12009  
if the program does all of the following: 12010

(A) Requires a bachelor's degree as a condition of entry;	12011
(B) Does one of the following:	12012
(1) In the case of a residency program in orthotics,	12013
provides two semesters or three quarters of instruction in	12014
orthotics;	12015
(2) In the case of a residency program in prosthetics,	12016
provides two semesters or three quarters of instruction in	12017
prosthetics;	12018
(3) In the case of a residency program in orthotics and	12019
prosthetics, provides two semesters or three quarters of	12020
instruction in orthotics and two semesters or three quarters of	12021
instruction in prosthetics.	12022
(C) Meets the requirements in divisions (K) and (L) of	12023
section 4779.25 of the Revised Code;	12024
(D) Provides residents with a sufficient variety and	12025
volume of clinical experiences to give them adequate educational	12026
experience in the acute, rehabilitative, and chronic aspects of	12027
orthotics and prosthetics, including recommendation,	12028
measurement, impression-taking, model rectification,	12029
fabrication, fitting, and evaluating patients in the use and	12030
function of orthotics and prosthetics;	12031
(E) Provides residents with sufficient training in	12032
clinical assessment, patient management, technical	12033
implementation, practice management, and professional	12034
responsibility.	12035
<b>Sec. 4779.30.</b> If the state <u>physical health services board</u>	12036
<del>of orthotics, prosthetics, and pedorthics</del> has reason to believe	12037
that a person who holds a license issued under this chapter is	12038

mentally ill or mentally incompetent, it may file in the probate court of the county in which the person has a legal residence an affidavit in the form prescribed in section 5122.11 of the Revised Code and signed by the secretary of the board, whereupon the same proceeding shall be had as provided in Chapter 5122. of the Revised Code. The attorney general may represent the board in any proceeding commenced under this section.

If an individual who has been granted a license under this chapter is adjudicated by a probate court to be mentally ill or mentally incompetent, the individual's license shall be automatically suspended until the individual has filed with the board a certified copy of an adjudication by a probate court of the individual's subsequent restoration to competency or has submitted to the board proof, satisfactory to the board, of having been restored to competency in the manner and form provided in section 5122.38 of the Revised Code. The judge of the court shall immediately notify the board of an adjudication of incompetence and note any suspension of a license in the margin of the court's record of the certificate. ~~In the absence of fraud or bad faith, neither the board nor any agent, representative, or employee of the board shall be held liable in damages by any person by reason of the filing of the affidavit referred to in this section.~~

**Sec. 4779.32.** If any person makes an allegation against an individual who holds a license issued under this chapter, the allegation shall be reduced to writing and verified by a person who is familiar with the facts underlying the allegation. The person making the allegation shall file ~~three copies of the~~ allegation with the state physical health services board ~~of orthotics, prosthetics, and pedorthics~~. If a person alleges that a license holder is engaging or has engaged in conduct described

in division (A) of section 4779.28 of the Revised Code, the 12070  
board may proceed with an adjudication hearing under Chapter 12071  
119. of the Revised Code. The board shall retain the information 12072  
filed under this section in accordance with rules adopted by the 12073  
board under section 4779.08 of the Revised Code. 12074

**Sec. 4779.33.** The ~~secretary of the state~~ physical health 12075  
services board ~~of orthotics, prosthetics, and pedorthics~~ shall 12076  
enforce the laws relating to the practice of orthotics, 12077  
prosthetics, and pedorthics. If the secretary has knowledge of a 12078  
violation, the secretary shall investigate the violation and 12079  
notify the prosecuting attorney of the proper county. 12080

**Sec. 4779.34.** The state physical health services board ~~of~~ 12081  
~~orthotics, prosthetics, and pedorthics~~ shall comply with section 12082  
4776.20 of the Revised Code. 12083

**Sec. 4783.03.** (A) The state behavioral health 12084  
professionals board ~~of psychology~~ shall administer and enforce 12085  
this chapter. The board shall adopt rules under Chapter 119. of 12086  
the Revised Code establishing all of the following: 12087

(1) Procedures and requirements for applying for a 12088  
certificate issued under section 4783.04 of the Revised Code; 12089

(2) Fees for issuance of a certificate; 12090

(3) Reductions of the hours of continuing education 12091  
required by section 4783.05 of the Revised Code for persons in 12092  
their first certificate period. 12093

(B) The board may adopt additional rules in accordance 12094  
with Chapter 119. of the Revised Code as the board determines 12095  
are necessary to implement and enforce this chapter. 12096

**Sec. 4783.04.** (A) An individual seeking a certificate to 12097



practice as a certified Ohio behavior analyst shall file with 12098  
the state behavioral health professionals board of psychology a 12099  
~~written~~ an application on a form prescribed and supplied by the 12100  
board. To be eligible for a certificate, the individual shall do 12101  
all of the following: 12102

(1) Demonstrate that the applicant is of good moral 12103  
character and conducts the applicant's professional activities 12104  
in accordance with accepted professional and ethical standards; 12105

(2) Comply with sections 4776.01 to 4776.04 of the Revised 12106  
Code; 12107

(3) Demonstrate an understanding of the law regarding 12108  
behavioral health practice; 12109

(4) Demonstrate current certification as a board certified 12110  
behavior analyst by the behavior analyst certification board or 12111  
its successor organization or demonstrate completion of 12112  
equivalent requirements and passage of a psychometrically valid 12113  
examination administered by a nationally accredited 12114  
credentialing organization; 12115

(5) Pay the fee established by the state behavioral health 12116  
professionals board of psychology. 12117

(B) The state behavioral health professionals board of 12118  
~~psychology~~ shall review all applications received under this 12119  
section. The state behavioral health professionals board of 12120  
~~psychology~~ shall not grant a certificate to an applicant for an 12121  
initial certificate unless the applicant complies with sections 12122  
4776.01 to 4776.04 of the Revised Code and the state behavioral 12123  
health professionals board of psychology, in its discretion, 12124  
decides that the results of the criminal records check do not 12125  
make the applicant ineligible for a certificate issued pursuant 12126

to section 4783.09 of the Revised Code. If the state behavioral health professionals board of psychology determines that an applicant satisfies the requirements for a certificate to practice as a certified Ohio behavior analyst, the state behavioral health professionals board of psychology shall issue the applicant a certificate.

**Sec. 4783.05.** (A) (1) Except as otherwise provided in this division, a certificate issued under this chapter is valid for a period of two years. On or before the thirty-first day of August of each even-numbered year, each certified Ohio behavior analyst shall do both of the following:

(a) Register with the state behavioral health professionals board of psychology on a form prescribed by the board, giving the certified Ohio behavior analyst's name, address, certificate number, the continuing education information required under division (B) of this section, and any other reasonable information as the board requires;

(b) Pay to the board secretary a biennial registration fee in an amount of one hundred fifty dollars.

(2) An individual who is issued a certificate under section 4783.04 of the Revised Code for the first time on or before the thirty-first day of August of an even-numbered year shall next be required to register on or before the thirty-first day of August of the next even-numbered year.

(B) Every two years a certified Ohio behavior analyst who wishes to renew the certified Ohio behavior analyst's certificate issued under this chapter shall produce proof of not less than twenty-three hours of continuing education, including not less than four hours in ethics, professional conduct, or

cultural competency. Continuing education hours may be earned 12156  
through providers of continuing education approved by the 12157  
behavior analyst certification board or its successor 12158  
organization or other organizations approved by the state 12159  
behavioral health professionals board of psychology as providers 12160  
of continuing education. 12161

**Sec. 4783.09.** (A) The state behavioral health 12162  
professionals board of psychology may refuse to issue a 12163  
certificate to any applicant, may issue a reprimand, or suspend 12164  
or revoke the certificate of any certified Ohio behavior 12165  
analyst, on any of the following grounds: 12166

(1) Conviction of a felony, or of any offense involving 12167  
moral turpitude, in a court of this or any other state or in a 12168  
federal court; 12169

(2) Using fraud or deceit in the procurement of the 12170  
certificate to practice applied behavior analysis or knowingly 12171  
assisting another in the procurement of such a certificate 12172  
through fraud or deceit; 12173

(3) Accepting commissions or rebates or other forms of 12174  
remuneration for referring persons to other professionals; 12175

(4) Willful, unauthorized communication of information 12176  
received in professional confidence; 12177

(5) Being negligent in the practice of applied behavior 12178  
analysis; 12179

(6) Using any controlled substance or alcoholic beverage 12180  
to an extent that such use impairs the person's ability to 12181  
perform the work of a certified Ohio behavior analyst with 12182  
safety to the public; 12183

(7) Violating any rule of professional conduct promulgated by the board;	12184 12185
(8) Practicing in an area of applied behavior analysis for which the person is clearly untrained or incompetent;	12186 12187
(9) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the certificate;	12188 12189 12190
(10) 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 applied behavior analysis 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;	12191 12192 12193 12194 12195 12196 12197
(11) Advertising that the person 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 applied behavior analysis services, would otherwise be required to pay.	12198 12199 12200 12201 12202
(B) For purposes of division (A) (9) of this section, a person may have the person's certificate issued or restored only upon determination by a court that the person is competent for the purpose of holding the certificate and upon the decision by the board that the certificate be issued or restored. The board may require an examination prior to such issuance or restoration.	12203 12204 12205 12206 12207 12208 12209
(C) Notwithstanding divisions (A) (10) and (11) of this section, sanctions shall not be imposed against any certificate holder who waives deductibles and copayments:	12210 12211 12212

(1) In compliance with the health benefit plan that 12213  
expressly allows such a practice. Waiver of the deductibles or 12214  
copays shall be made only with the full knowledge and consent of 12215  
the plan purchaser, payer, and third-party administrator. Such 12216  
consent shall be made available to the board upon request. 12217

(2) For professional services rendered to any other person 12218  
holding a certificate issued pursuant to this chapter to the 12219  
extent allowed by this chapter and the rules of the board. 12220

(D) Except as provided in section 4783.10 of the Revised 12221  
Code, before the board may deny, suspend, or revoke a 12222  
certificate under this section, or otherwise discipline the 12223  
holder of a certificate, written charges shall be filed with the 12224  
board by the secretary and a hearing shall be had thereon in 12225  
accordance with Chapter 119. of the Revised Code. 12226

**Sec. 4783.10.** On receipt of a complaint that any of the 12227  
grounds listed in division (A) of section 4783.09 of the Revised 12228  
Code exist, the state behavioral health professionals board ~~of~~ 12229  
~~psychology~~ may suspend the certificate of the certified Ohio 12230  
behavior analyst prior to holding a hearing in accordance with 12231  
Chapter 119. of the Revised Code if it determines, based on the 12232  
complaint, that an immediate threat to the public exists. 12233

After suspending a certificate pursuant to this section, 12234  
the board shall notify the certified Ohio behavior analyst of 12235  
the suspension in accordance with section 119.07 of the Revised 12236  
Code. If the individual whose certificate is suspended fails to 12237  
make a timely request for an adjudication under Chapter 119. of 12238  
the Revised Code, the board shall enter a final order 12239  
permanently revoking the individual's certificate. 12240

**Sec. 4783.11.** (A) Except as provided in division (B) of 12241

this section, if, at the conclusion of a hearing required by 12242  
section 4783.09 of the Revised Code, the state behavioral health 12243  
professionals board of psychology determines that a certified 12244  
Ohio behavior analyst has engaged in sexual conduct or had 12245  
sexual contact with the certified Ohio behavior analyst's 12246  
patient or client in violation of any prohibition contained in 12247  
Chapter 2907. of the Revised Code, the board shall do one of the 12248  
following: 12249

(1) Suspend the certified Ohio behavior analyst's 12250  
certificate; 12251

(2) Permanently revoke the certified Ohio behavior 12252  
analyst's certificate. 12253

(B) If the board determines at the conclusion of the 12254  
hearing that neither of the sanctions described in division (A) 12255  
of this section is appropriate, the board shall impose another 12256  
sanction it considers appropriate and issue a written finding 12257  
setting forth the reasons for the sanction imposed and the 12258  
reason that neither of the sanctions described in division (A) 12259  
of this section is appropriate. 12260

**Sec. 4783.12.** On receipt of a notice pursuant to section 12261  
3123.43 of the Revised Code, the state behavioral health 12262  
professionals board of psychology shall comply with sections 12263  
3123.41 to 3123.50 of the Revised Code and any applicable rules 12264  
adopted under section 3123.63 of the Revised Code with respect 12265  
to a certificate issued pursuant to this chapter. 12266

**Sec. 4783.13.** The state behavioral health professionals 12267  
board ~~of psychology~~ shall comply with section 4776.20 of the 12268  
Revised Code. 12269

**Sec. 5119.94.** (A) Upon receipt of a petition filed under 12270

section 5119.93 of the Revised Code and the payment of the 12271  
appropriate filing fee, if any, the probate court shall examine 12272  
the petitioner under oath as to the contents of the petition. 12273

(B) If, after reviewing the allegations contained in the 12274  
petition and examining the petitioner under oath, it appears to 12275  
the probate court that there is probable cause to believe the 12276  
respondent may reasonably benefit from treatment, the court 12277  
shall do all of the following: 12278

(1) Schedule a hearing to be held within seven days to 12279  
determine if there is clear and convincing evidence that the 12280  
respondent may reasonably benefit from treatment for alcohol and 12281  
other drug abuse; 12282

(2) Notify the respondent, the legal guardian, if any and 12283  
if known, and the spouse, parents, or nearest relative or friend 12284  
of the respondent concerning the allegations and contents of the 12285  
petition and of the date and purpose of the hearing; 12286

(3) Notify the respondent that the respondent may retain 12287  
counsel and, if the person is unable to obtain an attorney, that 12288  
the respondent may be represented by court-appointed counsel at 12289  
public expense if the person is indigent. Upon the appointment 12290  
of an attorney to represent an indigent respondent, the court 12291  
shall notify the respondent of the name, address, and telephone 12292  
number of the attorney appointed to represent the respondent. 12293

(4) Notify the respondent that the court shall cause the 12294  
respondent to be examined not later than twenty-four hours 12295  
before the hearing date by a physician for the purpose of a 12296  
physical examination and by a qualified health professional for 12297  
the purpose of a drug and alcohol addiction assessment and 12298  
diagnosis. In addition, the court shall notify the respondent 12299

that the respondent may have an independent expert evaluation of 12300  
the person's physical and mental condition conducted at the 12301  
respondent's own expense. 12302

(5) Cause the respondent to be examined not later than 12303  
twenty-four hours before the hearing date by a physician for the 12304  
purpose of a physical examination and by a qualified health 12305  
professional for the purpose of a drug and alcohol addiction 12306  
assessment and diagnosis; 12307

(6) Conduct the hearing. 12308

(C) The physician and qualified health professional who 12309  
examine the respondent pursuant to division (B) (5) of this 12310  
section or who are obtained by the respondent at the 12311  
respondent's own expense shall certify their findings to the 12312  
court within twenty-four hours of the examinations. The findings 12313  
of each qualified health professional shall include a 12314  
recommendation for treatment if the qualified health 12315  
professional determines that treatment is necessary. 12316

(D) (1) If upon completion of the hearing held under this 12317  
section the probate court finds by clear and convincing evidence 12318  
that the respondent may reasonably benefit from treatment, the 12319  
court may order the treatment after considering the qualified 12320  
health professionals' recommendations for treatment that have 12321  
been submitted to the court under division (C) of this section. 12322  
If the court orders the treatment under this division, the court 12323  
shall order the treatment to be provided through a community 12324  
addiction services provider or by an individual licensed or 12325  
certified by the state medical board under Chapter 4731. of the 12326  
Revised Code, ~~the chemical dependency professionals board under~~ 12327  
~~Chapter 4758. of the Revised Code, the counselor, social worker,~~ 12328  
~~and marriage and family therapist~~ state behavioral health 12329



professionals board under Chapter 4757. or 4758. of the Revised Code, or a similar board of another state authorized to provide substance abuse treatment. 12330  
12331  
12332

(2) Failure of a respondent to undergo and complete any treatment ordered pursuant to this division is contempt of court. Any community addiction services provider or person providing treatment under this division shall notify the probate court of a respondent's failure to undergo or complete the ordered treatment. 12333  
12334  
12335  
12336  
12337  
12338

(E) If, at any time after a petition is filed under section 5119.93 of the Revised Code, the probate court finds that there is not probable cause to continue treatment or if the petitioner withdraws the petition, then the court shall dismiss the proceedings against the respondent. 12339  
12340  
12341  
12342  
12343

**Sec. 5120.55.** (A) As used in this section, "licensed health professional" means any or all of the following: 12344  
12345

(1) A dentist who holds a current, valid license issued under Chapter 4715. of the Revised Code to practice dentistry; 12346  
12347

(2) A licensed practical nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a licensed practical nurse; 12348  
12349  
12350  
12351

(3) An optometrist who holds a current, valid certificate of licensure issued under Chapter 4725. of the Revised Code that authorizes the holder to engage in the practice of optometry; 12352  
12353  
12354

(4) A physician who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; 12355  
12356  
12357

(5) A psychologist who holds a current, valid license 12358  
issued under Chapter 4732. of the Revised Code that authorizes 12359  
the practice of psychology as a licensed psychologist; 12360

(6) A registered nurse who holds a current, valid license 12361  
issued under Chapter 4723. of the Revised Code that authorizes 12362  
the practice of nursing as a registered nurse, including such a 12363  
nurse who is also authorized to practice as an advanced practice 12364  
registered nurse as defined in section 4723.01 of the Revised 12365  
Code. 12366

(B) (1) The department of rehabilitation and correction may 12367  
establish a recruitment program under which the department, by 12368  
means of a contract entered into under division (C) of this 12369  
section, agrees to repay all or part of the principal and 12370  
interest of a government or other educational loan incurred by a 12371  
licensed health professional who agrees to provide services to 12372  
inmates of correctional institutions under the department's 12373  
administration. 12374

(2) (a) For a physician to be eligible to participate in 12375  
the program, the physician must have attended a school that was, 12376  
during the time of attendance, a medical school or osteopathic 12377  
medical school in this country accredited by the liaison 12378  
committee on medical education or the American osteopathic 12379  
association, a college of podiatry in this country recognized as 12380  
being in good standing under section 4731.53 of the Revised 12381  
Code, or a medical school, osteopathic medical school, or 12382  
college of podiatry located outside this country that was 12383  
acknowledged by the world health organization and verified by a 12384  
member state of that organization as operating within that 12385  
state's jurisdiction. 12386

(b) For a nurse to be eligible to participate in the 12387

program, the nurse must have attended a school that was, during 12388  
the time of attendance, a nursing school in this country 12389  
accredited by the commission on collegiate nursing education or 12390  
the national league for nursing accrediting commission or a 12391  
nursing school located outside this country that was 12392  
acknowledged by the world health organization and verified by a 12393  
member state of that organization as operating within that 12394  
state's jurisdiction. 12395

(c) For a dentist to be eligible to participate in the 12396  
program, the dentist must have attended a school that was, 12397  
during the time of attendance, a dental college that enabled the 12398  
dentist to meet the requirements specified in section 4715.10 of 12399  
the Revised Code to be granted a license to practice dentistry. 12400

(d) For an optometrist to be eligible to participate in 12401  
the program, the optometrist must have attended a school of 12402  
optometry that was, during the time of attendance, approved by 12403  
the state ~~board of optometry~~ vision and hearing professionals 12404  
board. 12405

(e) For a psychologist to be eligible to participate in 12406  
the program, the psychologist must have attended an educational 12407  
institution that, during the time of attendance, maintained a 12408  
specific degree program recognized by the state ~~board of~~ 12409  
~~psychology~~ behavioral health professionals board as acceptable 12410  
for fulfilling the requirement of division (B)(3) of section 12411  
4732.10 of the Revised Code. 12412

(C) The department shall enter into a contract with each 12413  
licensed health professional it recruits under this section. 12414  
Each contract shall include at least the following terms: 12415

(1) The licensed health professional agrees to provide a 12416

specified scope of medical, osteopathic medical, podiatric, 12417  
optometric, psychological, nursing, or dental services to 12418  
inmates of one or more specified state correctional institutions 12419  
for a specified number of hours per week for a specified number 12420  
of years. 12421

(2) The department agrees to repay all or a specified 12422  
portion of the principal and interest of a government or other 12423  
educational loan taken by the licensed health professional for 12424  
the following expenses to attend, for up to a maximum of four 12425  
years, a school that qualifies the licensed health professional 12426  
to participate in the program: 12427

(a) Tuition; 12428

(b) Other educational expenses for specific purposes, 12429  
including fees, books, and laboratory expenses, in amounts 12430  
determined to be reasonable in accordance with rules adopted 12431  
under division (D) of this section; 12432

(c) Room and board, in an amount determined to be 12433  
reasonable in accordance with rules adopted under division (D) 12434  
of this section. 12435

(3) The licensed health professional agrees to pay the 12436  
department a specified amount, which shall be no less than the 12437  
amount already paid by the department pursuant to its agreement, 12438  
as damages if the licensed health professional fails to complete 12439  
the service obligation agreed to or fails to comply with other 12440  
specified terms of the contract. The contract may vary the 12441  
amount of damages based on the portion of the service obligation 12442  
that remains uncompleted. 12443

(4) Other terms agreed upon by the parties. 12444

The licensed health professional's lending institution or 12445

the Ohio board of regents, may be a party to the contract. The 12446  
contract may include an assignment to the department of the 12447  
licensed health professional's duty to repay the principal and 12448  
interest of the loan. 12449

(D) If the department elects to implement the recruitment 12450  
program, it shall adopt rules in accordance with Chapter 119. of 12451  
the Revised Code that establish all of the following: 12452

(1) Criteria for designating institutions for which 12453  
licensed health professionals will be recruited; 12454

(2) Criteria for selecting licensed health professionals 12455  
for participation in the program; 12456

(3) Criteria for determining the portion of a loan which 12457  
the department will agree to repay; 12458

(4) Criteria for determining reasonable amounts of the 12459  
expenses described in divisions (C) (2) (b) and (c) of this 12460  
section; 12461

(5) Procedures for monitoring compliance by a licensed 12462  
health professional with the terms of the contract the licensed 12463  
health professional enters into under this section; 12464

(6) Any other criteria or procedures necessary to 12465  
implement the program. 12466

**Sec. 5122.01.** As used in this chapter and Chapter 5119. of 12467  
the Revised Code: 12468

(A) "Mental illness" means a substantial disorder of 12469  
thought, mood, perception, orientation, or memory that grossly 12470  
impairs judgment, behavior, capacity to recognize reality, or 12471  
ability to meet the ordinary demands of life. 12472

- (B) "Mentally ill person subject to court order" means a 12473  
mentally ill person who, because of the person's illness: 12474
- (1) Represents a substantial risk of physical harm to self 12475  
as manifested by evidence of threats of, or attempts at, suicide 12476  
or serious self-inflicted bodily harm; 12477
- (2) Represents a substantial risk of physical harm to 12478  
others as manifested by evidence of recent homicidal or other 12479  
violent behavior, evidence of recent threats that place another 12480  
in reasonable fear of violent behavior and serious physical 12481  
harm, or other evidence of present dangerousness; 12482
- (3) Represents a substantial and immediate risk of serious 12483  
physical impairment or injury to self as manifested by evidence 12484  
that the person is unable to provide for and is not providing 12485  
for the person's basic physical needs because of the person's 12486  
mental illness and that appropriate provision for those needs 12487  
cannot be made immediately available in the community; ~~or~~ 12488
- (4) Would benefit from treatment for the person's mental 12489  
illness and is in need of such treatment as manifested by 12490  
evidence of behavior that creates a grave and imminent risk to 12491  
substantial rights of others or the person; 12492
- (5) (a) Would benefit from treatment as manifested by 12493  
evidence of behavior that indicates all of the following: 12494
- (i) The person is unlikely to survive safely in the 12495  
community without supervision, based on a clinical 12496  
determination. 12497
- (ii) The person has a history of lack of compliance with 12498  
treatment for mental illness and one of the following applies: 12499
- (I) At least twice within the thirty-six months prior to 12500

the filing of an affidavit seeking court-ordered treatment of 12501  
the person under section 5122.111 of the Revised Code, the lack 12502  
of compliance has been a significant factor in necessitating 12503  
hospitalization in a hospital or receipt of services in a 12504  
forensic or other mental health unit of a correctional facility, 12505  
provided that the thirty-six-month period shall be extended by 12506  
the length of any hospitalization or incarceration of the person 12507  
that occurred within the thirty-six-month period. 12508

(II) Within the forty-eight months prior to the filing of 12509  
an affidavit seeking court-ordered treatment of the person under 12510  
section 5122.111 of the Revised Code, the lack of compliance 12511  
resulted in one or more acts of serious violent behavior toward 12512  
self or others or threats of, or attempts at, serious physical 12513  
harm to self or others, provided that the forty-eight-month 12514  
period shall be extended by the length of any hospitalization or 12515  
incarceration of the person that occurred within the forty- 12516  
eight-month period. 12517

(iii) The person, as a result of the person's mental 12518  
illness, is unlikely to voluntarily participate in necessary 12519  
treatment. 12520

(iv) In view of the person's treatment history and current 12521  
behavior, the person is in need of treatment in order to prevent 12522  
a relapse or deterioration that would be likely to result in 12523  
substantial risk of serious harm to the person or others. 12524

(b) An individual who meets only the criteria described in 12525  
division (B) (5) (a) of this section is not subject to 12526  
hospitalization. 12527

(C) (1) "Patient" means, subject to division (C) (2) of this 12528  
section, a person who is admitted either voluntarily or 12529

involuntarily to a hospital or other place under section 12530  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 12531  
subsequent to a finding of not guilty by reason of insanity or 12532  
incompetence to stand trial or under this chapter, who is under 12533  
observation or receiving treatment in such place. 12534

(2) "Patient" does not include a person admitted to a 12535  
hospital or other place under section 2945.39, 2945.40, 12536  
2945.401, or 2945.402 of the Revised Code to the extent that the 12537  
reference in this chapter to patient, or the context in which 12538  
the reference occurs, is in conflict with any provision of 12539  
sections 2945.37 to 2945.402 of the Revised Code. 12540

(D) "Licensed physician" means a person licensed under the 12541  
laws of this state to practice medicine or a medical officer of 12542  
the government of the United States while in this state in the 12543  
performance of the person's official duties. 12544

(E) "Psychiatrist" means a licensed physician who has 12545  
satisfactorily completed a residency training program in 12546  
psychiatry, as approved by the residency review committee of the 12547  
American medical association, the committee on post-graduate 12548  
education of the American osteopathic association, or the 12549  
American osteopathic board of neurology and psychiatry, or who 12550  
on July 1, 1989, has been recognized as a psychiatrist by the 12551  
Ohio state medical association or the Ohio osteopathic 12552  
association on the basis of formal training and five or more 12553  
years of medical practice limited to psychiatry. 12554

(F) "Hospital" means a hospital or inpatient unit licensed 12555  
by the department of mental health and addiction services under 12556  
section 5119.33 of the Revised Code, and any institution, 12557  
hospital, or other place established, controlled, or supervised 12558  
by the department under Chapter 5119. of the Revised Code. 12559



(G) "Public hospital" means a facility that is tax- 12560  
supported and under the jurisdiction of the department of mental 12561  
health and addiction services. 12562

(H) "Community mental health services provider" means an 12563  
agency, association, corporation, individual, or program that 12564  
provides community mental health services that are certified by 12565  
the director of mental health and addiction services under 12566  
section 5119.36 of the Revised Code. 12567

(I) "Licensed clinical psychologist" means a person who 12568  
holds a current, valid psychologist license issued under section 12569  
4732.12 of the Revised Code, and in addition, meets the 12570  
educational requirements set forth in division (B) of section 12571  
4732.10 of the Revised Code and has a minimum of two years' 12572  
full-time professional experience, or the equivalent as 12573  
determined by rule of the state behavioral health professionals 12574  
~~board of psychology~~, at least one year of which shall be a 12575  
predoctoral internship, in clinical psychological work in a 12576  
public or private hospital or clinic or in private practice, 12577  
diagnosing and treating problems of mental illness or mental 12578  
retardation under the supervision of a psychologist who is 12579  
licensed or who holds a diploma issued by the American board of 12580  
professional psychology, or whose qualifications are 12581  
substantially similar to those required for licensure by the 12582  
state behavioral health professionals ~~board of psychology~~ when 12583  
the supervision has occurred prior to enactment of laws 12584  
governing the practice of psychology. 12585

(J) "Health officer" means any public health physician; 12586  
public health nurse; or other person authorized by or designated 12587  
by a city health district; a general health district; or a board 12588  
of alcohol, drug addiction, and mental health services to 12589

perform the duties of a health officer under this chapter. 12590

(K) "Chief clinical officer" means the medical director of 12591  
a hospital, or a community mental health services provider, or a 12592  
board of alcohol, drug addiction, and mental health services, 12593  
or, if there is no medical director, the licensed physician 12594  
responsible for the treatment a hospital or community mental 12595  
health services provider provides. The chief clinical officer 12596  
may delegate to the attending physician responsible for a 12597  
patient's care the duties imposed on the chief clinical officer 12598  
by this chapter. Within a community mental health services 12599  
provider, the chief clinical officer shall be designated by the 12600  
governing body of the services provider and shall be a licensed 12601  
physician or licensed clinical psychologist who supervises 12602  
diagnostic and treatment services. A licensed physician or 12603  
licensed clinical psychologist designated by the chief clinical 12604  
officer may perform the duties and accept the responsibilities 12605  
of the chief clinical officer in the chief clinical officer's 12606  
absence. 12607

(L) "Working day" or "court day" means Monday, Tuesday, 12608  
Wednesday, Thursday, and Friday, except when such day is a 12609  
holiday. 12610

(M) "Indigent" means unable without deprivation of 12611  
satisfaction of basic needs to provide for the payment of an 12612  
attorney and other necessary expenses of legal representation, 12613  
including expert testimony. 12614

(N) "Respondent" means the person whose detention, 12615  
commitment, hospitalization, continued hospitalization or 12616  
commitment, or discharge is being sought in any proceeding under 12617  
this chapter. 12618

- (O) "Ohio protection and advocacy system" has the same meaning as in section 5123.60 of the Revised Code. 12619  
12620
- (P) "Independent expert evaluation" means an evaluation conducted by a licensed clinical psychologist, psychiatrist, or licensed physician who has been selected by the respondent or the respondent's counsel and who consents to conducting the evaluation. 12621  
12622  
12623  
12624  
12625
- (Q) "Court" means the probate division of the court of common pleas. 12626  
12627
- (R) "Expunge" means: 12628
- (1) The removal and destruction of court files and records, originals and copies, and the deletion of all index references; 12629  
12630  
12631
- (2) The reporting to the person of the nature and extent of any information about the person transmitted to any other person by the court; 12632  
12633  
12634
- (3) Otherwise insuring that any examination of court files and records in question shall show no record whatever with respect to the person; 12635  
12636  
12637
- (4) That all rights and privileges are restored, and that the person, the court, and any other person may properly reply that no such record exists, as to any matter expunged. 12638  
12639  
12640
- (S) "Residence" means a person's physical presence in a county with intent to remain there, except that: 12641  
12642
- (1) If a person is receiving a mental health service at a facility that includes nighttime sleeping accommodations, residence means that county in which the person maintained the person's primary place of residence at the time the person 12643  
12644  
12645  
12646

entered the facility; 12647

(2) If a person is committed pursuant to section 2945.38, 12648  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 12649  
residence means the county where the criminal charges were 12650  
filed. 12651

When the residence of a person is disputed, the matter of 12652  
residence shall be referred to the department of mental health 12653  
and addiction services for investigation and determination. 12654  
Residence shall not be a basis for a board's denying services to 12655  
any person present in the board's service district, and the 12656  
board shall provide services for a person whose residence is in 12657  
dispute while residence is being determined and for a person in 12658  
an emergency situation. 12659

(T) "Admission" to a hospital or other place means that a 12660  
patient is accepted for and stays at least one night at the 12661  
hospital or other place. 12662

(U) "Prosecutor" means the prosecuting attorney, village 12663  
solicitor, city director of law, or similar chief legal officer 12664  
who prosecuted a criminal case in which a person was found not 12665  
guilty by reason of insanity, who would have had the authority 12666  
to prosecute a criminal case against a person if the person had 12667  
not been found incompetent to stand trial, or who prosecuted a 12668  
case in which a person was found guilty. 12669

(V) (1) "Treatment plan" means a written statement of 12670  
reasonable objectives and goals for an individual established by 12671  
the treatment team, with specific criteria to evaluate progress 12672  
towards achieving those objectives. 12673

(2) The active participation of the patient in 12674  
establishing the objectives and goals shall be documented. The 12675

treatment plan shall be based on patient needs and include 12676  
services to be provided to the patient while the patient is 12677  
hospitalized, after the patient is discharged, or in an 12678  
outpatient setting. The treatment plan shall address services to 12679  
be provided. In the establishment of the treatment plan, 12680  
consideration should be given to the availability of services, 12681  
which may include but are not limited to all of the following: 12682

- (a) Community psychiatric supportive treatment; 12683
- (b) Assertive community treatment; 12684
- (c) Medications; 12685
- (d) Individual or group therapy; 12686
- (e) Peer support services; 12687
- (f) Financial services; 12688
- (g) Housing or supervised living services; 12689
- (h) Alcohol or substance abuse treatment; 12690
- (i) Any other services prescribed to treat the patient's 12691  
mental illness and to either assist the patient in living and 12692  
functioning in the community or to help prevent a relapse or a 12693  
deterioration of the patient's current condition. 12694

(3) If the person subject to the treatment plan has 12695  
executed an advanced directive for mental health treatment, the 12696  
treatment team shall consider any directions included in such 12697  
advanced directive in developing the treatment plan. 12698

(W) "Community control sanction" has the same meaning as 12699  
in section 2929.01 of the Revised Code. 12700

(X) "Post-release control sanction" has the same meaning 12701  
as in section 2967.01 of the Revised Code. 12702

(Y) "Local correctional facility" has the same meaning as 12703  
in section 2903.13 of the Revised Code. 12704

**Sec. 5123.46.** All rules adopted under sections 5123.41 to 12705  
5123.45 and section 5123.452 of the Revised Code shall be 12706  
adopted in consultation with the board of nursing, the Ohio 12707  
nurses association, ~~the Ohio respiratory care board,~~ the state 12708  
medical board, and the Ohio society for respiratory care. The 12709  
rules shall be adopted in accordance with Chapter 119. of the 12710  
Revised Code. 12711

**Section 2.** That existing sections 109.572, 119.06, 121.22, 12712  
122.071, 125.22, 2135.01, 2305.113, 3313.608, 3701.83, 4723.05, 12713  
4725.01, 4725.02, 4725.09, 4725.091, 4725.092, 4725.10, 4725.11, 12714  
4725.12, 4725.121, 4725.13, 4725.15, 4725.16, 4725.17, 4725.171, 12715  
4725.18, 4725.19, 4725.20, 4725.21, 4725.22, 4725.23, 4725.24, 12716  
4725.26, 4725.27, 4725.28, 4725.29, 4725.31, 4725.33, 4725.34, 12717  
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4757.11, 4758.10, 4758.11, 4758.12, 4758.13, 4758.15, 4758.16, 12758  
4758.17, 4758.18, 4758.23, 4759.03, 4759.04, 4761.02, 4779.05, 12759  
4779.06, 4779.07, 4779.16, 4779.21, and 4779.22 of the Revised 12760  
Code are hereby repealed. 12761

**Section 3.** All items in this section are hereby 12762  
appropriated as designated out of any moneys in the state 12763  
treasury to the credit of the designated fund. For all 12764

appropriations made in this act, those in the first column are 12765  
for fiscal year 2016 and those in the second column are for 12766  
fiscal year 2017. The appropriations made in this act are in 12767  
addition to any other appropriations made for the FY 2016-FY 12768  
2017 biennium. 12769

BHP STATE BEHAVIORAL HEALTH 12770

PROFESSIONALS BOARD 12771

Dedicated Purpose Fund Group 12772

4K90 126609 Operating Expenses \$0 \$200,000 12773

TOTAL DPF Dedicated Purpose Fund Group \$0 \$200,000 12774

TOTAL ALL BUDGET FUND GROUPS \$0 \$200,000 12775

OPERATING EXPENSES 12776

The foregoing appropriation item 126609, Operating 12777  
Expenses, shall be used to facilitate the transition of powers 12778  
and duties of the Chemical Dependency Professionals Board, the 12779  
Counselor, Social Worker, and Marriage and Family Therapist 12780  
Board, and the State Board of Psychology to the State Behavioral 12781  
Health Professionals Board. 12782

XXX STATE 12783

PHYSICAL HEALTH SERVICES BOARD 12784

Dedicated Purpose Fund Group 12785

4K90 XXX609 Operating Expenses \$0 \$200,000 12786

TOTAL DPF Dedicated Purpose Fund Group \$0 \$200,000 12787

TOTAL ALL BUDGET FUND GROUPS \$0 \$200,000 12788

OPERATING EXPENSES 12789



The foregoing appropriation item XXX609, Operating Expenses, shall be used to facilitate the transition of powers and duties of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board and the State Board of Orthotics, Prosthetics, and Pedorthics to the State Physical Health Services Board.

VHP STATE VISION AND HEARING

PROFESSIONALS BOARD

Dedicated Purpose Fund Group

4K90 129609	Operating Expenses	\$0	\$200,000	12799
TOTAL DPF Dedicated Purpose Fund Group		\$0	\$200,000	12800
TOTAL ALL BUDGET FUND GROUPS		\$0	\$200,000	12801

OPERATING EXPENSES

The foregoing appropriation item 129609, Operating Expenses, shall be used to facilitate the transition of powers and duties of the Ohio Optical Dispensers Board, the State Board of Optometry, the Board of Speech-Language Pathology and Audiology, and the Hearing Aid Dealers and Fitters Licensing Board to the State Vision and Hearing Professionals Board.

**Section 4.** Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from appropriations contained in this act shall be accounted for as though made in Am. Sub. H.B. 64 of the 131st General Assembly.

The appropriations made in this act are subject to all 12817  
provisions of Am. Sub. H.B. 64 of the 131st General Assembly 12818  
that are generally applicable to such appropriations. 12819

**Section 5.** Notwithstanding any provision of law to the 12820  
contrary, on or after the effective date of this section, the 12821  
Director of Budget and Management shall make budget and 12822  
accounting changes made necessary by the transfer and 12823  
consolidation contained in this act. 12824

**Section 6.** (A) Effective July 1, 2017, the State Board of 12825  
Optometry, the Ohio Optical Dispensers Board, the Hearing Aid 12826  
Dealers and Fitters Licensing Board, and the Board of Speech- 12827  
Language Pathology and Audiology are abolished. 12828

(B) Any business commenced but not completed by July 1, 12829  
2017, by the State Board of Optometry, the Ohio Optical 12830  
Dispensers Board, the Hearing Aid Dealers and Fitters Licensing 12831  
Board, and the Board of Speech-Language Pathology and Audiology 12832  
or by the executive directors, executive secretary-treasurer, or 12833  
secretary of those boards, as applicable, shall be completed by 12834  
the State Vision and Hearing Professionals Board or the 12835  
Executive Director of the State Vision and Hearing Professionals 12836  
Board in the same manner, and with the same effect, as if 12837  
completed by the State Board of Optometry, the Ohio Optical 12838  
Dispensers Board, the Hearing Aid Dealers and Fitters Licensing 12839  
Board, or the Board of Speech-Language Pathology and Audiology 12840  
or the executive directors, executive secretary-treasurer, or 12841  
secretary of those boards, as applicable. 12842

(C) All rules, orders, and determinations of the State 12843  
Board of Optometry, the Ohio Optical Dispensers Board, the 12844  
Hearing Aid Dealers and Fitters Licensing Board, and the Board 12845  
of Speech-Language Pathology and Audiology or by the executive 12846

directors, executive secretary-treasurer, or secretary of those 12847  
boards, as applicable, continue in effect as rules, orders, and 12848  
determinations of the State Vision and Hearing Professionals 12849  
Board until modified or rescinded by the State Vision and 12850  
Hearing Professionals Board. If necessary to ensure the 12851  
integrity of the numbering of the Administrative Code, the 12852  
Director of the Legislative Service Commission shall renumber 12853  
any rule to reflect its transfer to the State Vision and Hearing 12854  
Professionals Board. 12855

Any licenses, certificates, permits, registrations, or 12856  
endorsements issued before July 1, 2017, by the State Board of 12857  
Optometry, the Ohio Optical Dispensers Board, the Hearing Aid 12858  
Dealers and Fitters Licensing Board, or the Board of Speech- 12859  
Language Pathology and Audiology shall continue in effect as if 12860  
issued by the State Vision and Hearing Professionals Board. 12861

(D) (1) Subject to the lay-off provisions of sections 12862  
124.321 to 124.382 of the Revised Code, all employees of the 12863  
State Board of Optometry, the Ohio Optical Dispensers Board, the 12864  
Hearing Aid Dealers and Fitters Licensing Board, and the Board 12865  
of Speech-Language Pathology and Audiology are transferred to 12866  
the State Vision and Hearing Professionals Board. The employees 12867  
shall retain their positions and benefits. 12868

(2) During the period beginning July 1, 2017, and ending 12869  
June 30, 2019, the Executive Director of the State Vision and 12870  
Hearing Professionals Board may establish, change, and abolish 12871  
positions on the Board and assign, reassign, classify, 12872  
reclassify, transfer, reduce, promote, or demote all employees 12873  
of the Board who are not subject to Chapter 4117. of the Revised 12874  
Code. 12875

(3) The authority granted to the Executive Director of the 12876

Board under division (D) (2) of this section includes assigning 12877  
or reassigning an exempt employee, as defined in section 124.152 12878  
of the Revised Code, to a bargaining unit classification that 12879  
the Executive Director determines is the proper classification 12880  
for that employee. If an employee in the E-1 pay range is to be 12881  
assigned, reassigned, classified, reclassified, transferred, 12882  
reduced, or demoted to a position in a lower classification 12883  
during the period specified in this section, the Executive 12884  
Director, or in the case of a transfer to a position outside the 12885  
Board, the Director of Administrative Services, shall assign the 12886  
employee to the appropriate classification and place the 12887  
employee in Step X. The employee shall not receive any increase 12888  
in compensation until the maximum rate of pay for that 12889  
classification exceeds the employee's compensation. 12890

(4) Actions taken by the Executive Director pursuant to 12891  
division (D) of this section are not subject to appeal to the 12892  
State Personnel Board of Review. 12893

(E) Notwithstanding section 145.297 of the Revised Code, 12894  
the State Board of Optometry, the Ohio Optical Dispensers Board, 12895  
the Hearing Aid Dealers and Fitters Licensing Board, and the 12896  
Board of Speech-Language Pathology and Audiology may, at that 12897  
board's discretion and with approval from the Office of Budget 12898  
and Management, establish a retirement incentive plan for 12899  
eligible employees of those boards who are members of the Public 12900  
Employees Retirement System. Any retirement incentive plan 12901  
established pursuant to this section shall remain in effect 12902  
until June 30, 2017. 12903

(F) No validation, cure, right, privilege, remedy, 12904  
obligation, or liability is lost or impaired by reason of the 12905  
transfer required by this section and shall be administered by 12906

the State Vision and Hearing Professionals Board. No action or 12907  
proceeding pending on the effective date of this act is affected 12908  
by the transfer, and shall be prosecuted or defended in the name 12909  
of the State Vision and Hearing Professionals Board or the 12910  
Board's Executive Director, as appropriate. In all such actions 12911  
and proceedings, the State Vision and Hearing Professionals 12912  
Board or the Board's Executive Director shall be substituted as 12913  
a party. 12914

(G) All records, documents, files, equipment, assets, and 12915  
other materials of the State Board of Optometry, the Ohio 12916  
Optical Dispensers Board, the Hearing Aid Dealers and Fitters 12917  
Licensing Board, and the Board of Speech-Language Pathology and 12918  
Audiology are transferred to the State Vision and Hearing 12919  
Professionals Board. 12920

**Section 7.** (A) Effective July 1, 2017, the Chemical 12921  
Dependency Professionals Board, the Counselor, Social Worker, 12922  
and Marriage and Family Therapist Board, and the State Board of 12923  
Psychology are abolished. 12924

(B) Any business commenced but not completed by July 1, 12925  
2017, by the Chemical Dependency Professionals Board, the 12926  
Counselor, Social Worker, and Marriage and Family Therapist 12927  
Board, and the State Board of Psychology or by the executive 12928  
directors of those boards shall be completed by the State 12929  
Behavioral Health Professionals Board or the Executive Director 12930  
of the State Behavioral Health Professionals Board in the same 12931  
manner, and with the same effect, as if completed by the 12932  
Chemical Dependency Professionals Board, the Counselor, Social 12933  
Worker, and Marriage and Family Therapist Board, and the State 12934  
Board of Psychology, or the executive directors of those boards. 12935

(C) All rules, orders, and determinations of the Chemical 12936

Dependency Professionals Board, the Counselor, Social Worker, 12937  
and Marriage and Family Therapist Board, and the State Board of 12938  
Psychology, or by the executive directors of those boards 12939  
continue in effect as rules, orders, and determinations of the 12940  
State Behavioral Health Professionals Board until modified or 12941  
rescinded by the State Behavioral Health Professionals Board. If 12942  
necessary to ensure the integrity of the numbering of the 12943  
Administrative Code, the Director of the Legislative Service 12944  
Commission shall renumber any rule to reflect its transfer to 12945  
the State Behavioral Health Professionals Board. 12946

Any licenses, certificates, permits, registrations, or 12947  
endorsements issued before July 1, 2017, by the Chemical 12948  
Dependency Professionals Board, the Counselor, Social Worker, 12949  
and Marriage and Family Therapist Board, and the State Board of 12950  
Psychology shall continue in effect as if issued by the State 12951  
Behavioral Health Professionals Board. 12952

(D) (1) Subject to the lay-off provisions of sections 12953  
124.321 to 124.382 of the Revised Code, all employees of the 12954  
Chemical Dependency Professionals Board, the Counselor, Social 12955  
Worker, and Marriage and Family Therapist Board, and the State 12956  
Board of Psychology are transferred to the State Behavioral 12957  
Health Professionals Board. The employees shall retain their 12958  
positions and benefits. 12959

(2) During the period beginning July 1, 2017, and ending 12960  
June 30, 2019, the Executive Director of the State Behavioral 12961  
Health Professionals Board may establish, change, and abolish 12962  
positions on the Board and assign, reassign, classify, 12963  
reclassify, transfer, reduce, promote, or demote all employees 12964  
of the Board who are not subject to Chapter 4117. of the Revised 12965  
Code. 12966

(3) The authority granted to the Executive Director of the Board under division (D) (2) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification that the Executive Director determines is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in this section, the Executive Director, or in the case of a transfer to a position outside the Board, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(4) Actions taken by the Executive Director pursuant to division (D) of this section are not subject to appeal to the State Personnel Board of Review.

(E) Notwithstanding section 145.297 of the Revised Code, the Chemical Dependency Professionals Board, the Counselor, Social Worker, and Marriage and Family Therapist Board, and the State Board of Psychology may, at that board's discretion and with approval from the Office of Budget and Management, establish a retirement incentive plan for eligible employees of those boards who are members of the Public Employees Retirement System. Any retirement incentive plan established pursuant to this section shall remain in effect until June 30, 2017.

(F) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section and shall be administered by

the State Behavioral Health Professionals Board. No action or 12997  
proceeding pending on the effective date of this act is affected 12998  
by the transfer, and shall be prosecuted or defended in the name 12999  
of the State Behavioral Health Professionals Board or the 13000  
Board's Executive Director, as appropriate. In all such actions 13001  
and proceedings, the State Behavioral Health Professionals Board 13002  
or the Board's Executive Director shall be substituted as a 13003  
party. 13004

(G) All records, documents, files, equipment, assets, and 13005  
other materials of the Chemical Dependency Professionals Board, 13006  
the Counselor, Social Worker, and Marriage and Family Therapist 13007  
Board, and the State Board of Psychology are transferred to the 13008  
State Behavioral Health Professionals Board. 13009

**Section 8.** (A) Effective July 1, 2017, the Ohio 13010  
Occupational Therapy, Physical Therapy, and Athletic Trainers 13011  
Board and the State Board of Orthotics, Prosthetics, and 13012  
Pedorthics are abolished. 13013

(B) Any business commenced but not completed by July 1, 13014  
2017, by the Ohio Occupational Therapy, Physical Therapy, and 13015  
Athletic Trainers Board and the State Board of Orthotics, 13016  
Prosthetics, and Pedorthics, or by the executive directors of 13017  
those boards shall be completed by the State Physical Health 13018  
Services Board or the Executive Director of the State Physical 13019  
Health Services Board in the same manner, and with the same 13020  
effect, as if completed by the Ohio Occupational Therapy, 13021  
Physical Therapy, and Athletic Trainers Board or the State Board 13022  
of Orthotics, Prosthetics, and Pedorthics, or the executive 13023  
directors of those boards. 13024

(C) All rules, orders, and determinations of the Ohio 13025  
Occupational Therapy, Physical Therapy, and Athletic Trainers 13026



Board and the State Board of Orthotics, Prosthetics, and 13027  
Pedorthics, or by the executive directors of those boards 13028  
continue in effect as rules, orders, and determinations of the 13029  
State Physical Health Services Board until modified or rescinded 13030  
by the State Physical Health Services Board. If necessary to 13031  
ensure the integrity of the numbering of the Administrative 13032  
Code, the Director of the Legislative Service Commission shall 13033  
renumber any rule to reflect its transfer to the State Physical 13034  
Health Services Board. 13035

Any licenses, certificates, permits, registrations, or 13036  
endorsements issued before July 1, 2017, by the Ohio 13037  
Occupational Therapy, Physical Therapy, and Athletic Trainers 13038  
Board or the State Board of Orthotics, Prosthetics, and 13039  
Pedorthics shall continue in effect as if issued by the State 13040  
Physical Health Services Board. 13041

(D) (1) Subject to the lay-off provisions of sections 13042  
124.321 to 124.382 of the Revised Code, all employees of the 13043  
Ohio Occupational Therapy, Physical Therapy, and Athletic 13044  
Trainers Board and the State Board of Orthotics, Prosthetics, 13045  
and Pedorthics are transferred to the State Physical Health 13046  
Services Board. The employees shall retain their positions and 13047  
benefits. 13048

(2) During the period beginning July 1, 2017, and ending 13049  
June 30, 2019, the Executive Director of the State Physical 13050  
Health Services Board may establish, change, and abolish 13051  
positions on the Board and assign, reassign, classify, 13052  
reclassify, transfer, reduce, promote, or demote all employees 13053  
of the Board who are not subject to Chapter 4117. of the Revised 13054  
Code. 13055

(3) The authority granted to the Executive Director of the 13056

Board under division (D) (2) of this section includes assigning 13057  
or reassigning an exempt employee, as defined in section 124.152 13058  
of the Revised Code, to a bargaining unit classification that 13059  
the Executive Director determines is the proper classification 13060  
for that employee. If an employee in the E-1 pay range is to be 13061  
assigned, reassigned, classified, reclassified, transferred, 13062  
reduced, or demoted to a position in a lower classification 13063  
during the period specified in this section, the Executive 13064  
Director, or in the case of a transfer to a position outside the 13065  
Board, the Director of Administrative Services, shall assign the 13066  
employee to the appropriate classification and place the 13067  
employee in Step X. The employee shall not receive any increase 13068  
in compensation until the maximum rate of pay for that 13069  
classification exceeds the employee's compensation. 13070

(4) Actions taken by the Executive Director pursuant to 13071  
division (D) of this section are not subject to appeal to the 13072  
State Personnel Board of Review. 13073

(E) Notwithstanding section 145.297 of the Revised Code, 13074  
the Ohio Occupational Therapy, Physical Therapy, and Athletic 13075  
Trainers Board and the State Board of Orthotics, Prosthetics, 13076  
and Pedorthics may, at that board's discretion and with approval 13077  
from the Office of Budget and Management, establish a retirement 13078  
incentive plan for eligible employees of those boards who are 13079  
members of the Public Employees Retirement System. Any 13080  
retirement incentive plan established pursuant to this section 13081  
shall remain in effect until June 30, 2017. 13082

(F) No validation, cure, right, privilege, remedy, 13083  
obligation, or liability is lost or impaired by reason of the 13084  
transfer required by this section and shall be administered by 13085  
the State Physical Health Services Board. No action or 13086

proceeding pending on the effective date of this act is affected 13087  
by the transfer, and shall be prosecuted or defended in the name 13088  
of the State Physical Health Services Board or the Board's 13089  
Executive Director, as appropriate. In all such actions and 13090  
proceedings, the State Physical Health Services Board or the 13091  
Board's Executive Director shall be substituted as a party. 13092

(G) All records, documents, files, equipment, assets, and 13093  
other materials of the Ohio Occupational Therapy, Physical 13094  
Therapy, and Athletic Trainers Board and the State Board of 13095  
Orthotics, Prosthetics, and Pedorthics are transferred to the 13096  
State Physical Health Services Board. 13097

**Section 9.** (A) Effective July 1, 2017, the Ohio Board of 13098  
Dietetics is abolished. 13099

(B) Any business commenced but not completed by July 1, 13100  
2017, by the Ohio Board of Dietetics, or by the Executive 13101  
Secretary of the Board, shall be completed by the State Medical 13102  
Board or the Executive Director of the State Medical Board in 13103  
the same manner, and with the same effect, as if completed by 13104  
the Ohio Board of Dietetics, or the Executive Secretary of the 13105  
Board. 13106

(C) All rules, orders, and determinations of the Ohio 13107  
Board of Dietetics, or by the Executive Secretary of the Board, 13108  
continue in effect as rules, orders, and determinations of the 13109  
State Medical Board until modified or rescinded by the State 13110  
Medical Board. If necessary to ensure the integrity of the 13111  
numbering of the Administrative Code, the Director of the 13112  
Legislative Service Commission shall renumber any rule to 13113  
reflect its transfer to the State Medical Board. 13114

Any licenses, certificates, permits, registrations, or 13115

endorsements issued before July 1, 2017, by the Ohio Board of 13116  
Dietetics shall continue in effect as if issued by the State 13117  
Medical Board. 13118

(D) (1) Subject to the lay-off provisions of sections 13119  
124.321 to 124.382 of the Revised Code, all employees of the 13120  
Ohio Board of Dietetics are transferred to the State Medical 13121  
Board. The employees shall retain their positions and benefits. 13122

(2) During the period beginning July 1, 2017, and ending 13123  
June 30, 2019, the Executive Director of the State Medical Board 13124  
may establish, change, and abolish positions on the Board and 13125  
assign, reassign, classify, reclassify, transfer, reduce, 13126  
promote, or demote all employees transferred to the Board under 13127  
this section who are not subject to Chapter 4117. of the Revised 13128  
Code. 13129

(3) The authority granted to the Executive Director of the 13130  
Board under division (D) (2) of this section includes assigning 13131  
or reassigning an exempt employee, as defined in section 124.152 13132  
of the Revised Code, to a bargaining unit classification that 13133  
the Executive Director determines is the proper classification 13134  
for that employee. If an employee in the E-1 pay range is to be 13135  
assigned, reassigned, classified, reclassified, transferred, 13136  
reduced, or demoted to a position in a lower classification 13137  
during the period specified in this section, the Executive 13138  
Director, or in the case of a transfer to a position outside the 13139  
Board, the Director of Administrative Services, shall assign the 13140  
employee to the appropriate classification and place the 13141  
employee in Step X. The employee shall not receive any increase 13142  
in compensation until the maximum rate of pay for that 13143  
classification exceeds the employee's compensation. 13144

(4) Actions taken by the Executive Director pursuant to 13145

division (D) of this section are not subject to appeal to the 13146  
State Personnel Board of Review. 13147

(E) Notwithstanding section 145.297 of the Revised Code, 13148  
the Ohio Board of Dietetics may, at that Board's discretion and 13149  
with approval from the Office of Budget and Management, 13150  
establish a retirement incentive plan for eligible employees of 13151  
the board who are members of the Public Employees Retirement 13152  
System. Any retirement incentive plan established pursuant to 13153  
this section shall remain in effect until June 30, 2017. 13154

(F) No validation, cure, right, privilege, remedy, 13155  
obligation, or liability is lost or impaired by reason of the 13156  
transfer required by this section and shall be administered by 13157  
the State Medical Board. No action or proceeding pending on the 13158  
effective date of this act is affected by the transfer, and 13159  
shall be prosecuted or defended in the name of the State Medical 13160  
Board or the Board's Executive Director, as appropriate. In all 13161  
such actions and proceedings, the State Medical Board or the 13162  
Board's Executive Director shall be substituted as a party. 13163

(G) All records, documents, files, equipment, assets, and 13164  
other materials of the Ohio Board of Dietetics are transferred 13165  
to the State Medical Board. 13166

**Section 10.** (A) Effective July 1, 2017, the Ohio 13167  
Respiratory Care Board is abolished. 13168

(B) Any business commenced but not completed by July 1, 13169  
2017, by the Ohio Respiratory Care Board, or by the Executive 13170  
Director of the Board shall be completed by the State Board of 13171  
Pharmacy, with respect to implementing Chapter 4752. of the 13172  
Revised Code, and the State Medical Board, with respect to 13173  
implementing Chapter 4761. of the Revised Code, or the executive 13174

directors of those boards in the same manner, and with the same 13175  
effect, as if completed by the Ohio Respiratory Care Board, or 13176  
the Executive Director of the Board. 13177

(C) All rules, orders, and determinations of the Ohio 13178  
Respiratory Care Board, or by the Executive Director of the 13179  
board continue in effect as rules, orders, and determinations of 13180  
the State Board of Pharmacy, with respect to implementing 13181  
Chapter 4752. of the Revised Code, and the State Medical Board, 13182  
with respect to implementing Chapter 4761. of the Revised Code, 13183  
until modified or rescinded by the State Board of Pharmacy or 13184  
the State Medical Board. If necessary to ensure the integrity of 13185  
the numbering of the Administrative Code, the Director of the 13186  
Legislative Service Commission shall renumber any rule to 13187  
reflect its transfer to the State Board of Pharmacy or the State 13188  
Medical Board. 13189

Any licenses, certificates, permits, registrations, or 13190  
endorsements issued before July 1, 2017, by the Ohio Respiratory 13191  
Care Board shall continue in effect as if issued by the State 13192  
Board of Pharmacy, with respect to implementing Chapter 4752. of 13193  
the Revised Code, and the State Medical Board, with respect to 13194  
implementing Chapter 4761. of the Revised Code. 13195

(D) (1) Subject to the lay-off provisions of sections 13196  
124.321 to 124.382 of the Revised Code, all employees of the 13197  
Ohio Respiratory Care Board are transferred to the State Board 13198  
of Pharmacy, with respect to implementing Chapter 4752. of the 13199  
Revised Code, or the State Medical Board, with respect to 13200  
implementing Chapter 4761. of the Revised Code. The employees 13201  
shall retain their positions and benefits. 13202

(2) During the period beginning July 1, 2017, and ending 13203  
June 30, 2019, the executive directors of the State Board of 13204

Pharmacy and the State Medical Board may establish, change, and 13205  
abolish positions on the Board and assign, reassign, classify, 13206  
reclassify, transfer, reduce, promote, or demote all employees 13207  
transferred to those boards under this section who are not 13208  
subject to Chapter 4117. of the Revised Code. 13209

(3) The authority granted to the executive directors of 13210  
the State Board of Pharmacy and the State Medical Board under 13211  
division (D)(2) of this section includes assigning or 13212  
reassigning an exempt employee, as defined in section 124.152 of 13213  
the Revised Code, to a bargaining unit classification that the 13214  
executive directors determine is the proper classification for 13215  
that employee. If an employee in the E-1 pay range is to be 13216  
assigned, reassigned, classified, reclassified, transferred, 13217  
reduced, or demoted to a position in a lower classification 13218  
during the period specified in this section, the executive 13219  
directors, or in the case of a transfer to a position outside 13220  
the Board, the Director of Administrative Services, shall assign 13221  
the employee to the appropriate classification and place the 13222  
employee in Step X. The employee shall not receive any increase 13223  
in compensation until the maximum rate of pay for that 13224  
classification exceeds the employee's compensation. 13225

(4) Actions taken by the executive directors pursuant to 13226  
division (D) of this section are not subject to appeal to the 13227  
State Personnel Board of Review. 13228

(E) Notwithstanding section 145.297 of the Revised Code, 13229  
the Ohio Respiratory Care Board may, at the Board's discretion 13230  
and with approval from the Office of Budget and Management, 13231  
establish a retirement incentive plan for eligible employees of 13232  
those boards who are members of the Public Employees Retirement 13233  
System. Any retirement incentive plan established pursuant to 13234

this section shall remain in effect until June 30, 2017. 13235

(F) No validation, cure, right, privilege, remedy, 13236  
obligation, or liability is lost or impaired by reason of the 13237  
transfer required by this section and shall be administered by 13238  
the State Board of Pharmacy, with respect to implementing 13239  
Chapter 4752. of the Revised Code, and the State Medical Board, 13240  
with respect to implementing Chapter 4761. of the Revised Code. 13241  
No action or proceeding pending on the effective date of this 13242  
act is affected by the transfer, and shall be prosecuted or 13243  
defended in the name of the State Board of Pharmacy or the State 13244  
Medical Board, as applicable, or that board's executive 13245  
director, as appropriate. In all such actions and proceedings, 13246  
the State Board of Pharmacy or the State Medical Board, as 13247  
applicable, or that board's executive director shall be 13248  
substituted as a party. 13249

(G) All records, documents, files, equipment, assets, and 13250  
other materials of the Ohio Respiratory Care Board are 13251  
transferred to the State Board of Pharmacy, with respect to 13252  
implementing Chapter 4752. of the Revised Code and the State 13253  
Medical Board, with respect to implementing Chapter 4761. of the 13254  
Revised Code. 13255

**Section 11.** Sections 1 and 2 of this act, except for the 13256  
enactment of Chapter 4744. of the Revised Code, take effect July 13257  
1, 2017. 13258

**Section 12.** The General Assembly, applying the principle 13259  
stated in division (B) of section 1.52 of the Revised Code that 13260  
amendments are to be harmonized if reasonably capable of 13261  
simultaneous operation, finds that the following sections, 13262  
presented in this act as composites of the sections as amended 13263  
by the acts indicated, are the resulting versions of the 13264



sections in effect prior to the effective date of the sections as presented in this act:	13265 13266
Section 121.22 of the Revised Code as amended by both Sub. H.B. 158 and Sub. H.B. 413 of the 131st General Assembly.	13267 13268
Section 2305.113 of the Revised Code as amended by Sub. H.B. 290 of the 130th General Assembly and Sub. S.B. 110 of the 131st General Assembly.	13269 13270 13271
Section 4725.09 of the Revised Code as amended by both Am. Sub. H.B. 104 and Sub. H.B. 149 of the 127th General Assembly.	13272 13273
Section 4731.07 of the Revised Code as amended by both Am. Sub. H.B. 64 and Sub. S.B. 110 of the 131st General Assembly.	13274 13275
Section 4732.14 of the Revised Code as amended by both Sub. H.B. 83 and Am. Sub. H.B. 98 of the 130th General Assembly.	13276 13277
Section 4757.41 of the Revised Code as amended by both Sub. H.B. 158 and H.B. 230 of the 131st General Assembly.	13278 13279