

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 203

Representative Powell

**Cosponsors: Representatives Riedel, Click, Fowler Arthur, Lipps, Gross, Merrin,
Kick, McClain, Dean, Jordan, Zeltwanger**

A BILL

To amend sections 109.73, 109.77, 109.771, 109.78, 1
109.804, 147.01, 147.63, 169.16, 173.21, 2
173.391, 173.422, 503.41, 715.27, 903.07, 3
905.321, 917.09, 917.091, 921.06, 921.11, 4
921.12, 921.24, 921.26, 926.30, 928.02, 943.09, 5
956.05, 956.06, 1315.04, 1315.13, 1315.23, 6
1321.04, 1321.37, 1321.53, 1321.64, 1321.74, 7
1322.07, 1322.10, 1322.21, 1513.07, 1513.161, 8
1514.12, 1514.47, 1531.40, 1533.051, 1533.51, 9
1561.14, 1561.15, 1561.16, 1561.17, 1561.18, 10
1561.19, 1561.20, 1561.21, 1561.22, 1565.06, 11
1565.15, 1707.15, 1707.151, 1707.16, 1707.161, 12
1707.163, 1707.165, 1717.06, 3101.10, 3301.071, 13
3301.074, 3319.088, 3319.22, 3319.226, 3319.229, 14
3319.26, 3319.261, 3319.262, 3319.27, 3319.28, 15
3319.301, 3319.303, 3319.361, 3327.10, 3703.01, 16
3703.21, 3704.14, 3713.05, 3717.09, 3723.03, 17
3723.06, 3737.83, 3737.881, 3742.05, 3743.03, 18
3743.16, 3743.40, 3743.51, 3748.07, 3748.12, 19
3769.03, 3770.05, 3772.13, 3772.131, 3773.36, 20
3773.421, 3774.02, 3781.10, 3781.102, 3781.105, 21
3905.041, 3905.062, 3905.063, 3905.07, 3905.071, 22

3905.072, 3905.08, 3905.09, 3905.30, 3905.471,	23
3905.72, 3905.81, 3905.85, 3916.03, 3951.03,	24
3951.05, 3951.09, 4104.07, 4104.101, 4104.19,	25
4105.02, 4169.03, 4301.10, 4508.03, 4508.04,	26
4508.08, 4511.763, 4701.06, 4701.07, 4701.10,	27
4703.08, 4703.10, 4703.33, 4703.35, 4703.37,	28
4707.07, 4707.072, 4707.09, 4709.07, 4709.08,	29
4709.10, 4712.02, 4713.10, 4713.28, 4713.30,	30
4713.31, 4713.34, 4713.37, 4713.69, 4715.03,	31
4715.09, 4715.10, 4715.16, 4715.27, 4715.362,	32
4715.363, 4715.39, 4715.42, 4715.421, 4715.43,	33
4715.53, 4715.62, 4717.05, 4717.051, 4717.10,	34
4723.08, 4723.09, 4723.26, 4723.32, 4723.41,	35
4723.651, 4723.75, 4723.76, 4723.85, 4725.13,	36
4725.18, 4725.26, 4725.48, 4725.52, 4725.57,	37
4725.591, 4727.03, 4728.03, 4729.09, 4729.11,	38
4729.15, 4729.901, 4729.921, 4730.10, 4731.151,	39
4731.19, 4731.291, 4731.293, 4731.294, 4731.295,	40
4731.297, 4731.299, 4731.30, 4731.52, 4731.572,	41
4731.573, 4732.10, 4732.12, 4732.22, 4733.18,	42
4733.19, 4734.23, 4734.27, 4734.283, 4735.023,	43
4735.07, 4735.08, 4735.09, 4735.10, 4735.27,	44
4735.28, 4736.10, 4736.14, 4740.08, 4741.12,	45
4741.13, 4741.14, 4741.15, 4741.19, 4743.04,	46
4743.041, 4747.04, 4747.05, 4747.10, 4749.12,	47
4751.01, 4751.15, 4751.20, 4751.201, 4751.202,	48
4751.21, 4751.32, 4752.05, 4752.12, 4753.07,	49
4753.071, 4753.072, 4753.073, 4753.08, 4753.09,	50
4753.12, 4755.08, 4755.09, 4755.411, 4755.44,	51
4755.441, 4755.45, 4755.451, 4755.48, 4755.482,	52
4755.62, 4755.65, 4757.18, 4758.25, 4759.05,	53
4759.06, 4760.03, 4760.031, 4761.04, 4761.05,	54

4762.03, 4763.05, 4764.10, 4765.10, 4765.11, 55
4765.30, 4765.55, 4767.031, 4771.08, 4773.03, 56
4774.03, 4775.07, 4778.03, 4778.08, 4778.09, 57
4779.17, 4779.18, 4781.07, 4781.08, 4781.17, 58
4783.04, 5123.161, 5123.45, 5126.25, 5902.02, 59
5903.04, 6109.04, and 6111.46; to enact sections 60
3746.041, 4796.01, 4796.02, 4796.03, 4796.04, 61
4796.05, 4796.08, 4796.10, 4796.12, 4796.15, 62
4796.18, and 4796.20; and to repeal sections 63
921.08, 1322.24, 3905.081, 4707.12, and 4757.25 64
of the Revised Code to require an occupational 65
licensing authority to issue a license or 66
government certification to an applicant who 67
holds a license, government certification, or 68
private certification or has satisfactory work 69
experience in another state under certain 70
circumstances and to amend the version of 71
section 3319.22 of the Revised Code that is 72
scheduled to take effect on April 12, 2023, to 73
continue the changes on and after that date. 74

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

Section 1. That sections 4796.01, 4796.02, 4796.03, 75
4796.04, 4796.05, 4796.08, 4796.10, 4796.12, 4796.15, 4796.18, 76
and 4796.20 of the Revised Code be enacted to read as follows: 77

Sec. 4796.01. As used in this chapter: 78

(A) "License" means an authorization evidenced by a 79
license, certificate, registration, permit, card, or other 80

authority that is issued or conferred by a licensing authority 81
to an individual by which the individual has or claims the 82
privilege to engage in a profession, occupation, or occupational 83
activity over which the licensing authority has jurisdiction. 84

(B) "Licensing authority" means a state agency or 85
political subdivision that issues licenses or government 86
certifications. 87

(C) "State agency" has the same meaning as in section 1.60 88
of the Revised Code. 89

(D) "Political subdivision" means a county, township, 90
municipal corporation, or any other body corporate and politic 91
that is responsible for government activities in a geographic 92
area smaller than that of the state. 93

(E) "Out-of-state occupational license" means a license, 94
certificate, registration, permit, card, or other authority that 95
is issued or conferred by one of the uniformed services or the 96
government of another state to an individual by which the 97
individual has or claims the privilege to engage in a 98
profession, occupation, or occupational activity over which that 99
service or state has jurisdiction. 100

(F) (1) "Government certification" means authorization from 101
a licensing authority, one of the uniformed services, or the 102
government of another state to an individual who meets 103
qualifications related to a profession, occupation, or 104
occupational activity to which both of the following apply: 105

(a) Only an individual holding the authorization may use a 106
specific title or titles when advertising or holding the 107
individual's self out to engage in the profession, occupation, 108
or occupational activity. 109

(b) An individual is not required to have the 110
authorization to engage in the profession, occupation, or 111
occupational activity in the respective jurisdiction. 112

(2) "Government certification" does not include a license 113
or an out-of-state occupational license. 114

(G) "Private certification" means authorization from a 115
private organization to an individual who meets qualifications 116
determined by the organization related to the performance of a 117
profession, occupation, or occupational activity and by which 118
the individual may hold the individual's self out as certified 119
by the organization. 120

(H) "Armed forces of the United States" means the army, 121
navy, air force, marine corps, space force, coast guard, or any 122
other reserve components of those forces. 123

(I) "Uniformed services" means the armed forces of the 124
United States; the commissioned corps of the national oceanic 125
and atmospheric administration; the commissioned corps of the 126
public health service; or any reserve components of those 127
forces; and such other service as may be designated by congress. 128

Sec. 4796.02. For purposes of any law requiring a 129
licensing authority to issue a license or government 130
certification under this chapter to an individual who holds a 131
license or government certification issued by another state, 132
"another state," "any other state," and "home state" include the 133
uniformed services. This section does not apply to any provision 134
of a law governing a profession, occupation, or occupational 135
activity that does not require an individual who holds a license 136
or government certification in another state to be issued a 137
license or government certification under this chapter. 138

<u>Sec. 4796.03. Except as otherwise provided in this</u>	139
<u>chapter, a licensing authority shall issue a license or</u>	140
<u>government certification to an applicant if the licensing</u>	141
<u>authority determines that all of the following apply:</u>	142
<u>(A) The applicant holds either of the following:</u>	143
<u>(1) An out-of-state occupational license that authorizes</u>	144
<u>the applicant to engage in the same profession, occupation, or</u>	145
<u>occupational activity, and at the same practice level, as the</u>	146
<u>license or government certification for which the applicant is</u>	147
<u>applying in this state;</u>	148
<u>(2) A government certification in the same profession,</u>	149
<u>occupation, or occupational activity as the license or</u>	150
<u>government certification for which the applicant is applying in</u>	151
<u>this state from one of the uniformed services or a state that</u>	152
<u>does not issue an out-of-state occupational license for the</u>	153
<u>respective profession, occupation, or occupational activity.</u>	154
<u>(B) The applicant has held the out-of-state occupational</u>	155
<u>license or government certification for at least one year and is</u>	156
<u>in good standing in all jurisdictions in which the applicant</u>	157
<u>holds an out-of-state occupational license or government</u>	158
<u>certification to practice the same profession, occupation, or</u>	159
<u>occupational activity for which the applicant is applying in</u>	160
<u>this state.</u>	161
<u>(C) The applicant was required to satisfy minimum</u>	162
<u>education, training, or experience requirements or pass an</u>	163
<u>examination to receive the out-of-state occupational license or</u>	164
<u>government certification.</u>	165
<u>(D) The applicant has not surrendered or had revoked a</u>	166
<u>license, out-of-state occupational license, or government</u>	167

certification because of negligence or intentional misconduct 168
related to the applicant's work in the same profession, 169
occupation, or occupational activity for which the applicant is 170
applying in this state. 171

(E) The applicant pays a fee to the licensing authority 172
that is equal to the renewal fee required for license or 173
government certification holders under the applicable law or to 174
the initial licensure fee, if the license or government 175
certification for which the applicant is applying in this state 176
does not have a renewal fee. 177

(F) The applicant is not disqualified from obtaining the 178
license or government certification because of a conviction, 179
judicial finding of guilt, or plea of guilty to a disqualifying 180
criminal offense specified on the list the licensing authority 181
makes available pursuant to division (C) of section 9.78 of the 182
Revised Code and in accordance with the process described in 183
section 9.79 of the Revised Code. 184

Sec. 4796.04. Except as otherwise provided in this 185
chapter, a licensing authority shall issue a license or 186
government certification to an applicant if the licensing 187
authority determines that all of the following apply: 188

(A) The applicant holds a private certification and has at 189
least two years of work experience in the same profession, 190
occupation, or occupational activity, and at the same practice 191
level, as the license or government certification for which the 192
applicant is applying in this state in a state that does not 193
issue an out-of-state occupational license or government 194
certification for the respective profession, occupation, or 195
occupational activity. 196

(B) The applicant is in good standing with the private organization that issued the private certification. 197
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(C) The applicant meets the requirements specified under divisions (D) to (F) of section 4796.03 of the Revised Code. 199
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Sec. 4796.05. Except as otherwise provided in this chapter, a licensing authority shall issue a license or government certification to an applicant if the licensing authority determines that both of the following apply: 201
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(A) The applicant has at least three years of work experience in the same profession, occupation, or occupational activity, and at the same practice level, as the license or government certification for which the applicant is applying in this state in a state that does not issue an out-of-state occupational license or government certification for the respective profession, occupation, or occupational activity. 205
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(B) The applicant meets the requirements under divisions (D) to (F) of section 4796.03 of the Revised Code. 212
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Sec. 4796.08. (A) If a licensing authority requires an applicant to pass an examination on this state's laws and rules governing the applicable profession, occupation, or occupational activity to receive a license or government certification under the applicable law, a licensing authority may require an applicant to pass the examination to receive a license or government certification under this chapter. 214
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(B) If a licensing authority requires an applicant under the law governing the applicable profession, occupation, or occupational activity to submit to a criminal records check to receive a license or government certification, the licensing authority shall require an applicant to submit to the criminal 221
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records check to receive a license or government certification 226
under this chapter. 227

(C) If a licensing authority requires an applicant under 228
the law governing the applicable profession, occupation, or 229
occupational activity to satisfy a financial responsibility 230
requirement to receive a license or government certification, 231
the licensing authority shall require an applicant to satisfy 232
the requirement to receive a license or government certification 233
under this chapter. 234

Sec. 4796.10. (A) Except as provided in division (B) of 235
this section, a licensing authority shall provide an applicant 236
with a written decision to issue or reject a license or 237
government certification under this chapter within sixty days 238
after receiving a complete application. For purposes of this 239
division, an application shall not be considered complete until 240
any required examination or criminal records check under 241
divisions (A) and (B) of section 4796.08 of the Revised Code is 242
complete. 243

(B) If an applicant is the subject of a complaint, 244
allegation, or investigation that relates to unprofessional 245
conduct or an alleged crime pending before a court, 246
administrative agency, or entity that regulates a license, out- 247
of-state occupational license, or government certification, a 248
licensing authority shall not issue or deny a license or 249
government certification to the applicant under this chapter 250
until the complaint, allegation, or investigation is resolved. 251

Sec. 4796.12. An applicant who is issued a license or 252
government certification under this chapter is subject to the 253
laws regulating the practice of the applicable occupation or 254
profession in this state and is subject to the licensing 255

authority's jurisdiction. 256

A license or government certification issued under this 257
chapter shall be considered a license or government 258
certification issued under the laws regulating the practice of 259
the applicable occupation or profession in this state. 260
Provisions of law applicable to a license or government 261
certification issued to an applicant who does not obtain a 262
license or government certification under this chapter apply in 263
the same manner to licenses and government certifications issued 264
under this chapter. 265

Sec. 4796.15. This chapter does not apply to any of the 266
following: 267

(A) Medical marijuana cultivator licenses issued under 268
section 3796.09 of the Revised Code; 269

(B) Medical marijuana retail dispensary licenses issued 270
under section 3796.10 of the Revised Code; 271

(C) Licenses issued pursuant to rules prescribed under 272
Section 5 of Article IV, Ohio Constitution; 273

(D) Commercial fishing licenses issued under section 274
1533.342 of the Revised Code; 275

(E) Licenses issued under Chapter 4506. of the Revised 276
Code. 277

Sec. 4796.18. Each licensing authority shall adopt rules 278
as necessary to implement this chapter. 279

Sec. 4796.20. A political subdivision shall not prohibit 280
an individual who holds a license or government certification 281
issued by a state agency under this chapter from engaging in the 282
respective profession, occupation, or occupational activity in 283

<u>the political subdivision's jurisdiction.</u>	284
Section 2. That sections 109.73, 109.77, 109.771, 109.78,	285
109.804, 147.01, 147.63, 169.16, 173.21, 173.391, 173.422,	286
503.41, 715.27, 903.07, 905.321, 917.09, 917.091, 921.06,	287
921.11, 921.12, 921.24, 921.26, 926.30, 928.02, 943.09, 956.05,	288
956.06, 1315.04, 1315.13, 1315.23, 1321.04, 1321.37, 1321.53,	289
1321.64, 1321.74, 1322.07, 1322.10, 1322.21, 1513.07, 1513.161,	290
1514.12, 1514.47, 1531.40, 1533.051, 1533.51, 1561.14, 1561.15,	291
1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22,	292
1565.06, 1565.15, 1707.15, 1707.151, 1707.16, 1707.161,	293
1707.163, 1707.165, 1717.06, 3101.10, 3301.071, 3301.074,	294
3319.088, 3319.22, 3319.226, 3319.229, 3319.26, 3319.261,	295
3319.262, 3319.27, 3319.28, 3319.301, 3319.303, 3319.361,	296
3327.10, 3703.01, 3703.21, 3704.14, 3713.05, 3717.09, 3723.03,	297
3723.06, 3737.83, 3737.881, 3742.05, 3743.03, 3743.16, 3743.40,	298
3743.51, 3748.07, 3748.12, 3769.03, 3770.05, 3772.13, 3772.131,	299
3773.36, 3773.421, 3774.02, 3781.10, 3781.102, 3781.105,	300
3905.041, 3905.062, 3905.063, 3905.07, 3905.071, 3905.072,	301
3905.08, 3905.09, 3905.30, 3905.471, 3905.72, 3905.81, 3905.85,	302
3916.03, 3951.03, 3951.05, 3951.09, 4104.07, 4104.101, 4104.19,	303
4105.02, 4169.03, 4301.10, 4508.03, 4508.04, 4508.08, 4511.763,	304
4701.06, 4701.07, 4701.10, 4703.08, 4703.10, 4703.33, 4703.35,	305
4703.37, 4707.07, 4707.072, 4707.09, 4709.07, 4709.08, 4709.10,	306
4712.02, 4713.10, 4713.28, 4713.30, 4713.31, 4713.34, 4713.37,	307
4713.69, 4715.03, 4715.09, 4715.10, 4715.16, 4715.27, 4715.362,	308
4715.363, 4715.39, 4715.42, 4715.421, 4715.43, 4715.53, 4715.62,	309
4717.05, 4717.051, 4717.10, 4723.08, 4723.09, 4723.26, 4723.32,	310
4723.41, 4723.651, 4723.75, 4723.76, 4723.85, 4725.13, 4725.18,	311
4725.26, 4725.48, 4725.52, 4725.57, 4725.591, 4727.03, 4728.03,	312
4729.09, 4729.11, 4729.15, 4729.901, 4729.921, 4730.10,	313
4731.151, 4731.19, 4731.291, 4731.293, 4731.294, 4731.295,	314

4731.297, 4731.299, 4731.30, 4731.52, 4731.572, 4731.573, 315
4732.10, 4732.12, 4732.22, 4733.18, 4733.19, 4734.23, 4734.27, 316
4734.283, 4735.023, 4735.07, 4735.08, 4735.09, 4735.10, 4735.27, 317
4735.28, 4736.10, 4736.14, 4740.08, 4741.12, 4741.13, 4741.14, 318
4741.15, 4741.19, 4743.04, 4743.041, 4747.04, 4747.05, 4747.10, 319
4749.12, 4751.01, 4751.15, 4751.20, 4751.201, 4751.202, 4751.21, 320
4751.32, 4752.05, 4752.12, 4753.07, 4753.071, 4753.072, 321
4753.073, 4753.08, 4753.09, 4753.12, 4755.08, 4755.09, 4755.411, 322
4755.44, 4755.441, 4755.45, 4755.451, 4755.48, 4755.482, 323
4755.62, 4755.65, 4757.18, 4758.25, 4759.05, 4759.06, 4760.03, 324
4760.031, 4761.04, 4761.05, 4762.03, 4763.05, 4764.10, 4765.10, 325
4765.11, 4765.30, 4765.55, 4767.031, 4771.08, 4773.03, 4774.03, 326
4775.07, 4778.03, 4778.08, 4778.09, 4779.17, 4779.18, 4781.07, 327
4781.08, 4781.17, 4783.04, 5123.161, 5123.45, 5126.25, 5902.02, 328
5903.04, 6109.04, and 6111.46 be amended and section 3746.041 of 329
the Revised Code be enacted to read as follows: 330

Sec. 109.73. (A) The Ohio peace officer training 331
commission shall recommend rules to the attorney general with 332
respect to all of the following: 333

(1) The approval, or revocation of approval, of peace 334
officer training schools administered by the state, counties, 335
municipal corporations, public school districts, technical 336
college districts, and the department of natural resources; 337

(2) Minimum courses of study, attendance requirements, and 338
equipment and facilities to be required at approved state, 339
county, municipal, and department of natural resources peace 340
officer training schools; 341

(3) Minimum qualifications for instructors at approved 342
state, county, municipal, and department of natural resources 343
peace officer training schools; 344

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

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

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

2919.26 or 3113.31 of the Revised Code, in crisis intervention, 376
and in the handling of missing children and child abuse and 377
neglect cases, and in handling violations of section 2905.32 of 378
the Revised Code, and minimum courses of study and attendance 379
requirements with respect to such categories or classifications; 380

(7) Permitting persons, who are employed as members of a 381
campus police department appointed under section 1713.50 of the 382
Revised Code; who are employed as police officers by a qualified 383
nonprofit corporation police department pursuant to section 384
1702.80 of the Revised Code; who are appointed and commissioned 385
as bank, savings and loan association, savings bank, credit 386
union, or association of banks, savings and loan associations, 387
savings banks, or credit unions police officers, as railroad 388
police officers, or as hospital police officers pursuant to 389
sections 4973.17 to 4973.22 of the Revised Code; or who are 390
appointed and commissioned as amusement park police officers 391
pursuant to section 4973.17 of the Revised Code, to attend 392
approved peace officer training schools, including the Ohio 393
peace officer training academy, and to receive certificates of 394
satisfactory completion of basic training programs, if the 395
private college or university that established the campus police 396
department; qualified nonprofit corporation police department; 397
bank, savings and loan association, savings bank, credit union, 398
or association of banks, savings and loan associations, savings 399
banks, or credit unions; railroad company; hospital; or 400
amusement park sponsoring the police officers pays the entire 401
cost of the training and certification and if trainee vacancies 402
are available; 403

(8) Permitting undercover drug agents to attend approved 404
peace officer training schools, other than the Ohio peace 405
officer training academy, and to receive certificates of 406

satisfactory completion of basic training programs, if, for each 407
undercover drug agent, the county, township, or municipal 408
corporation that employs that undercover drug agent pays the 409
entire cost of the training and certification; 410

(9) (a) The requirements for basic training programs for 411
bailiffs and deputy bailiffs of courts of record of this state 412
and for criminal investigators employed by the state public 413
defender that those persons shall complete before they may carry 414
a firearm while on duty; 415

(b) The requirements for any training received by a 416
bailiff or deputy bailiff of a court of record of this state or 417
by a criminal investigator employed by the state public defender 418
prior to June 6, 1986, that is to be considered equivalent to 419
the training described in division (A) (9) (a) of this section. 420

(10) Establishing minimum qualifications and requirements 421
for certification for dogs utilized by law enforcement agencies; 422

(11) Establishing minimum requirements for certification 423
of persons who are employed as correction officers in a full- 424
service jail, five-day facility, or eight-hour holding facility 425
or who provide correction services in such a jail or facility; 426

(12) Establishing requirements for the training of humane 427
society agents under section 1717.061 of the Revised Code, 428
including, without limitation, a requirement that the agents 429
receive instruction on traditional animal husbandry methods and 430
training techniques, including customary owner-performed 431
practices; 432

(13) Permitting tactical medical professionals to attend 433
approved peace officer training schools, including the Ohio 434
peace officer training academy, to receive training of the type 435

described in division (A) (14) of this section and to receive 436
certificates of satisfactory completion of training programs 437
described in that division; 438

(14) The requirements for training programs that tactical 439
medical professionals shall complete to qualify them to carry 440
firearms while on duty under section 109.771 of the Revised 441
Code, which requirements shall include at least the firearms 442
training specified in division (A) of section 109.748 of the 443
Revised Code; 444

(15) Procedures and requirements for a portion of basic 445
training that peace officers complete in proper interactions 446
with civilians during traffic stops and other in-person 447
encounters as specified in division (B) (4) of section 109.803 of 448
the Revised Code and including the topics of instruction listed 449
for active duty peace officers under divisions (B) (4) (a) to (d) 450
of that section. 451

(B) The commission shall appoint an executive director, 452
with the approval of the attorney general, who shall hold office 453
during the pleasure of the commission. The executive director 454
shall perform such duties assigned by the commission. The 455
executive director shall receive a salary fixed pursuant to 456
Chapter 124. of the Revised Code and reimbursement for expenses 457
within the amounts available by appropriation. The executive 458
director may appoint officers, employees, agents, and 459
consultants as the executive director considers necessary, 460
prescribe their duties, and provide for reimbursement of their 461
expenses within the amounts available for reimbursement by 462
appropriation and with the approval of the commission. 463

(C) The commission may do all of the following: 464

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

appointment under section 1717.06 of the Revised Code. 494

(E) (1) As used in this division, "license" has the same 495
meaning as in section 4796.01 of the Revised Code, except that 496
it includes a certificate of completion of a training program 497
required under sections 109.71 to 109.804 of the Revised Code. 498
"License" does not include a certificate of completion of a 499
firearm basic training program under division (B) (1) of section 500
109.78 of the Revised Code or a certificate of completion of any 501
firearm requalification training program. 502

(2) Notwithstanding any requirement for a license issued 503
by the commission, the commission shall issue a license in 504
accordance with Chapter 4796. of the Revised Code to an 505
individual if either of the following applies: 506

(a) The individual holds a license in another state. 507

(b) The individual has satisfactory work experience, a 508
government certification, or a private certification as 509
described in that chapter in the same profession, occupation, or 510
occupational activity as the profession, occupation, or 511
occupational activity for which the license is required in this 512
state in a state that does not require such a license. 513

Sec. 109.77. (A) As used in this section: 514

(1) "Felony" has the same meaning as in section 109.511 of 515
the Revised Code. 516

(2) "Companion animal" has the same meaning as in section 517
959.131 of the Revised Code. 518

(B) (1) Notwithstanding any general, special, or local law 519
or charter to the contrary, and except as otherwise provided in 520
this section, no person shall receive an original appointment on 521

a permanent basis as any of the following unless the person 522
previously has been awarded a certificate by the executive 523
director of the Ohio peace officer training commission attesting 524
to the person's satisfactory completion of an approved state, 525
county, municipal, or department of natural resources peace 526
officer basic training program: 527

(a) A peace officer of any county, township, municipal 528
corporation, regional transit authority, or metropolitan housing 529
authority; 530

(b) A natural resources law enforcement staff officer, 531
forest-fire investigator, wildlife officer, or natural resources 532
officer of the department of natural resources; 533

(c) An employee of a park district under section 511.232 534
or 1545.13 of the Revised Code; 535

(d) An employee of a conservancy district who is 536
designated pursuant to section 6101.75 of the Revised Code; 537

(e) A state university law enforcement officer; 538

(f) A special police officer employed by the department of 539
mental health and addiction services pursuant to section 5119.08 540
of the Revised Code or the department of developmental 541
disabilities pursuant to section 5123.13 of the Revised Code; 542

(g) An enforcement agent of the department of public 543
safety whom the director of public safety designates under 544
section 5502.14 of the Revised Code; 545

(h) A special police officer employed by a port authority 546
under section 4582.04 or 4582.28 of the Revised Code; 547

(i) A special police officer employed by a municipal 548
corporation at a municipal airport, or other municipal air 549

navigation facility, that has scheduled operations, as defined 550
in section 119.3 of Title 14 of the Code of Federal Regulations, 551
14 C.F.R. 119.3, as amended, and that is required to be under a 552
security program and is governed by aviation security rules of 553
the transportation security administration of the United States 554
department of transportation as provided in Parts 1542. and 555
1544. of Title 49 of the Code of Federal Regulations, as 556
amended; 557

(j) A gaming agent employed under section 3772.03 of the 558
Revised Code. 559

(2) Every person who is appointed on a temporary basis or 560
for a probationary term or on other than a permanent basis as 561
any of the following shall forfeit the appointed position unless 562
the person previously has completed satisfactorily or, within 563
the time prescribed by rules adopted by the attorney general 564
pursuant to section 109.74 of the Revised Code, satisfactorily 565
completes a state, county, municipal, or department of natural 566
resources peace officer basic training program for temporary or 567
probationary officers and is awarded a certificate by the 568
director attesting to the satisfactory completion of the 569
program: 570

(a) A peace officer of any county, township, municipal 571
corporation, regional transit authority, or metropolitan housing 572
authority; 573

(b) A natural resources law enforcement staff officer, 574
park officer, forest officer, preserve officer, wildlife 575
officer, or state watercraft officer of the department of 576
natural resources; 577

(c) An employee of a park district under section 511.232 578

or 1545.13 of the Revised Code;	579
(d) An employee of a conservancy district who is	580
designated pursuant to section 6101.75 of the Revised Code;	581
(e) A special police officer employed by the department of	582
mental health and addiction services pursuant to section 5119.08	583
of the Revised Code or the department of developmental	584
disabilities pursuant to section 5123.13 of the Revised Code;	585
(f) An enforcement agent of the department of public	586
safety whom the director of public safety designates under	587
section 5502.14 of the Revised Code;	588
(g) A special police officer employed by a port authority	589
under section 4582.04 or 4582.28 of the Revised Code;	590
(h) A special police officer employed by a municipal	591
corporation at a municipal airport, or other municipal air	592
navigation facility, that has scheduled operations, as defined	593
in section 119.3 of Title 14 of the Code of Federal Regulations,	594
14 C.F.R. 119.3, as amended, and that is required to be under a	595
security program and is governed by aviation security rules of	596
the transportation security administration of the United States	597
department of transportation as provided in Parts 1542. and	598
1544. of Title 49 of the Code of Federal Regulations, as	599
amended.	600
(3) For purposes of division (B) of this section, a state,	601
county, municipal, or department of natural resources peace	602
officer basic training program, regardless of whether the	603
program is to be completed by peace officers appointed on a	604
permanent or temporary, probationary, or other nonpermanent	605
basis, shall include training in the handling of the offense of	606
domestic violence, other types of domestic violence-related	607

offenses and incidents, protection orders and consent agreements 608
issued or approved under section 2919.26 or 3113.31 of the 609
Revised Code, crisis intervention training, and training on 610
companion animal encounters and companion animal behavior. The 611
requirement to complete training in the handling of the offense 612
of domestic violence, other types of domestic violence-related 613
offenses and incidents, and protection orders and consent 614
agreements issued or approved under section 2919.26 or 3113.31 615
of the Revised Code does not apply to any person serving as a 616
peace officer on March 27, 1979, and the requirement to complete 617
training in crisis intervention does not apply to any person 618
serving as a peace officer on April 4, 1985. Any person who is 619
serving as a peace officer on April 4, 1985, who terminates that 620
employment after that date, and who subsequently is hired as a 621
peace officer by the same or another law enforcement agency 622
shall complete training in crisis intervention as prescribed by 623
rules adopted by the attorney general pursuant to section 624
109.742 of the Revised Code. No peace officer shall have 625
employment as a peace officer terminated and then be reinstated 626
with intent to circumvent this section. 627

(4) Division (B) of this section does not apply to any 628
person serving on a permanent basis on March 28, 1985, as a park 629
officer, forest officer, preserve officer, wildlife officer, or 630
state watercraft officer of the department of natural resources 631
or as an employee of a park district under section 511.232 or 632
1545.13 of the Revised Code, to any person serving on a 633
permanent basis on March 6, 1986, as an employee of a 634
conservancy district designated pursuant to section 6101.75 of 635
the Revised Code, to any person serving on a permanent basis on 636
January 10, 1991, as a preserve officer of the department of 637
natural resources, to any person employed on a permanent basis 638

on July 2, 1992, as a special police officer by the department 639
of mental health and addiction services pursuant to section 640
5119.08 of the Revised Code or by the department of 641
developmental disabilities pursuant to section 5123.13 of the 642
Revised Code, to any person serving on a permanent basis on May 643
17, 2000, as a special police officer employed by a port 644
authority under section 4582.04 or 4582.28 of the Revised Code, 645
to any person serving on a permanent basis on March 19, 2003, as 646
a special police officer employed by a municipal corporation at 647
a municipal airport or other municipal air navigation facility 648
described in division (A) (19) of section 109.71 of the Revised 649
Code, to any person serving on a permanent basis on June 19, 650
1978, as a state university law enforcement officer pursuant to 651
section 3345.04 of the Revised Code and who, immediately prior 652
to June 19, 1978, was serving as a special police officer 653
designated under authority of that section, or to any person 654
serving on a permanent basis on September 20, 1984, as a liquor 655
control investigator, known after June 30, 1999, as an 656
enforcement agent of the department of public safety, engaged in 657
the enforcement of Chapters 4301. and 4303. of the Revised Code. 658

(5) Division (B) of this section does not apply to any 659
person who is appointed as a regional transit authority police 660
officer pursuant to division (Y) of section 306.35 of the 661
Revised Code if, on or before July 1, 1996, the person has 662
completed satisfactorily an approved state, county, municipal, 663
or department of natural resources peace officer basic training 664
program and has been awarded a certificate by the executive 665
director of the Ohio peace officer training commission attesting 666
to the person's satisfactory completion of such an approved 667
program and if, on July 1, 1996, the person is performing peace 668
officer functions for a regional transit authority. 669

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

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

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

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

investigator; 700

(3) Prior to June 6, 1986, was authorized to carry a 701
firearm by the court that employed the bailiff or deputy bailiff 702
or, in the case of a criminal investigator, by the state public 703
defender and has received training in the use of firearms that 704
the Ohio peace officer training commission determines is 705
equivalent to the training that otherwise is required by 706
division (D) of this section. 707

(E) (1) Before a person seeking a certificate completes an 708
approved peace officer basic training program, the executive 709
director of the Ohio peace officer training commission shall 710
request the person to disclose, and the person shall disclose, 711
any previous criminal conviction of or plea of guilty of that 712
person to a felony. 713

(2) Before a person seeking a certificate completes an 714
approved peace officer basic training program, the executive 715
director shall request a criminal history records check on the 716
person. The executive director shall submit the person's 717
fingerprints to the bureau of criminal identification and 718
investigation, which shall submit the fingerprints to the 719
federal bureau of investigation for a national criminal history 720
records check. 721

Upon receipt of the executive director's request, the 722
bureau of criminal identification and investigation and the 723
federal bureau of investigation shall conduct a criminal history 724
records check on the person and, upon completion of the check, 725
shall provide a copy of the criminal history records check to 726
the executive director. The executive director shall not award 727
any certificate prescribed in this section unless the executive 728
director has received a copy of the criminal history records 729

check on the person to whom the certificate is to be awarded. 730

(3) The executive director of the commission shall not 731
award a certificate prescribed in this section to a person who 732
has been convicted of or has pleaded guilty to a felony or who 733
fails to disclose any previous criminal conviction of or plea of 734
guilty to a felony as required under division (E) (1) of this 735
section. 736

(4) The executive director of the commission shall revoke 737
the certificate awarded to a person as prescribed in this 738
section, and that person shall forfeit all of the benefits 739
derived from being certified as a peace officer under this 740
section, if the person, before completion of an approved peace 741
officer basic training program, failed to disclose any previous 742
criminal conviction of or plea of guilty to a felony as required 743
under division (E) (1) of this section. 744

(F) (1) Regardless of whether the person has been awarded 745
the certificate or has been classified as a peace officer prior 746
to, on, or after October 16, 1996, the executive director of the 747
Ohio peace officer training commission shall revoke any 748
certificate that has been awarded to a person as prescribed in 749
this section if the person does either of the following: 750

(a) Pleads guilty to a felony committed on or after 751
January 1, 1997; 752

(b) Pleads guilty to a misdemeanor committed on or after 753
January 1, 1997, pursuant to a negotiated plea agreement as 754
provided in division (D) of section 2929.43 of the Revised Code 755
in which the person agrees to surrender the certificate awarded 756
to the person under this section. 757

(2) The executive director of the commission shall suspend 758

any certificate that has been awarded to a person as prescribed 759
in this section if the person is convicted, after trial, of a 760
felony committed on or after January 1, 1997. The executive 761
director shall suspend the certificate pursuant to division (F) 762
(2) of this section pending the outcome of an appeal by the 763
person from that conviction to the highest court to which the 764
appeal is taken or until the expiration of the period in which 765
an appeal is required to be filed. If the person files an appeal 766
that results in that person's acquittal of the felony or 767
conviction of a misdemeanor, or in the dismissal of the felony 768
charge against that person, the executive director shall 769
reinstate the certificate awarded to the person under this 770
section. If the person files an appeal from that person's 771
conviction of the felony and the conviction is upheld by the 772
highest court to which the appeal is taken or if the person does 773
not file a timely appeal, the executive director shall revoke 774
the certificate awarded to the person under this section. 775

(G) (1) If a person is awarded a certificate under this 776
section and the certificate is revoked pursuant to division (E) 777
(4) or (F) of this section, the person shall not be eligible to 778
receive, at any time, a certificate attesting to the person's 779
satisfactory completion of a peace officer basic training 780
program. 781

(2) The revocation or suspension of a certificate under 782
division (E) (4) or (F) of this section shall be in accordance 783
with Chapter 119. of the Revised Code. 784

(H) (1) A person who was employed as a peace officer of a 785
county, township, or municipal corporation of the state on 786
January 1, 1966, and who has completed at least sixteen years of 787
full-time active service as such a peace officer, or equivalent 788

service as determined by the executive director of the Ohio 789
peace officer training commission, may receive an original 790
appointment on a permanent basis and serve as a peace officer of 791
a county, township, or municipal corporation, or as a state 792
university law enforcement officer, without complying with the 793
requirements of division (B) of this section. 794

(2) Any person who held an appointment as a state highway 795
trooper on January 1, 1966, may receive an original appointment 796
on a permanent basis and serve as a peace officer of a county, 797
township, or municipal corporation, or as a state university law 798
enforcement officer, without complying with the requirements of 799
division (B) of this section. 800

(I) No person who is appointed as a peace officer of a 801
county, township, or municipal corporation on or after April 9, 802
1985, shall serve as a peace officer of that county, township, 803
or municipal corporation unless the person has received training 804
in the handling of missing children and child abuse and neglect 805
cases from an approved state, county, township, or municipal 806
police officer basic training program or receives the training 807
within the time prescribed by rules adopted by the attorney 808
general pursuant to section 109.741 of the Revised Code. 809

(J) No part of any approved state, county, or municipal 810
basic training program for bailiffs and deputy bailiffs of 811
courts of record and no part of any approved state, county, or 812
municipal basic training program for criminal investigators 813
employed by the state public defender shall be used as credit 814
toward the completion by a peace officer of any part of the 815
approved state, county, or municipal peace officer basic 816
training program that the peace officer is required by this 817
section to complete satisfactorily. 818

(K) This section does not apply to any member of the 819
police department of a municipal corporation in an adjoining 820
state serving in this state under a contract pursuant to section 821
737.04 of the Revised Code. 822

(L) The executive director of the commission shall issue a 823
certificate of completion of a training program required under 824
this section in accordance with Chapter 4796. of the Revised 825
Code to an individual if either of the following applies: 826

(1) The individual holds a certificate of completion of 827
such a program in another state. 828

(2) The individual has satisfactory work experience, a 829
government certification, or a private certification as 830
described in that chapter in the same profession, occupation, or 831
occupational activity as the profession, occupation, or 832
occupational activity for which the certificate is required in 833
this state in a state that does not require completion of such a 834
training program. 835

Sec. 109.771. (A) A tactical medical professional may 836
carry firearms while on duty in the same manner, to the same 837
extent, and in the same areas as a law enforcement officer of 838
the law enforcement agency the professional is serving, if all 839
of the following apply: 840

(1) The law enforcement agency that the tactical medical 841
professional is serving has specifically authorized the 842
professional to carry firearms while on duty. 843

(2) The tactical medical professional has done or received 844
one of the following: 845

(a) The professional has been awarded a certificate by the 846
executive director of the Ohio peace officer training 847

commission, which certificate attests to satisfactory completion 848
of an approved state, county, or municipal basic training 849
program or a program at the Ohio peace officer training academy 850
that qualifies the professional to carry firearms while on duty 851
and that conforms to the rules adopted under section 109.748 of 852
the Revised Code. 853

(b) Prior to or during employment as a tactical medical 854
professional and prior to ~~the effective date of this section~~ 855
June 1, 2018, the professional has successfully completed a 856
firearms training program, other than one described in division 857
(A) (2) (a) of this section, that was approved by the Ohio peace 858
officer training commission. 859

(B) A tactical medical professional to whom division (A) 860
of this section applies and who is carrying one or more firearms 861
under authority of that division has protection from potential 862
civil or criminal liability for any conduct occurring while 863
carrying the firearm or firearms to the same extent as a law 864
enforcement officer of the law enforcement agency the 865
professional is serving has such protection. 866

(C) The executive director of the commission shall issue a 867
certificate of completion of a training program required under 868
this section in accordance with Chapter 4796. of the Revised 869
Code to an individual if either of the following applies: 870

(1) The individual holds a certificate of completion of 871
such a program in another state. 872

(2) The individual has satisfactory work experience, a 873
government certification, or a private certification as 874
described in that chapter as a tactical medical professional who 875
carries a firearm while on duty in a state that does not require 876

completion of such a training program. 877

Sec. 109.78. (A) The executive director of the Ohio peace 878
officer training commission, on behalf of the commission and in 879
accordance with rules promulgated by the attorney general, shall 880
certify persons who have satisfactorily completed approved 881
training programs designed to qualify persons for positions as 882
special police, security guards, or persons otherwise privately 883
employed in a police capacity and issue appropriate certificates 884
to such persons. Application for approval of a training program 885
designed to qualify persons for such positions shall be made to 886
the commission. An application for approval shall be submitted 887
to the commission with a fee of one hundred twenty-five dollars, 888
which fee shall be refunded if the application is denied. Such 889
programs shall cover only duties and jurisdiction of such 890
security guards and special police privately employed in a 891
police capacity when such officers do not qualify for training 892
under section 109.71 of the Revised Code. A person attending an 893
approved basic training program administered by the state shall 894
pay to the agency administering the program the cost of the 895
person's participation in the program as determined by the 896
agency. A person attending an approved basic training program 897
administered by a county or municipal corporation shall pay the 898
cost of the person's participation in the program, as determined 899
by the administering subdivision, to the county or the municipal 900
corporation. A person who is issued a certificate for 901
satisfactory completion of an approved basic training program 902
shall pay to the commission a fee of fifteen dollars. A 903
duplicate of a lost, spoliated, or destroyed certificate may be 904
issued upon application and payment of a fee of fifteen dollars. 905
Such certificate or the completion of twenty years of active 906
duty as a peace officer shall satisfy the educational 907

requirements for appointment or commission as a special police officer or special deputy of a political subdivision of this state. 908
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(B) (1) The executive director of the Ohio peace officer training commission, on behalf of the commission and in accordance with rules promulgated by the attorney general, shall certify basic firearms training programs, and shall issue certificates to class A, B, or C licensees or prospective class A, B, or C licensees under Chapter 4749. of the Revised Code and to registered or prospective employees of such class A, B, or C licensees who have satisfactorily completed a basic firearms training program of the type described in division (A) (1) of section 4749.10 of the Revised Code. 911
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Application for approval of a basic firearms training program shall be made to the commission. An application shall be submitted to the commission with a fee of one hundred dollars, which fee shall be refunded if the application is denied. 921
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A person who is issued a certificate for satisfactory completion of an approved basic firearms training program shall pay a fee of ten dollars to the commission. A duplicate of a lost, spoliated, or destroyed certificate may be issued upon application and payment of a fee of five dollars. 925
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(2) The executive director, on behalf of the commission and in accordance with rules promulgated by the attorney general, also shall certify firearms requalification training programs and instructors for the annual requalification of class A, B, or C licensees under Chapter 4749. of the Revised Code and registered or prospective employees of such class A, B, or C licensees who are authorized to carry a firearm under section 4749.10 of the Revised Code. Application for approval of a 930
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training program or instructor for such purpose shall be made to 938
the commission. Such an application shall be submitted to the 939
commission with a fee of fifty dollars, which fee shall be 940
refunded if the application is denied. 941

(3) The executive director, upon request, also shall 942
review firearms training received within three years prior to 943
November 23, 1985, by any class A, B, or C licensee or 944
prospective class A, B, or C licensee, or by any registered or 945
prospective employee of any class A, B, or C licensee under 946
Chapter 4749. of the Revised Code to determine if the training 947
received is equivalent to a basic firearms training program that 948
includes twenty hours of handgun training and five hours of 949
training in the use of other firearms, if any other firearm is 950
to be used. If the executive director determines the training 951
was received within the three-year period and that it is 952
equivalent to such a program, the executive director shall issue 953
written evidence of approval of the equivalency training to the 954
licensee or employee. 955

(C) There is hereby established in the state treasury the 956
peace officer private security fund, which shall be used by the 957
Ohio peace officer training commission to administer the 958
training program to qualify persons for positions as special 959
police, security guards, or other private employment in a police 960
capacity, as described in division (A) of this section, and the 961
training program in basic firearms and the training program for 962
firearms requalification, both as described in division (B) of 963
this section. All fees paid to the commission by applicants for 964
approval of a training program designed to qualify persons for 965
such private police positions, basic firearms training program, 966
or a firearms requalification training program or instructor, as 967
required by division (A) or (B) of this section, by persons who 968

satisfactorily complete a private police training program or a 969
basic firearms training program, as required by division (A) or 970
(B) of this section, or by persons who satisfactorily requalify 971
in firearms use, as required by division (B) (2) of section 972
4749.10 of the Revised Code, shall be transmitted to the 973
treasurer of state for deposit in the fund. The fund shall be 974
used only for the purpose set forth in this division. 975

(D) No public or private educational institution or 976
superintendent of the state highway patrol shall employ a person 977
as a special police officer, security guard, or other position 978
in which such person goes armed while on duty, who has not 979
received a certificate of having satisfactorily completed an 980
approved basic peace officer training program, unless the person 981
has completed twenty years of active duty as a peace officer. 982

(E) The executive director of the commission shall issue a 983
certificate of completion of a training program required under 984
division (A) of this section in accordance with Chapter 4796. of 985
the Revised Code to an individual if either of the following 986
applies: 987

(1) The individual holds a certificate of completion of 988
such a program in another state. 989

(2) The individual has satisfactory work experience, a 990
government certification, or a private certification as 991
described in that chapter in the same profession, occupation, or 992
occupational activity as the profession, occupation, or 993
occupational activity for which the certificate is required in 994
this state in a state that does not require completion of such a 995
training program. 996

Sec. 109.804. (A) (1) The Ohio peace officer training 997

commission shall develop and conduct a chief of police training 998
course lasting forty hours for newly appointed chiefs of police 999
appointed on or after January 1, 2018. The commission shall 1000
determine the course topics, which shall include diversity 1001
training with an emphasis on historical perspectives and 1002
community-police relations, and shall establish criteria for 1003
what constitutes successful completion of the course. The 1004
commission shall conduct the course at the Ohio peace officer 1005
training academy and shall offer the course at least 1006
semiannually. 1007

(2) The executive director of the commission shall issue a 1008
certificate of completion of a training program required under 1009
this section in accordance with Chapter 4796. of the Revised 1010
Code to a newly appointed chief of police if either of the 1011
following applies: 1012

(a) The person holds a certificate of completion of such a 1013
program in another state. 1014

(b) The person has satisfactory work experience, a 1015
government certification, or a private certification as 1016
described in that chapter as a chief of police in a state that 1017
does not require completion of such a training program. 1018

(B) A newly appointed chief of police may request an 1019
equivalency exemption from a portion of the forty hours of the 1020
chief of police training course by submitting to the Ohio peace 1021
officer training commission, not more than ten calendar days 1022
following the person's appointment as a chief of police, 1023
evidence of training or qualification in the subject area of the 1024
exempted portion. 1025

(C) Upon presentation of evidence by a newly appointed 1026

chief of police that because of a medical disability or other 1027
good cause the newly appointed chief of police is unable to 1028
complete the chief of police training course, the Ohio peace 1029
officer training commission may defer the requirement for the 1030
newly appointed chief of police to complete the chief of police 1031
training course until the disability or cause terminates. 1032

(D) A newly appointed chief of police appointed on or 1033
after January 1, 2018, shall attend a chief of police training 1034
course conducted by the Ohio peace officer training commission 1035
pursuant to division (A) of this section not later than six 1036
months after the person's appointment as a chief of police. 1037
While attending the chief of police training course, a newly 1038
appointed chief of police shall receive compensation in the same 1039
manner and amounts as if carrying out the powers and duties of 1040
the office of chief of police. The costs of conducting the chief 1041
of police training course shall be paid from state funds 1042
appropriated to the attorney general. The cost of meals, 1043
lodging, and travel of a newly appointed chief of police 1044
attending the chief of police training course shall be paid from 1045
the budget of the entity for which the newly appointed chief of 1046
police was appointed. 1047

(E) As used in this section: 1048

"Newly appointed chief of police" means a person appointed 1049
chief of police under section 505.49, 737.05, or 737.15 of the 1050
Revised Code or any administrative official that is responsible 1051
for the daily administration and supervision of peace officers 1052
in a law enforcement agency who did not hold the office of chief 1053
of police on the date the person was appointed chief of police. 1054

"Law enforcement agency" means a municipal or township 1055
police department, or any other entity authorized by statute to 1056

appoint peace officers to enforce criminal laws and who have the 1057
statutory power of arrest. "Law enforcement agency" does not 1058
include a county sheriff's office, the state highway patrol, or 1059
the bureau of criminal identification and investigation. 1060

Sec. 147.01. (A) The secretary of state may appoint and 1061
commission as notaries public as many persons who meet the 1062
qualifications of division (B) of this section as the secretary 1063
of state considers necessary. 1064

(B) In order for a person to qualify to be appointed and 1065
commissioned as a notary public, except as provided in division 1066
(F) of this section, the person shall demonstrate to the 1067
secretary of state that the person satisfies all of the 1068
following: 1069

(1) The person has attained the age of eighteen years. 1070

(2) (a) Except as provided in division (B) (2) (b) of this 1071
section, the person is a legal resident of this state. 1072

(b) The person is not a legal resident of this state, but 1073
is an attorney admitted to the practice of law in this state by 1074
the Ohio supreme court, and has the person's principal place of 1075
business or the person's primary practice in this state. 1076

(3) (a) Except as provided in division (B) (3) (b) of this 1077
section, the person has submitted a criminal records check 1078
report completed within the preceding six months in accordance 1079
with section 147.022 of the Revised Code demonstrating that the 1080
applicant has not been convicted of or pleaded guilty or no 1081
contest to a disqualifying offense as determined in accordance 1082
with section 9.79 of the Revised Code. 1083

(b) An attorney admitted to the practice of law in this 1084
state shall not be required to submit a criminal records check 1085

when applying to be appointed a notary public. 1086

(4) (a) Except as provided in divisions (B) (4) (b) and (c) 1087
of this section, the person has successfully completed an 1088
educational program and passed a test administered by the 1089
entities authorized by the secretary of state as required under 1090
section 147.021 of the Revised Code. 1091

(b) An attorney who is commissioned as a notary public in 1092
this state prior to September 20, 2019, shall not be required to 1093
complete an education program or pass a test as required in 1094
division (B) (4) (a) of this section. 1095

(c) Any attorney who applies to become commissioned as a 1096
notary public in this state after September 20, 2019, shall not 1097
be required to pass a test as required in division (B) (4) (a) of 1098
this section, but shall be required to complete an education 1099
program required by that division. 1100

(C) A notary public shall be appointed and commissioned as 1101
a notary public for the state. The secretary of state may revoke 1102
a commission issued to a notary public upon presentation of 1103
satisfactory evidence of official misconduct or incapacity. 1104

(D) The secretary of state shall oversee the processing of 1105
notary public applications and shall issue all notary public 1106
commissions. The secretary of state shall oversee the creation 1107
and maintenance of the online database of notaries public 1108
commissioned in this state pursuant to section 147.051 of the 1109
Revised Code. The secretary of state may perform all other 1110
duties as required by this section. The entities authorized by 1111
the secretary of state pursuant to section 147.021 or 147.63 of 1112
the Revised Code shall administer the educational program and 1113
required test or course of instruction and examination, as 1114

applicable. 1115

(E) All submissions to the secretary of state for 1116
receiving and renewing commissions, or notifications made under 1117
section 147.05 of the Revised Code, shall be done 1118
electronically. 1119

(F) The secretary of state shall appoint and commission as 1120
a notary public for the state an applicant who is commissioned 1121
or licensed as a notary public in another state in accordance 1122
with Chapter 4796. of the Revised Code. 1123

Sec. 147.63. (A) A notary public who has been duly 1124
appointed and commissioned under section 147.01 of the Revised 1125
Code, and who is a resident of this state, may apply to the 1126
secretary of state to be authorized to act as an online notary 1127
public during the term of that notary public's commission. A 1128
state resident commissioned as a notary public qualifies to be 1129
an online notary public by paying the fee described in section 1130
147.631 of the Revised Code and submitting to the secretary of 1131
state an application in the form prescribed by the secretary 1132
that demonstrates to the satisfaction of the secretary that the 1133
applicant will comply with the standards adopted in rules under 1134
section 147.62 of the Revised Code and that the applicant is 1135
otherwise qualified to be an online notary. 1136

(B) (1) Before an individual may be authorized to act as an 1137
online notary public, that individual shall successfully 1138
complete a course of instruction approved by the secretary of 1139
state and pass an examination based on the course. The content 1140
of the course shall include notarial rules, procedures, and 1141
ethical obligations pertaining to online notarization contained 1142
in sections 147.60 to 147.66 of the Revised Code or in any other 1143
law or rules of this state. The course may be taken in 1144

conjunction with the educational program required under section 1145
147.021 of the Revised Code for a notary public commission. 1146

(2) The secretary of state shall approve one business 1147
entity comprised of bar associations with statewide scope and 1148
regional presence that have expertise and experience in notary 1149
laws and processes to provide the course and administer the 1150
examination to become an online notary. 1151

(C) The application required under division (A) of this 1152
section shall be transmitted electronically to the secretary of 1153
state and shall include all of the following information: 1154

(1) The applicant's full legal name and official notary 1155
public name to be used in acting as an online notary public; 1156

(2) A description of the technology the applicant intends 1157
to use in performing online notarizations; 1158

(3) A certification that the applicant will comply with 1159
the rules adopted under section 147.62 of the Revised Code; 1160

(4) An electronic mail address of the applicant; 1161

(5) Any decrypting instructions, keys, codes, or software 1162
necessary to enable the application to be read; 1163

(6) Proof of successful completion of the course and 1164
passage of the examination required under division (B) of this 1165
section; 1166

(7) A disclosure of any and all license or commission 1167
revocations or other professional disciplinary actions taken 1168
against the applicant; 1169

(8) Any other information that the secretary of state may 1170
require. 1171

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the software that the notary intends to use to carry out online 1230
notarizations, then the notary shall inform the secretary of 1231
this intent on a form prescribed by the secretary. 1232

(2) If the secretary determines that the new hardware or 1233
software does not meet the standards prescribed in rules under 1234
section 147.62 of the Revised Code, then the secretary may 1235
suspend or revoke the notary's authority to perform online 1236
notarizations. 1237

(G) (1) The secretary of state shall not renew an online 1238
notarization authorization unless the applicant has completed 1239
continuing education as required under rules adopted pursuant to 1240
division (G) (2) of this section. 1241

(2) The secretary shall adopt rules in accordance with 1242
Chapter 119. of the Revised Code related to continuing education 1243
requirements for an online notarization authorization. The rules 1244
shall specify the number of hours of continuing education a 1245
notary must complete over the duration of the notary's license 1246
and may specify content to be included in the continuing 1247
education. 1248

Sec. 169.16. (A) No person, on behalf of any other person, 1249
shall engage in any activity for the purpose of locating, 1250
delivering, recovering, or assisting in the recovery of 1251
unclaimed funds or contents of a safe deposit box, and receive a 1252
fee, compensation, commission, or other remuneration for such 1253
activity, without first having obtained a certificate of 1254
registration from the director of commerce in accordance with 1255
this section. 1256

(B) An application for a certificate of registration shall 1257
be in writing and in the form prescribed by the director. The 1258

application shall be accompanied by a recent full-face color 1259
photograph of the applicant and notarized reference letters from 1260
two reputable witnesses. The application shall, at a minimum, 1261
provide all of the following: 1262

(1) The applicant's full name, home address, and work 1263
address; 1264

(2) The name, address, and telephone number of the two 1265
witnesses who have provided the reference letters; 1266

(3) A statement that the applicant has not, during the 1267
five-year period immediately preceding the submission of the 1268
application, violated division (A) of this section on or after 1269
the effective date of this section, or division (C) of section 1270
169.13 of the Revised Code; 1271

(4) A statement that the applicant has not been convicted 1272
of, or pleaded guilty to, any disqualifying offense as 1273
determined in accordance with section 9.79 of the Revised Code; 1274

(5) The notarized signature of the applicant immediately 1275
following an acknowledgment that any false or perjured statement 1276
subjects the applicant to criminal liability under section 1277
2921.13 of the Revised Code. 1278

(C) Upon the filing of the application with the division 1279
of unclaimed funds, the division may investigate the applicant 1280
to verify the information provided in the application and to 1281
determine the applicant's eligibility for a certificate of 1282
registration under this section. False information on an 1283
application is grounds for the denial or revocation of the 1284
applicant's certificate of registration. 1285

~~(D) The~~ (1) Except as provided in division (D) (2) of this 1286
section, the director shall issue a certificate of registration 1287

to an applicant if the director finds that the following 1288
conditions are met: 1289

~~(1)~~ (a) The applicant has not, during the five-year period 1290
immediately preceding the submission of the application, 1291
violated division (A) of this section on or after the effective 1292
date of this section, or division (C) of section 169.13 of the 1293
Revised Code; 1294

~~(2)~~ (b) The applicant has not been convicted of, or 1295
pleaded guilty to, any disqualifying offense as determined in 1296
accordance with section 9.79 of the Revised Code. 1297

~~(3)~~ (c) The applicant's general fitness command the 1298
confidence of the public and warrant the belief that the 1299
applicant's business will be conducted honestly and fairly. 1300

(2) The director shall issue a certificate of registration 1301
in accordance with Chapter 4796. of the Revised Code to an 1302
applicant if either of the following applies: 1303

(a) The applicant holds a license or certificate of 1304
registration in another state. 1305

(b) The applicant has satisfactory work experience, a 1306
government certification, or a private certification as 1307
described in that chapter in the same profession, occupation, or 1308
occupational activity as the profession, occupation, or 1309
occupational activity for which the certificate of registration 1310
is required in this state in a state that does not issue such a 1311
license or certificate of registration. 1312

~~(E) The A certificate of registration issued pursuant to 1313
division (D) of this section may be renewed annually if the 1314
director finds that the following conditions are met: 1315~~

(1) The applicant submits a renewal application form 1316
prescribed by the director. 1317

(2) The applicant meets the conditions set forth in 1318
divisions (D) (1) (a) and ~~(3)~~ (c) of this section. 1319

(3) The applicant has not, during the ten-year period 1320
immediately preceding the submission of the renewal application 1321
but excluding any time before the initial issuance of the 1322
certificate of registration, been convicted of, or pleaded 1323
guilty to, any felony or any offense involving moral turpitude, 1324
including theft, attempted theft, falsification, tampering with 1325
records, securing writings by deception, fraud, forgery, and 1326
perjury. 1327

(4) The applicant's certificate of registration is not 1328
subject to an order of revocation by the director. 1329

Sec. 173.21. (A) The office of the state long-term care 1330
ombudsman program, through the state long-term care ombudsman 1331
and the regional long-term care ombudsman programs, shall 1332
require each representative of the office to complete a training 1333
and certification program in accordance with this section and to 1334
meet the continuing education requirements established under 1335
this section. 1336

(B) The department of aging shall adopt rules in 1337
accordance with Chapter 119. of the Revised Code specifying the 1338
content of training programs for representatives of the office 1339
of the state long-term care ombudsman program. Training for 1340
representatives other than those who are volunteers providing 1341
services through regional long-term care ombudsman programs 1342
shall include instruction regarding federal, state, and local 1343
laws, rules, and policies on long-term care facilities and 1344

community-based long-term care services; investigative 1345
techniques; and other topics considered relevant by the 1346
department and shall consist of the following: 1347

(1) A minimum of forty clock hours of basic instruction, 1348
which shall be completed before the trainee is permitted to 1349
handle complaints without the supervision of a representative of 1350
the office certified under this section; 1351

(2) An additional sixty clock hours of instruction, which 1352
shall be completed within the first fifteen months of 1353
employment; 1354

(3) An internship of twenty clock hours, which shall be 1355
completed within the first twenty-four months of employment, 1356
including instruction in, and observation of, basic nursing care 1357
and long-term care provider operations and procedures. The 1358
internship shall be performed at a site that has been approved 1359
as an internship site by the state long-term care ombudsman. 1360

(4) One of the following, which shall be completed within 1361
the first twenty-four months of employment: 1362

(a) Observation of a survey conducted by the director of 1363
health to certify a nursing facility to participate in the 1364
medicaid program; 1365

(b) Observation of an inspection conducted by the director 1366
of mental health and addiction services to license a residential 1367
facility under section 5119.34 of the Revised Code that provides 1368
accommodations, supervision, and personal care services for 1369
three to sixteen unrelated adults. 1370

(5) Any other training considered appropriate by the 1371
department. 1372

(C) Any person who for a period of at least six months 1373
prior to June 11, 1990, served as an ombudsman through the long- 1374
term care ombudsman program established by the department of 1375
aging under section 173.01 of the Revised Code shall not be 1376
required to complete a training program. Such a person and 1377
persons who complete a training program shall take an 1378
examination administered by the department of aging. On 1379
attainment of a passing score, the person shall be certified by 1380
the department as a representative of the office. The department 1381
shall issue the person an identification card, which the 1382
representative shall show at the request of any person with whom 1383
the representative deals while performing the representative's 1384
duties and which shall be surrendered at the time the 1385
representative separates from the office. 1386

(D) The state ombudsman and each regional program shall 1387
conduct training programs for volunteers on their respective 1388
staffs in accordance with the rules of the department of aging 1389
adopted under division (B) of this section. Training programs 1390
may be conducted that train volunteers to complete some, but not 1391
all, of the duties of a representative of the office. Each 1392
regional office shall bear the cost of training its 1393
representatives who are volunteers. On completion of a training 1394
program, the representative shall take an examination 1395
administered by the department of aging. On attainment of a 1396
passing score, a volunteer shall be certified by the department 1397
as a representative authorized to perform services specified in 1398
the certification. The department shall issue an identification 1399
card, which the representative shall show at the request of any 1400
person with whom the representative deals while performing the 1401
representative's duties and which shall be surrendered at the 1402
time the representative separates from the office. Except as a 1403

supervised part of a training program, no volunteer shall 1404
perform any duty unless the volunteer is certified as a 1405
representative having received appropriate training for that 1406
duty. 1407

(E) The state ombudsman shall provide technical assistance 1408
to regional programs conducting training programs for volunteers 1409
and shall monitor the training programs. 1410

(F) Prior to scheduling an observation of a certification 1411
survey or licensing inspection for purposes of division (B) (4) 1412
of this section, the state ombudsman shall obtain permission to 1413
have the survey or inspection observed from both the long-term 1414
care facility at which the survey or inspection is to take place 1415
and, as the case may be, the director of health or director of 1416
mental health and addiction services. 1417

(G) Notwithstanding the requirements for a certification 1418
under this section, the department shall issue a certificate as 1419
a representative of the office of the state long-term care 1420
ombudsman program in accordance with Chapter 4796. of the 1421
Revised Code to a person if either of the following applies: 1422

(1) The person holds a license or certificate in another 1423
state. 1424

(2) The person has satisfactory work experience, a 1425
government certification, or a private certification as 1426
described in that chapter as a representative of a state long- 1427
term care ombudsman program in a state that does not issue that 1428
license or certificate. 1429

(H) The department of aging shall establish continuing 1430
education requirements for representatives of the office. 1431

Sec. 173.391. (A) Subject to section 173.381 of the 1432

Revised Code and except as provided in division (I) of this 1433
section, the department of aging or its designee shall do all of 1434
the following in accordance with Chapter 119. of the Revised 1435
Code: 1436

(1) Certify a provider to provide community-based long- 1437
term care services under a program the department administers if 1438
the provider satisfies the requirements for certification 1439
established by rules adopted under division (B) of this section 1440
and pays the fee, if any, established by rules adopted under 1441
division (G) of this section; 1442

(2) When required to do so by rules adopted under division 1443
(B) of this section, take one or more of the following 1444
disciplinary actions against a provider certified under division 1445
(A) (1) of this section: 1446

(a) Issue a written warning; 1447

(b) Require the submission of a plan of correction or 1448
evidence of compliance with requirements identified by the 1449
department; 1450

(c) Suspend referrals; 1451

(d) Remove clients; 1452

(e) Impose a fiscal sanction such as a civil monetary 1453
penalty or an order that unearned funds be repaid; 1454

(f) Suspend the certification; 1455

(g) Revoke the certification; 1456

(h) Impose another sanction. 1457

(3) Except as provided in division (E) of this section, 1458
hold hearings when there is a dispute between the department or 1459

its designee and a provider concerning actions the department or 1460
its designee takes regarding a decision not to certify the 1461
provider under division (A) (1) of this section or a disciplinary 1462
action under divisions (A) (2) (e) to (h) of this section. 1463

(B) The director of aging shall adopt rules in accordance 1464
with Chapter 119. of the Revised Code establishing certification 1465
requirements and standards for determining which type of 1466
disciplinary action to take under division (A) (2) of this 1467
section in individual situations. The rules shall establish 1468
procedures for all of the following: 1469

(1) Ensuring that providers comply with sections 173.38 1470
and 173.381 of the Revised Code; 1471

(2) Evaluating the services provided by the providers to 1472
ensure that the services are provided in a quality manner 1473
advantageous to the individual receiving the services; 1474

(3) In a manner consistent with section 173.381 of the 1475
Revised Code, determining when to take disciplinary action under 1476
division (A) (2) of this section and which disciplinary action to 1477
take; 1478

(4) Determining what constitutes another sanction for 1479
purposes of division (A) (2) (h) of this section. 1480

(C) The procedures established in rules adopted under 1481
division (B) (2) of this section shall require that all of the 1482
following be considered as part of an evaluation described in 1483
division (B) (2) of this section: 1484

(1) The provider's experience and financial 1485
responsibility; 1486

(2) The provider's ability to comply with standards for 1487

the community-based long-term care services that the provider	1488
provides under a program the department administers;	1489
(3) The provider's ability to meet the needs of the	1490
individuals served;	1491
(4) Any other factor the director considers relevant.	1492
(D) The rules adopted under division (B)(3) of this	1493
section shall specify that the reasons disciplinary action may	1494
be taken under division (A)(2) of this section include good	1495
cause, including misfeasance, malfeasance, nonfeasance,	1496
confirmed abuse or neglect, financial irresponsibility, or other	1497
conduct the director determines is injurious, or poses a threat,	1498
to the health or safety of individuals being served.	1499
(E) Subject to division (F) of this section, the	1500
department is not required to hold hearings under division (A)	1501
(3) of this section if any of the following conditions apply:	1502
(1) Rules adopted by the director of aging pursuant to	1503
this chapter require the provider to be a party to a provider	1504
agreement; hold a license, certificate, or permit; or maintain a	1505
certification, any of which is required or issued by a state or	1506
federal government entity other than the department of aging,	1507
and either of the following is the case:	1508
(a) The provider agreement has not been entered into or	1509
the license, certificate, permit, or certification has not been	1510
obtained or maintained.	1511
(b) The provider agreement, license, certificate, permit,	1512
or certification has been denied, revoked, not renewed, or	1513
suspended or has been otherwise restricted.	1514
(2) The provider's certification under this section has	1515

been denied, suspended, or revoked for any of the following 1516
reasons: 1517

(a) A government entity of this state, other than the 1518
department of aging, has terminated or refused to renew any of 1519
the following held by, or has denied any of the following sought 1520
by, a provider: a provider agreement, license, certificate, 1521
permit, or certification. Division (E) (2) (a) of this section 1522
applies regardless of whether the provider has entered into a 1523
provider agreement in, or holds a license, certificate, permit, 1524
or certification issued by, another state. 1525

(b) The provider or a principal owner or manager of the 1526
provider who provides direct care has entered a guilty plea for, 1527
or has been convicted of, an offense materially related to the 1528
medicaid program. 1529

(c) A principal owner or manager of the provider who 1530
provides direct care has entered a guilty plea for, been 1531
convicted of, or been found eligible for intervention in lieu of 1532
conviction for an offense listed or described in divisions (A) 1533
(3) (a) to (e) of section 109.572 of the Revised Code, but only 1534
if the provider, principal owner, or manager does not meet 1535
standards specified by the director in rules adopted under 1536
section 173.38 of the Revised Code. 1537

(d) The department or its designee is required by section 1538
173.381 of the Revised Code to deny or revoke the provider's 1539
certification. 1540

(e) The United States department of health and human 1541
services has taken adverse action against the provider and that 1542
action impacts the provider's participation in the medicaid 1543
program. 1544

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

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

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

(i) The provider has ceased doing business.

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

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

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

(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department shall send a notice to the provider describing a decision not to certify the provider under division (A) (1) of

this section or the disciplinary action the department is taking 1574
under divisions (A) (2) (e) to (h) of this section. The notice 1575
shall be sent to the provider's address that is on record with 1576
the department and may be sent by regular mail. 1577

(G) The director of aging may adopt rules in accordance 1578
with Chapter 119. of the Revised Code establishing a fee to be 1579
charged by the department of aging or its designee for 1580
certification issued under division (A) of this section. 1581

(H) Any amounts collected by the department or its 1582
designee under this section shall be deposited in the state 1583
treasury to the credit of the provider certification fund, which 1584
is hereby created. Money credited to the fund shall be used to 1585
pay for community-based long-term care services, administrative 1586
costs associated with provider certification under this section, 1587
and administrative costs related to the publication of the Ohio 1588
long-term care consumer guide. 1589

(I) The director shall certify a provider in accordance 1590
with Chapter 4796. of the Revised Code if either of the 1591
following applies: 1592

(1) The provider is licensed or certified in another 1593
state. 1594

(2) The provider has satisfactory work experience, a 1595
government certification, or a private certification as 1596
described in that chapter as a provider of community-based long- 1597
term care services under a state program in a state that does 1598
not issue that license or certificate. 1599

Sec. 173.422. (A) The department of aging shall certify 1600
individuals who meet certification requirements established by 1601
rule to provide long-term care consultations for purposes of 1602

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

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

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

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

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

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

published in a newspaper of general circulation in the township, 1632
or as provided in section 7.16 of the Revised Code, notice of 1633
the public hearings, including the time, date, and place, once a 1634
week for two weeks immediately preceding the hearings. The board 1635
shall make available proposed regulations or amendments to the 1636
public at the office of the board. 1637

(C) Regulations or amendments adopted by the board are 1638
effective thirty days after the date of adoption unless, within 1639
thirty days after the adoption of the regulations or amendments, 1640
the township fiscal officer receives a petition, signed by a 1641
number of qualified electors residing in the unincorporated area 1642
of the township equal to not less than ten per cent of the total 1643
vote cast for all candidates for governor in the area at the 1644
most recent general election at which a governor was elected, 1645
requesting the board to submit the regulations or amendments to 1646
the electors of the area for approval or rejection at the next 1647
primary or general election occurring at least ninety days after 1648
the board receives the petition. 1649

No regulation or amendment for which the referendum vote 1650
has been requested is effective unless a majority of the votes 1651
cast on the issue is in favor of the regulation or amendment. 1652
Upon certification by the board of elections that a majority of 1653
the votes cast on the issue was in favor of the regulation or 1654
amendment, the regulation or amendment takes immediate effect. 1655

(D) The board shall make available regulations it adopts 1656
or amends to the public at the office of the board and shall 1657
cause to be published once a notice of the availability of the 1658
regulations in a newspaper of general circulation in the 1659
township within ten days after their adoption or amendment. 1660

(E) Nothing in sections 503.40 to 503.49 of the Revised 1661

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

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

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

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

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

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

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

municipal corporation. 1691

(B) No municipal corporation shall require any specialty 1692
contractor who holds a valid license issued pursuant to Chapter 1693
4740. of the Revised Code to complete an examination, test, or 1694
demonstration of technical skills to engage in the type of 1695
contracting for which the license is held, within the municipal 1696
corporation. 1697

(C) A municipal corporation may require a specialty 1698
contractor who holds a valid license issued pursuant to Chapter 1699
4740. of the Revised Code to register with the municipal 1700
corporation and pay any fee the municipal corporation imposes 1701
before that specialty contractor may engage within the municipal 1702
corporation in the type of contracting for which the license is 1703
held. Any fee shall be the same for all specialty contractors 1704
who engage in the same type of contracting. A municipal 1705
corporation may require a bond and proof of all of the 1706
following: 1707

(1) Insurance pursuant to division (B) (4) of section 1708
4740.06 of the Revised Code; 1709

(2) Compliance with Chapters 4121. and 4123. of the 1710
Revised Code; 1711

(3) Registration with the tax department of the municipal 1712
corporation. 1713

If a municipal corporation requires registration, imposes 1714
such a fee, or requires a bond or proof of the items listed in 1715
divisions (C) (1), (2), and (3) of this section, the municipal 1716
corporation immediately shall permit a contractor who presents 1717
proof of holding a valid license issued pursuant to Chapter 1718
4740. of the Revised Code, who registers, pays the fee, obtains 1719

a bond, and submits the proof described under divisions (C) (1), 1720
(2), and (3) of this section, as required, to engage in the type 1721
of contracting for which the license is held, within the 1722
municipal corporation. 1723

(D) A municipal corporation may revoke the registration of 1724
a contractor registered with that municipal corporation for good 1725
cause shown. Good cause shown includes the failure of a 1726
contractor to maintain a bond or the items listed in divisions 1727
(C) (1), (2), and (3) of this section, if the municipal 1728
corporation requires those. 1729

(E) A municipal corporation that licenses specialty 1730
contractors pursuant to division (A) (3) of this section may 1731
accept, for purposes of satisfying its licensing requirements, a 1732
valid license issued pursuant to Chapter 4740. of the Revised 1733
Code that a specialty contractor holds, for the construction, 1734
replacement, maintenance, or repair of one-family, two-family, 1735
or three-family dwelling houses or accessory structures 1736
incidental to those dwelling houses. 1737

(F) A municipal corporation shall not register a specialty 1738
contractor who is required to hold a license under Chapter 4740. 1739
of the Revised Code but does not hold a valid license issued 1740
under that chapter. 1741

(G) If a municipal corporation regulates a profession, 1742
occupation, or occupational activity under this section, the 1743
municipal corporation shall comply with Chapter 4796. of the 1744
Revised Code. 1745

(H) As used in this section, "specialty contractor" means 1746
a heating, ventilating, and air conditioning contractor, 1747
refrigeration contractor, electrical contractor, plumbing 1748

contractor, or hydronics contractor, as those contractors are 1749
described in Chapter 4740. of the Revised Code. 1750

Sec. 903.07. (A) On and after the date that is established 1751
in rules by the director of agriculture, both of the following 1752
apply: 1753

(1) The management and handling of manure at a major 1754
concentrated animal feeding facility, including the land 1755
application of manure or the removal of manure from a manure 1756
storage or treatment facility, shall be conducted only by or 1757
under the supervision of a person holding a livestock manager 1758
certification issued under this section. A person managing or 1759
handling manure who is acting under the instructions and control 1760
of a person holding a livestock manager certification is 1761
considered to be under the supervision of the certificate holder 1762
if the certificate holder is responsible for the actions of the 1763
person and is available when needed even though the certificate 1764
holder is not physically present at the time of the manure 1765
management or handling. 1766

(2) No person shall transport and land apply annually or 1767
buy, sell, or land apply annually the volume of manure 1768
established in rules adopted by the director under division (D) 1769
(5) of section 903.10 of the Revised Code unless the person 1770
holds a livestock manager certification issued under this 1771
section. 1772

(B) The Except as provided in division (D) of this 1773
section, the director shall issue a livestock manager 1774
certification to a person who has submitted a complete 1775
application for certification on a form prescribed and provided 1776
by the director, together with the appropriate application fee, 1777
and who has completed successfully the required training and has 1778

passed the required examination. The director may suspend or 1779
revoke a livestock manager certification and may reinstate a 1780
suspended or revoked livestock manager certification in 1781
accordance with rules. 1782

(C) Information required to be included in an application 1783
for a livestock manager certification, the amount of the 1784
application fee, requirements regarding training and the 1785
examination, requirements governing the management and handling 1786
of manure, including the land application of manure, and 1787
requirements governing the keeping of records regarding the 1788
handling of manure, including the land application of manure, 1789
shall be established in rules. 1790

(D) The director shall issue a livestock manager 1791
certification in accordance with Chapter 4796. of the Revised 1792
Code to an individual if either of the following applies: 1793

(1) The individual holds a certification in another state. 1794

(2) The individual has satisfactory work experience, a 1795
government certification, or a private certification as 1796
described in that chapter as a livestock manager in a state that 1797
does not issue that license. 1798

Sec. 905.321. (A) Beginning September thirtieth of the 1799
third year after ~~the effective date of this section~~ August 21, 1800
2014, no person shall apply fertilizer for the purposes of 1801
agricultural production unless that person has been certified to 1802
do so by the director of agriculture under this section and 1803
rules or is acting under the instructions and control of a 1804
person who is so certified. 1805

(B) A-Except as otherwise provided in this division, a 1806
person shall be certified to apply fertilizer for purposes of 1807

agricultural production in accordance with rules. A person that 1808
has been so certified shall comply with requirements and 1809
procedures established in those rules. 1810

The director shall issue a certification to apply 1811
fertilizer for purposes of agricultural production in accordance 1812
with Chapter 4796. of the Revised Code to an individual if 1813
either of the following applies: 1814

(1) The individual holds a license or certification in 1815
another state. 1816

(2) The individual has satisfactory work experience, a 1817
government certification, or a private certification as 1818
described in that chapter as a fertilizer applicator in a state 1819
that does not issue that license or certification. 1820

(C) A person that has been licensed as a commercial 1821
applicator under section 921.06 of the Revised Code or as a 1822
private applicator under section 921.11 of the Revised Code may 1823
apply to be certified under this section, but shall not be 1824
required to pay the application fee for certification 1825
established in rules adopted under section 905.322 of the 1826
Revised Code. 1827

Sec. 917.09. (A) The director of agriculture may issue the 1828
following types of licenses: 1829

(1) Producer; 1830

(2) Processor; 1831

(3) Milk dealer; 1832

(4) Raw milk retailer; 1833

(5) Weigher, sampler, or tester; 1834

(6) Milk hauler.	1835
(B) The director may adopt rules establishing categories for each type of license that are based on the grade or type of dairy product with which the licensee is involved.	1836 1837 1838
(C) Except as provided in section 917.091 of the Revised Code and division (J) of this section, no person shall act as or hold the person's self out as a producer; processor; milk dealer; raw milk retailer; weigher, sampler, or tester; or milk hauler unless the person holds a valid license issued by the director under this section.	1839 1840 1841 1842 1843 1844
(D) Each person desiring a license shall submit to the director a license application on a form prescribed by the director, accompanied by a license fee in an amount specified in rules adopted under section 917.02 of the Revised Code. The applicant shall specify on the application the type of license and category requested and shall include any other information required by rules adopted under section 917.02 of the Revised Code.	1845 1846 1847 1848 1849 1850 1851 1852
(E) Each applicant for a weigher, sampler, or tester license or registration, prior to issuance of the license or registration, shall pass an examination that is given in accordance with section 917.08 of the Revised Code and rules adopted under section 917.02 of the Revised Code.	1853 1854 1855 1856 1857
Each applicant for any other type of license issued under this section, prior to issuance of the license, shall pass an inspection that is made in accordance with rules adopted under section 917.02 of the Revised Code.	1858 1859 1860 1861
(F) The director shall not issue a license to an applicant unless the director determines, through an inspection or	1862 1863

otherwise, that the applicant is in compliance with the 1864
requirements set forth in this chapter and the rules adopted 1865
under it. 1866

(G) Examinations that must be passed prior to issuance of 1867
a weigher, sampler, or tester license, inspections that must be 1868
passed prior to issuance of any other type of license issued 1869
under this section, procedures for issuing and renewing 1870
licenses, and license terms and renewal periods shall comply 1871
with rules adopted under section 917.02 of the Revised Code. 1872

(H) Suspension and revocation of licenses shall comply 1873
with section 917.22 of the Revised Code and rules adopted under 1874
section 917.02 of the Revised Code. 1875

(I) Each licensed weigher, sampler, and tester annually 1876
shall meet the continuing education requirements established in 1877
rules adopted under division (B) of section 917.02 of the 1878
Revised Code. 1879

(J) A person whose religion prohibits the person from 1880
obtaining a license under this section, in place of a license, 1881
shall register with the director as a producer; processor; milk 1882
dealer; raw milk retailer; weigher, sampler, or tester; or milk 1883
hauler. 1884

The person claiming the exemption from licensure shall 1885
register on a form prescribed by the director and shall meet any 1886
other registration requirements contained in rules adopted under 1887
section 917.02 of the Revised Code. Upon receiving the person's 1888
registration form and determining that the person has satisfied 1889
all requirements for registration, the director shall notify the 1890
person that the person is registered to lawfully operate as a 1891
producer; processor; milk dealer; raw milk retailer; weigher, 1892

sampler, or tester; or milk hauler. 1893

A registrant is subject to all provisions governing 1894
licensees, such as provisions concerning testing, sampling, and 1895
inspection of dairy products. A registrant is subject to 1896
provisions governing issuance of a temporary weigher, sampler, 1897
or tester license under section 917.091 of the Revised Code. A 1898
registration shall be renewed, suspended, and revoked under the 1899
same terms as a license. 1900

(K) Notwithstanding the requirements for a license or 1901
registration under this section, the director shall issue a 1902
license or registration to operate as a producer; processor; 1903
milk dealer; raw milk retailer; weigher, sampler, or tester; or 1904
milk hauler, as applicable, in accordance with Chapter 4796. of 1905
the Revised Code to an individual if either of the following 1906
applies: 1907

(1) The individual holds a license or registration in 1908
another state. 1909

(2) The individual has satisfactory work experience, a 1910
government certification, or a private certification as 1911
described in that chapter as a producer; processor; milk dealer; 1912
raw milk retailer; weigher, sampler, or tester; or milk hauler, 1913
as applicable, in a state that does not issue the applicable 1914
license or registration. 1915

Sec. 917.091. The director of agriculture may issue a 1916
temporary weigher, sampler, or tester license to an applicant 1917
upon determining that the applicant has met all qualifications 1918
for licensure under section 917.09 of the Revised Code except 1919
successful completion of an examination. A temporary weigher, 1920
sampler, or tester license is effective for ninety days from the 1921

date of issuance. An applicant who has not taken an examination 1922
for licensure may receive no more than three temporary weigher, 1923
sampler, or tester licenses. An applicant who takes and fails an 1924
examination for licensure may receive no more than two temporary 1925
weigher, sampler, or tester licenses. Chapter 4796. of the 1926
Revised Code does not apply to a temporary license issued under 1927
this section. 1928

Sec. 921.06. (A) (1) No individual shall do any of the 1929
following without having a commercial applicator license issued 1930
by the director of agriculture: 1931

(a) Apply pesticides for a pesticide business without 1932
direct supervision; 1933

(b) Apply pesticides as part of the individual's duties 1934
while acting as an employee of the United States government, a 1935
state, county, township, or municipal corporation, or a park 1936
district, port authority, or sanitary district created under 1937
Chapter 1545., 4582., or 6115. of the Revised Code, 1938
respectively; 1939

(c) Apply restricted use pesticides. Division (A) (1) (c) of 1940
this section does not apply to a private applicator or an 1941
immediate family member or a subordinate employee of a private 1942
applicator who is acting under the direct supervision of that 1943
private applicator. 1944

(d) If the individual is the owner of a business other 1945
than a pesticide business or an employee of such an owner, apply 1946
pesticides at any of the following publicly accessible sites 1947
that are located on the property: 1948

(i) Food service operations that are licensed under 1949
Chapter 3717. of the Revised Code; 1950

(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;	1951 1952
(iii) Golf courses;	1953
(iv) Rental properties of more than four apartment units at one location;	1954 1955
(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;	1956 1957
(vi) Child day-care centers or school child day-care centers as defined in section 5104.01 of the Revised Code;	1958 1959
(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education;	1960 1961 1962 1963 1964 1965
(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code, and private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;	1966 1967 1968 1969 1970 1971 1972 1973 1974 1975
(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;	1976 1977
(x) Any other site designated by rule.	1978

(e) Conduct authorized diagnostic inspections.	1979
(2) Divisions (A) (1) (a) to (d) of this section do not apply to an individual who is acting as a trained serviceperson under the direct supervision of a commercial applicator.	1980 1981 1982
(3) Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. The fee for each such license shall be established by rule. If a license is not issued or renewed, the application fee shall be retained by the state as payment for the reasonable expense of processing the application. The director shall by rule classify by pesticide-use category licenses to be issued under this section. A single license may include more than one pesticide-use category. No individual shall be required to pay an additional license fee if the individual is licensed for more than one category.	1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993
The fee for each license or renewal does not apply to an applicant who is an employee of the department of agriculture whose job duties require licensure as a commercial applicator as a condition of employment.	1994 1995 1996 1997
(B) Application for a commercial applicator license shall be made on a form prescribed by the director. Each application for a license shall state the pesticide-use category or categories of license for which the applicant is applying and other information that the director determines essential to the administration of this chapter.	1998 1999 2000 2001 2002 2003
<u>(C) If (1) Except as provided in division (C) (2) of this section, if the director finds that the applicant is competent to apply pesticides and conduct diagnostic inspections and that the applicant has passed both the general examination and each</u>	2004 2005 2006 2007

applicable pesticide-use category examination as required under 2008
division (A) of section 921.12 of the Revised Code, the director 2009
shall issue a commercial applicator license limited to the 2010
pesticide-use category or categories for which the applicant is 2011
found to be competent. If the director rejects an application, 2012
the director may explain why the application was rejected, 2013
describe the additional requirements necessary for the applicant 2014
to obtain a license, and return the application. The applicant 2015
may resubmit the application without payment of any additional 2016
fee. 2017

(2) The director shall issue a commercial applicator 2018
license in accordance with Chapter 4796. of the Revised Code to 2019
an individual if either of the following applies: 2020

(a) The individual holds a commercial applicator license 2021
in another state. 2022

(b) The individual has satisfactory work experience, a 2023
government certification, or a private certification as 2024
described in that chapter as a commercial applicator in a state 2025
that does not issue that license. 2026

A license issued under this division shall be limited to 2027
the pesticide-use category or categories for which the applicant 2028
is licensed in another state or has satisfactory work 2029
experience, a government certification, or a private 2030
certification in that state. 2031

(D) (1) A person who is a commercial applicator shall be 2032
deemed to hold a private applicator's license for purposes of 2033
applying pesticides on agricultural commodities that are 2034
produced by the commercial applicator. 2035

(2) A commercial applicator shall apply pesticides only in 2036

the pesticide-use category or categories in which the applicator 2037
is licensed under this chapter. 2038

(E) All money collected under this section shall be 2039
credited to the pesticide, fertilizer, and lime program fund 2040
created in section 921.22 of the Revised Code. 2041

Sec. 921.11. (A) (1) No individual shall apply restricted 2042
use pesticides unless the individual is one of the following: 2043

(a) Licensed under section 921.06 of the Revised Code; 2044

(b) Licensed under division (B) of this section; 2045

(c) A trained serviceperson who is acting under the direct 2046
supervision of a commercial applicator; 2047

(d) An immediate family member or a subordinate employee 2048
of a private applicator who is acting under the direct 2049
supervision of that private applicator. 2050

(2) No individual shall directly supervise the application 2051
of a restricted use pesticide unless the individual is one of 2052
the following: 2053

(a) Licensed under section 921.06 of the Revised Code; 2054

(b) Licensed under division (B) of this section. 2055

(B) ~~The~~ (1) Subject to division (B) (2) of this section, 2056
the director of agriculture shall adopt rules to establish 2057
standards and procedures for the licensure of private 2058
applicators. An individual shall apply for a private applicator 2059
license to the director, on forms prescribed by the director. 2060
The individual shall include in the application the pesticide- 2061
use category or categories of the license for which the 2062
individual is applying and any other information that the 2063

director determines is essential to the administration of this 2064
chapter. The fee for each license shall be established by rule. 2065
Licenses shall be issued for a period of time established by 2066
rule and shall be renewed in accordance with deadlines 2067
established by rule. If a license is not issued or renewed, the 2068
state shall retain any fee submitted as payment for reasonable 2069
expenses of processing the application. 2070

(2) The director shall issue a private applicator license 2071
in accordance with Chapter 4796. of the Revised Code to an 2072
individual if either of the following applies: 2073

(a) The individual holds a private applicator license in 2074
another state. 2075

(b) The individual has satisfactory work experience, a 2076
government certification, or a private certification as 2077
described in that chapter as a private applicator in a state 2078
that does not issue that license. 2079

A license issued under this division shall be limited to 2080
the pesticide-use category or categories for which the applicant 2081
is licensed in another state or has satisfactory work 2082
experience, a government certification, or a private 2083
certification in that state. 2084

(C) An individual who is licensed under this section shall 2085
use or directly supervise the use of a restricted use pesticide 2086
only for the purpose of producing agricultural commodities on 2087
property that is owned or rented by the individual or the 2088
individual's employer. 2089

(D) All money collected under this section shall be 2090
credited to the pesticide, fertilizer, and lime program fund 2091
created in section 921.22 of the Revised Code. 2092

Sec. 921.12. (A) The director of agriculture shall require 2093
each applicant for a license by examination under section 921.06 2094
or 921.11 of the Revised Code to be examined on the applicant's 2095
knowledge and competency in each of the following: 2096

(1) This chapter and rules adopted under it; 2097

(2) The proper use, handling, and application of 2098
pesticides and, if the applicant is applying for a license under 2099
section 921.06 of the Revised Code, in the conducting of 2100
diagnostic inspections in the pesticide-use categories for which 2101
the applicant has applied. 2102

(B) Each application for renewal of a license provided for 2103
in section 921.06 of the Revised Code shall be filed prior to 2104
the deadline established by rule. If filed after the deadline, a 2105
penalty of fifty per cent shall be assessed and added to the 2106
original fee and shall be paid by the applicant before the 2107
renewal license is issued. However, if a license issued under 2108
section 921.06 or 921.11 of the Revised Code is not renewed 2109
within one hundred eighty days after the date of expiration, the 2110
licensee shall be required to take another examination on this 2111
chapter and rules adopted under it and on the proper use, 2112
handling, and application of pesticides and, if applicable, the 2113
proper conducting of diagnostic inspections in the pesticide-use 2114
categories for which the licensee has been licensed. 2115

(C) A person who fails to pass an examination under 2116
division (A) or (B) of this section is not entitled to an 2117
adjudication under Chapter 119. of the Revised Code for that 2118
failure. 2119

(D) The holder of a commercial applicator license may 2120
renew the license within one hundred eighty days after the date 2121

of expiration without re-examination unless the director 2122
determines that a new examination is necessary to insure that 2123
the holder continues to meet the requirements of changing 2124
technology and to assure a continuing level of competence and 2125
ability to use pesticides safely and properly. 2126

(E) The holder of a private applicator license may renew 2127
the license within one hundred eighty days after the date of 2128
expiration without re-examination unless the director determines 2129
that a new examination is necessary to insure that the holder 2130
continues to meet the requirements of changing technology and to 2131
assure a continuing level of competence and ability to use 2132
pesticides safely and properly. 2133

(F) Instead of requiring a commercial applicator or 2134
private applicator to complete re-examination successfully under 2135
division (D) or (E) of this section, the director may require, 2136
in accordance with criteria established by rule, the commercial 2137
applicator or private applicator to participate in training 2138
programs that are designed to foster knowledge of new technology 2139
and to ensure a continuing level of competence and ability to 2140
use pesticides safely and properly. The director or the 2141
director's representative may provide the training or may 2142
authorize a third party to do so. In order for such 2143
authorization to occur, the third party and its training program 2144
shall comply with standards and requirements established by 2145
rule. 2146

Sec. 921.24. No person shall do any of the following: 2147

(A) Apply, use, directly supervise such application or 2148
use, or recommend a pesticide for use inconsistent with the 2149
pesticide's labeling, treatment standards, or other restrictions 2150
imposed by the director of agriculture; 2151

(B) Act as a commercial applicator without being licensed	2152
to do so;	2153
(C) Use any restricted use pesticide, unless the person is	2154
licensed to do so, is a trained serviceperson acting under the	2155
direct supervision of a commercial applicator, or is an	2156
immediate family member or a subordinate employee of a private	2157
applicator under the direct supervision of that private	2158
applicator;	2159
(D) Refuse or fail to keep or maintain records required by	2160
the director in rules adopted under this chapter, or to make	2161
reports when and as required by the director in rules adopted	2162
under this chapter;	2163
(E) Falsely or fraudulently represent the effect of	2164
pesticides or methods to be utilized;	2165
(F) Apply known ineffective or improper materials;	2166
(G) Operate in a negligent manner, which includes the	2167
operation of faulty or unsafe equipment;	2168
(H) Impersonate any federal, state, county, or municipal	2169
official;	2170
(I) Make false or fraudulent records, invoices, or	2171
reports;	2172
(J) Fail to provide training to trained servicepersons in	2173
the application of pesticides;	2174
(K) Fail to provide direct supervision as specified in	2175
rules adopted under division (C) of section 921.16 of the	2176
Revised Code;	2177
(L) Distribute a misbranded or adulterated pesticide;	2178

(M) Use fraud or misrepresentation in making application	2179
for a license or registration or renewal of a license or	2180
registration;	2181
(N) Refuse, fail, or neglect to comply with any limitation	2182
or restriction of a license or registration issued under this	2183
chapter or rules adopted thereunder;	2184
(O) Aid or abet a licensee or another person in violating	2185
this chapter or rules adopted thereunder;	2186
(P) Make a false or misleading statement in an inspection	2187
concerning any infestation of pests or the use of pesticides;	2188
(Q) Refuse or fail to comply with this chapter, the rules	2189
adopted thereunder, or any lawful order of the director;	2190
(R) Distribute restricted use pesticides to the ultimate	2191
user without a pesticide dealer's license;	2192
(S) Except as provided in division (F) of section 921.26	2193
of the Revised Code, distribute restricted use pesticides to an	2194
ultimate user who is not licensed under section 921.06, 921.08,	2195
or 921.11 of the Revised Code and rules adopted under this	2196
chapter;	2197
(T) Use any pesticide that is under an experimental use	2198
permit contrary to the provisions of the permit;	2199
(U) Engage in fraudulent business practices;	2200
(V) Dispose of any pesticide product or container in such	2201
a manner as to have unreasonable adverse effects on the	2202
environment;	2203
(W) Display any pesticide in any manner to produce	2204
unreasonable adverse effects on the environment, or to	2205

contaminate adjacent food, feed, or other products;	2206
(X) Apply any pesticide by aircraft without being licensed	2207
as a commercial applicator;	2208
(Y) Distribute a pesticide that is not registered with the	2209
director;	2210
(Z) Fail to properly supervise a trained serviceperson.	2211
Sec. 921.26. (A) The penalties provided for violations of	2212
this chapter do not apply to any of the following:	2213
(1) Any carrier while lawfully engaged in transporting a	2214
pesticide or device within this state, if that carrier, upon	2215
request, permits the director of agriculture to copy all records	2216
showing the transactions in the movement of the pesticides or	2217
devices;	2218
(2) Public officials of this state and the federal	2219
government, other than commercial applicators employed by the	2220
federal government, the state, or a political subdivision, while	2221
engaged in the performance of their official duties in	2222
administering state or federal pesticide laws or rules, or while	2223
engaged in pesticide research;	2224
(3) The manufacturer or shipper of a pesticide for	2225
experimental use only by or under supervision of an agency of	2226
this state or of the federal government authorized by law to	2227
conduct research in the field of pesticides, provided that the	2228
manufacturer or shipper is not required to obtain an	2229
experimental use permit from the United States environmental	2230
protection agency;	2231
(4) The manufacturer or shipper of a substance being	2232
tested in which its purpose only is to determine its value for	2233

pesticide purposes or to determine its toxicity or other 2234
properties, and from which the user does not expect to receive 2235
any benefit in pest control from its use; 2236

(5) Persons conducting laboratory research involving 2237
pesticides; 2238

(6) Persons who incidentally use pesticides. The 2239
incidental use shall involve only the application of general use 2240
pesticides. If a person incidentally uses a pesticide, the 2241
pesticide shall be applied in strict accordance with the 2242
manufacturer's label for general use purposes. If further 2243
applications are necessary following the incidental use 2244
application, a pesticide applicator shall apply the pesticide. 2245

(B) No pesticide or device shall be considered in 2246
violation of this chapter when intended solely for export to a 2247
foreign country, and when prepared or packed according to the 2248
specifications or directions of the purchaser. If the pesticide 2249
or device is not so exported, this chapter applies. 2250

(C) No person who is licensed, regulated, or registered 2251
under section 921.02, 921.03, 921.06, ~~921.08~~, 921.09, 921.11, or 2252
921.13 of the Revised Code shall be required to obtain a license 2253
or permit to operate or to be otherwise regulated in such 2254
capacity by any local ordinance, or to meet any other condition 2255
except as otherwise provided by statute or rule of the United 2256
States or of this state. 2257

(D) Section 921.09 of the Revised Code does not apply to 2258
an individual who uses only ground equipment for the individual 2259
or for the individual's neighbors, provided that the individual 2260
meets all of the following requirements: 2261

(1) Is licensed under section 921.11 of the Revised Code; 2262

(2) Operates farm property and operates and maintains	2263
pesticide application equipment primarily for the individual's	2264
own use;	2265
(3) Is not regularly engaged in the business of applying	2266
pesticides for hire or does not publicly hold oneself out as a	2267
pesticide applicator;	2268
(4) Meets any other requirement established by rule.	2269
(E) Section 921.06 of the Revised Code relating to	2270
licenses and requirements for their issuance does not apply to	2271
licensed physicians or veterinarians applying pesticides to	2272
human beings or other animals during the normal course of their	2273
practice, provided that they are not regularly engaged in the	2274
business of applying pesticides for hire amounting to a	2275
principal or regular occupation or do not publicly hold	2276
themselves out as commercial applicators.	2277
(F) Division (S) of section 921.24 of the Revised Code	2278
does not apply to a pesticide dealer who distributes restricted	2279
use pesticides to a nonresident who is licensed in another state	2280
having a state plan approved by the United States environmental	2281
protection agency.	2282
Sec. 926.30. (A) No licensed handler or employee of a	2283
licensed handler who receives an agricultural commodity from a	2284
producer, either for sale or for storage under a bailment	2285
agreement, shall perform a quality test on the commodity for the	2286
purpose of applying a premium, discount, or conditioning charge	2287
unless the person making the test has passed an examination on	2288
the subject that is approved by the director of agriculture.	2289
Upon <u>Except as provided in division (D) of this section, upon</u>	2290
application by a person who has passed the examination, the	2291

director shall issue to the person an agricultural commodity 2292
tester certificate that shall be valid for a period of three 2293
years. Except as otherwise provided in this division, an 2294
agricultural commodity tester shall pass an examination on 2295
agricultural commodity testing approved by the director prior to 2296
each renewal of a certificate. The director may exempt from the 2297
examination requirement for certificate renewal an agricultural 2298
commodity tester who, during the year prior to expiration of the 2299
certificate, successfully completes training on agricultural 2300
commodity testing that has been approved by the director. The 2301
director shall establish by rule standards that such training 2302
must meet in order to be approved by the director. The rules 2303
shall require the training to include instructions in the use of 2304
the official grain standards of the United States as a basis for 2305
determining the quality of the commodities tested by an 2306
agricultural commodity tester. An agricultural commodity tester 2307
certificate issued prior to ~~the effective date of this amendment~~ 2308
July 29, 1998, shall be considered to be valid until the date on 2309
which, at the time of issuance, it was scheduled to expire. Upon 2310
expiration of the certificate, the examination requirement for 2311
renewal shall apply. 2312

(B) The director may determine that retraining or review 2313
is necessary for the tester as a result of changes in or 2314
amendments to the official grain standards of the United States, 2315
or if the director has reason to believe that retraining is 2316
necessary as a result of complaints relating to the tester's 2317
inability to accurately test commodities according to the 2318
official grain standards. A fee to cover the cost of issuing 2319
certificates and administering the educational program shall be 2320
established by rule of the director adopted under Chapter 119. 2321
of the Revised Code and shall be deposited into the commodity 2322

handler regulatory program fund created in section 926.19 of the Revised Code. 2323
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(C) The director may suspend or revoke the certificate of an agricultural commodity tester in accordance with Chapter 119. of the Revised Code for failure or inability of the tester to apply the official grain standards of the United States in testing the quality of an agricultural commodity. 2325
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(D) The director shall issue an agricultural commodity tester certificate in accordance with Chapter 4796. of the Revised Code to an individual if either of the following applies: 2330
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(1) The individual holds a license or certificate in another state. 2334
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(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as a agricultural commodity tester in a state that does not issue that license. 2336
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Sec. 928.02. (A) (1) The director of agriculture shall establish a program to monitor and regulate hemp cultivation and processing in this state. Under the program, the director shall issue hemp cultivation licenses and hemp processing licenses in accordance with rules adopted under section 928.03 of the Revised Code. 2340
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(2) As authorized by the director, the department of agriculture or a university may cultivate or process hemp without a hemp cultivation license or hemp processing license for research purposes. 2346
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(B) Except as authorized under division (A) (2) or (E) of this section, any person that wishes to cultivate hemp shall 2350
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apply for and obtain a hemp cultivation license from the 2352
director in accordance with rules adopted under section 928.03 2353
of the Revised Code. Except as authorized under division (A) (2) 2354
or (E) of this section, any person that wishes to process hemp 2355
shall apply for and obtain a hemp processing license from the 2356
director in accordance with those rules. Such licenses are valid 2357
for three years unless earlier suspended or revoked by the 2358
director. 2359

(C) The department, a university, or any person may, 2360
without a hemp cultivation license or hemp processing license, 2361
possess, buy, or sell hemp or a hemp product. 2362

(D) Notwithstanding any other provision of the Revised 2363
Code to the contrary, the addition of hemp or a hemp product to 2364
any other product does not adulterate that other product. 2365

(E) The director shall issue a hemp cultivation license or 2366
hemp processing license in accordance with Chapter 4796. of the 2367
Revised Code to an individual if either of the following 2368
applies: 2369

(1) The individual holds the applicable license in another 2370
state. 2371

(2) The individual has satisfactory work experience, a 2372
government certification, or a private certification as 2373
described in that chapter as a hemp cultivator or hemp processor 2374
in a state that does not issue the applicable license. 2375

Sec. 943.09. Licenses (A) Except as provided in division 2376
(B) of this section, licenses shall be issued by the department 2377
of agriculture to weighers under such rules and regulations as 2378
the department shall prescribe. Each weigher shall display ~~his~~ 2379
the weigher's license in a conspicuous place on or adjacent to 2380

the weighing facility operated by such weigher. A weigher's 2381
license may be revoked for a violation of section 943.11 of the 2382
Revised Code or of the rules and regulations of the department 2383
relating thereto. The license of any weigher convicted of a 2384
violation of such section shall be promptly revoked. A weigher's 2385
license, unless revoked, shall expire on the thirty-first day of 2386
March of each year and shall be renewed according to the 2387
standard renewal procedure of sections 4745.01 to 4745.03, 2388
inclusive, of the Revised Code. 2389

(B) The director of agriculture shall issue a weigher's 2390
license in accordance with Chapter 4796. of the Revised Code to 2391
an individual if either of the following applies: 2392

(1) The individual holds a license in another state. 2393

(2) The individual has satisfactory work experience, a 2394
government certification, or a private certification as 2395
described in that chapter as a weigher in a state that does not 2396
issue that license. 2397

Sec. 956.05. (A) (1) No person shall act as or perform the 2398
functions of a dog broker in this state without a dog broker 2399
license issued by the director of agriculture in accordance with 2400
this section and rules adopted under section 956.03 of the 2401
Revised Code. 2402

(2) The director shall not issue a license under this 2403
section unless the director determines that the applicant will 2404
act as or perform the functions of a dog broker in accordance 2405
with this chapter and rules adopted under it. 2406

(B) A person who is proposing to act as or perform the 2407
functions of a dog broker shall submit an application for a 2408
license to the director. During the month of December, but 2409

before the first day of January of the next year, a person who 2410
is proposing to continue to act as or perform the functions of a 2411
dog broker shall obtain a license from the director for the 2412
following year. 2413

(C) The director shall issue a dog broker license in 2414
accordance with Chapter 4796. of the Revised Code to a person if 2415
either of the following applies: 2416

(1) The person holds a license in another state. 2417

(2) The person has satisfactory work experience, a 2418
government certification, or a private certification as 2419
described in that chapter as a dog broker in a state that does 2420
not issue that license. 2421

Sec. 956.06. (A) (1) No person shall operate an animal 2422
rescue for dogs without first registering with the director of 2423
agriculture in accordance with division (C) of this section or 2424
rules adopted under section 956.03 of the Revised Code, as 2425
applicable. A registration is valid for one year. 2426

(2) A registration may be renewed. An application for 2427
renewal shall be submitted to the director at least ninety days 2428
prior to the expiration of the registration. 2429

(3) The director shall not charge a registration fee to an 2430
animal rescue for dogs. However, if a person fails to renew a 2431
registration prior to its expiration, the director shall charge 2432
the person a late renewal fee of two hundred dollars. 2433

(B) The director shall maintain a database of all persons 2434
that are registered to operate an animal rescue for dogs in this 2435
state. 2436

(C) The director shall issue an animal rescue license for 2437

dogs registration in accordance with Chapter 4796. of the 2438
Revised Code to a person if either of the following applies: 2439

(1) The person holds a license or registration in another 2440
state. 2441

(2) The person has satisfactory work experience, a 2442
government certification, or a private certification as 2443
described in that chapter as an animal rescue for dogs operator 2444
in a state that does not issue that license or registration. 2445

Sec. 1315.04. (A) (1) After accepting an application for a 2446
money transmitter license described in section 1315.03 of the 2447
Revised Code, the superintendent of financial institutions shall 2448
examine all the facts and circumstances relating to the 2449
application. 2450

(2) At the applicant's expense, the superintendent may 2451
conduct an on-site examination of the applicant's books, 2452
records, and operations. If the superintendent requests, the 2453
applicant shall advance to the superintendent the 2454
superintendent's estimate of the cost of the on-site 2455
examination, with any unconsumed portion to be returned to the 2456
applicant. 2457

(3) The applicant shall pay the cost of its examination 2458
described in division (A) of this section, or any balance of the 2459
cost of its examination in the case of an applicant that 2460
advanced the estimated cost of its examination, within fourteen 2461
days after receiving an invoice for payment. 2462

(B) In making a determination on an application described 2463
in division (A) (1) of this section, the superintendent shall 2464
consider all of the following: 2465

(1) The applicant's financial condition; 2466

(2) The applicant's business practices;	2467
(3) The applicant's and its directors', executive officers', and controlling persons' experience, competence, and history of compliance with applicable laws.	2468 2469 2470
(C) The superintendent shall not approve an application described in division (A) (1) of this section if the applicant does not meet both of the following requirements:	2471 2472 2473
(1) The applicant is a legally established business entity that is capitalized separately and distinctly from every other legal entity and is qualified to do business in this state.	2474 2475 2476
(2) The applicant has a minimum net worth of not less than five hundred thousand dollars, calculated according to generally accepted accounting principles, but excluding any assets that the superintendent disqualifies and including any off-balance sheet liabilities that the superintendent requires.	2477 2478 2479 2480 2481
(D) (1) In approving an application for a money transmitter license, the superintendent may impose any condition the superintendent determines to be appropriate.	2482 2483 2484
(2) When <u>Except as provided under division (F) of this section, when</u> an applicant has satisfied all prior conditions imposed by the superintendent in approving the applicant's application for a money transmitter license and has provided a security device as required by section 1315.07 of the Revised Code, the superintendent shall issue the applicant a money transmitter license. A <u>money transmitter license issued pursuant to this section</u> remains in force and effect until surrendered by the licensee pursuant to section 1315.18 of the Revised Code or suspended or revoked by the superintendent pursuant to section 1315.151 of the Revised Code.	2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495

(E) On or before the first day of July of each year, each licensee shall pay to the superintendent an annual fee for carrying on the business as a money transmitter, which fee is established by the superintendent pursuant to division ~~(B)~~ (A) (2) of section 1315.13 of the Revised Code.

(F) The superintendent shall issue a money transmitter license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

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

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

Sec. 1315.13. ~~Annually~~ (A) Subject to division (B) of this section, the superintendent annually shall establish both of the following:

~~(A)~~ (1) The application fee for an application for a license to transmit money under section 1315.03 of the Revised Code;

~~(B)~~ (2) An annual fee described in division (E) of section 1315.04 of the Revised Code for each licensee to carry on the business of a money transmitter. When establishing the annual fee for each licensee, the superintendent may consider the number of offices and authorized delegates the licensee has and the volume of business the licensee does in this state.

(B) When establishing the application fee for an application for a license to transmit money under section 1315.03 of the Revised Code, the superintendent shall comply with Chapter 4796. of the Revised Code.

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

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

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

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

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

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

(2) The superintendent shall issue a license to engage in the business of cashing checks in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 2554
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(a) The applicant holds a license in another state. 2558

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in the business of cashing checks in a state that does not issue that license. 2559
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(C) (1) A license issued to a check-cashing business shall remain in full force and effect through the thirty-first day of December following its date of issuance, unless earlier surrendered, suspended, or revoked. 2563
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(2) Each check-cashing business shall conspicuously post and at all times display in every business location its check-cashing license. No check-cashing license is transferable or assignable. 2567
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(D) A check-cashing business voluntarily may surrender its license at any time by giving written notice to the superintendent and sending, by certified mail, to the superintendent all license documents issued to it pursuant to sections 1315.21 to 1315.28 of the Revised Code. 2571
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(E) (1) A check-cashing business annually may apply to the superintendent for a renewal of its license on or after the first day of December of the year in which its existing license expires. 2576
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(2) If a check-cashing business files an application for a renewal license with the superintendent before the first day of January of any year, the license sought to be renewed shall 2580
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continue in full force and effect until the issuance by the 2583
superintendent of the renewal license applied for or until ten 2584
days after the superintendent has given the check-cashing 2585
business notice of the superintendent's refusal to issue a 2586
renewal license. 2587

(F) The superintendent may, except as otherwise provided 2588
in this division, suspend, revoke, or refuse an original or 2589
renewal license for failure to comply with this section or for 2590
any violation of section 1315.28 of the Revised Code. If a 2591
suspension, revocation, or refusal of an original or renewal 2592
license is based on a violation of section 1315.28 of the 2593
Revised Code that is committed, without the licensee's 2594
knowledge, at a check-cashing business location of the licensee, 2595
the suspension or revocation applies only to that check-cashing 2596
business location. In all other cases, a suspension, revocation, 2597
or refusal of an original or renewal license applies to all 2598
check-cashing business locations of the licensee. The 2599
superintendent shall not refuse an original license to an 2600
applicant because of a criminal conviction unless the refusal is 2601
in accordance with section 9.79 of the Revised Code. 2602

(G) No original or renewal license shall be suspended, 2603
revoked, or refused except after a hearing in accordance with 2604
Chapter 119. of the Revised Code. In suspending a license under 2605
this division, the superintendent shall establish the length of 2606
the suspension, provided that no suspension may be for a period 2607
exceeding one year. The superintendent's decision to revoke, 2608
suspend, or refuse an original or renewal license may be 2609
appealed pursuant to Chapter 119. of the Revised Code. 2610

(H) Upon revocation of a license, the licensee shall 2611
immediately send, by certified mail, all license documents 2612

issued pursuant to sections 1310.21 to 1310.28 of the Revised Code to the superintendent. 2613
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(I) The superintendent may, in lieu of a suspension or revocation of a license, impose a fine of not more than one thousand dollars for each violation. 2615
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Sec. 1321.04. ~~Upon~~ (A) Except as otherwise provided in 2618
division (B) of this section, upon the filing of an application 2619
under section 1321.03 of the Revised Code and payment of fees 2620
pursuant to section 1321.20 of the Revised Code, the division of 2621
financial institutions shall investigate the facts concerning 2622
the applicant and the requirements provided for in divisions (A) 2623
(1) and ~~(B)~~-(2) of this section. 2624

The division shall approve the application and issue and deliver a license to the applicant if the division finds both of the following: 2625
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~~(A)~~ (1) That the financial responsibility, experience, and general fitness of the applicant and of the members thereof, if the applicant is a partnership or an association, and of the officers and directors thereof, if the applicant is a corporation, are such as to warrant the belief that the business will be operated lawfully, honestly, and fairly under sections 1321.01 to 1321.19 of the Revised Code and within the purposes of those sections, that the applicant has fully complied with those sections, and that the applicant is qualified to act as a licensed lender; 2628
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~~(B)~~ (2) That the applicant has available for the operation of such business cash or moneys deposited in a readily accessible fund or account of not less than twenty-five thousand dollars. 2638
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If the division does not so find, it shall enter an order 2642
denying such application and forthwith notify the applicant of 2643
the denial, the grounds for the denial, and the applicant's 2644
reasonable opportunity to be heard on the action in accordance 2645
with Chapter 119. of the Revised Code. In the event of denial, 2646
the division shall return the license fee but shall retain the 2647
investigation fee. 2648

(B) The division shall issue and deliver a license in 2649
accordance with Chapter 4796. of the Revised Code to an 2650
applicant if either of the following applies: 2651

(1) The applicant holds a license in another state. 2652

(2) The applicant has satisfactory work experience, a 2653
government certification, or a private certification as 2654
described in that chapter in the business of lending money, 2655
credit, or choses in action in amounts of five thousand dollars 2656
or less in a state that does not issue that license. 2657

Sec. 1321.37. (A) Application for an original or renewal 2658
license to make short-term loans shall be in writing, under 2659
oath, and in the form prescribed by the superintendent of 2660
financial institutions, and shall contain the name and address 2661
of the applicant, the location where the business of making 2662
loans is to be conducted, and any further information as the 2663
superintendent requires. At the time of making an application 2664
for an original license, the applicant shall pay to the 2665
superintendent a nonrefundable investigation fee of two hundred 2666
dollars. No investigation fee or any portion thereof shall be 2667
refunded after an original license has been issued. The 2668
application for an original or renewal license shall be 2669
accompanied by an original or renewal license fee, for each 2670
business location of one thousand dollars, except that 2671

applications for original licenses issued on or after the first 2672
day of July for any year shall be accompanied by an original 2673
license fee of five hundred dollars, and except that an 2674
application for an original or renewal license, for a nonprofit 2675
corporation that is incorporated under Chapter 1702. of the 2676
Revised Code, shall be accompanied by an original or renewal 2677
license fee, for each business location, that is one-half of the 2678
fee otherwise required. All fees paid to the superintendent 2679
pursuant to this division shall be deposited into the state 2680
treasury to the credit of the consumer finance fund. 2681

(B) Upon the filing of an application for an original 2682
license and, with respect to an application filed for a renewal 2683
license, on a schedule determined by the superintendent by rule 2684
adopted pursuant to section 1321.43 of the Revised Code, and the 2685
payment of fees in accordance with division (A) of this section, 2686
the superintendent shall investigate the facts concerning the 2687
applicant and the requirements provided by this division. The 2688
superintendent shall request the superintendent of the bureau of 2689
criminal identification and investigation, or a vendor approved 2690
by the bureau, to conduct a criminal records check based on the 2691
applicant's fingerprints in accordance with section 109.572 of 2692
the Revised Code. Notwithstanding division (K) of section 121.08 2693
of the Revised Code, the superintendent of financial 2694
institutions shall request that criminal record information from 2695
the federal bureau of investigation be obtained as part of the 2696
criminal records check. The superintendent of financial 2697
institutions shall conduct a civil records check. The 2698
superintendent shall approve an application and issue an 2699
original or renewal license to the applicant if the 2700
superintendent finds all of the following: 2701

(1) The financial responsibility, experience, and general 2702

fitness of the applicant are such as to warrant the belief that 2703
the business of making loans will be operated lawfully, 2704
honestly, and fairly under sections 1321.35 to 1321.48 of the 2705
Revised Code and within the purposes of those sections; that the 2706
applicant has fully complied with those sections and any rule or 2707
order adopted or issued pursuant to section 1321.43 of the 2708
Revised Code; and that the applicant is qualified to engage in 2709
the business of making loans under sections 1321.35 to 1321.48 2710
of the Revised Code. 2711

(2) The applicant is financially sound and has a net worth 2712
of not less than one hundred thousand dollars, or in the case of 2713
a nonprofit corporation that is incorporated under Chapter 1702. 2714
of the Revised Code, a net worth of not less than fifty thousand 2715
dollars. The applicant's net worth shall be computed according 2716
to generally accepted accounting principles. 2717

(3) The applicant has never had revoked a license to make 2718
loans under sections 1321.35 to 1321.48 of the Revised Code, 2719
under former sections 1315.35 to 1315.44 of the Revised Code, or 2720
to do business under sections 1315.21 to 1315.30 of the Revised 2721
Code. 2722

(4) Neither the applicant nor any senior officer, or 2723
partner of the applicant, has pleaded guilty to or been 2724
convicted of a disqualifying offense as determined in 2725
accordance with section 9.79 of the Revised Code. 2726

(5) Neither the applicant nor any senior officer, or 2727
partner of the applicant, has been subject to any adverse 2728
judgment for conversion, embezzlement, misappropriation of 2729
funds, fraud, misfeasance or malfeasance, or breach of fiduciary 2730
duty, or if the applicant or any of those other persons has been 2731
subject to such a judgment, the applicant has proven to the 2732

superintendent, by a preponderance of the evidence, that the
applicant's or other person's activities and employment record
since the judgment show that the applicant or other person is
honest and truthful and there is no basis in fact for believing
that the applicant or other person will be subject to such a
judgment again.

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

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

superintendent. The bond shall be for the exclusive benefit of 2764
any borrower injured by a violation by a licensee or any 2765
employee of a licensee, of any provision of sections 1321.35 to 2766
1321.48 of the Revised Code. 2767

(E) Notwithstanding any provision of this section to the 2768
contrary, the superintendent shall issue an original license in 2769
accordance with Chapter 4796. of the Revised Code to an 2770
applicant if either of the following applies: 2771

(1) The applicant holds a license in another state. 2772

(2) The applicant has satisfactory work experience, a 2773
government certification, or a private certification as 2774
described in that chapter as a short-term lender in a state that 2775
does not issue that license. 2776

Sec. 1321.53. (A) (1) An application for a certificate of 2777
registration under sections 1321.51 to 1321.60 of the Revised 2778
Code shall contain an undertaking by the applicant to abide by 2779
those sections. The application shall be in writing, under oath, 2780
and in the form prescribed by the division of financial 2781
institutions, and shall contain any information that the 2782
division may require. Applicants that are foreign corporations 2783
shall obtain and maintain a license pursuant to Chapter 1703. of 2784
the Revised Code before a certificate is issued or renewed. 2785

(2) Upon the filing of the application and the payment by 2786
the applicant of a nonrefundable two-hundred-dollar 2787
investigation fee and a nonrefundable three-hundred-dollar 2788
annual registration fee, the division shall investigate the 2789
relevant facts. If the application involves investigation 2790
outside this state, the applicant may be required by the 2791
division to advance sufficient funds to pay any of the actual 2792

expenses of such investigation, when it appears that these 2793
expenses will exceed two hundred dollars. An itemized statement 2794
of any of these expenses which the applicant is required to pay 2795
shall be furnished to the applicant by the division. No 2796
certificate shall be issued unless all the required fees have 2797
been submitted to the division. 2798

(3) The investigation undertaken upon application shall 2799
include both a civil and criminal records check of the applicant 2800
including any individual whose identity is required to be 2801
disclosed in the application. Where the applicant is a business 2802
entity the superintendent shall have the authority to require a 2803
civil and criminal background check of those persons that in the 2804
determination of the superintendent have the authority to direct 2805
and control the operations of the applicant. 2806

(4) (a) Notwithstanding division (K) of section 121.08 of 2807
the Revised Code, the superintendent of financial institutions 2808
shall obtain a criminal history records check and, as part of 2809
that records check, request that criminal record information 2810
from the federal bureau of investigation be obtained. To fulfill 2811
this requirement, the superintendent shall request the 2812
superintendent of the bureau of criminal identification and 2813
investigation, or a vendor approved by the bureau, to conduct a 2814
criminal records check based on the applicant's fingerprints or, 2815
if the fingerprints are unreadable, based on the applicant's 2816
social security number, in accordance with section 109.572 of 2817
the Revised Code. 2818

(b) Any fee required under division (C) (3) of section 2819
109.572 of the Revised Code shall be paid by the applicant. 2820

(5) If an application for a certificate of registration 2821
does not contain all of the information required under division 2822

(A) of this section, and if such information is not submitted to 2823
the division within ninety days after the superintendent 2824
requests the information in writing, including by electronic 2825
transmission or facsimile, the superintendent may consider the 2826
application withdrawn. 2827

(6) If the division finds that the financial 2828
responsibility, experience, and general fitness of the applicant 2829
command the confidence of the public and warrant the belief that 2830
the business will be operated honestly and fairly in compliance 2831
with the purposes of sections 1321.51 to 1321.60 of the Revised 2832
Code and the rules adopted thereunder, and that the applicant 2833
has the applicable net worth and assets required by division ~~(B)~~ 2834
(C) of this section, the division shall thereupon issue a 2835
certificate of registration to the applicant. The superintendent 2836
shall not use a credit score as the sole basis for a 2837
registration denial. 2838

(a) (i) Certificates of registration issued on or after 2839
July 1, 2010, shall annually expire on the thirty-first day of 2840
December, unless renewed by the filing of a renewal application 2841
and payment of a three-hundred-dollar nonrefundable annual 2842
registration fee and any assessment as determined by the 2843
superintendent pursuant to division (A) (6) (a) (ii) of this 2844
section on or before the last day of December of each year. No 2845
other fee or assessment shall be required of a registrant by the 2846
state or any political subdivision of this state. 2847

(ii) If the renewal fees billed by the superintendent 2848
pursuant to division (A) (6) (a) (i) of this section are less than 2849
the estimated expenditures of the consumer finance section of 2850
the division of financial institutions, as determined by the 2851
superintendent, for the following fiscal year, the 2852

superintendent may assess each registrant at a rate sufficient 2853
to equal in the aggregate the difference between the renewal 2854
fees billed and the estimated expenditures. Each registrant 2855
shall pay the assessed amount to the superintendent prior to the 2856
last day of June. In no case shall the assessment exceed ten 2857
cents per each one hundred dollars of interest (excluding 2858
charge-off recoveries), points, loan origination charges, and 2859
credit line charges collected by that registrant during the 2860
previous calendar year. If such an assessment is imposed, it 2861
shall not be less than two hundred fifty dollars per registrant 2862
and shall not exceed thirty thousand dollars less the total 2863
renewal fees paid pursuant to division (A) (6) (a) (i) of this 2864
section by each registrant. 2865

(b) Registrants shall timely file renewal applications on 2866
forms prescribed by the division and provide any further 2867
information that the division may require. If a renewal 2868
application does not contain all of the information required 2869
under this section, and if that information is not submitted to 2870
the division within ninety days after the superintendent 2871
requests the information in writing, including by electronic 2872
transmission or facsimile, the superintendent may consider the 2873
application withdrawn. 2874

(c) Renewal shall not be granted if the applicant's 2875
certificate of registration is subject to an order of 2876
suspension, revocation, or an unpaid and past due fine imposed 2877
by the superintendent. 2878

(d) If the division finds the applicant does not meet the 2879
conditions set forth in this section, it shall issue a notice of 2880
intent to deny the application, and forthwith notify the 2881
applicant of the denial, the grounds for the denial, and the 2882

applicant's reasonable opportunity to be heard on the action in 2883
accordance with Chapter 119. of the Revised Code. 2884

(7) If there is a change of five per cent or more in the 2885
ownership of a registrant, the division may make any 2886
investigation necessary to determine whether any fact or 2887
condition exists that, if it had existed at the time of the 2888
original application for a certificate of registration, the fact 2889
or condition would have warranted the division to deny the 2890
application under division (A) (6) of this section. If such a 2891
fact or condition is found, the division may, in accordance with 2892
Chapter 119. of the Revised Code, revoke the registrant's 2893
certificate. 2894

(B) Notwithstanding division (A) of this section, the 2895
division shall issue a certificate of registration in accordance 2896
with Chapter 4796. of the Revised Code to an applicant if either 2897
of the following applies: 2898

(1) The applicant holds a license or certificate in 2899
another state. 2900

(2) The applicant has satisfactory work experience, a 2901
government certification, or a private certification as 2902
described in that chapter as a general loan lender in a state 2903
that does not issue that license. 2904

(C) Each registrant that engages in lending under sections 2905
1321.51 to 1321.60 of the Revised Code shall maintain both of 2906
the following: 2907

(1) A net worth of at least fifty thousand dollars; 2908

(2) For each certificate of registration, assets of at 2909
least fifty thousand dollars either in use or readily available 2910
for use in the conduct of the business. 2911

~~(C)~~ (D) Not more than one place of business shall be 2912
maintained under the same certificate, but the division may 2913
issue additional certificates to the same registrant upon 2914
compliance with sections 1321.51 to 1321.60 of the Revised Code, 2915
governing the issuance of a single certificate. No change in the 2916
place of business of a registrant to a location outside the 2917
original municipal corporation shall be permitted under the same 2918
certificate without the approval of a new application, the 2919
payment of the registration fee and, if required by the 2920
superintendent, the payment of an investigation fee of two 2921
hundred dollars. When a registrant wishes to change its place of 2922
business within the same municipal corporation, it shall give 2923
written notice of the change in advance to the division, which 2924
shall provide a certificate for the new address without cost. If 2925
a registrant changes its name, prior to making loans under the 2926
new name it shall give written notice of the change to the 2927
division, which shall provide a certificate in the new name 2928
without cost. Sections 1321.51 to 1321.60 of the Revised Code do 2929
not limit the loans of any registrant to residents of the 2930
community in which the registrant's place of business is 2931
situated. Each certificate shall be kept conspicuously posted in 2932
the place of business of the registrant and is not transferable 2933
or assignable. 2934

~~(D)~~ (E) Sections 1321.51 to 1321.60 of the Revised Code do 2935
not apply to any of the following: 2936

(1) Entities chartered and lawfully doing business under 2937
the authority of any law of this state, another state, or the 2938
United States as a bank, savings bank, trust company, savings 2939
and loan association, or credit union, or a subsidiary of any 2940
such entity, which subsidiary is regulated by a federal banking 2941
agency and is owned and controlled by such a depository 2942

institution;	2943
(2) Life, property, or casualty insurance companies	2944
licensed to do business in this state;	2945
(3) Any person that is a lender making a loan pursuant to	2946
sections 1321.01 to 1321.19 or sections 1321.62 to 1321.701 of	2947
the Revised Code or a business loan as described in division (B)	2948
(6) of section 1343.01 of the Revised Code;	2949
(4) Any political subdivision, or any governmental or	2950
other public entity, corporation, instrumentality, or agency, in	2951
or of the United States or any state of the United States, or	2952
any entity described in division (B) (3) of section 1343.01 of	2953
the Revised Code;	2954
(5) A college or university, or controlled entity of a	2955
college or university, as those terms are defined in section	2956
1713.05 of the Revised Code.	2957
(E) <u>(F)</u> No person engaged in the business of selling	2958
tangible goods or services related to tangible goods may receive	2959
or retain a certificate under sections 1321.51 to 1321.60 of the	2960
Revised Code for such place of business.	2961
Sec. 1321.64. (A) An application for a license shall	2962
contain an undertaking by the applicant to abide by those	2963
sections. The application shall be in writing, under oath, and	2964
in the form prescribed by the superintendent of financial	2965
institutions, and shall contain any information that the	2966
superintendent may require. Applicants that are foreign	2967
corporations shall obtain and maintain a license pursuant to	2968
Chapter 1703. of the Revised Code before a license is issued or	2969
renewed.	2970
(B) Upon the filing of the application and the payment by	2971

the applicant of a nonrefundable investigation fee of two 2972
hundred dollars, a nonrefundable annual registration fee of 2973
three hundred dollars, and any additional fee required by the 2974
NMLSR, the division of financial institutions shall investigate 2975
the relevant facts. If the application involves investigation 2976
outside this state, the applicant may be required by the 2977
division to advance sufficient funds to pay any of the actual 2978
expenses of the investigation when it appears that these 2979
expenses will exceed two hundred dollars. An itemized statement 2980
of any of these expenses which the applicant is required to pay 2981
shall be furnished to the applicant by the division. A license 2982
shall not be issued unless all the required fees have been 2983
submitted to the division. 2984

(C) (1) The investigation undertaken upon receipt of an 2985
application shall include both a civil and criminal records 2986
check of any control person. 2987

(2) (a) Notwithstanding division (K) of section 121.08 of 2988
the Revised Code, the superintendent shall obtain a criminal 2989
records check on each control person and, as part of that 2990
records check, request that criminal records information from 2991
the federal bureau of investigation be obtained. To fulfill this 2992
requirement, the superintendent shall do either of the 2993
following: 2994

(i) Request the superintendent of the bureau of criminal 2995
identification and investigation, or a vendor approved by the 2996
bureau, to conduct a criminal records check based on the control 2997
person's fingerprints or, if the fingerprints are unreadable, 2998
based on the control person's social security number, in 2999
accordance with section 109.572 of the Revised Code; 3000

(ii) Authorize the NMLSR to request a criminal records 3001

check of the control person. 3002

(b) Any fee required under division (C) (3) of section 3003
109.572 of the Revised Code or by the NMLSR shall be paid by the 3004
applicant. 3005

(D) If an application for a license does not contain all 3006
of the information required under division (A) of this section, 3007
and if such information is not submitted to the division or to 3008
the NMLSR within ninety days after the superintendent or the 3009
NMLSR requests the information in writing, including by 3010
electronic transmission or facsimile, the superintendent may 3011
consider the application withdrawn. 3012

(E) If the superintendent of financial institutions finds 3013
that the financial responsibility, experience, and general 3014
fitness of the applicant command the confidence of the public 3015
and warrant the belief that the business will be operated 3016
honestly and fairly in compliance with the purposes of sections 3017
1321.62 to 1321.702 of the Revised Code and the rules adopted 3018
thereunder, and that the applicant has the requisite net worth 3019
and assets required under section 1321.65 of the Revised Code, 3020
the superintendent shall issue a license to the applicant. The 3021
license shall be valid until the thirty-first day of December of 3022
the year in which it is issued. A person may be licensed under 3023
both sections 1321.51 to 1321.60 and sections 1321.62 to 3024
1321.702 of the Revised Code. 3025

(F) If the superintendent finds that the applicant does 3026
not meet the conditions set forth in this section, the 3027
superintendent shall issue a notice of intent to deny the 3028
application, and promptly notify the applicant of the denial, 3029
the grounds for the denial, and the applicant's reasonable 3030
opportunity to be heard on the action in accordance with Chapter 3031

119. of the Revised Code. 3032

(G) Notwithstanding any provision of this section to the 3033
contrary, the superintendent shall issue a license in accordance 3034
with Chapter 4796. of the Revised Code to an applicant if either 3035
of the following applies: 3036

(1) The applicant holds a license in another state. 3037

(2) The applicant has satisfactory work experience, a 3038
government certification, or a private certification as 3039
described in that chapter as a consumer installment loan lender 3040
in a state that does not issue that license. 3041

Sec. 1321.74. (A) Application for a license as a premium 3042
finance company shall be in writing, under oath, in the form 3043
prescribed by the division of financial institutions. An 3044
applicant also shall provide the form of premium finance 3045
agreement it intends to use in doing business under sections 3046
1321.71 to 1321.83 of the Revised Code. Upon the filing of an 3047
application and the payment of the license fee, and upon deposit 3048
of an investigation fee not to exceed three hundred dollars if 3049
the investigation can be conducted in this state or the 3050
estimated costs of the investigation if it must be conducted 3051
outside this state, the division shall make an investigation of 3052
each applicant and shall issue a license if the applicant is 3053
qualified in accordance with sections 1321.71 to 1321.83 of the 3054
Revised Code. An itemized statement of any investigation 3055
expenses incurred which the applicant is required to pay shall 3056
be furnished the applicant by the division, and only the actual 3057
cost of such investigation shall be paid by the applicant, but 3058
at no time shall the investigation fee be less than two hundred 3059
dollars. If the division does not so find, it shall, within a 3060
reasonable period of time after it has received the application, 3061

at the request of the applicant, give the applicant opportunity 3062
for a hearing conducted in accordance with Chapter 119. of the 3063
Revised Code. 3064

(B) (1) The division shall, except as provided in division 3065
(B) (2) of this section, issue or renew a license when it is 3066
satisfied that the applicant: 3067

(a) Is competent and trustworthy and intends to act in 3068
good faith in the capacity involved by the license applied for; 3069

(b) Has a good business reputation and has had experience, 3070
training, or education so as to be qualified in the business for 3071
which the license is applied for; 3072

(c) If a corporation, is a corporation incorporated under 3073
the laws of this state or is a foreign corporation authorized to 3074
transact business in this state; 3075

(d) Has a net worth of at least fifty thousand dollars, as 3076
determined in accordance with generally accepted accounting 3077
principles; 3078

(e) With respect to the issuance of a license, has filed 3079
with the division a form of premium finance agreement that 3080
complies with sections 1321.71 to 1321.83 of the Revised Code. 3081

(2) The division shall not refuse to issue a license to an 3082
applicant because of a criminal conviction unless the refusal is 3083
in accordance with section 9.79 of the Revised Code. 3084

(C) Not more than one place of business shall be 3085
maintained under the same license, but the division may issue 3086
additional licenses to the same licensee upon compliance with 3087
sections 1321.71 to 1321.83 of the Revised Code. 3088

No change in the place of business of a licensee to a 3089

location outside the original municipal corporation shall be 3090
permitted under the same license without the approval of a new 3091
application, the payment of the license fee as determined by the 3092
superintendent of financial institutions pursuant to section 3093
1321.20 of the Revised Code, and, if required by the 3094
superintendent, the payment of an investigation fee of two 3095
hundred dollars. If a licensee wishes to change its place of 3096
business within the same municipal corporation, it shall give 3097
written notice of the change in advance to the division, which 3098
shall provide a license for the new address without cost. If a 3099
licensee changes its name, it shall give, prior to entering into 3100
or otherwise acquiring premium finance agreements under the new 3101
name, written notice of the change to the division, which shall 3102
provide a license in the new name, without cost. 3103

Each license shall be kept conspicuously posted in the 3104
place of business of the licensee and is not transferable or 3105
assignable. 3106

Notwithstanding any other provision of this section to the 3107
contrary, the division shall issue a license to act as a premium 3108
finance company in accordance with Chapter 4796. of the Revised 3109
Code to an applicant if either of the following applies: 3110

(1) The applicant is licensed in another state. 3111

(2) The applicant has satisfactory work experience, a 3112
government certification, or a private certification as 3113
described in that chapter as an operator of a premium finance 3114
company in a state that does not issue that license. 3115

Sec. 1322.07. (A) No person, on the person's own behalf or 3116
on behalf of any other person, shall act as a mortgage lender, 3117
mortgage servicer, or mortgage broker without first having 3118

obtained a certificate of registration from the superintendent 3119
of financial institutions for the principal office and every 3120
branch office to be maintained by the person for the transaction 3121
of business as a mortgage lender, mortgage servicer, or mortgage 3122
broker in this state. A registrant shall maintain an office 3123
location for the transaction of business as a mortgage lender, 3124
mortgage servicer, or mortgage broker in this state. 3125

(B) (1) No individual shall act as a mortgage loan 3126
originator without first having obtained a license from the 3127
superintendent. A mortgage loan originator shall be employed by 3128
or associated with a mortgage lender, mortgage broker, or entity 3129
holding a valid letter of exemption under division (B) (1) of 3130
section 1322.05 of the Revised Code, but shall not be employed 3131
by or associated with more than one registrant or entity holding 3132
a valid letter of exemption under division (B) (1) of section 3133
1322.05 of the Revised Code at any one time. 3134

(2) An individual acting under the individual's authority 3135
as a registered mortgage loan originator shall not be required 3136
to be licensed under division (B) (1) of this section. 3137

~~(3) An individual who holds a valid temporary mortgage 3138
loan originator license issued pursuant to section 1322.24 of 3139
the Revised Code may engage in the business of a mortgage loan 3140
originator in accordance with this chapter during the term of 3141
the temporary license. 3142~~

Sec. 1322.10. (A) Upon the conclusion of the investigation 3143
required under division (B) of section 1322.09 of the Revised 3144
Code, the superintendent of financial institutions shall issue a 3145
certificate of registration to the applicant if the 3146
superintendent finds that the following conditions are met: 3147

(1) The application is accompanied by the application fee 3148
and any fee required by the nationwide mortgage licensing system 3149
and registry. 3150

(a) If a check or other draft instrument is returned to 3151
the superintendent for insufficient funds, the superintendent 3152
shall notify the applicant by certified mail, return receipt 3153
requested, that the application will be withdrawn unless the 3154
applicant, within thirty days after receipt of the notice, 3155
submits the application fee and a one-hundred-dollar penalty to 3156
the superintendent. If the applicant does not submit the 3157
application fee and penalty within that time period, or if any 3158
check or other draft instrument used to pay the fee or penalty 3159
is returned to the superintendent for insufficient funds, the 3160
application shall be withdrawn. 3161

(b) If a check or other draft instrument is returned to 3162
the superintendent for insufficient funds after the certificate 3163
of registration has been issued, the superintendent shall notify 3164
the registrant by certified mail, return receipt requested, that 3165
the certificate of registration issued in reliance on the check 3166
or other draft instrument will be canceled unless the 3167
registrant, within thirty days after receipt of the notice, 3168
submits the application fee and a one-hundred-dollar penalty to 3169
the superintendent. If the registrant does not submit the 3170
application fee and penalty within that time period, or if any 3171
check or other draft instrument used to pay the fee or penalty 3172
is returned to the superintendent for insufficient funds, the 3173
certificate of registration shall be canceled immediately 3174
without a hearing, and the registrant shall cease activity as a 3175
mortgage broker. 3176

(2) If the application is for a location that is a 3177

residence, evidence that the use of the residence to transact 3178
business as a mortgage lender or mortgage broker is not 3179
prohibited. 3180

(3) The applicant maintains all necessary filings and 3181
approvals required by the secretary of state. 3182

(4) The applicant complies with the surety bond 3183
requirements of section 1322.32 of the Revised Code. 3184

(5) The applicant has not made a material misstatement of 3185
fact or material omission of fact in the application. 3186

(6) Neither the applicant nor any person whose identity is 3187
required to be disclosed on an application for a certificate of 3188
registration has had such a certificate of registration or 3189
mortgage loan originator license, or any comparable authority, 3190
revoked in any governmental jurisdiction or has pleaded guilty 3191
or nolo contendere to or been convicted of a disqualifying 3192
offense as determined in accordance with section 9.79 of the 3193
Revised Code. 3194

(7) The applicant's operations manager successfully 3195
completed the examination required by section 1322.27 of the 3196
Revised Code. 3197

(8) The applicant's financial responsibility, experience, 3198
and general fitness command the confidence of the public and 3199
warrant the belief that the business will be operated honestly, 3200
fairly, and efficiently in compliance with the purposes of this 3201
chapter and the rules adopted thereunder. The superintendent 3202
shall not use a credit score or a bankruptcy as the sole basis 3203
for registration denial. 3204

(B) For purposes of determining whether an applicant that 3205
is a partnership, corporation, or other business entity or 3206

association has met the conditions set forth in divisions (A) (6) 3207
and (8) of this section, the superintendent shall determine 3208
which partners, shareholders, or persons named in the 3209
application must meet those conditions. This determination shall 3210
be based on the extent and nature of the partner's, 3211
shareholder's, or person's ownership interest in the 3212
partnership, corporation, or other business entity or 3213
association that is the applicant and on whether the person is 3214
in a position to direct, control, or adversely influence the 3215
operations of the applicant. 3216

(C) The certificate of registration issued pursuant to 3217
division (A) of this section may be renewed annually on or 3218
before the thirty-first day of December if the superintendent 3219
finds that all of the following conditions are met: 3220

(1) The renewal application is accompanied by a 3221
nonrefundable renewal fee of five hundred dollars for each 3222
location of an office to be maintained by the applicant in 3223
accordance with division (A) of section 1322.07 of the Revised 3224
Code and any fee required by the nationwide mortgage licensing 3225
system and registry. If a check or other draft instrument is 3226
returned to the superintendent for insufficient funds, the 3227
superintendent shall notify the registrant by certified mail, 3228
return receipt requested, that the certificate of registration 3229
renewed in reliance on the check or other draft instrument will 3230
be canceled unless the registrant, within thirty days after 3231
receipt of the notice, submits the renewal fee and a one- 3232
hundred-dollar penalty to the superintendent. If the registrant 3233
does not submit the renewal fee and penalty within that time 3234
period, or if any check or other draft instrument used to pay 3235
the fee or penalty is returned to the superintendent for 3236
insufficient funds, the certificate of registration shall be 3237

3238 canceled immediately without a hearing and the registrant shall
3239 cease activity as a mortgage broker.

3240 (2) The operations manager designated under section
3241 1322.12 of the Revised Code has completed at least eight hours
3242 of continuing education as required under section 1322.28 of the
3243 Revised Code.

3244 (3) The applicant meets the conditions set forth in
3245 divisions (A) (2), (3), (4), (5), (7), and (8) of this section.

3246 (4) Neither the applicant nor any person whose identity is
3247 required to be disclosed on the renewal application has had a
3248 certificate of registration or mortgage loan originator license,
3249 or any comparable authority, revoked in any governmental
3250 jurisdiction or has pleaded guilty or nolo contendere to or been
3251 convicted of any of the following in a domestic, foreign, or
3252 military court:

3253 (a) During the seven-year period immediately preceding the
3254 date of the renewal application but excluding any time before
3255 the certificate of registration was issued, a misdemeanor
3256 involving theft or any felony;

3257 (b) At any time between the date of the original
3258 certificate of registration and the date of the renewal
3259 application, a felony involving an act of fraud, dishonesty, a
3260 breach of trust, theft, or money laundering.

3261 (5) The applicant's certificate of registration is not
3262 subject to an order of suspension or an unpaid and past due fine
3263 imposed by the superintendent.

3264 (D) (1) Subject to division (D) (2) of this section, if a
3265 renewal fee or additional fee required by the nationwide
3266 mortgage licensing system and registry is received by the

superintendent after the thirty-first day of December, the 3267
certificate of registration shall not be considered renewed, and 3268
the applicant shall cease activity as a mortgage lender or 3269
mortgage broker. 3270

(2) Division (D)(1) of this section shall not apply if the 3271
applicant, not later than forty-five days after the renewal 3272
deadline, submits the renewal fee or additional fee and a one- 3273
hundred-dollar penalty to the superintendent. 3274

(E) Certificates of registration issued under this chapter 3275
annually expire on the thirty-first day of December. 3276

(F) The pardon or expungement of a conviction shall not be 3277
considered a conviction for purposes of this section. 3278

(G) Notwithstanding any provision of this chapter to the 3279
contrary, the superintendent shall issue a certificate of 3280
registration in accordance with Chapter 4796. of the Revised 3281
Code to an applicant if either of the following applies: 3282

(1) The applicant holds a license or certificate of 3283
registration in another state. 3284

(2) The applicant has satisfactory work experience, a 3285
government certification, or a private certification as 3286
described in that chapter as a mortgage broker or mortgage 3287
lender in a state that does not issue that license or 3288
certificate of registration. 3289

Sec. 1322.21. (A) Upon the conclusion of the investigation 3290
required under division (C) of section 1322.20 of the Revised 3291
Code, the superintendent of financial institutions shall issue a 3292
mortgage loan originator license to the applicant if the 3293
superintendent finds that the following conditions are met: 3294

(1) The application is accompanied by the application fee 3295
and any fee required by the nationwide mortgage licensing system 3296
and registry. 3297

(a) If a check or other draft instrument is returned to 3298
the superintendent for insufficient funds, the superintendent 3299
shall notify the applicant by certified mail, return receipt 3300
requested, that the application will be withdrawn unless the 3301
applicant, within thirty days after receipt of the notice, 3302
submits the application fee and a one-hundred-dollar penalty to 3303
the superintendent. If the applicant does not submit the 3304
application fee and penalty within that time period, or if any 3305
check or other draft instrument used to pay the fee or penalty 3306
is returned to the superintendent for insufficient funds, the 3307
application shall be withdrawn. 3308

(b) If a check or other draft instrument is returned to 3309
the superintendent for insufficient funds after the license has 3310
been issued, the superintendent shall notify the licensee by 3311
certified mail, return receipt requested, that the license 3312
issued in reliance on the check or other draft instrument will 3313
be canceled unless the licensee, within thirty days after 3314
receipt of the notice, submits the application fee and a one- 3315
hundred-dollar penalty to the superintendent. If the licensee 3316
does not submit the application fee and penalty within that time 3317
period, or if any check or other draft instrument used to pay 3318
the fee or penalty is returned to the superintendent for 3319
insufficient funds, the license shall be canceled immediately 3320
without a hearing, and the licensee shall cease activity as a 3321
loan originator. 3322

(2) The applicant has not made a material misstatement of 3323
fact or material omission of fact in the application. 3324

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

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

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

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

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

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

(1) The renewal application is accompanied by a nonrefundable renewal fee of one hundred fifty dollars and any fee required by the nationwide mortgage licensing system and registry. If a check or other draft instrument is returned to the superintendent for insufficient funds, the superintendent shall notify the licensee by certified mail, return receipt requested, that the license renewed in reliance on the check or other draft instrument will be canceled unless the licensee,

within thirty days after receipt of the notice, submits the 3354
renewal fee and a one-hundred-dollar penalty to the 3355
superintendent. If the licensee does not submit the renewal fee 3356
and penalty within that time period, or if any check or other 3357
draft instrument used to pay the fee or penalty is returned to 3358
the superintendent for insufficient funds, the license shall be 3359
canceled immediately without a hearing, and the licensee shall 3360
cease activity as a loan originator. 3361

(2) The applicant has completed at least eight hours of 3362
continuing education as required under section 1322.28 of the 3363
Revised Code. 3364

(3) The applicant meets the conditions set forth in 3365
divisions (A) (2), (4), (5), (6), and (7) of this section. 3366

(4) The applicant has not been convicted of or pleaded 3367
guilty or nolo contendere to any of the following in a domestic, 3368
foreign, or military court: 3369

(a) During the seven-year period immediately preceding the 3370
date of the renewal application but excluding any time before 3371
the license was issued, a misdemeanor involving theft or any 3372
felony; 3373

(b) At any time between the date of the original license 3374
and the date of the renewal application, a felony involving an 3375
act of fraud, dishonesty, a breach of trust, theft, or money 3376
laundering. 3377

(5) The applicant's license is not subject to an order of 3378
suspension or an unpaid and past due fine imposed by the 3379
superintendent. 3380

(C) (1) Subject to division (C) (2) of this section, if a 3381
license renewal application fee, including any fee required by 3382

the nationwide mortgage licensing system and registry, is 3383
received by the superintendent after the thirty-first day of 3384
December, the license shall not be considered renewed, and the 3385
applicant shall cease activity as a mortgage loan originator. 3386

(2) Division (C)(1) of this section shall not apply if the 3387
applicant, not later than forty-five days after the renewal 3388
deadline, submits the renewal application and any other required 3389
fees and a one-hundred-dollar penalty to the superintendent. 3390

(D) Mortgage originator licenses annually expire on the 3391
thirty-first day of December. 3392

(E) The pardon or expungement of a conviction shall not be 3393
considered a conviction for purposes of this section. When 3394
determining the eligibility of an applicant, the superintendent 3395
may consider the underlying crime, facts, or circumstances 3396
connected with a pardoned or expunged conviction. 3397

(F) Notwithstanding any provision of this chapter to the 3398
contrary, the superintendent shall issue a mortgage loan 3399
originator license in accordance with Chapter 4796. of the 3400
Revised Code to an applicant if either of the following applies: 3401

(1) The applicant holds a license in another state. 3402

(2) The applicant has satisfactory work experience, a 3403
government certification, or a private certification as 3404
described in that chapter as a mortgage loan originator in a 3405
state that does not issue that license. 3406

Sec. 1513.07. (A) (1) No operator shall conduct a coal 3407
mining operation without a permit for the operation issued by 3408
the chief of the division of mineral resources management. 3409

(2) All permits issued pursuant to this chapter shall be 3410

issued for a term not to exceed five years, except that, if the 3411
applicant demonstrates that a specified longer term is 3412
reasonably needed to allow the applicant to obtain necessary 3413
financing for equipment and the opening of the operation and if 3414
the application is full and complete for the specified longer 3415
term, the chief may grant a permit for the longer term. A 3416
successor in interest to a permittee who applies for a new 3417
permit within thirty days after succeeding to the interest and 3418
who is able to obtain the performance security of the original 3419
permittee may continue coal mining and reclamation operations 3420
according to the approved mining and reclamation plan of the 3421
original permittee until the successor's application is granted 3422
or denied. 3423

(3) A permit shall terminate if the permittee has not 3424
commenced the coal mining operations covered by the permit 3425
within three years after the issuance of the permit, except that 3426
the chief may grant reasonable extensions of the time upon a 3427
showing that the extensions are necessary by reason of 3428
litigation precluding the commencement or threatening 3429
substantial economic loss to the permittee or by reason of 3430
conditions beyond the control and without the fault or 3431
negligence of the permittee, and except that with respect to 3432
coal to be mined for use in a synthetic fuel facility or 3433
specified major electric generating facility, the permittee 3434
shall be deemed to have commenced coal mining operations at the 3435
time construction of the synthetic fuel or generating facility 3436
is initiated. 3437

(4) (a) Any permit issued pursuant to this chapter shall 3438
carry with it the right of successive renewal upon expiration 3439
with respect to areas within the boundaries of the permit. The 3440
holders of the permit may apply for renewal and the renewal 3441

shall be issued unless the chief determines by written findings, 3442
subsequent to fulfillment of the public notice requirements of 3443
this section and section 1513.071 of the Revised Code through 3444
demonstrations by opponents of renewal or otherwise, that one or 3445
more of the following circumstances exists: 3446

(i) The terms and conditions of the existing permit are 3447
not being satisfactorily met. 3448

(ii) The present coal mining and reclamation operation is 3449
not in compliance with the environmental protection standards of 3450
this chapter. 3451

(iii) The renewal requested substantially jeopardizes the 3452
operator's continuing responsibilities on existing permit areas. 3453

(iv) The applicant has not provided evidence that the 3454
performance security in effect for the operation will continue 3455
in effect for any renewal requested in the application. 3456

(v) Any additional, revised, or updated information 3457
required by the chief has not been provided. Prior to the 3458
approval of any renewal of a permit, the chief shall provide 3459
notice to the appropriate public authorities as prescribed by 3460
rule of the chief. 3461

(b) If an application for renewal of a valid permit 3462
includes a proposal to extend the mining operation beyond the 3463
boundaries authorized in the existing permit, the portion of the 3464
application for renewal of a valid permit that addresses any new 3465
land areas shall be subject to the full standards applicable to 3466
new applications under this chapter. 3467

(c) A permit renewal shall be for a term not to exceed the 3468
period of the original permit established by this chapter. 3469
Application for permit renewal shall be made at least one 3470

hundred twenty days prior to the expiration of the valid permit. 3471

(5) A permit issued pursuant to this chapter does not 3472
eliminate the requirements for obtaining a permit to install or 3473
modify a disposal system or any part thereof or to discharge 3474
sewage, industrial waste, or other wastes into the waters of the 3475
state in accordance with Chapter 6111. of the Revised Code. 3476

(B) (1) The permit application shall be submitted in a 3477
manner satisfactory to the chief and shall contain, among other 3478
things, all of the following: 3479

(a) The names and addresses of all of the following: 3480

(i) The permit applicant; 3481

(ii) Every legal owner of record of the property, surface 3482
and mineral, to be mined; 3483

(iii) The holders of record of any leasehold interest in 3484
the property; 3485

(iv) Any purchaser of record of the property under a real 3486
estate contract; 3487

(v) The operator if different from the applicant; 3488

(vi) If any of these are business entities other than a 3489
single proprietor, the names and addresses of the principals, 3490
officers, and statutory agent for service of process. 3491

(b) The names and addresses of the owners of record of all 3492
surface and subsurface areas adjacent to any part of the permit 3493
area; 3494

(c) A statement of any current or previous coal mining 3495
permits in the United States held by the applicant, the permit 3496
identification, and any pending applications; 3497

(d) If the applicant is a partnership, corporation, 3498
association, or other business entity, the following where 3499
applicable: the names and addresses of every officer, partner, 3500
director, or person performing a function similar to a director, 3501
of the applicant, the name and address of any person owning, of 3502
record, ten per cent or more of any class of voting stock of the 3503
applicant, a list of all names under which the applicant, 3504
partner, or principal shareholder previously operated a coal 3505
mining operation within the United States within the five-year 3506
period preceding the date of submission of the application, and 3507
a list of the person or persons primarily responsible for 3508
ensuring that the applicant complies with the requirements of 3509
this chapter and rules adopted pursuant thereto while mining and 3510
reclaiming under the permit; 3511

(e) A statement of whether the applicant, any subsidiary, 3512
affiliate, or persons controlled by or under common control with 3513
the applicant, any partner if the applicant is a partnership, 3514
any officer, principal shareholder, or director if the applicant 3515
is a corporation, or any other person who has a right to control 3516
or in fact controls the management of the applicant or the 3517
selection of officers, directors, or managers of the applicant: 3518

(i) Has ever held a federal or state coal mining permit 3519
that in the five-year period prior to the date of submission of 3520
the application has been suspended or revoked or has had a coal 3521
mining bond, performance security, or similar security deposited 3522
in lieu of bond forfeited and, if so, a brief explanation of the 3523
facts involved; 3524

(ii) Has been an officer, partner, director, principal 3525
shareholder, or person having the right to control or has in 3526
fact controlled the management of or the selection of officers, 3527

directors, or managers of a business entity that has had a coal 3528
mining or surface mining permit that in the five-year period 3529
prior to the date of submission of the application has been 3530
suspended or revoked or has had a coal mining or surface mining 3531
bond, performance security, or similar security deposited in 3532
lieu of bond forfeited and, if so, a brief explanation of the 3533
facts involved. 3534

(f) A copy of the applicant's advertisement to be 3535
published in a newspaper of general circulation in the locality 3536
of the proposed site at least once a week for four successive 3537
weeks, which shall include the ownership of the proposed mine, a 3538
description of the exact location and boundaries of the proposed 3539
site sufficient to make the proposed operation readily 3540
identifiable by local residents, and the location where the 3541
application is available for public inspection; 3542

(g) A description of the type and method of coal mining 3543
operation that exists or is proposed, the engineering techniques 3544
proposed or used, and the equipment used or proposed to be used; 3545

(h) The anticipated or actual starting and termination 3546
dates of each phase of the mining operation and number of acres 3547
of land to be affected; 3548

(i) An accurate map or plan, to an appropriate scale, 3549
clearly showing the land to be affected, the land upon which the 3550
applicant has the legal right to enter and commence coal mining 3551
operations, and the land for which the applicant will acquire 3552
the legal right to enter and commence coal mining operations 3553
during the term of the permit, copies of those documents upon 3554
which is based the applicant's legal right to enter and commence 3555
coal mining operations or a notarized statement describing the 3556
applicant's legal right to enter and commence coal mining 3557

operations, and a statement whether that right is the subject of 3558
pending litigation. This chapter does not authorize the chief to 3559
adjudicate property title disputes. 3560

(j) The name of the watershed and location of the surface 3561
stream or tributary into which drainage from the operation will 3562
be discharged; 3563

(k) A determination of the probable hydrologic 3564
consequences of the mining and reclamation operations, both on 3565
and off the mine site, with respect to the hydrologic regime, 3566
providing information on the quantity and quality of water in 3567
surface and ground water systems including the dissolved and 3568
suspended solids under seasonal flow conditions and the 3569
collection of sufficient data for the mine site and surrounding 3570
areas so that an assessment can be made by the chief of the 3571
probable cumulative impacts of all anticipated mining in the 3572
area upon the hydrology of the area and particularly upon water 3573
availability, but this determination shall not be required until 3574
hydrologic information of the general area prior to mining is 3575
made available from an appropriate federal or state agency; 3576
however, the permit shall not be approved until the information 3577
is available and is incorporated into the application; 3578

(l) When requested by the chief, the climatological 3579
factors that are peculiar to the locality of the land to be 3580
affected, including the average seasonal precipitation, the 3581
average direction and velocity of prevailing winds, and the 3582
seasonal temperature ranges; 3583

(m) Accurate maps prepared by or under the direction of 3584
and certified by a qualified registered professional engineer, 3585
registered surveyor, or licensed landscape architect to an 3586
appropriate scale clearly showing all types of information set 3587

forth on topographical maps of the United States geological 3588
survey of a scale of not more than four hundred feet to the 3589
inch, including all artificial features and significant known 3590
archeological sites. The map, among other things specified by 3591
the chief, shall show all boundaries of the land to be affected, 3592
the boundary lines and names of present owners of record of all 3593
surface areas abutting the permit area, and the location of all 3594
buildings within one thousand feet of the permit area. 3595

(n) (i) Cross-section maps or plans of the land to be 3596
affected including the actual area to be mined, prepared by or 3597
under the direction of and certified by a qualified registered 3598
professional engineer or certified professional geologist with 3599
assistance from experts in related fields such as hydrology, 3600
hydrogeology, geology, and landscape architecture, showing 3601
pertinent elevations and locations of test borings or core 3602
samplings and depicting the following information: the nature 3603
and depth of the various strata of overburden; the nature and 3604
thickness of any coal or rider seam above the coal seam to be 3605
mined; the nature of the stratum immediately beneath the coal 3606
seam to be mined; all mineral crop lines and the strike and dip 3607
of the coal to be mined within the area to be affected; existing 3608
or previous coal mining limits; the location and extent of known 3609
workings of any underground mines, including mine openings to 3610
the surface; the location of spoil, waste, or refuse areas and 3611
topsoil preservation areas; the location of all impoundments for 3612
waste or erosion control; any settling or water treatment 3613
facility; constructed or natural drainways and the location of 3614
any discharges to any surface body of water on the land to be 3615
affected or adjacent thereto; profiles at appropriate cross 3616
sections of the anticipated final surface configuration that 3617
will be achieved pursuant to the operator's proposed reclamation 3618

plan; the location of subsurface water, if encountered; the 3619
location and quality of aquifers; and the estimated elevation of 3620
the water table. Registered surveyors shall be allowed to 3621
perform all plans, maps, and certifications under this chapter 3622
as they are authorized under Chapter 4733. of the Revised Code. 3623

(ii) A statement of the quality and locations of 3624
subsurface water. The chief shall provide by rule the number of 3625
locations to be sampled, frequency of collection, and parameters 3626
to be analyzed to obtain the statement required. 3627

(o) A statement of the results of test borings or core 3628
samplings from the permit area, including logs of the drill 3629
holes, the thickness of the coal seam found, an analysis of the 3630
chemical properties of the coal, the sulfur content of any coal 3631
seam, chemical analysis of potentially acid or toxic forming 3632
sections of the overburden, and chemical analysis of the stratum 3633
lying immediately underneath the coal to be mined, except that 3634
this division may be waived by the chief with respect to the 3635
specific application by a written determination that its 3636
requirements are unnecessary. If the test borings or core 3637
samplings from the permit area indicate the existence of 3638
potentially acid forming or toxic forming quantities of sulfur 3639
in the coal or overburden to be disturbed by mining, the 3640
application also shall include a statement of the acid 3641
generating potential and the acid neutralizing potential of the 3642
rock strata to be disturbed as calculated in accordance with the 3643
calculation method established under section 1513.075 of the 3644
Revised Code or with another calculation method. 3645

(p) For those lands in the permit application that a 3646
reconnaissance inspection suggests may be prime farmlands, a 3647
soil survey shall be made or obtained according to standards 3648

established by the secretary of the United States department of 3649
agriculture in order to confirm the exact location of the prime 3650
farmlands, if any; 3651

(q) A certificate issued by an insurance company 3652
authorized to do business in this state certifying that the 3653
applicant has a public liability insurance policy in force for 3654
the coal mining and reclamation operations for which the permit 3655
is sought or evidence that the applicant has satisfied other 3656
state self-insurance requirements. The policy shall provide for 3657
personal injury and property damage protection in an amount 3658
adequate to compensate any persons damaged as a result of coal 3659
mining and reclamation operations, including the use of 3660
explosives, and entitled to compensation under the applicable 3661
provisions of state law. The policy shall be maintained in 3662
effect during the term of the permit or any renewal, including 3663
the length of all reclamation operations. The insurance company 3664
shall give prompt notice to the permittee and the chief if the 3665
public liability insurance policy lapses for any reason 3666
including the nonpayment of insurance premiums. Upon the lapse 3667
of the policy, the chief may suspend the permit and all other 3668
outstanding permits until proper insurance coverage is obtained. 3669

(r) The business telephone number of the applicant; 3670

(s) If the applicant seeks an authorization under division 3671
(E) (7) of this section to conduct coal mining and reclamation 3672
operations on areas to be covered by the permit that were 3673
affected by coal mining operations before August 3, 1977, that 3674
have resulted in continuing water pollution from or on the 3675
previously mined areas, such additional information pertaining 3676
to those previously mined areas as may be required by the chief, 3677
including, without limitation, maps, plans, cross sections, data 3678

necessary to determine existing water quality from or on those 3679
areas with respect to pH, iron, and manganese, and a pollution 3680
abatement plan that may improve water quality from or on those 3681
areas with respect to pH, iron, and manganese. 3682

(2) Information pertaining to coal seams, test borings, 3683
core samplings, or soil samples as required by this section 3684
shall be made available by the chief to any person with an 3685
interest that is or may be adversely affected, except that 3686
information that pertains only to the analysis of the chemical 3687
and physical properties of the coal, excluding information 3688
regarding mineral or elemental content that is potentially toxic 3689
in the environment, shall be kept confidential and not made a 3690
matter of public record. 3691

(3) (a) If the chief finds that the probable total annual 3692
production at all locations of any operator will not exceed 3693
three hundred thousand tons, the following activities, upon the 3694
written request of the operator in connection with a permit 3695
application, shall be performed by a qualified public or private 3696
laboratory or another public or private qualified entity 3697
designated by the chief, and the cost of the activities shall be 3698
assumed by the chief, provided that sufficient moneys for such 3699
assistance are available: 3700

(i) The determination of probable hydrologic consequences 3701
required under division (B) (1) (k) of this section; 3702

(ii) The development of cross-section maps and plans 3703
required under division (B) (1) (n) (i) of this section; 3704

(iii) The geologic drilling and statement of results of 3705
test borings and core samplings required under division (B) (1) 3706
(o) of this section; 3707

(iv) The collection of archaeological information required 3708
under division (B) (1) (m) of this section and any other 3709
archaeological and historical information required by the chief, 3710
and the preparation of plans necessitated thereby; 3711

(v) Pre-blast surveys required under division ~~(E)~~ (B) (5) 3712
of section 1513.161 of the Revised Code; 3713

(vi) The collection of site-specific resource information 3714
and production of protection and enhancement plans for fish and 3715
wildlife habitats and other environmental values required by the 3716
chief under this chapter. 3717

(b) A coal operator that has received assistance under 3718
division (B) (3) (a) of this section shall reimburse the chief for 3719
the cost of the services rendered if the chief finds that the 3720
operator's actual and attributed annual production of coal for 3721
all locations exceeds three hundred thousand tons during the 3722
twelve months immediately following the date on which the 3723
operator was issued a coal mining and reclamation permit. 3724

(4) Each applicant for a permit shall submit to the chief 3725
as part of the permit application a reclamation plan that meets 3726
the requirements of this chapter. 3727

(5) Each applicant for a coal mining and reclamation 3728
permit shall file a copy of the application for a permit, 3729
excluding that information pertaining to the coal seam itself, 3730
for public inspection with the county recorder or an appropriate 3731
public office approved by the chief in the county where the 3732
mining is proposed to occur. 3733

(6) Each applicant for a coal mining and reclamation 3734
permit shall submit to the chief as part of the permit 3735
application a blasting plan that describes the procedures and 3736

standards by which the operator will comply with section 3737
1513.161 of the Revised Code. 3738

(C) Each reclamation plan submitted as part of a permit 3739
application shall include, in the detail necessary to 3740
demonstrate that reclamation required by this chapter can be 3741
accomplished and in the detail necessary for the chief to 3742
determine the estimated cost of reclamation if the reclamation 3743
has to be performed by the division of mineral resources 3744
management in the event of forfeiture of the performance 3745
security by the applicant, a statement of: 3746

(1) The identification of the lands subject to coal mining 3747
operations over the estimated life of those operations and the 3748
size, sequence, and timing of the subareas for which it is 3749
anticipated that individual permits for mining will be sought; 3750

(2) The condition of the land to be covered by the permit 3751
prior to any mining, including all of the following: 3752

(a) The uses existing at the time of the application and, 3753
if the land has a history of previous mining, the uses that 3754
preceded any mining; 3755

(b) The capability of the land prior to any mining to 3756
support a variety of uses, giving consideration to soil and 3757
foundation characteristics, topography, and vegetative cover 3758
and, if applicable, a soil survey prepared pursuant to division 3759
(B) (1) (p) of this section; 3760

(c) The productivity of the land prior to mining, 3761
including appropriate classification as prime farmlands as well 3762
as the average yield of food, fiber, forage, or wood products 3763
obtained from the land under high levels of management. 3764

(3) The use that is proposed to be made of the land 3765

following reclamation, including information regarding the 3766
utility and capacity of the reclaimed land to support a variety 3767
of alternative uses, the relationship of the proposed use to 3768
existing land use policies and plans, and the comments of any 3769
owner of the land and state and local governments or agencies 3770
thereof that would have to initiate, implement, approve, or 3771
authorize the proposed use of the land following reclamation; 3772

(4) A detailed description of how the proposed postmining 3773
land use is to be achieved and the necessary support activities 3774
that may be needed to achieve the proposed land use; 3775

(5) The engineering techniques proposed to be used in 3776
mining and reclamation and a description of the major equipment; 3777
a plan for the control of surface water drainage and of water 3778
accumulation; a plan, where appropriate, for backfilling, soil 3779
stabilization, and compacting, grading, and appropriate 3780
revegetation; a plan for soil reconstruction, replacement, and 3781
stabilization, pursuant to the performance standards in section 3782
1513.16 of the Revised Code, for those food, forage, and forest 3783
lands identified in that section; and a statement as to how the 3784
permittee plans to comply with each of the requirements set out 3785
in section 1513.16 of the Revised Code; 3786

(6) A description of the means by which the utilization 3787
and conservation of the solid fuel resource being recovered will 3788
be maximized so that re-affecting the land in the future can be 3789
minimized; 3790

(7) A detailed estimated timetable for the accomplishment 3791
of each major step in the reclamation plan; 3792

(8) A description of the degree to which the coal mining 3793
and reclamation operations are consistent with surface owner 3794

plans and applicable state and local land use plans and	3795
programs;	3796
(9) The steps to be taken to comply with applicable air	3797
and water quality laws and regulations and any applicable health	3798
and safety standards;	3799
(10) A description of the degree to which the reclamation	3800
plan is consistent with local physical, environmental, and	3801
climatological conditions;	3802
(11) A description of all lands, interests in lands, or	3803
options on such interests held by the applicant or pending bids	3804
on interests in lands by the applicant, which lands are	3805
contiguous to the area to be covered by the permit;	3806
(12) The results of test borings that the applicant has	3807
made at the area to be covered by the permit, or other	3808
equivalent information and data in a form satisfactory to the	3809
chief, including the location of subsurface water, and an	3810
analysis of the chemical properties, including acid forming	3811
properties of the mineral and overburden; except that	3812
information that pertains only to the analysis of the chemical	3813
and physical properties of the coal, excluding information	3814
regarding mineral or elemental contents that are potentially	3815
toxic in the environment, shall be kept confidential and not	3816
made a matter of public record;	3817
(13) A detailed description of the measures to be taken	3818
during the mining and reclamation process to ensure the	3819
protection of all of the following:	3820
(a) The quality of surface and ground water systems, both	3821
on- and off-site, from adverse effects of the mining and	3822
reclamation process;	3823

(b) The rights of present users to such water;	3824
(c) The quantity of surface and ground water systems, both on- and off-site, from adverse effects of the mining and reclamation process or, where such protection of quantity cannot be assured, provision of alternative sources of water.	3825 3826 3827 3828
(14) Any other requirements the chief prescribes by rule.	3829
(D) (1) Any information required by division (C) of this section that is not on public file pursuant to this chapter shall be held in confidence by the chief.	3830 3831 3832
(2) With regard to requests for an exemption from the requirements of this chapter for coal extraction incidental to the extraction of other minerals, as described in division (H) (1) (a) of section 1513.01 of the Revised Code, confidential information includes and is limited to information concerning trade secrets or privileged commercial or financial information relating to the competitive rights of the persons intending to conduct the extraction of minerals.	3833 3834 3835 3836 3837 3838 3839 3840
(E) (1) Upon the basis of a complete mining application and reclamation plan or a revision or renewal thereof, as required by this chapter, and information obtained as a result of public notification and public hearing, if any, as provided by section 1513.071 of the Revised Code, the chief shall grant, require modification of, or deny the application for a permit and notify the applicant in writing in accordance with division (I) (3) of this section. An application is deemed to be complete as submitted to the chief unless the chief, within fourteen days of the submission, identifies deficiencies in the application in writing and subsequently submits a copy of a written list of deficiencies to the applicant. An application shall not be	3841 3842 3843 3844 3845 3846 3847 3848 3849 3850 3851 3852

considered incomplete or denied by reason of right of entry 3853
documentation, provided that the applicant documents the 3854
applicant's legal right to enter and mine at least sixty-seven 3855
per cent of the total area for which coal mining operations are 3856
proposed. 3857

A decision of the chief denying a permit shall state in 3858
writing the specific reasons for the denial. 3859

The applicant for a permit or revision of a permit has the 3860
burden of establishing that the application is in compliance 3861
with all the requirements of this chapter. Within ten days after 3862
the granting of a permit, the chief shall notify the boards of 3863
township trustees and county commissioners, the mayor, and the 3864
legislative authority in the township, county, and municipal 3865
corporation in which the area of land to be affected is located 3866
that a permit has been issued and shall describe the location of 3867
the land. However, failure of the chief to notify the local 3868
officials shall not affect the status of the permit. 3869

(2) No permit application or application for revision of 3870
an existing permit shall be approved unless the application 3871
affirmatively demonstrates and the chief finds in writing on the 3872
basis of the information set forth in the application or from 3873
information otherwise available, which shall be documented in 3874
the approval and made available to the applicant, all of the 3875
following: 3876

(a) The application is accurate and complete and all the 3877
requirements of this chapter have been complied with. 3878

(b) The applicant has demonstrated that the reclamation 3879
required by this chapter can be accomplished under the 3880
reclamation plan contained in the application. 3881

(c) (i) Assessment of the probable cumulative impact of all 3882
anticipated mining in the general and adjacent area on the 3883
hydrologic balance specified in division (B) (1) (k) of this 3884
section has been made by the chief, and the proposed operation 3885
has been designed to prevent material damage to hydrologic 3886
balance outside the permit area. 3887

(ii) There shall be an ongoing process conducted by the 3888
chief in cooperation with other state and federal agencies to 3889
review all assessments of probable cumulative impact of coal 3890
mining in light of post-mining data and any other hydrologic 3891
information as it becomes available to determine if the 3892
assessments were realistic. The chief shall take appropriate 3893
action as indicated in the review process. 3894

(d) The area proposed to be mined is not included within 3895
an area designated unsuitable for coal mining pursuant to 3896
section 1513.073 of the Revised Code or is not within an area 3897
under study for such designation in an administrative proceeding 3898
commenced pursuant to division (A) (3) (c) or (B) of section 3899
1513.073 of the Revised Code unless in an area as to which an 3900
administrative proceeding has commenced pursuant to division (A) 3901
(3) (c) or (B) of section 1513.073 of the Revised Code, the 3902
operator making the permit application demonstrates that, prior 3903
to January 1, 1977, the operator made substantial legal and 3904
financial commitments in relation to the operation for which a 3905
permit is sought. 3906

(e) In cases where the private mineral estate has been 3907
severed from the private surface estate and surface disturbance 3908
will result from the applicant's proposed use of a strip mining 3909
method, the applicant has submitted to the chief one of the 3910
following: 3911

(i) The written consent of the surface owner to the 3912
surface disturbance that will result from the extraction of coal 3913
by the applicant's proposed strip mining method; 3914

(ii) A conveyance that expressly grants or reserves the 3915
right to extract the coal by strip mining methods that cause 3916
surface disturbance; 3917

(iii) If the conveyance does not expressly grant the right 3918
to extract coal by strip mining methods that cause surface 3919
disturbance, the surface-subsurface legal relationship 3920
concerning surface disturbance shall be determined under the law 3921
of this state. This chapter does not authorize the chief to 3922
adjudicate property rights disputes. 3923

(3) (a) The applicant shall file with the permit 3924
application a schedule listing all notices of violations of any 3925
law, rule, or regulation of the United States or of any 3926
department or agency thereof or of any state pertaining to air 3927
or water environmental protection incurred by the applicant in 3928
connection with any coal mining operation during the three-year 3929
period prior to the date of application. The schedule also shall 3930
indicate the final resolution of such a notice of violation. 3931
Upon receipt of an application, the chief shall provide a 3932
schedule listing all notices of violations of this chapter 3933
pertaining to air or water environmental protection incurred by 3934
the applicant during the three-year period prior to receipt of 3935
the application and the final resolution of all such notices of 3936
violation. The chief shall provide this schedule to the 3937
applicant for filing by the applicant with the application filed 3938
for public review, as required by division (B) (5) of this 3939
section. When the schedule or other information available to the 3940
chief indicates that any coal mining operation owned or 3941

controlled by the applicant is currently in violation of such 3942
laws, the permit shall not be issued until the applicant submits 3943
proof that the violation has been corrected or is in the process 3944
of being corrected to the satisfaction of the regulatory 3945
authority, department, or agency that has jurisdiction over the 3946
violation and that any civil penalties owed to the state for a 3947
violation and not the subject of an appeal have been paid. No 3948
permit shall be issued to an applicant after a finding by the 3949
chief that the applicant or the operator specified in the 3950
application controls or has controlled mining operations with a 3951
demonstrated pattern of willful violations of this chapter of a 3952
nature and duration to result in irreparable damage to the 3953
environment as to indicate an intent not to comply with or a 3954
disregard of this chapter. 3955

(b) For the purposes of division (E) (3) (a) of this 3956
section, any violation resulting from an unanticipated event or 3957
condition at a surface coal mining operation on lands eligible 3958
for remining under a permit held by the person submitting an 3959
application for a coal mining permit under this section shall 3960
not prevent issuance of that permit. As used in this division, 3961
"unanticipated event or condition" means an event or condition 3962
encountered in a remining operation that was not contemplated by 3963
the applicable surface coal mining and reclamation permit. 3964

(4) (a) In addition to finding the application in 3965
compliance with division (E) (2) of this section, if the area 3966
proposed to be mined contains prime farmland as determined 3967
pursuant to division (B) (1) (p) of this section, the chief, after 3968
consultation with the secretary of the United States department 3969
of agriculture and pursuant to regulations issued by the 3970
secretary of the interior with the concurrence of the secretary 3971
of agriculture, may grant a permit to mine on prime farmland if 3972

the chief finds in writing that the operator has the 3973
technological capability to restore the mined area, within a 3974
reasonable time, to equivalent or higher levels of yield as 3975
nonmined prime farmland in the surrounding area under equivalent 3976
levels of management and can meet the soil reconstruction 3977
standards in section 1513.16 of the Revised Code. 3978

(b) Division (E)(4)(a) of this section does not apply to a 3979
permit issued prior to August 3, 1977, or revisions or renewals 3980
thereof. 3981

(5) The chief shall issue an order denying a permit after 3982
finding that the applicant has misrepresented or omitted any 3983
material fact in the application for the permit. 3984

(6) The chief may issue an order denying a permit after 3985
finding that the applicant, any partner, if the applicant is a 3986
partnership, any officer, principal shareholder, or director, if 3987
the applicant is a corporation, or any other person who has a 3988
right to control or in fact controls the management of the 3989
applicant or the selection of officers, directors, or managers 3990
of the applicant has been a sole proprietor or partner, officer, 3991
director, principal shareholder, or person having the right to 3992
control or has in fact controlled the management of or the 3993
selection of officers, directors, or managers of a business 3994
entity that ever has had a coal mining license or permit issued 3995
by this or any other state or the United States suspended or 3996
revoked, ever has forfeited a coal or surface mining bond, 3997
performance security, or similar security deposited in lieu of 3998
bond in this or any other state or with the United States, or 3999
ever has substantially or materially failed to comply with this 4000
chapter. 4001

(7) When issuing a permit under this section, the chief 4002

may authorize an applicant to conduct coal mining and 4003
reclamation operations on areas to be covered by the permit that 4004
were affected by coal mining operations before August 3, 1977, 4005
that have resulted in continuing water pollution from or on the 4006
previously mined areas for the purpose of potentially reducing 4007
the pollution loadings of pH, iron, and manganese from 4008
discharges from or on the previously mined areas. Following the 4009
chief's authorization to conduct such operations on those areas, 4010
the areas shall be designated as pollution abatement areas for 4011
the purposes of this chapter. 4012

The chief shall not grant an authorization under division 4013
(E) (7) of this section to conduct coal mining and reclamation 4014
operations on any such previously mined areas unless the 4015
applicant demonstrates to the chief's satisfaction that all of 4016
the following conditions are met: 4017

(a) The applicant's pollution abatement plan for mining 4018
and reclaiming the previously mined areas represents the best 4019
available technology economically achievable. 4020

(b) Implementation of the plan will potentially reduce 4021
pollutant loadings of pH, iron, and manganese resulting from 4022
discharges of surface waters or ground water from or on the 4023
previously mined areas within the permit area. 4024

(c) Implementation of the plan will not cause any 4025
additional degradation of surface water quality off the permit 4026
area with respect to pH, iron, and manganese. 4027

(d) Implementation of the plan will not cause any 4028
additional degradation of ground water. 4029

(e) The plan meets the requirements governing mining and 4030
reclamation of such previously mined pollution abatement areas 4031

established by the chief in rules adopted under section 1513.02 4032
of the Revised Code. 4033

(f) Neither the applicant; any partner, if the applicant 4034
is a partnership; any officer, principal shareholder, or 4035
director, if the applicant is a corporation; any other person 4036
who has a right to control or in fact controls the management of 4037
the applicant or the selection of officers, directors, or 4038
managers of the applicant; nor any contractor or subcontractor 4039
of the applicant, has any of the following: 4040

(i) Responsibility or liability under this chapter or 4041
rules adopted under it as an operator for treating the 4042
discharges of water pollutants from or on the previously mined 4043
areas for which the authorization is sought; 4044

(ii) Any responsibility or liability under this chapter or 4045
rules adopted under it for reclaiming the previously mined areas 4046
for which the authorization is sought; 4047

(iii) During the eighteen months prior to submitting the 4048
permit application requesting an authorization under division 4049
(E) (7) of this section, had a coal mining and reclamation permit 4050
suspended or revoked under division (D) (3) of section 1513.02 of 4051
the Revised Code for violating this chapter or Chapter 6111. of 4052
the Revised Code or rules adopted under them with respect to 4053
water quality, effluent limitations, or surface or ground water 4054
monitoring; 4055

(iv) Ever forfeited a coal or surface mining bond, 4056
performance security, or similar security deposited in lieu of a 4057
bond in this or any other state or with the United States. 4058

(8) In the case of the issuance of a permit that involves 4059
a conflict of results between various methods of calculating 4060

potential acidity and neutralization potential for purposes of 4061
assessing the potential for acid mine drainage to occur at a 4062
mine site, the permit shall include provisions for monitoring 4063
and record keeping to identify the creation of unanticipated 4064
acid water at the mine site. If the monitoring detects the 4065
creation of acid water at the site, the permit shall impose on 4066
the permittee additional requirements regarding mining practices 4067
and site reclamation to prevent the discharge of acid mine 4068
drainage from the mine site. As used in division (E) (8) of this 4069
section, "potential acidity" and "neutralization potential" have 4070
the same meanings as in section 1513.075 of the Revised Code. 4071

(F) (1) During the term of the permit, the permittee may 4072
submit an application for a revision of the permit, together 4073
with a revised reclamation plan, to the chief. 4074

(2) An application for a revision of a permit shall not be 4075
approved unless the chief finds that reclamation required by 4076
this chapter can be accomplished under the revised reclamation 4077
plan. The revision shall be approved or disapproved within 4078
ninety days after receipt of a complete revision application. 4079
The chief shall establish, by rule, criteria for determining the 4080
extent to which all permit application information requirements 4081
and procedures, including notice and hearings, shall apply to 4082
the revision request, except that any revisions that propose 4083
significant alterations in the reclamation plan, at a minimum, 4084
shall be subject to notice and hearing requirements. 4085

(3) Any extensions to the area covered by the permit 4086
except incidental boundary revisions shall be made by 4087
application for a permit. 4088

(4) Documents or a notarized statement that form the basis 4089
of the applicant's legal right to enter and commence coal mining 4090

operations on land that is located within an area covered by the 4091
permit and that was legally acquired subsequent to the issuance 4092
of the permit for the area shall be submitted with an 4093
application for a revision of the permit. 4094

(G) No transfer, assignment, or sale of the rights granted 4095
under a permit issued pursuant to this chapter shall be made 4096
without the written approval of the chief. 4097

(H) The chief, within a time limit prescribed in the 4098
chief's rules, shall review outstanding permits and may require 4099
reasonable revision or modification of a permit. A revision or 4100
modification shall be based upon a written finding and subject 4101
to notice and hearing requirements established by rule of the 4102
chief. 4103

(I) (1) If an informal conference has been held pursuant to 4104
section 1513.071 of the Revised Code, the chief shall issue and 4105
furnish the applicant for a permit, persons who participated in 4106
the informal conference, and persons who filed written 4107
objections pursuant to division (B) of section 1513.071 of the 4108
Revised Code, with the written finding of the chief granting or 4109
denying the permit in whole or in part and stating the reasons 4110
therefor within sixty days of the conference, provided that the 4111
chief shall comply with the time frames established in division 4112
(I) (3) of this section. 4113

(2) If there has been no informal conference held pursuant 4114
to section 1513.071 of the Revised Code, the chief shall submit 4115
to the applicant for a permit the written finding of the chief 4116
granting or denying the permit in whole or in part and stating 4117
the reasons therefor within the time frames established in 4118
division (I) (3) of this section. 4119

(3) The chief shall grant or deny a permit not later than 4120
two hundred forty days after the submission of a complete 4121
application for the permit. Any time during which the applicant 4122
is making revisions to an application or providing additional 4123
information requested by the chief regarding an application 4124
shall not be included in the two hundred forty days. If the 4125
chief determines that a permit cannot be granted or denied 4126
within the two-hundred-forty-day time frame, the chief, not 4127
later than two hundred ten days after the submission of a 4128
complete application for the permit, shall provide the applicant 4129
with written notice of the expected delay. 4130

(4) If the application is approved, the permit shall be 4131
issued. However, the permit shall prohibit the commencement of 4132
coal mining operations on any land that is located within an 4133
area covered by the permit if the permittee has not provided to 4134
the chief documents that form the basis of the permittee's legal 4135
right to enter and conduct coal mining operations on that land. 4136
If the application is disapproved, specific reasons therefor 4137
shall be set forth in the notification. Within thirty days after 4138
the applicant is notified of the final decision of the chief on 4139
the permit application, the applicant or any person with an 4140
interest that is or may be adversely affected may appeal the 4141
decision to the reclamation commission pursuant to section 4142
1513.13 of the Revised Code. 4143

(5) Any applicant or any person with an interest that is 4144
or may be adversely affected who has participated in the 4145
administrative proceedings as an objector and is aggrieved by 4146
the decision of the reclamation commission, or if the commission 4147
fails to act within the time limits specified in this chapter, 4148
may appeal in accordance with section 1513.14 of the Revised 4149
Code. 4150

Sec. 1513.161. (A) An operator shall use explosives only 4151
in accordance with Chapter 1567. of the Revised Code and rules 4152
adopted pursuant thereto by the chief of the division of mineral 4153
resources management, and in accordance with this section and 4154
rules adopted pursuant thereto by the chief, and in accordance 4155
with all applicable federal laws and regulations. If, in any 4156
situation involving a coal mining operation, except when 4157
underground coal mining is part or all of the coal mining 4158
operation, a rule adopted pursuant to Chapter 1567. of the 4159
Revised Code is in conflict with a rule adopted pursuant to this 4160
section, the rule adopted pursuant to this section prevails. 4161
When underground coal mining is part or all of the coal mining 4162
operation, the rule adopted pursuant to Chapter 1567. of the 4163
Revised Code prevails. 4164

Before an explosive is set off, sufficient warning shall 4165
be given to allow any person in or approaching the area ample 4166
time to retreat a safe distance. 4167

No blasting shall be done between the hours of sunset and 4168
sunrise. 4169

(B) The chief shall adopt rules to: 4170

~~(A)~~ (1) Provide adequate advance written notice to local 4171
governments and residents who might be affected by the use of 4172
explosives by publication of the planned blasting schedule in a 4173
newspaper of general circulation in the locality of the coal 4174
mining operation, by mailing a copy of the proposed blasting 4175
schedule to every resident living within one-half mile of the 4176
proposed blasting site, and by providing daily notice to 4177
residents or occupants in such areas prior to any blasting; 4178

~~(B)~~ (2) Maintain for a period of at least three years and 4179

make available for public inspection upon request a log 4180
detailing the location of the blasts, the pattern and depth of 4181
the drill holes, the amount of explosives used per hole, and the 4182
order and length of delay in the blasts; 4183

~~(C)~~ (3) Limit the type of explosives and detonating 4184
equipment, the size, and the timing and frequency of blasts 4185
based upon the physical conditions of the site so as to prevent: 4186

~~(1)~~ (a) Injury to persons; 4187

~~(2)~~ (b) Damage to public and private property outside the 4188
permit area; 4189

~~(3)~~ (c) Adverse impacts on any underground mine; 4190

~~(4)~~ (d) Change in the course, channel, or availability of 4191
ground or surface water outside the permit area. 4192

~~(D)~~ (4) Require that all blasting operations be conducted 4193
by trained and competent persons as certified by the chief; 4194

~~(E)~~ (5) Provide that upon the request of a resident or 4195
owner of an artificial dwelling or structure or water supply 4196
within one-half mile of any portion of the permit area, the 4197
applicant or permittee shall conduct a preblasting survey of the 4198
structures or water supply and submit the survey to the chief 4199
and a copy to the resident or owner making the request. The area 4200
of the survey shall be decided by the chief and shall include 4201
such provisions as the chief prescribes. 4202

~~(F)~~ Require (6) Except as provided in division (C) of this 4203
section, require the training, examination, and certification of 4204
persons engaging in or directly responsible for blasting or use 4205
of explosives in coal mining operations. 4206

(C) The chief shall issue a certificate for blasting or 4207

use of explosives in coal mining operations in accordance with 4208
Chapter 4796. of the Revised Code to an applicant if either of 4209
the following applies: 4210

(1) The applicant holds a license or certificate in 4211
another state. 4212

(2) The applicant has satisfactory work experience, a 4213
government certification, or a private certification as 4214
described in that chapter as a blaster or user of explosives in 4215
coal mining operations in a state that does not issue that 4216
license or certificate. 4217

(D) The chief, by rule or order, may prohibit blasting in 4218
specific areas where the safety of the public would be 4219
endangered. 4220

(E) No person shall use explosives in violation of this 4221
section, a rule adopted thereunder, or an order of the chief. 4222

Sec. 1514.12. (A) Explosives shall be used in a manner 4223
that prevents injury to persons and damage to public or private 4224
property that is located outside the area for which a permit was 4225
issued under section 1514.02 or 1514.021 of the Revised Code. 4226

(B) The ground vibration resulting from the use of 4227
explosives when measured at any dwelling, public or commercial 4228
building, school, church, or community or institutional building 4229
that is located outside the area for which a permit was issued 4230
under section 1514.02 or 1514.021 of the Revised Code and that 4231
is not owned by the operator shall not exceed the frequency- 4232
dependent particle velocity limits listed in the "report of 4233
investigations 8507, appendix B -- alternative blasting level 4234
criteria, (1980)," published by the former United States bureau 4235
of mines, or other limits established by rule. 4236

(C) The airblast resulting from the use of explosives when 4237
measured with a two hertz high-pass system at any location 4238
listed in division (B) of this section shall not exceed a level 4239
of one hundred thirty-three decibels. 4240

(D) On and after July 1, 2003, all blasting in surface 4241
mining shall be conducted by persons who are trained and 4242
competent in blasting as certified by the chief of the division 4243
of mineral resources management or a certifying authority 4244
approved by the chief. 4245

(E) ~~The~~ Except as provided in division (G) of this 4246
section, the chief shall adopt, and may amend and rescind, rules 4247
in accordance with Chapter 119. of the Revised Code establishing 4248
requirements and standards governing all of the following: 4249

(1) Seismographic monitoring and alternate methods to 4250
prove compliance with the ground vibration limits established 4251
under division (B) of this section and the airblast limits 4252
established under division (C) of this section; 4253

(2) Protection of any building or structure not listed in 4254
division (B) of this section; 4255

(3) Training, examination, and certification of persons 4256
conducting blasting in surface mining and suspension or 4257
revocation of certifications; 4258

(4) Standard blast warning and all-clear signals; 4259

(5) Blasting records and flyrock reporting requirements; 4260

(6) Safety measures for blasting in surface mining. 4261

(F) The chief may adopt rules under this section that 4262
establish limits on the amount of ground vibration resulting 4263
from the use of explosives that is permissible when measured at 4264

the locations described in division (B) of this section. 4265

(G) The chief shall issue a certificate to conduct 4266
blasting in surface mining in accordance with Chapter 4796. of 4267
the Revised Code to any person if either of the following 4268
applies: 4269

(1) The person holds a license or certificate in another 4270
state. 4271

(2) The person has satisfactory work experience, a 4272
government certification, or a private certification as 4273
described in that chapter as a surface mining blaster in a state 4274
that does not issue that license or certificate. 4275

Sec. 1514.47. (A) (1) The operator of a surface mining 4276
operation shall employ a certified mine foreperson to be in 4277
charge of the conditions and practices at the mine and to be 4278
responsible for conducting examinations of the surface mining 4279
operation under 30 C.F.R. part 56, as amended. 4280

(2) Examinations of surface mining operations for the 4281
purposes of 30 C.F.R. part 56, as amended, shall be conducted by 4282
one of the following: 4283

~~(i)~~(a) A certified mine foreperson; 4284

~~(ii)~~(b) A person who is qualified to conduct such 4285
examinations as provided in division (D) of this section; 4286

~~(iii)~~(c) A person designated by the certified mine 4287
foreperson as a competent person. 4288

(3) For purposes of this section, a competent person is a 4289
person who has been trained in accordance with 30 C.F.R. part 46 4290
and been determined by a certified mine foreperson to have 4291
demonstrated the ability, training, knowledge, or experience 4292

necessary to perform the duty to which the person is assigned. A 4293
person is not a competent person if the chief of the division of 4294
mineral resources management demonstrates, with good cause, that 4295
the person does not have the ability, training, knowledge, or 4296
experience necessary to perform that duty. 4297

(4) The operator of a surface mining operation shall 4298
maintain records demonstrating that a competent person 4299
designated by a certified mine foreperson has the ability, 4300
training, knowledge, or experience to perform the duty to which 4301
the person is assigned as well as records of the competent 4302
person's training in accordance with 30 C.F.R. part 46. The 4303
operator shall make the records available to the chief upon 4304
request. 4305

(B) ~~The~~ Except as provided in division (E) of this 4306
section, the chief shall conduct examinations for the position 4307
of certified mine foreperson in accordance with rules. In order 4308
to be eligible for examination as a certified mine foreperson, 4309
an applicant shall file with the chief an affidavit establishing 4310
the applicant's qualifications to take the examination. The 4311
chief shall grade examinations and issue certificates. 4312

(C) (1) A certificate issued under this section shall not 4313
expire unless the certificate holder has not been employed in a 4314
surface mining operation for five consecutive years. If the 4315
certificate holder has not been employed in a surface mining 4316
operation for five consecutive years, the certificate holder may 4317
retake the mine foreperson examination or may petition the chief 4318
to accept past employment history in lieu of fulfilling the 4319
employment requirement established in this division. The chief 4320
shall grant or deny the petition by issuance of an order. If the 4321
chief grants the petition, the chief shall reissue the 4322

certificate. 4323

(2) If a certificate issued under this section is 4324
suspended, the certificate shall not be renewed until the 4325
suspension period expires and the person whose certificate is 4326
suspended successfully completes all actions required by the 4327
chief. ~~If an applicant's license, certificate, or similar~~ 4328
~~authority that is issued by another state to perform specified~~ 4329
~~mining duties is suspended or revoked by that state, the~~ 4330
~~applicant shall be ineligible for examination for or renewal of~~ 4331
~~a certificate in this state during that period of suspension or~~ 4332
~~revocation.~~ A certificate that has been revoked shall not be 4333
renewed. 4334

(3) If a person who has been certified by the chief under 4335
this section purposely violates this chapter, the chief may 4336
suspend or revoke the certificate after an investigation and 4337
hearing conducted in accordance with Chapter 119. of the Revised 4338
Code are completed. 4339

(4) If a person holds a certificate issued under this 4340
section that has not expired prior to ~~the effective date of this~~ 4341
~~amendment September 29, 2015~~, the chief, upon request, shall 4342
reissue to that person a certificate that does not expire as 4343
provided in division (C) (1) of this section. 4344

(5) If a person holds a certificate issued under this 4345
section that expired on or after April 7, 2012, and has not been 4346
issued a new certificate prior to ~~the effective date of this~~ 4347
~~amendment September 29, 2015~~, the chief, upon request, shall 4348
issue to that person a certificate that does not expire as 4349
provided in division (C) (1) of this section, provided that the 4350
person is in compliance with all other applicable requirements 4351
established in this chapter and rules adopted under it. 4352

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

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

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

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

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

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

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

(B) (1) No person shall provide nuisance wild animal

removal or control services for hire without obtaining a license 4382
under this section from the chief of the division of wildlife. 4383

(2) An applicant shall pay a license fee of forty dollars 4384
for the license. The license shall be renewed annually prior to 4385
the first day of March and shall expire on the last day of 4386
February. All money collected under this division shall be 4387
deposited in the state treasury to the credit of the wildlife 4388
fund created in section 1531.17 of the Revised Code. 4389

(3) An individual who is providing nuisance wild animal 4390
removal or control services for hire under a license issued 4391
under this section is exempt from obtaining a hunting license 4392
under section 1533.10 of the Revised Code, a fur taker permit 4393
under section 1533.111 of the Revised Code, or a fishing license 4394
under section 1533.32 of the Revised Code for the purposes of 4395
performing those services. 4396

(4) An individual who is employed by the state, a county, 4397
or a municipal corporation and who performs nuisance wild animal 4398
removal or control services on land that is owned by the state, 4399
county, or municipal corporation, as applicable, as part of the 4400
individual's employment is exempt from obtaining a license under 4401
this section. 4402

(C) (1) Unless otherwise specified by division rule, a 4403
commercial nuisance wild animal control operator and any 4404
individual who is employed by an operator that is engaged in 4405
activities that are part of or related to the removal or control 4406
of nuisance wild animals, including setting or maintaining 4407
traps, shall obtain a certification of completion of a course of 4408
instruction that complies with rules adopted under division (F) 4409
of this section. A certification shall be renewed every three 4410
years. 4411

(2) ~~An Except as provided in division (H) of this section,~~ 4412
an individual who provides nuisance wild animal removal or 4413
control services under a license issued under this section shall 4414
comply with division (C) (1) of this section. 4415

(D) An operator that holds a license issued under this 4416
section is responsible for the acts of each of the operator's 4417
employees in the removal or control of a nuisance wild animal. 4418

(E) If an individual who is licensed under this section 4419
uses a pesticide in the removal or control of a nuisance wild 4420
animal, the individual shall obtain the appropriate license 4421
under Chapter 921. of the Revised Code. 4422

(F) ~~The Except as provided in division (H) of this~~ 4423
section, the chief shall adopt rules under section 1531.10 of 4424
the Revised Code establishing all of the following: 4425

(1) Appropriate methods for trapping, capturing, removing, 4426
relocating, and controlling nuisance wild animals by operators 4427
licensed under this section; 4428

(2) Procedures for issuing, denying, suspending, and 4429
revoking a license under this section; 4430

(3) Requirements governing the certification course 4431
required by division (C) (1) of this section. The rules shall 4432
specify the minimum contents of such a course, including public 4433
safety and health, animal life history, the use of nuisance wild 4434
animal removal and control devices, and the laws and rules 4435
governing those activities. The rules also shall specify who may 4436
conduct such a course. The rules shall require that, in order 4437
for an operator to receive a certification of completion, the 4438
operator shall pass an examination. 4439

(4) Any other requirements and procedures necessary to 4440

administer and enforce this section. 4441

Rules shall be adopted under division (F) of this section 4442
only with the approval of the director of natural resources. 4443

(G) In accordance with Chapter 119. of the Revised Code 4444
and with rules adopted under this section, the chief may suspend 4445
or revoke a license issued under this section if the chief finds 4446
that the holder of the license is violating or has violated this 4447
chapter, Chapter 1533. of the Revised Code, or rules adopted 4448
under those chapters. 4449

(H) The chief shall issue a license to provide nuisance 4450
wild animal removal or control services in accordance with 4451
Chapter 4796. of the Revised Code to an applicant if either of 4452
the following applies: 4453

(1) The applicant holds a license in another state. 4454

(2) The applicant has satisfactory work experience, a 4455
government certification, or a private certification as 4456
described in that chapter as an individual who provides nuisance 4457
wild animal removal or control services in a state that does not 4458
issue that license. 4459

Sec. 1533.051. (A) The chief of the division of wildlife 4460
may authorize commercial and noncommercial propagation of 4461
raptors by rules adopted pursuant to section 1531.08 of the 4462
Revised Code. The rules shall be consistent with federal 4463
regulations governing raptor propagation. 4464

(B) No person shall propagate raptors without a permit to 4465
do so issued by the chief. The duration of the permit shall be 4466
consistent with applicable federal requirements. 4467

The fees for permits shall be set by the chief in amounts 4468

sufficient to cover the expenses of the division in exercising 4469
its authority under this section and may vary according to the 4470
type of permit. Moneys received from the sale of permits shall 4471
be paid into the state treasury to the credit of the fund 4472
established in section 1533.15 of the Revised Code. 4473

(C) The chief shall issue a commercial raptor propagation 4474
permit in accordance with Chapter 4796. of the Revised Code to 4475
an applicant if either of the following applies: 4476

(1) The applicant holds a license or permit in another 4477
state. 4478

(2) The applicant has satisfactory work experience, a 4479
government certification, or a private certification as 4480
described in that chapter as a person who propogates raptors in 4481
a state that does not issue that license or permit. 4482

(D) A permittee may use a raptor possessed for propagation 4483
in the sport of falconry only if the permittee is in compliance 4484
with section 1533.05 of the Revised Code and the raptor is 4485
reported under permits issued under both that section and this 4486
section. 4487

~~(D)~~ (E) This section does not apply to propagation of 4488
raptors by the state, any agency of the state, the United 4489
States, any agency or instrumentality thereof, or any zoological 4490
park. 4491

Sec. 1533.51. (A) No person shall be or serve as a fishing 4492
guide in the Lake Erie fishing district without a license from 4493
the chief of the division of wildlife. The application for a 4494
license, and the license, shall be in such form as the chief 4495
prescribes. 4496

(B) The chief, with the approval of the wildlife council, 4497

may establish the qualifications for such a license and the 4498
terms, conditions, and restrictions thereof. Such qualifications 4499
when applicable shall include that the applicant possesses a 4500
power boat operator's license from a department, agency, 4501
commission, or instrumentality of the United States. 4502

(C) The chief shall issue a fishing guide license in 4503
accordance with Chapter 4796. of the Revised Code to an 4504
applicant if either of the following applies: 4505

(1) The applicant holds a license in another state. 4506

(2) The applicant has satisfactory work experience, a 4507
government certification, or a private certification as 4508
described in that chapter as a fishing guide in a state that 4509
does not issue that license. 4510

(D) Fishing guide licenses shall expire each year on the 4511
fifteenth day of April. Such a license shall be carried ~~by on~~ 4512
the person or the person in command of the boat or person in 4513
charge, ~~upon his person,~~ when such service is being performed, 4514
and shall be exhibited upon demand to any wildlife officer or 4515
other law enforcement officer who has authority to enforce the 4516
wildlife, hunting, and fishing laws. 4517

(E) The license fee for a fishing guide license is fifty 4518
dollars per person. 4519

(F) The license fee for other services or devices, as 4520
approved by the chief, not mentioned in this section shall be an 4521
amount set by the chief with the approval of the wildlife 4522
council, not to exceed twenty-five dollars. 4523

(G) All license fees collected from fishing guides shall 4524
be deposited in the state treasury pursuant to section 1533.33 4525
of the Revised Code. 4526

(H) No person shall fail to comply with any provision of 4527
this section or division rule adopted pursuant to it. 4528

Sec. 1561.14. ~~A~~ (A) Except as provided in division (B) of 4529
this section, a person who applies for a certificate as a mine 4530
electrician shall be able to read and write the English 4531
language, and prior to the date of the application for 4532
examination either shall have had at least one year's experience 4533
in performing electrical work underground in a coal mine, in the 4534
surface work area of an underground coal mine, in a surface coal 4535
mine, or in a noncoal mine, or shall have had such experience as 4536
the chief of the division of mineral resources management 4537
determines to be equivalent. Each applicant for examination 4538
shall pay a fee of ten dollars to the chief on the first day of 4539
the examination. Any money collected under this section shall be 4540
paid into the state treasury to the credit of the mining 4541
regulation and safety fund created in section 1513.30 of the 4542
Revised Code. 4543

(B) The chief shall issue a mine electrician certificate 4544
in accordance with Chapter 4796. of the Revised Code to an 4545
applicant if either of the following applies: 4546

(1) The applicant holds a license or certificate in 4547
another state. 4548

(2) The applicant has satisfactory work experience, a 4549
government certification, or a private certification as 4550
described in that chapter as a mine electrician in a state that 4551
does not issue that license or certificate. 4552

Sec. 1561.15. ~~An~~ (A) Except as provided in division (B) of 4553
this section, an applicant for a certificate as mine foreperson, 4554
foreperson, mine electrician, shot firer, surface mine blaster, 4555

or fire boss shall apply to the chief of the division of mineral 4556
resources management for examination and shall be examined by 4557
the chief. This shall be a practical examination, a substantial 4558
part of which shall be oral, to determine the competency of the 4559
applicant, based on experience and practical knowledge of the 4560
dangers incident to coal mining, and not upon technical 4561
education, but consideration shall be given such technical 4562
education as the applicant possesses. This examination shall be 4563
held as soon after application is made as practicable in the 4564
district from which the applicant makes application. 4565

(B) The chief may require an applicant for a certificate 4566
as mine foreperson, foreperson, mine electrician, shot firer, 4567
surface mine blaster, or fire boss to pass an examination in 4568
accordance with Chapter 4796. of the Revised Code. 4569

Sec. 1561.16. (A) As used in this section and sections 4570
1561.17 to 1561.21 of the Revised Code, "actual practical 4571
experience" means previous employment that involved a person's 4572
regular presence in the type of mining operation in which the 4573
experience is required to exist; participation in functions 4574
relating to the hazards involved in and the utilization of 4575
equipment, tools, and work crews and individuals for that type 4576
of mining; and regular exposure to the methods, procedures, and 4577
safety laws applicable to that type of mining. Credit of up to 4578
one year for a portion of the required experience time may be 4579
given upon documentation to the chief of the division of mineral 4580
resources management of an educational degree in a field related 4581
to mining. Credit of up to two years of the required experience 4582
time may be given upon presentation to the chief of proof of 4583
graduation from an accredited school of mines or mining after a 4584
four-year course of study with employment in the mining industry 4585
during interim breaks during the school years. 4586

(B) ~~A~~ Except as provided in division (G) of this section, 4587
a person who applies for a certificate as a mine foreperson of 4588
gaseous mines shall be able to read and write the English 4589
language; shall have had at least five years' actual practical 4590
experience in the underground workings of a gaseous mine or the 4591
equivalent thereof in the judgment of the chief; and shall have 4592
had practical experience obtained by actual contact with gas in 4593
mines and have knowledge of the dangers and nature of noxious 4594
and explosive gases and ventilation of gaseous mines. An 4595
applicant for a certificate as a foreperson of gaseous mines 4596
shall meet the same requirements, except that the applicant 4597
shall have had at least three years' actual practical experience 4598
in the underground workings of a gaseous mine or the equivalent 4599
thereof in the judgment of the chief. Each applicant for 4600
examination shall pay a fee established in rules adopted under 4601
this section to the chief on the first day of such examination. 4602

(C) A person who has been issued a certificate as a mine 4603
foreperson or a foreperson of a gaseous mine and who has not 4604
worked in an underground coal mine for a period of more than two 4605
calendar years shall apply for and obtain recertification from 4606
the chief in accordance with rules adopted under this section 4607
before performing the duties of a mine foreperson or a 4608
foreperson of a gaseous mine. An applicant for recertification 4609
shall pay a fee established in rules adopted under this section 4610
at the time of application for recertification. 4611

(D) A person who has been issued a certificate as a mine 4612
foreperson or a foreperson of a gaseous mine and who has not 4613
worked in an underground coal mine for a period of one or more 4614
calendar years shall successfully complete a retraining course 4615
in accordance with rules adopted under this section before 4616
performing the duties of a mine foreperson or a foreperson of a 4617

gaseous mine. 4618

(E) The chief, in consultation with a statewide 4619
association representing the coal mining industry and a 4620
statewide association representing employees of coal mines, 4621
shall adopt rules in accordance with Chapter 119. of the Revised 4622
Code that do all of the following: 4623

(1) Prescribe requirements, criteria, and procedures for 4624
the recertification of a mine foreperson or a foreperson of a 4625
gaseous mine who has not worked in an underground coal mine for 4626
a period of more than two calendar years; 4627

(2) Prescribe requirements, criteria, and procedures for 4628
the retraining of a mine foreperson or a foreperson of a gaseous 4629
mine who has not worked in an underground coal mine for a period 4630
of one or more calendar years; 4631

(3) Establish fees for the examination and recertification 4632
of mine forepersons or forepersons of gaseous mines under this 4633
section; 4634

(4) Prescribe any other requirements, criteria, and 4635
procedures that the chief determines are necessary to administer 4636
this section. 4637

(F) Any money collected under this section shall be paid 4638
into the state treasury to the credit of the mining regulation 4639
and safety fund created in section 1513.30 of the Revised Code. 4640

(G) The chief shall issue a certificate as a foreperson of 4641
gaseous mines in accordance with Chapter 4796. of the Revised 4642
Code to an applicant if either of the following applies: 4643

(1) The applicant holds a license or certificate in 4644
another state. 4645

(2) The applicant has satisfactory work experience, a 4646
government certification, or a private certification as 4647
described in that chapter as a foreperson of gaseous mines in a 4648
state that does not issue that license or certificate. 4649

Sec. 1561.17. (A) ~~A~~Except as provided in division (F) of 4650
this section, a person who applies for a certificate as mine 4651
foreperson or foreperson of nongaseous mines shall be able to 4652
read and write the English language; shall have had at least 4653
three years' actual practical experience in mines, or the 4654
equivalent thereof in the judgment of the chief of the division 4655
of mineral resources management; and shall have knowledge of the 4656
dangers and nature of noxious gases. Each applicant for 4657
examination shall pay a fee established in rules adopted under 4658
this section to the chief on the first day of the examination. 4659

(B) A person who has been issued a certificate as a mine 4660
foreperson or a foreperson of a nongaseous coal mine and who has 4661
not worked in an underground coal mine for a period of more than 4662
two calendar years shall apply for and obtain recertification 4663
from the chief in accordance with rules adopted under this 4664
section before performing the duties of a mine foreperson or a 4665
foreperson of a nongaseous coal mine. An applicant for 4666
recertification shall pay a fee established in rules adopted 4667
under this section at the time of application for 4668
recertification. 4669

(C) A person who has been issued a certificate as a mine 4670
foreperson or a foreperson of a nongaseous coal mine and who has 4671
not worked in an underground coal mine for a period of one or 4672
more calendar years shall successfully complete a retraining 4673
course in accordance with rules adopted under this section 4674
before performing the duties of a mine foreperson or a 4675

foreperson of a nongaseous coal mine. 4676

(D) The chief, in consultation with a statewide 4677
association representing the coal mining industry and a 4678
statewide association representing employees of coal mines, 4679
shall adopt rules in accordance with Chapter 119. of the Revised 4680
Code that do all of the following: 4681

(1) Prescribe requirements, criteria, and procedures for 4682
the recertification of a mine foreperson or a foreperson of a 4683
nongaseous coal mine who has not worked in an underground coal 4684
mine for a period of more than two calendar years; 4685

(2) Prescribe requirements, criteria, and procedures for 4686
the retraining of a mine foreperson or a foreperson of a 4687
nongaseous coal mine who has not worked in an underground coal 4688
mine for a period of one or more calendar years; 4689

(3) Establish fees for the examination and recertification 4690
of mine forepersons or forepersons of nongaseous coal mines 4691
under this section; 4692

(4) Prescribe any other requirements, criteria, and 4693
procedures that the chief determines are necessary to administer 4694
this section. 4695

(E) Any money collected under this section shall be paid 4696
into the state treasury to the credit of the mining regulation 4697
and safety fund created in section 1513.30 of the Revised Code. 4698

(F) The chief shall issue a certificate as a foreperson of 4699
nongaseous mines in accordance with Chapter 4796. of the Revised 4700
Code to an applicant if either of the following applies: 4701

(1) The applicant holds a license or certificate in 4702
another state. 4703

(2) The applicant has satisfactory work experience, a 4704
government certification, or a private certification as 4705
described in that chapter as a foreperson of nongaseous mines in 4706
a state that does not issue that license or certificate. 4707

Sec. 1561.18. ~~A~~ (A) Except as provided in division (B) of 4708
this section, a person who applies for a certificate as a 4709
foreperson of surface maintenance facilities at underground or 4710
surface mines shall be able to read and write the English 4711
language and shall have had at least three years' actual 4712
practical experience in or around the surface maintenance 4713
facilities of underground or surface mines or the equivalent 4714
thereof in the judgment of the chief of the division of mineral 4715
resources management. Each applicant for examination shall pay a 4716
fee of ten dollars to the chief on the first day of the 4717
examination. 4718

(B) The chief shall issue a certificate as a foreperson of 4719
surface maintenance facilities at underground or surface mines 4720
in accordance with Chapter 4796. of the Revised Code to an 4721
applicant if either of the following applies: 4722

(1) The applicant holds a license or certificate in 4723
another state. 4724

(2) The applicant has satisfactory work experience, a 4725
government certification, or a private certification as 4726
described in that chapter as a foreperson of surface maintenance 4727
facilities at underground or surface mines in a state that does 4728
not issue that license or certificate. 4729

(C) Any money collected under this section shall be paid 4730
into the state treasury to the credit of the mining regulation 4731
and safety fund created in section 1513.30 of the Revised Code. 4732

Sec. 1561.19. ~~A~~ (A) Except as provided in division (B) of this section, a person who applies for a certificate as a mine foreperson of surface mines shall be able to read and write the English language and shall have had at least five years' actual practical experience in surface mines. An applicant for a certificate as a foreperson of surface mines shall meet the same requirements, except that the applicant shall have had at least three years' actual practical experience in surface mines or the equivalent thereof in the judgment of the chief of the division of mineral resources management. Each applicant for examination shall pay a fee of ten dollars to the chief on the first day of the examination. 4733
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(B) The chief shall issue a certificate as a foreperson of surface mines in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 4745
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(1) The applicant holds a license or certificate in another state. 4748
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a foreperson of surface mines in a state that does not issue that license or certificate. 4750
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(C) Any money collected under this section shall be paid into the state treasury to the credit of the mining regulation and safety fund created in section 1513.30 of the Revised Code. 4754
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Sec. 1561.20. ~~A~~ (A) Except as provided in division (B) of this section, a person who applies for a certificate as a surface mine blaster shall be able to read and write the English language; shall have had at least one year's actual practical experience in surface mines or the equivalent thereof in the 4757
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judgment of the chief of the division of mineral resources 4762
management; shall have knowledge of the dangers and nature of 4763
the use of explosives, related equipment, and blasting 4764
techniques; and shall have knowledge of safety laws and rules, 4765
including those related to the storage, use, and transportation 4766
of explosives. Each applicant for examination shall pay a fee of 4767
ten dollars to the chief on the first day of the examination. 4768

(B) The chief shall issue a surface mine blaster 4769
certificate in accordance with Chapter 4796. of the Revised Code 4770
to an applicant if either of the following applies: 4771

(1) The applicant holds a license or certificate in 4772
another state. 4773

(2) The applicant has satisfactory work experience, a 4774
government certification, or a private certification as 4775
described in that chapter as a surface mine blaster in a state 4776
that does not issue that license or certificate. 4777

(C) Any money collected under this section shall be paid 4778
into the state treasury to the credit of the mining regulation 4779
and safety fund created in section 1513.30 of the Revised Code. 4780

Sec. 1561.21. A—(A) Except as provided in division (B) of 4781
this section, a person who applies for a certificate as a shot 4782
firer shall be able to read and write the English language; 4783
shall have had at least one year's actual practical experience 4784
in the underground workings of mines or the equivalent thereof 4785
in the judgment of the chief of the division of mineral 4786
resources management; shall have knowledge of the dangers and 4787
nature of noxious and explosive gases; shall have knowledge of 4788
the dangers and nature of the use of explosives, related 4789
equipment, and blasting techniques; and shall have knowledge of 4790

safety laws and rules, including those related to the 4791
underground storage, use, and transportation of explosives. Each 4792
applicant for examination shall pay a fee of ten dollars to the 4793
chief on the first day of the examination. 4794

(B) The chief shall issue a shot firer certificate in 4795
accordance with Chapter 4796. of the Revised Code to an 4796
applicant if either of the following applies: 4797

(1) The applicant holds a license or certificate in 4798
another state. 4799

(2) The applicant has satisfactory work experience, a 4800
government certification, or a private certification as 4801
described in that chapter as a shot firer in a state that does 4802
not issue that license or certificate. 4803

(C) Any money collected under this section shall be paid 4804
into the state treasury to the credit of the mining regulation 4805
and safety fund created in section 1513.30 of the Revised Code. 4806

(D) Any person who possesses a mine foreperson or 4807
foreperson certificate issued by the chief shall be considered 4808
certified as a shot firer. 4809

Sec. 1561.22. A—(A) Except as provided in division (B) of 4810
this section, a person who applies for a certificate as fire 4811
boss shall be able to read and write the English language; shall 4812
have had at least three years' actual practical experience in 4813
the underground workings of a gaseous mine or the equivalent 4814
thereof in the judgment of the chief of the division of mineral 4815
resources management; and shall have knowledge of the dangers 4816
and nature of noxious and explosive gases gained by actual 4817
contact with gas in mines and ventilation of gaseous mines. Each 4818
applicant for examination shall pay a fee of ten dollars to the 4819

chief on the first day of the examination. 4820

(B) The chief shall issue a fire boss certificate in 4821
accordance with Chapter 4796. of the Revised Code to an 4822
applicant if either of the following applies: 4823

(1) The applicant holds a license or certificate in 4824
another state. 4825

(2) The applicant has satisfactory work experience, a 4826
government certification, or a private certification as 4827
described in that chapter as a fire boss in a state that does 4828
not issue that license or certificate. 4829

(C) Any money collected under this section shall be paid 4830
into the state treasury to the credit of the mining regulation 4831
and safety fund created in section 1513.30 of the Revised Code. 4832

Sec. 1565.06. (A) In emergencies arising at a mine because 4833
of accident, death, illness, or any other cause, an operator may 4834
appoint noncertificate persons as forepersons and fire bosses to 4835
act until certified forepersons and fire bosses satisfactory to 4836
the operator can be secured. Such appointee may not serve in 4837
such capacity for a period longer than six months or until such 4838
time thereafter as an examination is held for such certified 4839
persons under section 1561.13 of the Revised Code. The employer 4840
of such noncertificate person shall, upon appointment of such 4841
noncertificate person in this capacity, forward the name of such 4842
noncertificate person to the chief of the division of mineral 4843
resources management. 4844

(B) An operator may appoint as a temporary foreperson or 4845
fire boss a noncertificate person who is within six months of 4846
possessing the necessary actual practical experience to qualify 4847
to take the examination for certification for the position to 4848

which the person is temporarily appointed. Upon appointment of a 4849
noncertificate person, the operator shall forward the name, 4850
social security number, and brief summary of the person's actual 4851
practical experience to the chief, and the chief shall issue the 4852
person a temporary certificate for the position to which the 4853
person has been temporarily appointed. A temporary certificate 4854
issued under this division is valid for six months or until such 4855
time thereafter as an examination is held under section 1561.13 4856
of the Revised Code for the position to which the person has 4857
been temporarily appointed. 4858

(C) A nonresident person who possesses a valid certificate 4859
issued by another state for a position for which the chief 4860
issues a certificate shall be eligible for a temporary 4861
certificate from the chief upon presentation to the chief of a 4862
copy of the certificate from that other state. Chapter 4796. of 4863
the Revised Code does not apply to a certificate issued under 4864
this section. A temporary certificate issued under this division 4865
shall be valid for six months. 4866

No operator of a mine shall violate or fail to comply with 4867
this section. 4868

Sec. 1565.15. (A) As used in this section: 4869

(1) "EMT-basic," "EMT-I," "paramedic," and "emergency 4870
medical service organization" have the same meanings as in 4871
section 4765.01 of the Revised Code. 4872

(2) "First aid provider" includes a mine medical 4873
responder, an EMT-basic, an EMT-I, a paramedic, or an employee 4874
at a surface coal mine who has satisfied the training 4875
requirements established in division (D)(1) of this section. 4876

(3) "Mine medical responder" means a person who has 4877

satisfied the requirements established in rules adopted under 4878
division (E) (1) of this section or has been issued a certificate 4879
under division (E) (2) of this section. 4880

(B) The operator of an underground coal mine where twenty 4881
or more persons are employed on a shift, including all persons 4882
working at different locations at the mine within a ten-mile 4883
radius, shall provide at least one mine medical responder, EMT- 4884
basic, or EMT-I on duty at the underground coal mine whenever 4885
employees at the mine are actively engaged in the extraction, 4886
production, or preparation of coal. The operator shall provide 4887
mine medical responders, EMTs-basic, or EMTs-I on duty at the 4888
underground coal mine at times and in numbers sufficient to 4889
ensure that no miner works in a mine location that cannot be 4890
reached within a reasonable time by a mine medical responder, an 4891
EMT-basic, or an EMT-I. Mine medical responders, EMTs-basic, and 4892
EMTs-I shall be employed on their regular coal mining duties at 4893
locations convenient for quick response to emergencies in order 4894
to provide emergency medical services inside the underground 4895
coal mine and transportation of injured or sick employees to the 4896
entrance of the mine. The operator shall provide for the 4897
services of at least one emergency medical service organization 4898
to be available on call to reach the entrance of the underground 4899
coal mine within thirty minutes at any time that employees are 4900
engaged in the extraction, production, or preparation of coal in 4901
order to provide emergency medical services and transportation 4902
to a hospital. 4903

The operator shall make available to mine medical 4904
responders, EMTs-basic, and EMTs-I all of the equipment for 4905
first aid and emergency medical services that is necessary for 4906
those personnel to function and to comply with the regulations 4907
pertaining to first aid and emergency medical services that are 4908

adopted under the "Federal Mine Safety and Health Act of 1977," 4909
91 Stat. 1290, 30 U.S.C.A. 801, and amendments to it. The 4910
operator of the underground coal mine shall install telephone 4911
service or equivalent facilities that enable two-way voice 4912
communication between the mine medical responders, EMTs-basic, 4913
or EMTs-I in the mine and the emergency medical service 4914
organization outside the mine that provides emergency medical 4915
services on a regular basis. 4916

(C) The operator of a surface coal mine shall provide at 4917
least one first aid provider on duty at the mine whenever 4918
employees at the mine are actively engaged in the extraction, 4919
production, or preparation of coal. The operator shall provide 4920
first aid providers on duty at the surface coal mine at times 4921
and in numbers sufficient to ensure that no miner works in a 4922
mine location that cannot be reached within a reasonable time by 4923
a first aid provider. First aid providers shall be employed on 4924
their regular coal mining duties at locations convenient for 4925
quick response to emergencies in order to provide emergency 4926
medical services and transportation of injured or sick employees 4927
to the entrance of the surface coal mine. The operator shall 4928
provide for the services of at least one emergency medical 4929
service organization to be available on call to reach the 4930
entrance of the surface coal mine within thirty minutes at any 4931
time that employees are engaged in the extraction, production, 4932
or preparation of coal in order to provide emergency medical 4933
services and transportation to a hospital. 4934

The operator shall provide at the mine site all of the 4935
equipment for first aid and emergency medical services that is 4936
necessary for those personnel to function and to comply with the 4937
regulations pertaining to first aid and emergency medical 4938
services that are adopted under the "Federal Mine Safety and 4939

Health Act of 1977," 91 Stat. 1290, 30 U.S.C.A. 801, and 4940
amendments to it. 4941

(D) (1) An employee at a surface coal mine shall be 4942
considered to be a first aid provider for the purposes of this 4943
section if the employee has received from an instructor approved 4944
by the chief of the division of mineral resources management ten 4945
hours of initial first aid training as a selected supervisory 4946
employee under 30 C.F.R. 77.1703 and receives five hours of 4947
refresher first aid training as a selected supervisory employee 4948
under 30 C.F.R. 77.1705 in each subsequent calendar year. 4949

(2) Each miner employed at a surface coal mine who is not 4950
a first aid provider shall receive from an instructor approved 4951
by the chief three hours of initial first aid training and two 4952
hours of refresher first aid training in each subsequent 4953
calendar year. 4954

(3) The training received in accordance with division (D) 4955
of this section shall consist of a course of instruction 4956
established in the manual issued by the mine safety and health 4957
administration in the United States department of labor entitled 4958
"first aid, a bureau of mines instruction manual" or its 4959
successor or any other curriculum approved by the chief. The 4960
training shall be included in the hours of instruction provided 4961
to miners in accordance with training requirements established 4962
under 30 C.F.R. part 48, subpart (B), as amended, and 30 C.F.R. 4963
part 77, as amended. 4964

~~(E) The~~ (1) Except as provided in division (E) (2) of this 4965
section, the chief, in consultation with persons certified under 4966
Chapter 4765. of the Revised Code to teach in an emergency 4967
medical services training program, shall adopt rules in 4968
accordance with Chapter 119. of the Revised Code that do all of 4969

the following: 4970

~~(1)~~ (a) Prescribe training requirements for a mine medical responder that specifically focus on treating injuries and illnesses associated with underground coal mining; 4971
4972
4973

~~(2)~~ (b) Prescribe an examination for a mine medical responder; 4974
4975

~~(3)~~ (c) Prescribe continuing training requirements for a mine medical responder; 4976
4977

~~(4)~~ (d) Establish the fee for examination for a mine medical responder; 4978
4979

~~(5)~~ (e) Prescribe any other requirements, criteria, and procedures that the chief determines are necessary regarding the training, examination, and continuing training of mine medical responders. 4980
4981
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~~If a person qualifies as a mine medical responder or similar classification in another state, the person may provide emergency medical services as a mine medical responder in this state without completing the training or passing the examination that is required in rules adopted under this division, provided that the chief determines that the person's qualifications from the other state satisfy all of the applicable requirements that are established in rules adopted under this division.~~ 4984
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(2) The chief shall issue a mine medical responder certificate in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 4992
4993
4994

(a) The applicant holds a certificate in another state. 4995

(b) The applicant has satisfactory work experience, a government certification, or a private certification as 4996
4997

described in that chapter as a mine medical responder in a state 4998
that does not issue that certificate. 4999

(F) Each operator of a surface coal mine shall establish, 5000
keep current, and make available for inspection an emergency 5001
medical plan that includes the telephone numbers of the division 5002
of mineral resources management and of an emergency medical 5003
services organization the services of which are required to be 5004
retained under division (C) of this section. The chief shall 5005
adopt rules in accordance with Chapter 119. of the Revised Code 5006
that establish any additional information required to be 5007
included in an emergency medical plan. 5008

(G) Each operator of an underground coal mine or surface 5009
coal mine shall provide or contract to obtain emergency medical 5010
services training or first aid training, as applicable, at the 5011
operator's expense, that is sufficient to train and maintain the 5012
certification of the number of employees necessary to comply 5013
with division (B) of this section and that is sufficient to 5014
train employees as required under division (D) of this section 5015
and to comply with division (C) of this section. 5016

(H) The division may provide emergency medical services 5017
training for coal mine employees by operating an emergency 5018
medical services training program accredited under section 5019
4765.17 of the Revised Code or by contracting with the operator 5020
of an emergency medical services training program accredited 5021
under that section to provide that training. The division may 5022
charge coal mine operators a uniform part of the unit cost per 5023
trainee. 5024

(I) No coal mine operator shall violate or fail to comply 5025
with this section. 5026

Sec. 1707.15. (A) Application for a dealer's license shall 5027
be made in accordance with this section and by filing with the 5028
division of securities the information, materials, and forms 5029
specified in rules adopted by the division, along with all of 5030
the following information: 5031

(1) The name and address of the applicant; 5032

(2) The location and addresses of the principal office and 5033
all other offices of the applicant; 5034

(3) A general description of the business of the applicant 5035
done prior to the application, including a list of states in 5036
which the applicant is a licensed dealer. 5037

(B) (1) The division may investigate any applicant for a 5038
license, and may require such additional information as it deems 5039
necessary to determine the applicant's business repute and 5040
qualifications to act as a dealer in securities. 5041

(2) If the application for any license involves 5042
investigation outside of this state, the applicant may be 5043
required by the division to advance sufficient funds to pay any 5044
of the actual expenses of such examination. An itemized 5045
statement of any such expenses which the applicant is required 5046
to pay shall be furnished the applicant by the division. 5047

(C) The division shall by rule require one natural person 5048
who is a principal, officer, director, general partner, manager, 5049
or employee of a dealer to pass an examination designated by the 5050
division. Each dealer that is not a natural person shall notify 5051
the division of the name and relationship to the dealer of the 5052
natural person who has passed the examination on behalf of the 5053
dealer and who will serve as the designated principal on behalf 5054
of the dealer. 5055

(D) Dealers shall employ as salespersons only those salespersons who are licensed under this chapter. If at any time a salesperson resigns or is discharged or a new salesperson is added, the dealer shall promptly notify the division.

~~(E) If (1) Except as provided in division (E) (2) of this section, if~~ the division finds that the applicant is of good business repute, appears qualified to act as a dealer in securities, and has fully complied with this chapter and rules adopted under this chapter by the division, the division, upon payment of the fees prescribed by division (B) of section 1707.17 of the Revised Code, shall issue to the applicant a license authorizing the applicant to act as a dealer.

(2) The division shall issue a license to act as a dealer in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(a) The applicant holds a license in another state;

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

Sec. 1707.151. (A) Application for an investment adviser's license shall be made in accordance with this section and by filing with the division of securities the information, materials, and forms specified in rules adopted by the division.

(B) (1) The division may investigate any applicant for a license and may require any additional information as it considers necessary to determine the applicant's business repute and qualifications to act as an investment adviser.

(2) If the application for any license involves

investigation outside of this state, the applicant may be 5085
required by the division to advance sufficient funds to pay any 5086
of the actual expenses of the examination. The division shall 5087
furnish the applicant with an itemized statement of such 5088
expenses that the applicant is required to pay. 5089

(C) The division shall by rule require a natural person 5090
who is an applicant for an investment adviser's license to pass 5091
an examination designated by the division or achieve a specified 5092
professional designation. 5093

(D) An investment adviser licensed under section 1707.141 5094
of the Revised Code shall employ only investment adviser 5095
representatives licensed, or exempted from licensure, under 5096
section 1707.161 of the Revised Code. 5097

~~(E) If (1) Except as provided in division (E) (2) of this~~ 5098
~~section, if~~ the division finds that the applicant is of good 5099
business repute, appears to be qualified to act as an investment 5100
adviser, and has complied with this chapter and rules adopted 5101
under this chapter by the division, the division, upon payment 5102
of the fees prescribed by division (B) of section 1707.17 of the 5103
Revised Code, shall issue to the applicant a license authorizing 5104
the applicant to act as an investment adviser. 5105

(2) The division shall issue a license to act as an 5106
investment adviser in accordance with Chapter 4796. of the 5107
Revised Code to an applicant if either of the following applies: 5108

(a) The applicant holds a license in another state. 5109

(b) The applicant has satisfactory work experience, a 5110
government certification, or a private certification as 5111
described in that chapter as an investment adviser in a state 5112
that does not issue that license. 5113

Sec. 1707.16. (A) Every salesperson of securities must be 5114
licensed by the division of securities and shall be employed, 5115
authorized, or appointed only by the licensed dealer specified 5116
in the salesperson's license. If the relationship between the 5117
salesperson and the dealer is severed, the salesperson's license 5118
shall be void. 5119

(B) Application for a salesperson's license shall be made 5120
in accordance with this section and by filing with the division 5121
the information, materials, and forms specified in rules adopted 5122
by the division, along with all of the following information: 5123

(1) The name and complete residence and business addresses 5124
of the applicant; 5125

(2) The name of the dealer who is employing the applicant 5126
or who intends to employ the applicant; 5127

(3) The applicant's age and education, and the applicant's 5128
experience in the sale of securities; whether the applicant has 5129
ever been licensed by the division, and if so, when; whether the 5130
applicant has ever been refused a license by the division; and 5131
whether the applicant has ever been licensed or refused a 5132
license or any similar permit by any division or commissioner of 5133
securities, whatsoever name known or designated, anywhere. 5134

(C) The division shall by rule require an applicant to 5135
pass an examination designated by the division. 5136

(D) ~~If (1) Except as provided in division (D) (2) of this~~ 5137
section, if the division finds that the applicant is of good 5138
business repute, appears to be qualified to act as a salesperson 5139
of securities, and has fully complied with this chapter, and 5140
that the dealer named in the application is a licensed dealer, 5141
the division shall, upon payment of the fees prescribed by 5142

section 1707.17 of the Revised Code, issue a license to the 5143
applicant authorizing the applicant to act as salesperson for 5144
the dealer named in the application. 5145

(2) The division shall issue a license to act as a 5146
salesperson of securities in accordance with Chapter 4796. of 5147
the Revised Code to an applicant if either of the following 5148
applies: 5149

(a) The applicant holds a license in another state. 5150

(b) The applicant has satisfactory work experience, a 5151
government certification, or a private certification as 5152
described in that chapter as a salesperson of securities in a 5153
state that does not issue that license. 5154

Sec. 1707.161. (A) No person shall act as an investment 5155
adviser representative, unless one of the following applies: 5156

(1) The person is licensed as an investment adviser 5157
representative by the division of securities. 5158

(2) The person is a natural person who is licensed as an 5159
investment adviser by the division, and does not act as an 5160
investment adviser representative for another investment 5161
adviser; however, a natural person who is licensed as an 5162
investment adviser by the division may act as an investment 5163
adviser representative for another investment adviser if the 5164
natural person also is licensed by the division, or is properly 5165
excepted from licensure, as an investment adviser representative 5166
of the other investment adviser. 5167

(3) The person is employed by or associated with an 5168
investment adviser registered under section 203 of the 5169
"Investment Advisers Act of 1940," 15 U.S.C. 80b-3, and does not 5170
have a place of business in this state. 5171

(4) The person is employed by or associated with an investment adviser that is excepted from licensure pursuant to division (A) (3), (4), (5), or (6) of section 1707.141 of the Revised Code or excepted from notice filing pursuant to division (B) (3) of section 1707.141 of the Revised Code.

(B) (1) No investment adviser representative required to be licensed under this section shall act as an investment adviser representative for more than two investment advisers. An investment adviser representative that acts as an investment adviser representative for two investment advisers shall do so only after the occurrence of both of the following:

(a) Being properly licensed, or properly excepted from licensure under this section, as an investment adviser representative for both investment advisers;

(b) Complying with the requirements set forth in rules adopted by the division regarding consent of both investment advisers and notice.

(2) Nothing in this section shall be construed to prohibit a natural person from being licensed by the division as both an investment adviser and an investment adviser representative.

(3) Nothing in this section shall be construed to prohibit a natural person from being licensed by the division as both a salesperson and an investment adviser representative.

(4) Nothing in this section shall be construed to prohibit a natural person from being licensed by the division as both a dealer and an investment adviser representative.

(C) An investment adviser representative's license issued under this section shall not be effective during any period when the investment adviser representative is not employed by or

associated with an investment adviser that is licensed by the 5201
division or that is in compliance with the notice filing 5202
requirements of division (B) of section 1707.141 of the Revised 5203
Code. Notice of the commencement and termination of the 5204
employment or association of an investment adviser 5205
representative licensed under this section shall be given to the 5206
division within thirty days after the commencement or 5207
termination by either of the following: 5208

(1) The investment adviser, in the case of an investment 5209
adviser representative licensed under this section and employed 5210
by or associated with, or formerly employed by or associated 5211
with, an investment adviser licensed under section 1707.141 of 5212
the Revised Code; 5213

(2) The investment adviser representative, in the case of 5214
an investment adviser representative licensed under this section 5215
and employed by or associated with, or formerly employed by or 5216
associated with, an investment adviser that is subject to the 5217
notice filings requirements of division (B) of section 1707.141 5218
of the Revised Code. 5219

(D) (1) Application for an investment adviser 5220
representative license shall be made in accordance with this 5221
section and by filing with the division the information, 5222
materials, and forms specified in rules adopted by the division. 5223

(2) The division shall by rule require an applicant to 5224
pass an examination designated by the division or achieve a 5225
specified professional designation. 5226

(3) Prior to issuing the investment adviser representative 5227
license, the division may require the applicant to reimburse the 5228
division for the actual expenses incurred in investigating the 5229

applicant. An itemized statement of any such expenses that the 5230
applicant is required to pay shall be furnished to the applicant 5231
by the division. 5232

(E) If (1) Except as provided in division (E) (2) of this 5233
section, if the division finds that the applicant is of good 5234
business repute, appears to be qualified to act as an investment 5235
adviser representative, and has complied with sections 1707.01 5236
to 1707.50 of the Revised Code and the rules adopted under those 5237
sections by the division, the division, upon payment of the fees 5238
prescribed by division (B) of section 1707.17 of the Revised 5239
Code, shall issue to the applicant a license authorizing the 5240
applicant to act as an investment adviser representative for the 5241
investment adviser, or investment advisers that are under common 5242
ownership or control, named in the application. 5243

(2) The division shall issue a license to act as an 5244
investment adviser representative in accordance with Chapter 5245
4796. of the Revised Code to an applicant if either of the 5246
following applies: 5247

(a) The applicant holds a license in another state. 5248

(b) The applicant has satisfactory work experience, a 5249
government certification, or a private certification as 5250
described in that chapter as an investment adviser 5251
representative in a state that does not issue that license. 5252

Sec. 1707.163. (A) Application for a state retirement 5253
system investment officer's license shall be made in accordance 5254
with this section by filing with the division of securities the 5255
information, materials, and forms specified in rules adopted by 5256
the division. 5257

(B) (1) The division may investigate any applicant for a 5258

license and may require any additional information as it 5259
considers necessary to determine the applicant's business repute 5260
and qualifications to act as an investment officer. 5261

(2) If the application for a state retirement system 5262
investment officer's license involves investigation outside of 5263
this state, the applicant may be required by the division to 5264
advance sufficient funds to pay any of the actual expenses of 5265
the investigation. The division shall furnish the applicant with 5266
an itemized statement of the expenses the applicant is required 5267
to pay. 5268

(C) The division shall by rule require an applicant for a 5269
state retirement system investment officer's license to pass an 5270
examination designated by the division or achieve a specified 5271
professional designation unless the applicant meets both of the 5272
following requirements: 5273

(1) Acts as a state retirement system investment officer 5274
~~on the effective date of this section September 15, 2004;~~ 5275

(2) Has experience or equivalent education acceptable to 5276
the division. 5277

~~(D) If (1) Except as provided in division (D) (2) of this~~ 5278
~~section, if~~ the division finds that the applicant is of good 5279
business repute, appears to be qualified to act as a state 5280
retirement system investment officer, and has complied with this 5281
chapter and rules adopted under this chapter by the division, 5282
the division, on payment of the fees prescribed by division (B) 5283
of section 1707.17 of the Revised Code, shall issue to the 5284
applicant a license authorizing the applicant to act as a state 5285
retirement system investment officer. 5286

(2) The division shall issue a license authorizing an 5287

applicant to act as a state retirement system investment officer 5288
in accordance with Chapter 4796. of the Revised Code to an 5289
applicant if either of the following applies: 5290

(a) The applicant holds a license in another state. 5291

(b) The applicant has satisfactory work experience, a 5292
government certification, or a private certification as 5293
described in that chapter as a state retirement system 5294
investment officer in a state that does not issue that license. 5295

Sec. 1707.165. (A) Application for a bureau of workers' 5296
compensation chief investment officer's license shall be made in 5297
accordance with this section by filing with the division of 5298
securities the information, materials, and forms specified in 5299
rules adopted by the division. 5300

(B) The division may investigate any applicant for a 5301
license and may require any additional information as it 5302
considers necessary to determine the applicant's business repute 5303
and qualifications to act as a chief investment officer. If the 5304
application for a bureau of workers' compensation chief 5305
investment officer's license involves investigation outside of 5306
this state, the applicant may be required by the division to 5307
advance sufficient funds to pay any of the actual expenses of 5308
the investigation. The division shall furnish the applicant with 5309
an itemized statement of the expenses the applicant is required 5310
to pay. 5311

(C) The division shall by rule require an applicant for a 5312
bureau of workers' compensation chief investment officer's 5313
license to pass an examination designated by the division or 5314
achieve a specified professional designation unless the 5315
applicant meets both of the following requirements: 5316

(1) Acts as a bureau of workers' compensation chief investment officer on ~~the effective date of this section~~ September 29, 2005;

(2) Has experience or education acceptable to the division.

~~(D) If (1) Except as provided in division (D) (2) of this section, if~~ the division finds that the applicant is of good business repute, appears to be qualified to act as a bureau of workers' compensation chief investment officer, and has complied with this chapter and rules adopted by the division under this chapter, the division, upon receipt of the fees prescribed by division (B) of section 1707.17 of the Revised Code, shall issue to the applicant a license authorizing the applicant to act as a bureau of workers' compensation chief investment officer.

(2) The division shall issue a license to act as a bureau of workers' compensation chief investment officer in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

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

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a bureau of workers' compensation chief investment officer in a state that does not issue that license.

Sec. 1717.06. (A) A county humane society organized under section 1717.05 of the Revised Code may appoint humane society agents for the purpose of prosecuting any person guilty of an act of cruelty to animals. Such agents may arrest any person found violating this chapter or any other law for protecting

animals or preventing acts of cruelty thereto. Upon making an 5346
arrest, the humane society agent shall convey the person 5347
arrested before a court or magistrate having jurisdiction of the 5348
offense, and there make complaint against the person on oath or 5349
affirmation of the offense. 5350

(B) A humane society agent that was appointed prior to ~~the~~ 5351
~~effective date of this amendment~~ March 31, 2021, by a branch of 5352
the Ohio humane society is considered to be a humane society 5353
agent appointed under this section for purposes of this chapter 5354
and any other laws regarding humane society agents. 5355

(C) (1) The appointment of an agent under this section is 5356
subject to the requirements of section 1717.061 of the Revised 5357
Code, and is not final until the appointment has been approved 5358
under division (C) (2) of this section. 5359

(2) The appointment of an agent under this section does 5360
not take effect unless it has been approved by the mayor of the 5361
municipal corporation for which it is made. If the society 5362
operates outside a municipal corporation, the appointment does 5363
not take effect until it has been approved by the probate judge 5364
of the county for which it is made. The mayor or probate judge 5365
shall keep a record of the appointments and shall maintain as a 5366
public record a copy of the proof of successful completion of 5367
training for each humane society agent acting within the 5368
approving authority's jurisdiction. 5369

(D) The approving authority shall notify the appropriate 5370
county sheriff and the board of county commissioners when the 5371
appointment of a humane society agent has been approved and, not 5372
later than two business days after the appointment has been 5373
approved, shall file a copy of the proof of successful 5374
completion of training with the sheriff. The county sheriff 5375

shall maintain as a public record a copy of the proof for each humane society agent that is operating in the county.

(E) A humane society shall notify the county sheriff and the approving authority when all approved humane society agents have ceased to perform the duties of the appointment and there are no humane society agents operating in the county.

(F) A humane society agent only has the specific authority granted to the agent under the Revised Code.

(G) The Ohio peace officer training commission shall issue a certificate of completion of the training program required for appointment as a humane society agent under this section in accordance with Chapter 4796. of the Revised Code to an individual if either of the following applies:

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

(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as a humane society agent in a state that does not require a certificate of completion of such a program.

Sec. 3101.10. A minister upon producing to the secretary of state, credentials of the minister's being a regularly ordained or licensed minister of any religious society or congregation, shall be entitled to receive from the secretary of state a license authorizing the minister to solemnize marriages in this state so long as the minister continues as a regular minister in that society or congregation. A minister shall produce for inspection the minister's license to solemnize marriages upon demand of any party to a marriage at which the

minister officiates or proposes to officiate or upon demand of 5405
any probate judge. The secretary of state shall issue a license 5406
to solemnize marriages in this state in accordance with Chapter 5407
4796. of the Revised Code to a minister if either of the 5408
following applies: 5409

(A) The minister holds a license in another state. 5410

(B) The minister has satisfactory work experience, a 5411
government certification, or a private certification as 5412
described in that chapter as a minister who solemnizes marriages 5413
in a state that does not issue a license to solemnize marriages. 5414

Sec. 3301.071. (A) (1) In-Except as provided in division 5415
(E) of this section, in the case of nontax-supported schools, 5416
standards for teacher certification prescribed under section 5417
3301.07 of the Revised Code shall provide for certification, 5418
without further educational requirements, of any administrator, 5419
supervisor, or teacher who has attended and received a 5420
bachelor's degree from a college or university accredited by a 5421
national or regional association in the United States except 5422
that, at the discretion of the state board of education, this 5423
requirement may be met by having an equivalent degree from a 5424
foreign college or university of comparable standing. 5425

(2) In-Except as provided in division (E) of this section, 5426
in the case of nonchartered, nontax-supported schools, the 5427
standards for teacher certification prescribed under section 5428
3301.07 of the Revised Code shall provide for certification, 5429
without further educational requirements, of any administrator, 5430
supervisor, or teacher who has attended and received a diploma 5431
from a "bible college" or "bible institute" described in 5432
division (E) of section 1713.02 of the Revised Code. 5433

(3) A certificate issued under division (A) (3) of this section shall be valid only for teaching foreign language, music, religion, computer technology, or fine arts.

Notwithstanding division (A) (1) of this section and except as provided in division (E) of this section, the standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification of a person as a teacher upon receipt by the state board of an affidavit signed by the chief administrative officer of a chartered nonpublic school seeking to employ the person, stating that the person meets one of the following conditions:

(a) The person has specialized knowledge, skills, or expertise that qualifies the person to provide instruction.

(b) The person has provided to the chief administrative officer evidence of at least three years of teaching experience in a public or nonpublic school.

(c) The person has provided to the chief administrative officer evidence of completion of a teacher training program named in the affidavit.

(B) Each person applying for a certificate under this section for purposes of serving in a nonpublic school chartered by the state board under section 3301.16 of the Revised Code shall pay a fee in the amount established under division (A) of section 3319.51 of the Revised Code. Any fees received under this division shall be paid into the state treasury to the credit of the state board of education certification fund established under division (B) of section 3319.51 of the Revised Code.

(C) A person applying for or holding any certificate

pursuant to this section for purposes of serving in a nonpublic school chartered by the state board is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code.

(D) Divisions (B) and (C) of this section and sections 3319.291, 3319.31, and 3319.311 of the Revised Code do not apply to any administrators, supervisors, or teachers in nonchartered, nontax-supported schools.

(E) The state board shall issue a certificate to serve in a nonpublic school as an administrator, supervisor, or teacher in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a certificate in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a nonpublic school administrator, supervisor, or teacher in a state that does not issue one or more of those certificates.

Sec. 3301.074. (A) ~~The~~ Except as provided in division (E) of this section, the state board of education shall, by rule adopted in accordance with Chapter 119. of the Revised Code, establish standards for licensing school district treasurers and business managers, for the renewal of such licenses, and for the issuance of duplicate copies of licenses. Licenses of the following types shall be issued or renewed by the board to applicants who meet the standards for the license or the renewal of the license for which application is made:

(1) Treasurer, valid for serving as treasurer of a school

district in accordance with section 3313.22 of the Revised Code;	5492
(2) Business manager, valid for serving as business	5493
manager of a school district in accordance with section 3319.03	5494
of the Revised Code.	5495
(B) Each application for a license or renewal or duplicate	5496
copy of a license shall be accompanied by the payment of a fee	5497
in the amount established under division (A) of section 3319.51	5498
of the Revised Code. Any fees received under this section shall	5499
be paid into the state treasury to the credit of the state board	5500
of education licensure fund established under division (B) of	5501
section 3319.51 of the Revised Code.	5502
(C) Any person employed under section 3313.22 of the	5503
Revised Code as a treasurer on July 1, 1983, shall be considered	5504
to meet the standards for licensure as a treasurer and for	5505
renewal of such license. Any person employed under section	5506
3319.03 of the Revised Code as a business manager on July 1,	5507
1983, shall be considered to meet the standards for licensure as	5508
a business manager and for renewal of such license.	5509
(D) Any person applying for or holding any license	5510
pursuant to this section is subject to sections 3123.41 to	5511
3123.50 of the Revised Code and any applicable rules adopted	5512
under section 3123.63 of the Revised Code and sections 3319.31	5513
and 3319.311 of the Revised Code.	5514
<u>(E) The state board shall issue a license to act as a</u>	5515
<u>school district treasurer or business manager in accordance with</u>	5516
<u>Chapter 4796. of the Revised Code to an applicant if either of</u>	5517
<u>the following applies:</u>	5518
<u>(1) The applicant holds a license in another state.</u>	5519
<u>(2) The applicant has satisfactory work experience, a</u>	5520

government certification, or a private certification as 5521
described in that chapter as a school district treasurer or 5522
business manager in a state that does not issue one of those 5523
licenses or both. 5524

Sec. 3319.088. As used in this section, "educational 5525
assistant" means any nonteaching employee in a school district 5526
who directly assists a teacher as defined in section 3319.09 of 5527
the Revised Code, by performing duties for which a license 5528
issued pursuant to sections 3319.22 to 3319.30 of the Revised 5529
Code is not required. 5530

(A) ~~The~~ Except as provided in division (G) of this 5531
section, the state board of education shall issue educational 5532
aide permits and educational paraprofessional licenses for 5533
educational assistants and shall adopt rules for the issuance 5534
and renewal of such permits and licenses which shall be 5535
consistent with the provisions of this section. Educational aide 5536
permits and educational paraprofessional licenses may be of 5537
several types and the rules shall prescribe the minimum 5538
qualifications of education and health for the service to be 5539
authorized under each type. The prescribed minimum 5540
qualifications may require special training or educational 5541
courses designed to qualify a person to perform effectively the 5542
duties authorized under an educational aide permit or 5543
educational paraprofessional license. 5544

(B) (1) ~~Any~~ Except as provided in division (G) of this 5545
section, any application for a permit or license, or a renewal 5546
or duplicate of a permit or license, under this section shall be 5547
accompanied by the payment of a fee in the amount established 5548
under division (A) of section 3319.51 of the Revised Code. Any 5549
fees received under this division shall be paid into the state 5550

treasury to the credit of the state board of education licensure 5551
fund established under division (B) of section 3319.51 of the 5552
Revised Code. 5553

(2) Any person applying for or holding a permit or license 5554
pursuant to this section is subject to sections 3123.41 to 5555
3123.50 of the Revised Code and any applicable rules adopted 5556
under section 3123.63 of the Revised Code and sections 3319.31 5557
and 3319.311 of the Revised Code. 5558

(C) Educational assistants shall at all times while in the 5559
performance of their duties be under the supervision and 5560
direction of a teacher as defined in section 3319.09 of the 5561
Revised Code. Educational assistants may assist a teacher to 5562
whom assigned in the supervision of pupils, in assisting with 5563
instructional tasks, and in the performance of duties which, in 5564
the judgment of the teacher to whom the assistant is assigned, 5565
may be performed by a person not licensed pursuant to sections 5566
3319.22 to 3319.30 of the Revised Code and for which a teaching 5567
license, issued pursuant to sections 3319.22 to 3319.30 of the 5568
Revised Code is not required. The duties of an educational 5569
assistant shall not include the assignment of grades to pupils. 5570
The duties of an educational assistant need not be performed in 5571
the physical presence of the teacher to whom assigned, but the 5572
activity of an educational assistant shall at all times be under 5573
the direction of the teacher to whom assigned. The assignment of 5574
an educational assistant need not be limited to assisting a 5575
single teacher. In the event an educational assistant is 5576
assigned to assist more than one teacher the assignments shall 5577
be clearly delineated and so arranged that the educational 5578
assistant shall never be subject to simultaneous supervision or 5579
direction by more than one teacher. 5580

Educational assistants assigned to supervise children 5581
shall, when the teacher to whom assigned is not physically 5582
present, maintain the degree of control and discipline that 5583
would be maintained by the teacher. 5584

Educational assistants may not be used in place of 5585
classroom teachers or other employees and any payment of 5586
compensation by boards of education to educational assistants 5587
for such services is prohibited. The ratio between the number of 5588
licensed teachers and the pupils in a school district may not be 5589
decreased by utilization of educational assistants and no 5590
grouping, or other organization of pupils, for utilization of 5591
educational assistants shall be established which is 5592
inconsistent with sound educational practices and procedures. A 5593
school district may employ up to one full time equivalent 5594
educational assistant for each six full time equivalent licensed 5595
employees of the district. Educational assistants shall not be 5596
counted as licensed employees for purposes of state support in 5597
the school foundation program and no grouping or regrouping of 5598
pupils with educational assistants may be counted as a class or 5599
unit for school foundation program purposes. Neither special 5600
courses required by the regulations of the state board of 5601
education, prescribing minimum qualifications of education for 5602
an educational assistant, nor years of service as an educational 5603
assistant shall be counted in any way toward qualifying for a 5604
teacher license, for a teacher contract of any type, or for 5605
determining placement on a salary schedule in a school district 5606
as a teacher. 5607

(D) Educational assistants employed by a board of 5608
education shall have all rights, benefits, and legal protection 5609
available to other nonteaching employees in the school district, 5610
except that provisions of Chapter 124. of the Revised Code shall 5611

not apply to any person employed as an educational assistant, 5612
and shall be members of the school employees retirement system. 5613
Educational assistants shall be compensated according to a 5614
salary plan adopted annually by the board. 5615

Except as provided in this section nonteaching employees 5616
shall not serve as educational assistants without first 5617
obtaining an appropriate educational aide permit or educational 5618
paraprofessional license from the state board of education. A 5619
nonteaching employee who is the holder of a valid educational 5620
aide permit or educational paraprofessional license shall 5621
neither render nor be required to render services inconsistent 5622
with the type of services authorized by the permit or license 5623
held. No person shall receive compensation from a board of 5624
education for services rendered as an educational assistant in 5625
violation of this provision. 5626

Nonteaching employees whose functions are solely 5627
secretarial-clerical and who do not perform any other duties as 5628
educational assistants, even though they assist a teacher and 5629
work under the direction of a teacher shall not be required to 5630
hold a permit or license issued pursuant to this section. 5631
Students preparing to become licensed teachers or educational 5632
assistants shall not be required to hold an educational aide 5633
permit or paraprofessional license for such periods of time as 5634
such students are assigned, as part of their training program, 5635
to work with a teacher in a school district. Such students shall 5636
not be compensated for such services. 5637

Following the determination of the assignment and general 5638
job description of an educational assistant and subject to 5639
supervision by the teacher's immediate administrative officer, a 5640
teacher to whom an educational assistant is assigned shall make 5641

all final determinations of the duties to be assigned to such 5642
assistant. Teachers shall not be required to hold a license 5643
designated for being a supervisor or administrator in order to 5644
perform the necessary supervision of educational assistants. 5645

(E) No person who is, or who has been employed as an 5646
educational assistant shall divulge, except to the teacher to 5647
whom assigned, or the administrator of the school in the absence 5648
of the teacher to whom assigned, or when required to testify in 5649
a court or proceedings, any personal information concerning any 5650
pupil in the school district which was obtained or obtainable by 5651
the educational assistant while so employed. Violation of this 5652
provision is grounds for disciplinary action or dismissal, or 5653
both. 5654

(F) Notwithstanding anything to the contrary in this 5655
section, the superintendent of a school district may allow an 5656
employee who does not hold a permit or license issued under this 5657
section to work as a substitute for an educational assistant who 5658
is absent on account of illness or on a leave of absence, or to 5659
fill a temporary position created by an emergency, provided that 5660
the superintendent believes the employee's application materials 5661
indicate that the employee is qualified to obtain a permit or 5662
license under this section. 5663

An employee shall begin work as a substitute under this 5664
division not earlier than on the date on which the employee 5665
files an application with the state board for a permit or 5666
license under this section. An employee shall cease working as a 5667
substitute under this division on the earliest of the following: 5668

(1) The date on which the employee files a valid permit or 5669
license issued under this section with the superintendent; 5670

(2) The date on which the employee is denied a permit or license under this section; 5671
5672

(3) Sixty days following the date on which the employee began work as a substitute under this division. 5673
5674

The superintendent shall ensure that an employee assigned to work as a substitute under division (F) of this section has undergone a criminal records check in accordance with section 3319.391 of the Revised Code. 5675
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5678

(G) The state board shall issue an educational aide permit or educational paraprofessional license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 5679
5680
5681
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(1) The applicant holds a permit or license in another state. 5683
5684

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an educational aide or educational paraprofessional in a state that does not issue that permit or license or both. 5685
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Sec. 3319.22. (A) (1) The state board of education shall issue the following educator licenses: 5690
5691

(a) A resident educator license, which shall be valid for four years and shall be renewable for reasons specified by rules adopted by the state board pursuant to division (A) (3) of this section. The state board, on a case-by-case basis, may extend the license's duration as necessary to enable the license holder to complete the Ohio teacher residency program established under section 3319.223 of the Revised Code; 5692
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(b) A professional educator license, which shall be valid 5699
for five years and shall be renewable; 5700

(c) A senior professional educator license, which shall be 5701
valid for five years and shall be renewable; 5702

(d) A lead professional educator license, which shall be 5703
valid for five years and shall be renewable. 5704

Licenses issued under division (A) (1) of this section on 5705
and after ~~the effective date of this amendment~~ November 2, 2018, 5706
shall specify whether the educator is licensed to teach grades 5707
pre-kindergarten through five, grades four through nine, or 5708
grades seven through twelve. The changes to the grade band 5709
specifications under this amendment shall not apply to a person 5710
who holds a license under division (A) (1) of this section prior 5711
to ~~the effective date of this amendment~~ November 2, 2018. 5712
Further, the changes to the grade band specifications under this 5713
amendment shall not apply to any license issued to teach in the 5714
area of computer information science, bilingual education, 5715
dance, drama or theater, world language, health, library or 5716
media, music, physical education, teaching English to speakers 5717
of other languages, career-technical education, or visual arts 5718
or to any license issued to an intervention specialist, 5719
including a gifted intervention specialist, or to any other 5720
license that does not align to the grade band specifications. 5721

(2) The state board may issue any additional educator 5722
licenses of categories, types, and levels the board elects to 5723
provide. 5724

(3) ~~The~~ Except as provided in division (I) of this 5725
section, the state board shall adopt rules establishing the 5726
standards and requirements for obtaining each educator license 5727

issued under this section. The rules shall also include the 5728
reasons for which a resident educator license may be renewed 5729
under division (A) (1) (a) of this section. 5730

(B) ~~The~~ Except as provided in division (I) of this 5731
section, the rules adopted under this section shall require at 5732
least the following standards and qualifications for the 5733
educator licenses described in division (A) (1) of this section: 5734

(1) An applicant for a resident educator license shall 5735
hold at least a bachelor's degree from an accredited teacher 5736
preparation program or be a participant in the teach for America 5737
program and meet the qualifications required under section 5738
3319.227 of the Revised Code. 5739

(2) An applicant for a professional educator license 5740
shall: 5741

(a) Hold at least a bachelor's degree from an institution 5742
of higher education accredited by a regional accrediting 5743
organization; 5744

(b) Have successfully completed the Ohio teacher residency 5745
program established under section 3319.223 of the Revised Code, 5746
if the applicant's current or most recently issued license is a 5747
resident educator license issued under this section or an 5748
alternative resident educator license issued under section 5749
3319.26 of the Revised Code. 5750

(3) An applicant for a senior professional educator 5751
license shall: 5752

(a) Hold at least a master's degree from an institution of 5753
higher education accredited by a regional accrediting 5754
organization; 5755

(b) Have previously held a professional educator license 5756
issued under this section or section 3319.222 or under former 5757
section 3319.22 of the Revised Code; 5758

(c) Meet the criteria for the accomplished or 5759
distinguished level of performance, as described in the 5760
standards for teachers adopted by the state board under section 5761
3319.61 of the Revised Code. 5762

(4) An applicant for a lead professional educator license 5763
shall: 5764

(a) Hold at least a master's degree from an institution of 5765
higher education accredited by a regional accrediting 5766
organization; 5767

(b) Have previously held a professional educator license 5768
or a senior professional educator license issued under this 5769
section or a professional educator license issued under section 5770
3319.222 or former section 3319.22 of the Revised Code; 5771

(c) Meet the criteria for the distinguished level of 5772
performance, as described in the standards for teachers adopted 5773
by the state board under section 3319.61 of the Revised Code; 5774

(d) Either hold a valid certificate issued by the national 5775
board for professional teaching standards or meet the criteria 5776
for a master teacher or other criteria for a lead teacher 5777
adopted by the educator standards board under division (F) (4) or 5778
(5) of section 3319.61 of the Revised Code. 5779

(C) The state board shall align the standards and 5780
qualifications for obtaining a principal license with the 5781
standards for principals adopted by the state board under 5782
section 3319.61 of the Revised Code. 5783

(D) If the state board requires any examinations for 5784
educator licensure, the department of education shall provide 5785
the results of such examinations received by the department to 5786
the chancellor of higher education, in the manner and to the 5787
extent permitted by state and federal law. 5788

(E) Any rules the state board of education adopts, amends, 5789
or rescinds for educator licenses under this section, division 5790
(D) of section 3301.07 of the Revised Code, or any other law 5791
shall be adopted, amended, or rescinded under Chapter 119. of 5792
the Revised Code except as follows: 5793

(1) Notwithstanding division (E) of section 119.03 and 5794
division (A)(1) of section 119.04 of the Revised Code, in the 5795
case of the adoption of any rule or the amendment or rescission 5796
of any rule that necessitates institutions' offering preparation 5797
programs for educators and other school personnel that are 5798
approved by the chancellor of higher education under section 5799
3333.048 of the Revised Code to revise the curriculum of those 5800
programs, the effective date shall not be as prescribed in 5801
division (E) of section 119.03 and division (A)(1) of section 5802
119.04 of the Revised Code. Instead, the effective date of such 5803
rules, or the amendment or rescission of such rules, shall be 5804
the date prescribed by section 3333.048 of the Revised Code. 5805

(2) Notwithstanding the authority to adopt, amend, or 5806
rescind emergency rules in division (G) of section 119.03 of the 5807
Revised Code, this authority shall not apply to the state board 5808
of education with regard to rules for educator licenses. 5809

(F)(1) The rules adopted under this section establishing 5810
standards requiring additional coursework for the renewal of any 5811
educator license shall require a school district and a chartered 5812
nonpublic school to establish local professional development 5813

committees. In a nonpublic school, the chief administrative 5814
officer shall establish the committees in any manner acceptable 5815
to such officer. The committees established under this division 5816
shall determine whether coursework that a district or chartered 5817
nonpublic school teacher proposes to complete meets the 5818
requirement of the rules. The department of education shall 5819
provide technical assistance and support to committees as the 5820
committees incorporate the professional development standards 5821
adopted by the state board of education pursuant to section 5822
3319.61 of the Revised Code into their review of coursework that 5823
is appropriate for license renewal. The rules shall establish a 5824
procedure by which a teacher may appeal the decision of a local 5825
professional development committee. 5826

(2) In any school district in which there is no exclusive 5827
representative established under Chapter 4117. of the Revised 5828
Code, the professional development committees shall be 5829
established as described in division (F) (2) of this section. 5830

Not later than the effective date of the rules adopted 5831
under this section, the board of education of each school 5832
district shall establish the structure for one or more local 5833
professional development committees to be operated by such 5834
school district. The committee structure so established by a 5835
district board shall remain in effect unless within thirty days 5836
prior to an anniversary of the date upon which the current 5837
committee structure was established, the board provides notice 5838
to all affected district employees that the committee structure 5839
is to be modified. Professional development committees may have 5840
a district-level or building-level scope of operations, and may 5841
be established with regard to particular grade or age levels for 5842
which an educator license is designated. 5843

Each professional development committee shall consist of 5844
at least three classroom teachers employed by the district, one 5845
principal employed by the district, and one other employee of 5846
the district appointed by the district superintendent. For 5847
committees with a building-level scope, the teacher and 5848
principal members shall be assigned to that building, and the 5849
teacher members shall be elected by majority vote of the 5850
classroom teachers assigned to that building. For committees 5851
with a district-level scope, the teacher members shall be 5852
elected by majority vote of the classroom teachers of the 5853
district, and the principal member shall be elected by a 5854
majority vote of the principals of the district, unless there 5855
are two or fewer principals employed by the district, in which 5856
case the one or two principals employed shall serve on the 5857
committee. If a committee has a particular grade or age level 5858
scope, the teacher members shall be licensed to teach such grade 5859
or age levels, and shall be elected by majority vote of the 5860
classroom teachers holding such a license and the principal 5861
shall be elected by all principals serving in buildings where 5862
any such teachers serve. The district superintendent shall 5863
appoint a replacement to fill any vacancy that occurs on a 5864
professional development committee, except in the case of 5865
vacancies among the elected classroom teacher members, which 5866
shall be filled by vote of the remaining members of the 5867
committee so selected. 5868

Terms of office on professional development committees 5869
shall be prescribed by the district board establishing the 5870
committees. The conduct of elections for members of professional 5871
development committees shall be prescribed by the district board 5872
establishing the committees. A professional development 5873
committee may include additional members, except that the 5874

majority of members on each such committee shall be classroom 5875
teachers employed by the district. Any member appointed to fill 5876
a vacancy occurring prior to the expiration date of the term for 5877
which a predecessor was appointed shall hold office as a member 5878
for the remainder of that term. 5879

The initial meeting of any professional development 5880
committee, upon election and appointment of all committee 5881
members, shall be called by a member designated by the district 5882
superintendent. At this initial meeting, the committee shall 5883
select a chairperson and such other officers the committee deems 5884
necessary, and shall adopt rules for the conduct of its 5885
meetings. Thereafter, the committee shall meet at the call of 5886
the chairperson or upon the filing of a petition with the 5887
district superintendent signed by a majority of the committee 5888
members calling for the committee to meet. 5889

(3) In the case of a school district in which an exclusive 5890
representative has been established pursuant to Chapter 4117. of 5891
the Revised Code, professional development committees shall be 5892
established in accordance with any collective bargaining 5893
agreement in effect in the district that includes provisions for 5894
such committees. 5895

If the collective bargaining agreement does not specify a 5896
different method for the selection of teacher members of the 5897
committees, the exclusive representative of the district's 5898
teachers shall select the teacher members. 5899

If the collective bargaining agreement does not specify a 5900
different structure for the committees, the board of education 5901
of the school district shall establish the structure, including 5902
the number of committees and the number of teacher and 5903
administrative members on each committee; the specific 5904

administrative members to be part of each committee; whether the 5905
scope of the committees will be district levels, building 5906
levels, or by type of grade or age levels for which educator 5907
licenses are designated; the lengths of terms for members; the 5908
manner of filling vacancies on the committees; and the frequency 5909
and time and place of meetings. However, in all cases, except as 5910
provided in division (F)(4) of this section, there shall be a 5911
majority of teacher members of any professional development 5912
committee, there shall be at least five total members of any 5913
professional development committee, and the exclusive 5914
representative shall designate replacement members in the case 5915
of vacancies among teacher members, unless the collective 5916
bargaining agreement specifies a different method of selecting 5917
such replacements. 5918

(4) Whenever an administrator's coursework plan is being 5919
discussed or voted upon, the local professional development 5920
committee shall, at the request of one of its administrative 5921
members, cause a majority of the committee to consist of 5922
administrative members by reducing the number of teacher members 5923
voting on the plan. 5924

(G)(1) The department of education, educational service 5925
centers, county boards of developmental disabilities, college 5926
and university departments of education, head start programs, 5927
and the Ohio education computer network may establish local 5928
professional development committees to determine whether the 5929
coursework proposed by their employees who are licensed or 5930
certificated under this section or section 3319.222 of the 5931
Revised Code, or under the former version of either section as 5932
it existed prior to October 16, 2009, meet the requirements of 5933
the rules adopted under this section. They may establish local 5934
professional development committees on their own or in 5935

collaboration with a school district or other agency having 5936
authority to establish them. 5937

Local professional development committees established by 5938
county boards of developmental disabilities shall be structured 5939
in a manner comparable to the structures prescribed for school 5940
districts in divisions (F)(2) and (3) of this section, as shall 5941
the committees established by any other entity specified in 5942
division (G)(1) of this section that provides educational 5943
services by employing or contracting for services of classroom 5944
teachers licensed or certificated under this section or section 5945
3319.222 of the Revised Code, or under the former version of 5946
either section as it existed prior to October 16, 2009. All 5947
other entities specified in division (G)(1) of this section 5948
shall structure their committees in accordance with guidelines 5949
which shall be issued by the state board. 5950

(2) Educational service centers may establish local 5951
professional development committees to serve educators who are 5952
not employed in schools in this state, including pupil services 5953
personnel who are licensed under this section. Local 5954
professional development committees shall be structured in a 5955
manner comparable to the structures prescribed for school 5956
districts in divisions (F)(2) and (3) of this section. 5957

These committees may agree to review the coursework, 5958
continuing education units, or other equivalent activities 5959
related to classroom teaching or the area of licensure that is 5960
proposed by an individual who satisfies both of the following 5961
conditions: 5962

(a) The individual is licensed or certificated under this 5963
section or under the former version of this section as it 5964
existed prior to October 16, 2009. 5965

(b) The individual is not currently employed as an 5966
educator or is not currently employed by an entity that operates 5967
a local professional development committee under this section. 5968

Any committee that agrees to work with such an individual 5969
shall work to determine whether the proposed coursework, 5970
continuing education units, or other equivalent activities meet 5971
the requirements of the rules adopted by the state board under 5972
this section. 5973

(3) Any public agency that is not specified in ~~divisions~~ 5974
division (G) (1) or (2) of this section but provides educational 5975
services and employs or contracts for services of classroom 5976
teachers licensed or certificated under this section or section 5977
3319.222 of the Revised Code, or under the former version of 5978
either section as it existed prior to October 16, 2009, may 5979
establish a local professional development committee, subject to 5980
the approval of the department of education. The committee shall 5981
be structured in accordance with guidelines issued by the state 5982
board. 5983

(H) Not later than July 1, 2016, the state board, in 5984
accordance with Chapter 119. of the Revised Code, shall adopt 5985
rules pursuant to division (A) (3) of this section that do both 5986
of the following: 5987

(1) Exempt consistently high-performing teachers from the 5988
requirement to complete any additional coursework for the 5989
renewal of an educator license issued under this section or 5990
section 3319.26 of the Revised Code. The rules also shall 5991
specify that such teachers are exempt from any requirements 5992
prescribed by professional development committees established 5993
under divisions (F) and (G) of this section. 5994

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

(I) The state board shall issue a resident educator license, professional educator license, senior professional educator license, lead professional educator license, or any other educator license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

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

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a resident educator, professional educator, senior professional educator, lead professional educator, or any other type of educator in a state that does not issue one or more of those licenses.

Sec. 3319.226. (A) Beginning July 1, 2019, the state board of education shall issue educator licenses for substitute teaching only under this section.

(B) ~~The~~ Except as provided in division (E) of this section, the state board shall adopt rules establishing standards and requirements for obtaining a license under this section and for renewal of the license. Except as provided in division (F) of section 3319.229 of the Revised Code, the rules shall require an applicant to hold a post-secondary degree, but not in any specified subject area. The rules also shall allow the holder of a license issued under this section to work:

(1) For an unlimited number of school days if the license holder has a post-secondary degree in either education or a subject area directly related to the subject of the class the

license holder will teach; 6024

(2) For one full semester, subject to the approval of the 6025
employing school district board of education, if the license 6026
holder has a post-secondary degree in a subject area that is not 6027
directly related to the subject of the class that the license 6028
holder will teach. 6029

The district superintendent may request that the board 6030
approve one or more additional subsequent semester-long periods 6031
of teaching for the license holder. 6032

(C) The rules adopted under division (B) of this section 6033
shall permit a substitute career-technical teaching license 6034
holder to teach outside the license holder's certified career 6035
field for up to one semester, subject to approval of the 6036
employing school district superintendent. 6037

(D) Any license issued or renewed under former section 6038
3319.226 of the Revised Code that was still in force on November 6039
2, 2018, shall remain in force for the remainder of the term for 6040
which it was issued or renewed. Upon the expiration of that 6041
term, the holder of that license shall be subject to licensure 6042
under the rules adopted under this section. 6043

(E) The state board shall issue an educator license for 6044
substitute teaching in accordance with Chapter 4796. of the 6045
Revised Code to an applicant if either of the following applies: 6046

(1) The applicant holds a license in another state. 6047

(2) The applicant has satisfactory work experience, a 6048
government certification, or a private certification as 6049
described in that chapter as a substitute teacher in a state 6050
that does not issue that license. 6051

Sec. 3319.229. (A) (1) Notwithstanding the repeal of former 6052
section 3319.229 of the Revised Code by this act, the state 6053
board of education shall accept applications for new, and for 6054
renewal of, professional career-technical teaching licenses 6055
through June 30, 2019, and issue them on the basis of the 6056
applications received by that date in accordance with the rules 6057
described in that former section. Except as otherwise provided 6058
in divisions (A) (2) and (3) of this section, beginning July 1, 6059
2019, the state board shall issue career-technical workforce 6060
development educator licenses only under this section. 6061

(2) An individual who, on July 1, 2019, holds a 6062
professional career-technical teaching license issued under the 6063
rules described in former section 3319.229 of the Revised Code, 6064
may continue to renew that license in accordance with those 6065
rules for the remainder of the individual's teaching career. 6066
However, nothing in this division shall be construed to prohibit 6067
the individual from applying to the state board for a career- 6068
technical workforce development educator license under this 6069
section. 6070

(3) An individual who, on July 1, 2019, holds an 6071
alternative resident educator license for teaching career- 6072
technical education issued under section 3319.26 of the Revised 6073
Code may, upon the expiration of the license, apply for a 6074
professional career-technical teaching license issued under the 6075
rules described in former section 3319.229 of the Revised Code. 6076
Such an individual may continue to renew the professional 6077
license in accordance with those rules for the remainder of the 6078
individual's teaching career. However, nothing in this division 6079
shall be construed to prohibit the individual from applying to 6080
the state board for a career-technical workforce development 6081
educator license under this section. 6082

(B) ~~The Except as provided in division (G) of this~~ 6083
~~section, the~~ state board, in collaboration with the chancellor 6084
of higher education, shall adopt rules establishing standards 6085
and requirements for obtaining a two-year initial career- 6086
technical workforce development educator license and a five-year 6087
advanced career-technical workforce development educator 6088
license. Each license shall be valid for teaching career- 6089
technical education or workforce development programs in grades 6090
four through twelve. The rules shall require applicants for 6091
either license to have a high school diploma. 6092

(C) (1) ~~The Except as provided in division (G) of this~~ 6093
~~section, the~~ state board shall issue an initial career-technical 6094
workforce development educator license to an applicant upon 6095
request from the superintendent of a school district that has 6096
agreed to employ the applicant. In making the request, the 6097
superintendent shall provide documentation, in accordance with 6098
procedures prescribed by the department of education, showing 6099
that the applicant has at least five years of work experience, 6100
or the equivalent, in the subject area in which the applicant 6101
will teach. The license shall be valid for teaching only in the 6102
requesting district. The superintendent also shall provide 6103
documentation, in accordance with procedures prescribed by the 6104
department, that the applicant is enrolled in a career-technical 6105
workforce development educator preparation program offered by an 6106
institution of higher education that has an existing teacher 6107
preparatory program in place that meets all of the following 6108
criteria: 6109

(a) Is approved by the chancellor of higher education to 6110
provide instruction in teaching methods and principles; 6111

(b) Provides classroom support to the license holder; 6112

(c) Includes at least three semester hours of coursework 6113
in the teaching of reading in the subject area; 6114

(d) Is aligned with career-technical education and 6115
workforce development competencies developed by the department; 6116

(e) Uses a summative performance-based assessment 6117
developed by the program and aligned to the competencies 6118
described in division (C) (1) (d) of this section to evaluate the 6119
license holder's knowledge and skills; 6120

(f) Consists of not less than twenty-four semester hours 6121
of coursework, or the equivalent. 6122

(2) As a condition of continuing to hold the initial 6123
career-technical workforce development license, the holder of 6124
the license shall be participating in a career-technical 6125
workforce development educator preparation program described in 6126
division (C) (1) of this section. 6127

(3) The state board shall renew an initial career- 6128
technical workforce development educator license if the 6129
supervisor of the program described in division (C) (1) of this 6130
section and the superintendent of the employing school district 6131
indicate that the applicant is making sufficient progress in 6132
both the program and the teaching position. 6133

(D) ~~The~~ Except as provided in division (G) of this 6134
section, the state board shall issue an advanced career- 6135
technical workforce development educator license to an applicant 6136
who has successfully completed the program described in division 6137
(C) (1) of this section, as indicated by the supervisor of the 6138
program, and who demonstrates mastery of the applicable career- 6139
technical education and workforce development competencies 6140
described in division (C) (1) (d) of this section in the teaching 6141

position, as indicated by the superintendent of the employing 6142
school district. 6143

(E) The holder of an advanced career-technical workforce 6144
development educator license shall work with a local 6145
professional development committee established under section 6146
3319.22 of the Revised Code in meeting requirements for renewal 6147
of the license. 6148

(F) Notwithstanding the provisions of section 3319.226 of 6149
the Revised Code, the state board shall not require any 6150
applicant for an educator license for substitute teaching who 6151
holds a license issued under this section to hold a post- 6152
secondary degree in order to be issued a license under section 6153
3319.226 of the Revised Code to work as a substitute teacher for 6154
career-technical education classes. 6155

(G) The state board shall issue a license to practice as 6156
an initial career-technical workforce development educator or 6157
advanced career-technical workforce development educator in 6158
accordance with Chapter 4796. of the Revised Code to an 6159
applicant if either of the following applies: 6160

(1) The applicant holds a license in another state. 6161

(2) The applicant has satisfactory work experience, a 6162
government certification, or a private certification as 6163
described in that chapter as a career-technical workforce 6164
development educator in a state that does not issue one or both 6165
of those licenses. 6166

Sec. 3319.26. (A) The ~~Except as provided in division (H)~~ 6167
of this section, the state board of education shall adopt rules 6168
establishing the standards and requirements for obtaining an 6169
alternative resident educator license for teaching in grades 6170

kindergarten to twelve, or the equivalent, in a designated 6171
subject area or in the area of intervention specialist, as 6172
defined by rule of the state board. The rules shall also include 6173
the reasons for which an alternative resident educator license 6174
may be renewed under division (D) of this section. 6175

(B) The superintendent of public instruction and the 6176
chancellor of higher education jointly shall develop an 6177
intensive pedagogical training institute to provide instruction 6178
in the principles and practices of teaching for individuals 6179
seeking an alternative resident educator license. The 6180
instruction shall cover such topics as student development and 6181
learning, pupil assessment procedures, curriculum development, 6182
classroom management, and teaching methodology. 6183

(C) ~~The~~ Except as provided in division (H) of this 6184
section, the rules adopted under this section shall require 6185
applicants for the alternative resident educator license to 6186
satisfy the following conditions prior to issuance of the 6187
license, but they shall not require applicants to have completed 6188
a major or coursework in the subject area for which application 6189
is being made: 6190

(1) Hold a minimum of a baccalaureate degree; 6191

(2) Successfully complete the pedagogical training 6192
institute described in division (B) of this section or the 6193
preservice training provided to participants of a teacher 6194
preparation program that has been approved by the chancellor. 6195
The chancellor may approve any such program that requires 6196
participants to hold a bachelor's degree; have either a 6197
cumulative undergraduate grade point average of at least 2.5 out 6198
of 4.0, or its equivalent or a cumulative graduate school grade 6199
point average of at least 3.0 out of 4.0; and successfully 6200

complete the program's preservice training. 6201

(3) Pass an examination in the subject area for which 6202
application is being made. 6203

(D) An alternative resident educator license shall be 6204
valid for four years and shall be renewable for reasons 6205
specified by rules adopted by the state board pursuant to 6206
division (A) of this section. The state board, on a case-by-case 6207
basis, may extend the license's duration as necessary to enable 6208
the license holder to complete the Ohio teacher residency 6209
program established under section 3319.223 of the Revised Code. 6210

(E) The rules shall require the holder of an alternative 6211
resident educator license, as a condition of continuing to hold 6212
the license, to do all of the following: 6213

(1) Participate in the Ohio teacher residency program; 6214

(2) Show satisfactory progress in taking and successfully 6215
completing one of the following: 6216

(a) At least twelve additional semester hours, or the 6217
equivalent, of college coursework in the principles and 6218
practices of teaching in such topics as student development and 6219
learning, pupil assessment procedures, curriculum development, 6220
classroom management, and teaching methodology; 6221

(b) Professional development provided by a teacher 6222
preparation program that has been approved by the chancellor 6223
under division (C) (2) of this section. 6224

(3) Take an assessment of professional knowledge in the 6225
second year of teaching under the license. 6226

(F) The rules shall provide for the granting of a 6227
professional educator license to a holder of an alternative 6228

resident educator license upon successfully completing all of	6229
the following:	6230
(1) Four years of teaching under the alternative license;	6231
(2) The additional college coursework or professional	6232
development described in division (E) (2) of this section;	6233
(3) The assessment of professional knowledge described in	6234
division (E) (3) of this section. The standards for successfully	6235
completing this assessment and the manner of conducting the	6236
assessment shall be the same as for any other individual who is	6237
required to take the assessment pursuant to rules adopted by the	6238
state board under section 3319.22 of the Revised Code.	6239
(4) The Ohio teacher residency program;	6240
(5) All other requirements for a professional educator	6241
license adopted by the state board under section 3319.22 of the	6242
Revised Code.	6243
(G) A person who is assigned to teach in this state as a	6244
participant in the teach for America program or who has	6245
completed two years of teaching in another state as a	6246
participant in that program shall be eligible for a license only	6247
under section 3319.227 of the Revised Code and shall not be	6248
eligible for a license under this section.	6249
<u>(H) The board shall issue an alternative resident educator</u>	6250
<u>license in accordance with Chapter 4796. of the Revised Code to</u>	6251
<u>an applicant if either of the following applies:</u>	6252
<u>(1) The applicant holds a license in another state.</u>	6253
<u>(2) The applicant has satisfactory work experience, a</u>	6254
<u>government certification, or a private certification as</u>	6255
<u>described in that chapter as an educator for grades kindergarten</u>	6256

through twelve in a state that does not issue that license. 6257

Sec. 3319.261. (A) Notwithstanding any other provision of 6258
the Revised Code or any rule adopted by the state board of 6259
education to the contrary and except as provided in division (C) 6260
of this section, the state board shall issue an alternative 6261
resident educator license under division (C) of section 3319.26 6262
of the Revised Code to each applicant who meets the following 6263
conditions: 6264

(1) Holds a bachelor's degree from an accredited 6265
institution of higher education; 6266

(2) Has successfully completed a teacher education program 6267
offered by one of the following entities: 6268

(a) The American Montessori society; 6269

(b) The association Montessori internationale; 6270

(c) An institution accredited by the Montessori 6271
accreditation council for teacher education. 6272

(3) Is employed in a school that operates a program that 6273
uses the Montessori method endorsed by the American Montessori 6274
society, the Montessori accreditation council for teacher 6275
education, or the association Montessori internationale as its 6276
primary method of instruction. 6277

(B) The holder of an alternative resident educator license 6278
issued under this section shall be subject to divisions (A), 6279
(B), (D), and (E) of section 3319.26 of the Revised Code and 6280
shall be granted a professional educator license upon successful 6281
completion of the requirements described in division (F) of 6282
section 3319.26 of the Revised Code. 6283

(C) The state board shall issue an alternative resident 6284

educator license under this section in accordance with Chapter 6285
4796. of the Revised Code to an applicant if either of the 6286
following applies: 6287

(1) The applicant holds a license in another state. 6288

(2) The applicant has satisfactory work experience, a 6289
government certification, or a private certification as 6290
described in that chapter as an educator providing instruction 6291
in a Montessori-method school in a state that does not issue 6292
that license. 6293

Sec. 3319.262. (A) Notwithstanding any other provision of 6294
the Revised Code or any rule adopted by the state board of 6295
education to the contrary and except as provided in division (C) 6296
of this section, the state board shall adopt rules establishing 6297
standards and requirements for obtaining a nonrenewable four- 6298
year initial early college high school educator license for 6299
teaching grades seven through twelve at an early college high 6300
school described in section 3313.6013 of the Revised Code to any 6301
applicant who meets the following conditions: 6302

(1) Has a graduate or terminal degree from an accredited 6303
institution of higher education in a field related to the 6304
subject area to be taught, as determined by the department of 6305
education; 6306

(2) Has obtained a passing score on an examination in the 6307
subject area to be taught, as prescribed by the state board; 6308

(3) Has experience teaching students at any grade level, 6309
including post-secondary students; 6310

(4) Has proof that an early college high school intends to 6311
employ the applicant pending a valid license under this section. 6312

An individual licensed under this section shall be subject 6313
to sections 3319.291 and 3319.39 of the Revised Code. An initial 6314
educator license issued under division (A) of this section shall 6315
be valid for teaching only at the employing school described in 6316
division (A) (4) of this section. 6317

(B) After four years of teaching under an initial early 6318
college high school educator license issued under this section, 6319
an individual may apply for a renewable five-year professional 6320
educator license in the same subject area named in the initial 6321
license. The state board shall issue the applicant a 6322
professional educator license if the applicant attains a passing 6323
score on an assessment of professional knowledge prescribed by 6324
the state board. Nothing in division (B) of this section shall 6325
be construed to prohibit an individual from applying for a 6326
professional—~~education~~ educator license under section 3319.22 6327
of the Revised Code. 6328

(C) The state board shall issue an initial early college 6329
high school educator license in accordance with Chapter 4796. of 6330
the Revised Code to an applicant if either of the following 6331
applies: 6332

(1) The applicant holds a license in another state. 6333

(2) The applicant has satisfactory work experience, a 6334
government certification, or a private certification as 6335
described in that chapter as an early college high school 6336
educator in a state that does not issue that license. 6337

Sec. 3319.27. (A) The—Except as provided in division (C) 6338
of this section, the state board of education shall adopt rules 6339
that establish an alternative principal license. The rules 6340
establishing an alternative principal license shall include a 6341

requirement that an applicant have obtained classroom teaching 6342
experience. Beginning on the effective date of the rules, the 6343
state board shall cease to issue temporary educator licenses 6344
pursuant to section 3319.225 of the Revised Code for employment 6345
as a principal. Any person who on the effective date of the 6346
rules holds a valid temporary educator license issued under that 6347
section and is employed as a principal shall be allowed to 6348
continue employment as a principal until the expiration of the 6349
license. Employment of any such person as a principal by a 6350
school district after the expiration of the temporary educator 6351
license shall be contingent upon the state board issuing the 6352
person an alternative principal license in accordance with the 6353
rules adopted under this division. 6354

(B) ~~The~~ Except as provided in division (C) of this 6355
section, the state board shall adopt rules that establish an 6356
alternative administrator license, which shall be valid for 6357
employment as a superintendent or in any other administrative 6358
position except principal. Beginning on the effective date of 6359
the rules, the state board shall cease to issue temporary 6360
educator licenses pursuant to section 3319.225 of the Revised 6361
Code for employment as a superintendent or in any other 6362
administrative position except principal. Any person who on the 6363
effective date of the rules holds a valid temporary educator 6364
license issued under that section and is employed as a 6365
superintendent or in any other administrative position except 6366
principal shall be allowed to continue employment in that 6367
position until the expiration of the license. Employment of any 6368
such person as a superintendent or in any other administrative 6369
position except principal by a school district after the 6370
expiration of the temporary educator license shall be contingent 6371
upon the state board issuing the person an alternative 6372

administrator license in accordance with the rules adopted under 6373
this division. 6374

(C) The state board shall issue an alternative principal 6375
or alternative administrator license in accordance with Chapter 6376
4796. of the Revised Code to an applicant if either of the 6377
following applies: 6378

(1) The applicant holds a license in another state. 6379

(2) The applicant has satisfactory work experience, a 6380
government certification, or a private certification as 6381
described in that chapter as a school principal or school 6382
administrator in a state that does not issue one or both of 6383
those licenses. 6384

Sec. 3319.28. (A) As used in this section, "STEM school" 6385
means a science, technology, engineering, and mathematics school 6386
established under Chapter 3326. of the Revised Code. 6387

(B) Notwithstanding any other provision of the Revised 6388
Code or any rule adopted by the state board of education to the 6389
contrary and except as provided in division (F) of this section, 6390
the state board shall issue a two-year provisional educator 6391
license for teaching science, technology, engineering, or 6392
mathematics in grades six through twelve in a STEM school to any 6393
applicant who meets the following conditions: 6394

(1) Holds a bachelor's degree from an accredited 6395
institution of higher education in a field related to the 6396
subject area to be taught; 6397

(2) Has passed an examination prescribed by the state 6398
board in the subject area to be taught. 6399

(C) The holder of a provisional educator license issued 6400

under this section shall complete a structured apprenticeship 6401
program provided by an educational service center or a teacher 6402
preparation program approved under section 3333.048 of the 6403
Revised Code, in partnership with the STEM school that employs 6404
the license holder. The apprenticeship program shall include the 6405
following: 6406

(1) Mentoring by a teacher or administrator who regularly 6407
observes the license holder's classroom instruction, provides 6408
feedback on the license holder's teaching strategies and 6409
classroom management, and engages the license holder in 6410
discussions about methods for fostering and measuring student 6411
learning; 6412

(2) Regularly scheduled seminars or meetings that address 6413
the following topics: 6414

(a) The statewide academic standards adopted by the state 6415
board under section 3301.079 of the Revised Code and the 6416
importance of aligning curriculum with those standards; 6417

(b) The achievement assessments prescribed by section 6418
3301.0710 of the Revised Code; 6419

(c) The school district and building accountability system 6420
established under Chapter 3302. of the Revised Code; 6421

(d) Instructional methods and strategies; 6422

(e) Student development; 6423

(f) Assessing student progress and providing remediation 6424
and intervention, as necessary, to meet students' special needs; 6425

(g) Classroom management and record keeping. 6426

(D) After two years of teaching under a provisional 6427

educator license issued under this section, a person may apply 6428
for a five-year professional educator license in the same 6429
subject area named in the provisional license. The state board 6430
shall issue the applicant a professional educator license if the 6431
applicant meets the following conditions: 6432

(1) The applicant completed the apprenticeship program 6433
described in division (C) of this section. 6434

(2) The applicant receives a positive recommendation 6435
indicating that the applicant is an effective teacher from both 6436
of the following: 6437

(a) The chief administrative officer of the STEM school 6438
that most recently employed the applicant as a classroom 6439
teacher; 6440

(b) The educational service center or teacher preparation 6441
program administrator in charge of the apprenticeship program 6442
completed by the applicant. 6443

(3) The applicant meets all other requirements for a 6444
professional educator license adopted by the state board under 6445
section 3319.22 of the Revised Code. 6446

(E) The department of education shall evaluate the 6447
experiences of STEM schools with classroom teachers holding 6448
provisional educator licenses issued under this section. The 6449
evaluation shall cover the first two school years for which 6450
licenses are issued and shall consider at least the schools' 6451
satisfaction with the teachers and the operation of the 6452
apprenticeship programs. 6453

(F) The state board shall issue a provisional educator 6454
license for teaching in a STEM school in accordance with Chapter 6455
4796. of the Revised Code to an applicant if either of the 6456

following applies: 6457

(1) The applicant holds a license in another state. 6458

(2) The applicant has satisfactory work experience, a 6459
government certification, or a private certification as 6460
described in that chapter as a STEM educator in a state that 6461
does not issue that license. 6462

Sec. 3319.301. (A) As used in this section: 6463

(1) "Dropout recovery community school" means a community 6464
school established under Chapter 3314. of the Revised Code in 6465
which a majority of the students are enrolled in a dropout 6466
prevention and recovery program that is operated by the school. 6467

(2) "Industry-recognized credential program" means a 6468
career-technical course in which a student may earn an industry- 6469
recognized credential approved under section 3313.6113 of the 6470
Revised Code. 6471

(3) "STEM school" means a science, technology, 6472
engineering, and mathematics school established under Chapter 6473
3326. of the Revised Code. 6474

(B) The state board of education shall issue permits to 6475
individuals who are not licensed as required by sections 3319.22 6476
to 3319.30 of the Revised Code, but who are otherwise qualified, 6477
to teach classes for not more than a total of twelve hours a 6478
week, except that an individual teaching in a STEM school or an 6479
individual teaching an industry-recognized credential program 6480
offered at a dropout recovery community school may teach classes 6481
for not more than a total of forty hours a week. The state 6482
board, by rule, shall set forth the qualifications, other than 6483
licensure under sections 3319.22 to 3319.30 of the Revised Code, 6484
to be met by individuals in order to be issued a permit as 6485

provided in this section. Such qualifications shall include the 6486
possession of a baccalaureate, master's, or doctoral degree in, 6487
or significant experience related to, the subject the individual 6488
is to teach. For an individual assigned to teach a career- 6489
technical class, significant experience related to a subject 6490
shall include career-technical experience. Applications for 6491
permits pursuant to this section shall be made in accordance 6492
with section 3319.29 of the Revised Code. A permit issued under 6493
this section shall be renewable. 6494

The state board, by rule, shall authorize the board of 6495
education of each school district and each STEM school to engage 6496
individuals holding permits issued under this section to teach 6497
classes for not more than the total number of hours a week 6498
specified in the permit. The rules shall include provisions with 6499
regard to each of the following: 6500

(1) That a board of education or STEM school shall engage 6501
a nonlicensed individual to teach pursuant to this section on a 6502
volunteer basis, or by entering into a contract with the 6503
individual or the individual's employer on such terms and 6504
conditions as are agreed to between the board or school and the 6505
individual or the individual's employer; 6506

(2) That an employee of the board of education or STEM 6507
school who is licensed under sections 3319.22 to 3319.30 of the 6508
Revised Code shall directly supervise a nonlicensed individual 6509
who is engaged to teach pursuant to this section until the 6510
superintendent of the school district or the chief 6511
administrative officer of the STEM school is satisfied that the 6512
nonlicensed individual has sufficient understanding of, and 6513
experience in, effective teaching methods to teach without 6514
supervision. 6515

(C) A nonlicensed individual engaged to teach pursuant to 6516
this section is a teacher for the purposes of Title XXXIII of 6517
the Revised Code except for the purposes of Chapters 3307. and 6518
3317. and sections 3319.07 to 3319.31 of the Revised Code. Such 6519
an individual is not an employee of the board of education or 6520
STEM school for the purpose of Titles I or XLI or Chapter 3309. 6521
of the Revised Code. 6522

(D) Students enrolled in a class taught by a nonlicensed 6523
individual pursuant to this section and rules adopted thereunder 6524
shall receive the same credit as if the class had been taught by 6525
an employee licensed pursuant to sections 3319.22 to 3319.30 of 6526
the Revised Code. 6527

(E) No board of education of any school district shall 6528
engage any one or more nonlicensed individuals if such 6529
employment displaces from employment an existing licensed 6530
employee of the district. 6531

(F) Chapter 4796. of the Revised Code does not apply to 6532
permits issued under this section. 6533

Sec. 3319.303. (A) The Except as provided in division (D) 6534
of this section, the state board of education shall adopt rules 6535
establishing standards and requirements for obtaining a pupil- 6536
activity program permit for any individual who does not hold a 6537
valid educator license, certificate, or permit issued by the 6538
state board under section 3319.22, 3319.26, or 3319.27 of the 6539
Revised Code. The permit issued under this section shall be 6540
valid for coaching, supervising, or directing a pupil-activity 6541
program under section 3313.53 of the Revised Code. Subject to 6542
the provisions of section 3319.31 of the Revised Code, a permit 6543
issued under this division shall be valid for three years and 6544
shall be renewable. 6545

(B) The state board shall adopt rules applicable to 6546
individuals who hold valid educator licenses, certificates, or 6547
permits issued by the state board under section 3319.22, 6548
3319.26, or 3319.27 of the Revised Code setting forth standards 6549
to assure any such individual's competence to direct, supervise, 6550
or coach a pupil-activity program described in section 3313.53 6551
of the Revised Code. The rules adopted under this division shall 6552
not be more stringent than the standards set forth in rules 6553
applicable to individuals who do not hold such licenses, 6554
certificates, or permits adopted under division (A) of this 6555
section. Subject to the provisions of section 3319.31 of the 6556
Revised Code, a permit issued to an individual under this 6557
division shall be valid for the same number of years as the 6558
individual's educator license, certificate, or permit issued 6559
under section 3319.22, 3319.26, or 3319.27 of the Revised Code 6560
and shall be renewable. 6561

~~(C) As a condition to issuing or renewing a pupil-activity 6562
program permit to coach interscholastic athletics: 6563~~

(1) ~~The~~ Except as provided in division (D) of this 6564
section, as a condition to issuing a pupil-activity program 6565
permit to coach interscholastic athletics, the state board shall 6566
require each individual applying for a first permit on or after 6567
April 26, 2013, to successfully complete a training program that 6568
is specifically focused on brain trauma and brain injury 6569
management. 6570

(2) The state board shall require, as a condition to 6571
renewing a pupil-activity program permit to coach 6572
interscholastic athletics, each individual applying for a permit 6573
renewal on or after that date to present evidence that the 6574
individual has successfully completed, within the previous three 6575

years, a training program in recognizing the symptoms of 6576
concussions and head injuries to which the department of health 6577
has provided a link on its internet web site under section 6578
3707.52 of the Revised Code or a training program authorized and 6579
required by an organization that regulates interscholastic 6580
athletic competition and conducts interscholastic athletic 6581
events. 6582

(D) The state board shall issue a permit for coaching, 6583
supervising, or directing a pupil-activity program in accordance 6584
with Chapter 4796. of the Revised Code to an applicant if either 6585
of the following applies: 6586

(1) The applicant holds a license or permit in another 6587
state. 6588

(2) The applicant has satisfactory work experience, a 6589
government certification, or a private certification as 6590
described in that chapter as a coach, supervisor, or pupil- 6591
activity program director in a state that does not issue that 6592
permit. 6593

Sec. 3319.361. (A) ~~The~~ Except as provided in division (F) 6594
of this section, the state board of education shall establish 6595
rules for the issuance of a supplemental teaching license. This 6596
license shall be issued at the request of the superintendent of 6597
a city, local, exempted village, or joint vocational school 6598
district, educational service center, or the governing authority 6599
of a STEM school, chartered nonpublic school, or community 6600
school to an individual who meets all of the following criteria: 6601

(1) Holds a current professional or permanent Ohio 6602
teaching certificate or resident educator license, professional 6603
educator license, senior professional educator license, or lead 6604

professional educator license, as issued under section 3319.22 6605
or 3319.26 of the Revised Code; 6606

(2) Is of good moral character; 6607

(3) Is employed in a supplemental licensure area or 6608
teaching field, as defined by the state board; 6609

(4) Completes an examination prescribed by the state board 6610
in the licensure area; 6611

(5) Completes, while employed under the supplemental 6612
teaching license and subsequent renewals thereof, additional 6613
coursework, if applicable, and testing requirements for full 6614
licensure in the supplemental area as a condition of holding and 6615
teaching under a supplemental teaching license. 6616

(B) The employing school district, service center, or 6617
school shall assign a mentor to the individual holding a 6618
supplemental teaching license. The assigned mentor shall be an 6619
experienced teacher who currently holds a license in the same, 6620
or a related, content area as the supplemental license. 6621

(C) Before the department of education will issue an 6622
individual a supplemental teaching license in another area, the 6623
supplemental licensee must complete the supplemental licensure 6624
program, or its equivalent, and be issued a standard teaching 6625
license in the area of the currently held supplemental license. 6626

(D) An individual may advance from a supplemental teaching 6627
license to a standard teaching license upon: 6628

(1) Verification from the employing superintendent or 6629
governing authority that the individual holding the supplemental 6630
teaching license has taught successfully in the licensure area 6631
for a minimum of two years; and 6632

(2) Completing requirements as applicable to the licensure area or teaching field as established by the state board. 6633
6634

(E) A licensee who has filed an application under this section may work in the supplemental licensure area for up to sixty school days while completing the requirements in division (A) (4) of this section. If the requirements are not completed within sixty days, the application shall be declined. 6635
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(F) The state board shall issue a supplemental teaching license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 6640
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6642

(1) The applicant holds a license in another state. 6643

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an educator providing supplemental instruction in a state that does not issue that license. 6644
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Sec. 3327.10. (A) ~~No~~ Except as provided in division (L) of this section, no person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from either the educational service center governing board that has entered into an agreement with the school district under section 3313.843 or 3313.845 of the Revised Code or the superintendent of the school district, certifying that such person is at least eighteen years of age and is qualified physically and otherwise for such position. The service center governing board or the superintendent, as the case may be, shall provide for an annual physical examination that conforms with rules adopted by the 6648
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state board of education of each driver to ascertain the 6662
driver's physical fitness for such employment. The examination 6663
shall be performed by one of the following: 6664

(1) A person licensed under Chapter 4731. or 4734. of the 6665
Revised Code or by another state to practice medicine and 6666
surgery, osteopathic medicine and surgery, or chiropractic; 6667

(2) A physician assistant; 6668

(3) A certified nurse practitioner; 6669

(4) A clinical nurse specialist; 6670

(5) A certified nurse-midwife; 6671

(6) A medical examiner who is listed on the national 6672
registry of certified medical examiners established by the 6673
federal motor carrier safety administration in accordance with 6674
49 C.F.R. part 390. 6675

Any certificate may be revoked by the authority granting 6676
the same on proof that the holder has been guilty of failing to 6677
comply with division (D) (1) of this section, or upon a 6678
conviction or a guilty plea for a violation, or any other 6679
action, that results in a loss or suspension of driving rights. 6680
Failure to comply with such division may be cause for 6681
disciplinary action or termination of employment under division 6682
(C) of section 3319.081, or section 124.34 of the Revised Code. 6683

(B) ~~No~~ Except as provided in division (L) of this section, 6684
no person shall be employed as driver of a school bus or motor 6685
van not subject to the rules of the department of education 6686
pursuant to division (A) of this section who has not received a 6687
certificate from the school administrator or contractor 6688
certifying that such person is at least eighteen years of age 6689

and is qualified physically and otherwise for such position. 6690
Each driver shall have an annual physical examination which 6691
conforms to the state highway patrol rules, ascertaining the 6692
driver's physical fitness for such employment. The examination 6693
shall be performed by one of the following: 6694

(1) A person licensed under Chapter 4731. or 4734. of the 6695
Revised Code or by another state to practice medicine and 6696
surgery, osteopathic medicine and surgery, or chiropractic; 6697

(2) A physician assistant; 6698

(3) A certified nurse practitioner; 6699

(4) A clinical nurse specialist; 6700

(5) A certified nurse-midwife; 6701

(6) A medical examiner who is listed on the national 6702
registry of certified medical examiners established by the 6703
federal motor carrier safety administration in accordance with 6704
49 C.F.R. part 390. 6705

Any written documentation of the physical examination 6706
shall be completed by the individual who performed the 6707
examination. 6708

Any certificate may be revoked by the authority granting 6709
the same on proof that the holder has been guilty of failing to 6710
comply with division (D) (2) of this section. 6711

(C) Any person who drives a school bus or motor van must 6712
give satisfactory and sufficient bond except a driver who is an 6713
employee of a school district and who drives a bus or motor van 6714
owned by the school district. 6715

(D) No person employed as driver of a school bus or motor 6716

van under this section who is convicted of a traffic violation 6717
or who has had the person's commercial driver's license 6718
suspended shall drive a school bus or motor van until the person 6719
has filed a written notice of the conviction or suspension, as 6720
follows: 6721

(1) If the person is employed under division (A) of this 6722
section, the person shall file the notice with the 6723
superintendent, or a person designated by the superintendent, of 6724
the school district for which the person drives a school bus or 6725
motor van as an employee or drives a privately owned and 6726
operated school bus or motor van under contract. 6727

(2) If employed under division (B) of this section, the 6728
person shall file the notice with the employing school 6729
administrator or contractor, or a person designated by the 6730
administrator or contractor. 6731

(E) In addition to resulting in possible revocation of a 6732
certificate as authorized by divisions (A) and (B) of this 6733
section, violation of division (D) of this section is a minor 6734
misdemeanor. 6735

(F) (1) Not later than thirty days after June 30, 2007, 6736
each owner of a school bus or motor van shall obtain the 6737
complete driving record for each person who is currently 6738
employed or otherwise authorized to drive the school bus or 6739
motor van. An owner of a school bus or motor van shall not 6740
permit a person to operate the school bus or motor van for the 6741
first time before the owner has obtained the person's complete 6742
driving record. Thereafter, the owner of a school bus or motor 6743
van shall obtain the person's driving record not less frequently 6744
than semiannually if the person remains employed or otherwise 6745
authorized to drive the school bus or motor van. An owner of a 6746

school bus or motor van shall not permit a person to resume 6747
operating a school bus or motor van, after an interruption of 6748
one year or longer, before the owner has obtained the person's 6749
complete driving record. 6750

(2) The owner of a school bus or motor van shall not 6751
permit a person to operate the school bus or motor van for ten 6752
years after the date on which the person pleads guilty to or is 6753
convicted of a violation of section 4511.19 of the Revised Code 6754
or a substantially equivalent municipal ordinance. 6755

(3) An owner of a school bus or motor van shall not permit 6756
any person to operate such a vehicle unless the person meets all 6757
other requirements contained in rules adopted by the state board 6758
of education prescribing qualifications of drivers of school 6759
buses and other student transportation. 6760

(G) No superintendent of a school district, educational 6761
service center, community school, or public or private employer 6762
shall permit the operation of a vehicle used for pupil 6763
transportation within this state by an individual unless both of 6764
the following apply: 6765

(1) Information pertaining to that driver has been 6766
submitted to the department of education, pursuant to procedures 6767
adopted by that department. Information to be reported shall 6768
include the name of the employer or school district, name of the 6769
driver, driver license number, date of birth, date of hire, 6770
status of physical evaluation, and status of training. 6771

(2) The most recent criminal records check required by 6772
division (J) of this section has been completed and received by 6773
the superintendent or public or private employer. 6774

(H) A person, school district, educational service center, 6775

community school, nonpublic school, or other public or nonpublic 6776
entity that owns a school bus or motor van, or that contracts 6777
with another entity to operate a school bus or motor van, may 6778
impose more stringent restrictions on drivers than those 6779
prescribed in this section, in any other section of the Revised 6780
Code, and in rules adopted by the state board. 6781

(I) For qualified drivers who, on July 1, 2007, are 6782
employed by the owner of a school bus or motor van to drive the 6783
school bus or motor van, any instance in which the driver was 6784
convicted of or pleaded guilty to a violation of section 4511.19 6785
of the Revised Code or a substantially equivalent municipal 6786
ordinance prior to two years prior to July 1, 2007, shall not be 6787
considered a disqualifying event with respect to division (F) of 6788
this section. 6789

(J) (1) This division applies to persons hired by a school 6790
district, educational service center, community school, 6791
chartered nonpublic school, or science, technology, engineering, 6792
and mathematics school established under Chapter 3326. of the 6793
Revised Code to operate a vehicle used for pupil transportation. 6794

For each person to whom this division applies who is hired 6795
on or after November 14, 2007, the employer shall request a 6796
criminal records check in accordance with section 3319.39 of the 6797
Revised Code and every six years thereafter. For each person to 6798
whom this division applies who is hired prior to that date, the 6799
employer shall request a criminal records check by a date 6800
prescribed by the department of education and every six years 6801
thereafter. 6802

(2) This division applies to persons hired by a public or 6803
private employer not described in division (J) (1) of this 6804
section to operate a vehicle used for pupil transportation. 6805

For each person to whom this division applies who is hired 6806
on or after November 14, 2007, the employer shall request a 6807
criminal records check prior to the person's hiring and every 6808
six years thereafter. For each person to whom this division 6809
applies who is hired prior to that date, the employer shall 6810
request a criminal records check by a date prescribed by the 6811
department and every six years thereafter. 6812

(3) Each request for a criminal records check under 6813
division (J) of this section shall be made to the superintendent 6814
of the bureau of criminal identification and investigation in 6815
the manner prescribed in section 3319.39 of the Revised Code, 6816
except that if both of the following conditions apply to the 6817
person subject to the records check, the employer shall request 6818
the superintendent only to obtain any criminal records that the 6819
federal bureau of investigation has on the person: 6820

(a) The employer previously requested the superintendent 6821
to determine whether the bureau of criminal identification and 6822
investigation has any information, gathered pursuant to division 6823
(A) of section 109.57 of the Revised Code, on the person in 6824
conjunction with a criminal records check requested under 6825
section 3319.39 of the Revised Code or under division (J) of 6826
this section. 6827

(b) The person presents proof that the person has been a 6828
resident of this state for the five-year period immediately 6829
prior to the date upon which the person becomes subject to a 6830
criminal records check under this section. 6831

Upon receipt of a request, the superintendent shall 6832
conduct the criminal records check in accordance with section 6833
109.572 of the Revised Code as if the request had been made 6834
under section 3319.39 of the Revised Code. However, as specified 6835

in division (B) (2) of section 109.572 of the Revised Code, if 6836
the employer requests the superintendent only to obtain any 6837
criminal records that the federal bureau of investigation has on 6838
the person for whom the request is made, the superintendent 6839
shall not conduct the review prescribed by division (B) (1) of 6840
that section. 6841

(K) (1) Until the effective date of the amendments to rule 6842
3301-83-23 of the Ohio Administrative Code required by the 6843
second paragraph of division (E) of section 3319.39 of the 6844
Revised Code, any person who is the subject of a criminal 6845
records check under division (J) of this section and has been 6846
convicted of or pleaded guilty to any offense described in 6847
division (B) (1) of section 3319.39 of the Revised Code shall not 6848
be hired or shall be released from employment, as applicable, 6849
unless the person meets the rehabilitation standards prescribed 6850
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 6851
Administrative Code. 6852

(2) Beginning on the effective date of the amendments to 6853
rule 3301-83-23 of the Ohio Administrative Code required by the 6854
second paragraph of division (E) of section 3319.39 of the 6855
Revised Code, any person who is the subject of a criminal 6856
records check under division (J) of this section and has been 6857
convicted of or pleaded guilty to any offense that, under the 6858
rule, disqualifies a person for employment to operate a vehicle 6859
used for pupil transportation shall not be hired or shall be 6860
released from employment, as applicable, unless the person meets 6861
the rehabilitation standards prescribed by the rule. 6862

(L) The superintendent of a school district or an 6863
educational service center governing board shall issue a 6864
certificate as a driver of a school bus or motor van or a 6865

certificate to operate a vehicle used for pupil transportation 6866
in accordance with Chapter 4796. of the Revised Code to an 6867
applicant if either of the following applies: 6868

(1) The applicant holds a certificate in another state. 6869

(2) The applicant has satisfactory work experience, a 6870
government certification, or a private certification as 6871
described in that chapter as a school bus or motor van driver or 6872
a pupil transportation vehicle operator in a state that does not 6873
issue one or both of those certificates. 6874

Sec. 3703.01. (A) Except as otherwise provided in this 6875
section, the division of industrial compliance in the department 6876
of commerce shall do all of the following: 6877

(1) Inspect all nonresidential buildings within the 6878
meaning of section 3781.06 of the Revised Code; 6879

(2) Condemn all unsanitary or defective plumbing that is 6880
found in connection with those places; 6881

(3) Order changes in plumbing necessary to insure the 6882
safety of the public health. 6883

(B) (1) (a) The division of industrial compliance, boards of 6884
health of city and general health districts, and county building 6885
departments shall not inspect plumbing or collect fees for 6886
inspecting plumbing in particular types of buildings in any 6887
municipal corporation that is certified by the board of building 6888
standards under section 3781.10 of the Revised Code to exercise 6889
enforcement authority for plumbing in those types of buildings. 6890

(b) The division shall not inspect plumbing or collect 6891
fees for inspecting plumbing in particular types of buildings in 6892
any health district that employs one or more plumbing inspectors 6893

certified pursuant to division (D) of this section to enforce 6894
Chapters 3781. and 3791. of the Revised Code and the rules 6895
adopted pursuant to those chapters relating to plumbing in those 6896
types of buildings. 6897

(c) The division shall not inspect plumbing or collect 6898
fees for inspecting plumbing in particular types of buildings in 6899
any health district where the county building department is 6900
authorized to inspect those types of buildings pursuant to a 6901
contract described in division (C) (1) of this section. 6902

(d) The division shall not inspect plumbing or collect 6903
fees for inspecting plumbing in particular types of buildings in 6904
any health district where the board of health has entered into a 6905
contract with the board of health of another district to conduct 6906
inspections pursuant to division (C) (2) of this section. 6907

(2) No county building department shall inspect plumbing 6908
or collect fees for inspecting plumbing in any type of building 6909
in a health district unless the department is authorized to 6910
inspect that type of building pursuant to a contract described 6911
in division (C) (1) of this section. 6912

(3) No municipal corporation shall inspect plumbing or 6913
collect fees for inspecting plumbing in types of buildings for 6914
which it is not certified by the board of building standards 6915
under section 3781.10 of the Revised Code to exercise 6916
enforcement authority. 6917

(4) No board of health of a health district shall inspect 6918
plumbing or collect fees for inspecting plumbing in types of 6919
buildings for which it does not have a plumbing inspector 6920
certified pursuant to division (D) of this section. 6921

(C) (1) The board of health of a health district may enter 6922

into a contract with a board of county commissioners to 6923
authorize the county building department to inspect plumbing in 6924
buildings within the health district. The contract may designate 6925
that the department inspect either residential or nonresidential 6926
buildings, as those terms are defined in section 3781.06 of the 6927
Revised Code, or both types of buildings, so long as the 6928
department employs or contracts with a plumbing inspector 6929
certified pursuant to division (D) of this section to inspect 6930
the types of buildings the contract designates. The board of 6931
health may enter into a contract regardless of whether the 6932
health district employs any certified plumbing inspectors to 6933
enforce Chapters 3781. and 3791. of the Revised Code. 6934

(2) The board of health of a health district, regardless 6935
of whether it employs any certified plumbing inspectors to 6936
enforce Chapters 3781. and 3791. of the Revised Code, may enter 6937
into a contract with the board of health of another health 6938
district to authorize that board to inspect plumbing in 6939
buildings within the contracting board's district. The contract 6940
may designate the inspection of either residential or 6941
nonresidential buildings as defined in section 3781.06 of the 6942
Revised Code, or both types of buildings, so long as the board 6943
that performs the inspections employs a plumbing inspector 6944
certified pursuant to division (D) of this section to inspect 6945
the types of buildings the contract designates. 6946

(D) The superintendent of industrial compliance shall 6947
adopt rules prescribing minimum qualifications based on 6948
education, training, experience, or demonstrated ability, that 6949
the superintendent shall use in certifying or recertifying 6950
plumbing inspectors to do plumbing inspections for health 6951
districts and county building departments that are authorized to 6952
perform inspections pursuant to a contract under division (C) (1) 6953

of this section, and for continuing education of plumbing inspectors. Those minimum qualifications shall be related to the types of buildings for which a person seeks certification.

(E) (1) The superintendent may enter into reciprocal registration, licensure, or certification agreements with ~~other states and other~~ agencies of this state relative to plumbing inspectors if both of the following apply:

~~(1) (a)~~ The requirements for registration, licensure, or certification of plumbing inspectors under the ~~laws of the other state or~~ laws administered by the other agency are substantially equal to the requirements the superintendent adopts under division (D) of this section for certifying plumbing inspectors.

~~(2) (b)~~ The other ~~state or~~ agency extends similar reciprocity to persons certified under this chapter.

(2) The superintendent shall certify a plumbing inspector in accordance with Chapter 4796. of the Revised Code if either of the following applies:

(a) The applicant holds a license or certification in another state.

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a plumbing inspector in a state that does not issue that certification.

(F) The superintendent may select and contract with one or more persons to do all of the following regarding examinations for certification of plumbing inspectors:

(1) Prepare, administer, score, and maintain the confidentiality of the examination;

(2) Maintain responsibility for all expenses required to 6982
comply with division (F) (1) of this section; 6983

(3) Charge each applicant a fee for administering the 6984
examination in an amount the superintendent authorizes; 6985

(4) Design the examination for certification of plumbing 6986
inspectors to determine an applicant's competence to inspect 6987
plumbing. 6988

(G) Standards and methods prescribed in local plumbing 6989
regulations shall not be less than those prescribed in Chapters 6990
3781. and 3791. of the Revised Code and the rules adopted 6991
pursuant to those chapters. 6992

(H) Notwithstanding any other provision of this section, 6993
the division shall make a plumbing inspection of any building or 6994
other place that there is reason to believe is in a condition to 6995
be a menace to the public health. 6996

Sec. 3703.21. (A) Within ninety days after September 16, 6997
2004, the superintendent of industrial compliance shall appoint 6998
a backflow advisory board consisting of not more than ten 6999
members, who shall serve at the pleasure of the superintendent. 7000
The superintendent shall appoint a representative from the 7001
plumbing section of the division of industrial compliance, three 7002
representatives recommended by the plumbing administrator of the 7003
division of industrial compliance, a representative of the 7004
drinking water program of the Ohio environmental protection 7005
agency, three representatives recommended by the director of 7006
environmental protection, and not more than two members who are 7007
not employed by the plumbing or water industry. 7008

The board shall advise the superintendent on matters 7009
pertaining to the training and certification of backflow 7010

technicians. 7011

(B) The superintendent shall adopt rules in accordance 7012
with Chapter 119. of the Revised Code to provide for the 7013
certification of backflow technicians. The rules shall establish 7014
all of the following requirements, specifications, and 7015
procedures: 7016

(1) Requirements and procedures for the initial 7017
certification of backflow technicians, including eligibility 7018
criteria and application requirements and fees; 7019

(2) Specifications concerning and procedures for taking 7020
examinations required for certification as a backflow 7021
technician, including eligibility criteria to take the 7022
examination and application requirements and fees for taking the 7023
examination; 7024

(3) Specifications concerning and procedures for renewing 7025
a certification as a backflow technician, including eligibility 7026
criteria, application requirements, and fees for renewal; 7027

(4) Specifications concerning and procedures for both of 7028
the following: 7029

(a) Approval of training agencies authorized to teach 7030
required courses to candidates for certification as backflow 7031
technicians or continuing education courses to certified 7032
backflow technicians; 7033

(b) Renewal of the approval described in division (B) (4) 7034
(a) of this section. 7035

(5) Education requirements that candidates for initial 7036
certification as backflow technicians must satisfy and 7037
continuing education requirements that certified backflow 7038

technicians must satisfy; 7039

(6) Grounds and procedures for denying, suspending, or 7040
revoking certification, or denying the renewal of certification, 7041
as a backflow technician; 7042

(7) Procedures for issuing administrative orders for the 7043
remedy of any violation of this section or any rule adopted 7044
pursuant to division (B) of this section, including, but not 7045
limited to, procedures for assessing a civil penalty authorized 7046
under division ~~(D)~~(E) of this section; 7047

(8) Any provision the superintendent determines is 7048
necessary to administer or enforce this section. 7049

(C) The superintendent shall certify a backflow technician 7050
in accordance with Chapter 4796. of the Revised Code if either 7051
of the following applies: 7052

(1) The individual holds a license or certification in 7053
another state. 7054

(2) The individual has satisfactory work experience, a 7055
government certification, or a private certification as 7056
described in that chapter as a backflow technician in a state 7057
that does not issue that certification. 7058

(D) No individual shall engage in the installation, 7059
testing, or repair of any isolation backflow prevention device 7060
unless that individual possesses a valid certification as a 7061
backflow technician. This division does not apply with respect 7062
to the installation, testing, or repair of any containment 7063
backflow prevention device. 7064

~~(D)~~(E) Whoever violates division ~~(C)~~(D) of this section 7065
or any rule adopted pursuant to division (B) of this section 7066

shall pay a civil penalty of not more than five thousand dollars 7067
for each day that the violation continues. The superintendent 7068
may, by order, assess a civil penalty under this division, or 7069
may request the attorney general to bring a civil action to 7070
impose the civil penalty in the court of common pleas of the 7071
county in which the violation occurred or where the violator 7072
resides. 7073

~~(E)~~ (F) Any action taken under a rule adopted pursuant to 7074
division (B) (6) of this section is subject to the appeal process 7075
of Chapter 119. of the Revised Code. An administrative order 7076
issued pursuant to rules adopted under division (B) (7) of this 7077
section and an appeal to that type of administrative order shall 7078
be executed in accordance with Chapter 119. of the Revised Code. 7079

~~(F)~~ (G) As used in this section: 7080

(1) "Isolation backflow prevention device" means a device 7081
for the prevention of the backflow of liquids, solids, or gases 7082
that is regulated by the building code adopted pursuant to 7083
section 3781.10 of the Revised Code and rules adopted pursuant 7084
to this section. 7085

(2) "Containment backflow prevention device" means a 7086
device for the prevention of the backflow of liquids, solids, or 7087
gases that is installed by the supplier of, or as a requirement 7088
of, any public water system as defined in division (A) of 7089
section 6109.01 of the Revised Code. 7090

Sec. 3704.14. (A) (1) If the director of environmental 7091
protection determines that implementation of a motor vehicle 7092
inspection and maintenance program is necessary for the state to 7093
effectively comply with the federal Clean Air Act after June 30, 7094
2019, the director may provide for the implementation of the 7095

program in those counties in this state in which such a program 7096
is federally mandated. Upon making such a determination, the 7097
director of environmental protection may request the director of 7098
administrative services to extend the terms of the contract that 7099
was entered into under the authority of Am. Sub. H.B. 64 of the 7100
131st general assembly. Upon receiving the request, the director 7101
of administrative services shall extend the contract, beginning 7102
on July 1, 2019, in accordance with this section. The contract 7103
shall be extended for a period of up to twenty-four months with 7104
the contractor who conducted the motor vehicle inspection and 7105
maintenance program under that contract. 7106

(2) Prior to the expiration of the contract extension that 7107
is authorized by division (A)(1) of this section, the director 7108
of environmental protection shall request the director of 7109
administrative services to enter into a contract with a vendor 7110
to operate a decentralized motor vehicle inspection and 7111
maintenance program in each county in this state in which such a 7112
program is federally mandated through June 30, 2023, with an 7113
option for the state to renew the contract for a period of up to 7114
twenty-four months through June 30, 2025. The contract shall 7115
ensure that the decentralized motor vehicle inspection and 7116
maintenance program achieves at least the same emission 7117
reductions as achieved by the program operated under the 7118
authority of the contract that was extended under division (A) 7119
(1) of this section. The director of administrative services 7120
shall select a vendor through a competitive selection process in 7121
compliance with Chapter 125. of the Revised Code. 7122

(3) Notwithstanding any law to the contrary, the director 7123
of administrative services shall ensure that a competitive 7124
selection process regarding a contract to operate a 7125
decentralized motor vehicle inspection and maintenance program 7126

in this state incorporates the following, which shall be 7127
included in the contract: 7128

(a) For purposes of expanding the number of testing 7129
locations for consumer convenience, a requirement that the 7130
vendor utilize established local businesses, auto repair 7131
facilities, or leased properties to operate state-approved 7132
inspection and maintenance testing facilities; 7133

(b) A requirement that the vendor selected to operate the 7134
program provide notification of the program's requirements to 7135
each owner of a motor vehicle that is required to be inspected 7136
under the program. The contract shall require the notification 7137
to be provided not later than sixty days prior to the date by 7138
which the owner of the motor vehicle is required to have the 7139
motor vehicle inspected. The director of environmental 7140
protection and the vendor shall jointly agree on the content of 7141
the notice. However, the notice shall include at a minimum the 7142
locations of all inspection facilities within a specified 7143
distance of the address that is listed on the owner's motor 7144
vehicle registration; 7145

(c) A requirement that the vendor comply with testing 7146
methodology and supply the required equipment approved by the 7147
director of environmental protection as specified in the 7148
competitive selection process in compliance with Chapter 125. of 7149
the Revised Code. 7150

(4) A decentralized motor vehicle inspection and 7151
maintenance program operated under this section shall comply 7152
with division (B) of this section. The director of environmental 7153
protection shall administer the decentralized motor vehicle 7154
inspection and maintenance program operated under this section. 7155

(B) The decentralized motor vehicle inspection and maintenance program authorized by this section, at a minimum, shall do all of the following:

(1) Comply with the federal Clean Air Act;

(2) Provide for the issuance of inspection certificates;

(3) Provide for a new car exemption for motor vehicles four years old or newer and provide that a new motor vehicle is exempt for four years regardless of whether legal title to the motor vehicle is transferred during that period.

(C) (1) The director of environmental protection shall adopt rules in accordance with Chapter 119. of the Revised Code that the director determines are necessary to implement this section. The director may continue to implement and enforce rules pertaining to the motor vehicle inspection and maintenance program previously implemented under former section 3704.14 of the Revised Code as that section existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th general assembly, provided that the rules do not conflict with this section.

(2) The director of environmental protection shall issue an inspection certificate provided for under division (B)(2) of this section in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

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

(b) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as a vehicle inspector in a state that does not issue that certificate.

(D) There is hereby created in the state treasury the auto emissions test fund, which shall consist of money received by the director from any cash transfers, state and local grants, and other contributions that are received for the purpose of funding the program established under this section. The director of environmental protection shall use money in the fund solely for the implementation, supervision, administration, operation, and enforcement of the motor vehicle inspection and maintenance program established under this section. Money in the fund shall not be used for either of the following:

(1) To pay for the inspection costs incurred by a motor vehicle dealer so that the dealer may provide inspection certificates to an individual purchasing a motor vehicle from the dealer when that individual resides in a county that is subject to the motor vehicle inspection and maintenance program;

(2) To provide payment for more than one free passing emissions inspection or a total of three emissions inspections for a motor vehicle in any three-hundred-sixty-five-day period. The owner or lessee of a motor vehicle is responsible for inspection fees that are related to emissions inspections beyond one free passing emissions inspection or three total emissions inspections in any three-hundred-sixty-five-day period. Inspection fees that are charged by a contractor conducting emissions inspections under a motor vehicle inspection and maintenance program shall be approved by the director of environmental protection.

(E) The motor vehicle inspection and maintenance program established under this section expires upon the termination of all contracts entered into under this section and shall not be implemented beyond the final date on which termination occurs.

Sec. 3713.05. (A) Applications to register to import, 7214
manufacture, renovate, wholesale, make, or reupholster stuffed 7215
toys or bedding in this state shall be made in writing on forms 7216
provided by the superintendent of industrial compliance. The 7217
application shall be accompanied by a registration fee of fifty 7218
dollars per person unless the applicant engages only in 7219
renovation, in which case the registration fee shall be thirty- 7220
five dollars. 7221

~~(B)~~. Upon receipt of the application and the appropriate 7222
fee, the superintendent shall register the applicant and assign 7223
a registration number to the registrant. 7224

(B) The superintendent shall register an applicant in 7225
accordance with Chapter 4796. of the Revised Code if either of 7226
the following applies: 7227

(1) The applicant is licensed or registered to import, 7228
manufacture, renovate, wholesale, make, or reupholster stuffed 7229
toys or bedding in another state. 7230

(2) The applicant has satisfactory work experience, a 7231
government certification, or a private certification as 7232
described in that chapter with or for importing, manufacturing, 7233
renovating, wholesaling, making, or reupholstering stuffed toys 7234
or bedding in a state that does not issue that registration. 7235

(C) Notwithstanding section 3713.02 of the Revised Code 7236
and division (A) of this section, the following are exempt from 7237
registration: 7238

(1) An organization described in section 501(c)(3) of the 7239
"Internal Revenue Code of 1986," and exempt from income tax 7240
under section 501(a) of that code and that is operated 7241
exclusively to provide recreation or social services; 7242

(2) A person who is not regularly engaged in the business 7243
of manufacturing, making, wholesaling, or importing stuffed toys 7244
but who manufactures or makes stuffed toys as a leisure pursuit 7245
and who sells one hundred or fewer stuffed toys within one 7246
calendar year; 7247

(3) A person who is not regularly engaged in the business 7248
of manufacturing, making, wholesaling, or importing quilts, 7249
comforters, pillows, or cushions, but who manufactures or makes 7250
these items as a leisure pursuit and who sells five or fewer 7251
quilts, ten or fewer comforters, or twenty or fewer pillows or 7252
cushions within one calendar year. 7253

(D) Notwithstanding division (C) (2) or (3) of this 7254
section, a person exempt under that division must attach a label 7255
to each stuffed toy that contains all of the following 7256
information: 7257

(1) The person's name and address; 7258

(2) A statement that the person is not registered by the 7259
state of Ohio; 7260

(3) A statement that the contents of the product have not 7261
been inspected. 7262

Sec. 3717.09. (A) In accordance with rules adopted under 7263
section 3717.51 of the Revised Code, the director of health 7264
shall approve courses of study for certification in food 7265
protection as it pertains to retail food establishments and as 7266
it pertains to food service operations. ~~The~~ Except as provided 7267
in division (B) of this section, the director shall certify 7268
individuals in food protection who successfully complete a 7269
course of study approved under this section and meet all other 7270
certification requirements specified in rules adopted under 7271

section 3717.51 of the Revised Code. 7272

(B) The director shall issue a certification in food protection in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 7273
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(1) The applicant holds a license or certification in another state. 7276
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter working in food protection in a state that does not issue that certification. 7278
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Sec. 3723.03. Pursuant to division (B) of section 3723.02 of the Revised Code, an individual, business entity, or government entity that holds a valid license issued by another state authorizing practice as a radon tester, mitigation specialist, or mitigation contractor under the laws of that state may practice in this state without a license issued under this chapter for not more than ninety days in any calendar year as a radon tester, mitigation specialist, or mitigation contractor, if the director of health finds that the requirements for licensure in that state are comparable to the requirements for licensure under this chapter and the rules adopted under it and the individual, business entity, or government entity provides notice to the director of health, in accordance with rules adopted under section 3723.09 of the Revised Code, prior to commencing practice in this state. 7282
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Chapter 4796. of the Revised Code does not apply to a nonresident individual authorized to practice under this section. 7297
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Sec. 3723.06. (A) The director of health shall license 7300

radon testers, mitigation specialists, and mitigation 7301
contractors. Each applicant for a license shall submit a 7302
completed application to the director on a form the director 7303
shall prescribe and furnish. 7304

(B) ~~In~~Except as provided in division (F) of this section 7305
and in accordance with rules adopted under section 3723.09 of 7306
the Revised Code, the director shall issue the appropriate 7307
license to each applicant that pays the license fee prescribed 7308
by the director, meets the licensing criteria established by the 7309
director, and complies with any other licensing and training 7310
requirements established by the director. An individual, 7311
business entity, or government entity may hold more than one 7312
license issued under this section, but a separate application is 7313
required for each license. 7314

(C) Notwithstanding division (B) of this section and 7315
except as provided in division (F) of this section, the director 7316
shall issue a radon mitigation contractor license on request to 7317
the holder of a radon mitigation specialist license if the 7318
license holder is the owner or chief stockholder of a business 7319
entity for which the license holder is the only individual who 7320
will work as a radon mitigation specialist. The licensing 7321
criteria and any other licensing and training requirements the 7322
individual was required to meet to qualify for the radon 7323
mitigation specialist license are hereby deemed to satisfy any 7324
and all criteria and requirements for a radon mitigation 7325
contractor license. A license issued under this division shall 7326
expire at the same time as the individual's radon mitigation 7327
specialist license. No license fee shall be imposed for a 7328
license issued under this division. 7329

(D) A license issued under this section expires biennially 7330

and may be renewed by the director in accordance with criteria 7331
and procedures established in rules adopted under section 7332
3723.09 of the Revised Code and on payment of the license 7333
renewal fee prescribed in those rules. 7334

(E) In accordance with Chapter 119. of the Revised Code, 7335
the director may do either of the following: 7336

(1) Refuse to issue a license to an individual, business 7337
entity, or government entity that does not meet the requirements 7338
of this chapter or the rules adopted under it or has been in 7339
violation of those requirements; 7340

(2) Suspend, revoke, or refuse to renew the license of an 7341
individual, business entity, or government entity that is or has 7342
been in violation of the requirements of this chapter or the 7343
rules adopted under it. 7344

(F) The director shall issue a radon tester, mitigation 7345
specialist, or mitigation contractor license in accordance with 7346
Chapter 4796. of the Revised Code to an applicant if either of 7347
the following applies: 7348

(1) The applicant holds a license in another state. 7349

(2) The applicant has satisfactory work experience, a 7350
government certification, or a private certification as 7351
described in that chapter as a radon tester, mitigation 7352
specialist, or mitigation contractor in a state that does not 7353
issue one or more of those licenses. 7354

Sec. 3737.83. The state fire marshal shall, as part of the 7355
state fire code, adopt rules to: 7356

(A) Establish minimum standards of performance for fire 7357
protection equipment and fire fighting equipment; 7358

(B) Establish minimum standards of training, fix minimum 7359
qualifications, and require certificates for all persons who 7360
engage in the business for profit of installing, testing, 7361
repairing, or maintaining fire protection equipment; 7362

(C) Provide for the issuance of certificates required 7363
under division (B) of this section and establish the fees to be 7364
charged for such certificates. A certificate shall be granted, 7365
renewed, or revoked according to rules the state fire marshal 7366
shall adopt, except that the state fire marshal shall grant a 7367
certificate in accordance with Chapter 4796. of the Revised Code 7368
to an applicant if either of the following applies: 7369

(1) The applicant holds a license or certificate in 7370
another state. 7371

(2) The applicant has satisfactory work experience, a 7372
government certification, or a private certification as 7373
described in that chapter as a person engaged in the business of 7374
installing, testing, repairing, or maintaining fire protection 7375
equipment in a state that does not issue that certificate. 7376

(D) Establish minimum standards of flammability for 7377
consumer goods in any case where the federal government or any 7378
department or agency thereof has established, or may from time 7379
to time establish standards of flammability for consumer goods. 7380
The standards established by the state fire marshal shall be 7381
identical to the minimum federal standards. 7382

In any case where the federal government or any department 7383
or agency thereof, establishes standards of flammability for 7384
consumer goods subsequent to the adoption of a flammability 7385
standard by the state fire marshal, standards previously adopted 7386
by the state fire marshal shall not continue in effect to the 7387

extent such standards are not identical to the minimum federal standards. 7388
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With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code. 7390
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(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in child day-care centers and in type A family day-care homes, as defined in section 5104.01 of the Revised Code. 7394
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(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The state fire marshal shall adopt the rules under this division in consultation with the director of mental health and addiction services and interested parties designated by the director of mental health and addiction services. 7398
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Sec. 3737.881. (A) The state fire marshal shall certify underground storage tank systems installers who meet the standards for certification established in rules adopted under division (D) (1) of this section, pass the certification examination required by this division, and pay the certificate fee established in rules adopted under division (D) (5) of this section. Any individual who wishes to obtain certification as an installer shall apply to the state fire marshal on a form prescribed by the state fire marshal. The application shall be accompanied by the application and examination fees established in rules adopted under division (D) (5) of this section. 7406
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The state fire marshal shall prescribe an examination 7417
designed to test the knowledge of applicants for certification 7418
as underground storage tank system installers in the 7419
installation, repair, abandonment, and removal of those systems. 7420
The examination shall also test the applicants' knowledge and 7421
understanding of the requirements and standards established in 7422
rules adopted under sections 3737.88 and 3737.882 of the Revised 7423
Code pertaining to the installation, repair, abandonment, and 7424
removal of those systems. 7425

Installer certifications issued under this division shall 7426
be renewed annually, upon submission of a certification renewal 7427
form prescribed by the state fire marshal, provision of proof of 7428
successful completion of continuing education requirements, and 7429
payment of the certification renewal fee established in rules 7430
adopted under division (D) (5) of this section. In addition, the 7431
fire marshal may from time to time prescribe an examination for 7432
certification renewal and may require applicants to pass the 7433
examination and pay the fee established for it in rules adopted 7434
under division (D) (5) of this section. 7435

The state fire marshal may, in accordance with Chapter 7436
119. of the Revised Code, deny, suspend, revoke, or refuse to 7437
renew an installer's certification or renewal thereof after 7438
finding that any of the following applies: 7439

(1) The applicant for certification or certificate holder 7440
fails to meet the standards for certification or renewal thereof 7441
under this section and rules adopted under it; 7442

(2) The certification was obtained through fraud or 7443
misrepresentation; 7444

(3) The certificate holder recklessly caused or permitted 7445

a person under the certificate holder's supervision to install, 7446
perform major repairs on site to, abandon, or remove an 7447
underground storage tank system in violation of the performance 7448
standards set forth in rules adopted under section 3737.88 or 7449
3737.882 of the Revised Code. 7450

As used in division (A) (3) of this section, "recklessly" 7451
has the same meaning as in section 2901.22 of the Revised Code. 7452

(B) The state fire marshal shall certify persons who 7453
sponsor training programs for underground storage tank system 7454
installers who meet the criteria for certification established 7455
in rules adopted by the state fire marshal under division (D) (4) 7456
of this section and pay the certificate fee established in rules 7457
adopted under division (D) (5) of this section. Any person who 7458
wishes to obtain certification to sponsor such a training 7459
program shall apply to the state fire marshal on a form 7460
prescribed by the state fire marshal. Training program 7461
certificates issued under this division shall expire annually. 7462
Upon submission of a certification renewal application form 7463
prescribed by the state fire marshal and payment of the 7464
application and certification renewal fees established in rules 7465
adopted under division (D) (5) of this section, the state fire 7466
marshal shall issue a training program renewal certificate to 7467
the applicant. 7468

The state fire marshal may, in accordance with Chapter 7469
119. of the Revised Code, deny an application for, suspend, or 7470
revoke a training program certificate or renewal or renewal of a 7471
training program certificate after finding that the training 7472
program does not or will not meet the standards for 7473
certification established in rules adopted under division (D) (4) 7474
of this section. 7475

(C) The state fire marshal may conduct or cause to be 7476
conducted training programs for underground storage tank systems 7477
installers as the fire marshal considers to be necessary or 7478
appropriate. The state fire marshal is not subject to division 7479
(B) of this section with respect to training programs conducted 7480
by employees of the office of the state fire marshal. 7481

(D) The state fire marshal shall adopt, and may amend and 7482
rescind, rules doing all of the following: 7483

(1) Defining the activities that constitute supervision 7484
over the installation, performance of major repairs on site to, 7485
abandonment of, and removal of underground storage tank systems; 7486

(2) Establishing standards and procedures for 7487
certification of underground storage tank systems installers; 7488

(3) Establishing standards and procedures for continuing 7489
education for certification renewal, subject to the provisions 7490
of section 5903.12 of the Revised Code relating to active duty 7491
military service; 7492

(4) Establishing standards and procedures for 7493
certification of training programs for installers; 7494

(5) Establishing fees for applications for certifications 7495
under this section, the examinations prescribed under division 7496
(A) of this section, the issuance and renewal of certificates 7497
under divisions (A) and (B) of this section, and attendance at 7498
training programs conducted by the fire marshal under division 7499
(C) of this section. Fees received under this section shall be 7500
credited to the underground storage tank administration fund 7501
created in section 3737.02 of the Revised Code and shall be used 7502
to defray the costs of implementing, administering, and 7503
enforcing this section and the rules adopted thereunder, 7504

conducting training sessions, and facilitating prevention of 7505
releases. 7506

(6) That are necessary or appropriate for the 7507
implementation, administration, and enforcement of this section. 7508

(E) Nothing in this section or the rules adopted under it 7509
prohibits an owner or operator of an underground storage tank 7510
system from installing, making major repairs on site to, 7511
abandoning, or removing an underground storage tank system under 7512
the supervision of an installer certified under division (A) of 7513
this section who is a full-time or part-time employee of the 7514
owner or operator. 7515

(F) On and after January 7, 1990, no person shall do any 7516
of the following: 7517

(1) Install, make major repairs on site to, abandon, or 7518
remove an underground storage tank system unless the activity is 7519
performed under the supervision of a qualified individual who 7520
holds a valid installer certificate issued under division (A) of 7521
this section; 7522

(2) Act in the capacity of providing supervision for the 7523
installation of, performance of major repairs on site to, 7524
abandonment of, or removal of an underground storage tank system 7525
unless the person holds a valid installer certificate issued 7526
under division (A) of this section; 7527

(3) Except as provided in division (C) of this section, 7528
sponsor a training program for underground storage tank systems 7529
installers unless the person holds a valid training program 7530
certificate issued under division (B) of this section. 7531

(G) Notwithstanding any provision of this section to the 7532
contrary, the state fire marshal shall issue an installer's 7533

certification or a training program certificate in accordance 7534
with Chapter 4796. of the Revised Code to an applicant if either 7535
of the following applies: 7536

(1) The applicant holds an installer's license or 7537
certification or a training program license or certificate in 7538
another state. 7539

(2) The applicant has satisfactory work experience, a 7540
government certification, or a private certification as 7541
described in that chapter as an installer of underground storage 7542
tank systems in a state that does not issue one or both of those 7543
certifications. 7544

Sec. 3742.05. (A) (1) The director of health shall issue 7545
lead inspector, lead abatement contractor, lead risk assessor, 7546
lead abatement project designer, lead abatement worker, and 7547
clearance technician licenses. ~~The~~ Except as provided in 7548
division (C) of this section, the director shall issue a license 7549
to an applicant who meets all of the following requirements: 7550

(a) Submits an application to the director on a form 7551
prescribed by the director; 7552

(b) Meets the licensing and training requirements 7553
established in rules adopted under section 3742.03 of the 7554
Revised Code; 7555

(c) Successfully completes the licensing examination for 7556
the applicant's area of expertise administered under section 7557
3742.08 of the Revised Code and any training required by the 7558
director under that section; 7559

(d) Pays the license fee established in rules adopted 7560
under section 3742.03 of the Revised Code; 7561

(e) Provides the applicant's social security number and 7562
any information the director may require to demonstrate the 7563
applicant's compliance with this chapter and the rules adopted 7564
under it. 7565

(2) An individual may hold more than one license issued 7566
under this section, but a separate application is required for 7567
each license. 7568

(B) A license issued under this section expires two years 7569
after the date of issuance. The director shall renew a license 7570
in accordance with the standard renewal procedure set forth in 7571
Chapter 4745. of the Revised Code, if the licensee does all of 7572
the following: 7573

(1) Continues to meet the requirements of division (A) of 7574
this section; 7575

(2) Demonstrates compliance with procedures to prevent 7576
public exposure to lead hazards and for worker protection during 7577
lead abatement projects established in rules adopted under 7578
section 3742.03 of the Revised Code; 7579

(3) Meets the record-keeping and reporting requirements 7580
for lead abatement projects or clearance examinations 7581
established in rules adopted under section 3742.03 of the 7582
Revised Code; 7583

(4) Pays the license renewal fee established in rules 7584
adopted under section 3742.03 of the Revised Code. 7585

(C) ~~An individual licensed, certified, or otherwise~~ 7586
~~approved under the law of another state to perform functions~~ 7587
~~substantially similar to those of~~ The director shall issue a 7588
lead inspector, lead abatement contractor, lead risk assessor, 7589
lead abatement project designer, lead abatement worker, or 7590

~~clearance technician may apply to the director of health for licensure in accordance with the procedures set forth in division (A) of this section. The director shall license an individual under this division on a determination that the standards for licensure, certification, or approval in that state are at least substantially equivalent to those established by this chapter and the rules adopted under it. The director may require an examination for licensure under this division~~
license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

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

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a lead inspector, lead abatement contractor, lead risk assessor, lead abatement project designer, lead abatement worker, or clearance technician in a state that does not issue one or more of those licenses.

Sec. 3743.03. (A) If a person submits an application for licensure as a manufacturer of fireworks, together with the license fee, fingerprints, and proof of the insurance coverage, as required by section 3743.02 of the Revised Code, the state fire marshal shall review the application and accompanying matter, request the criminal records check described in division (E) of this section, inspect the premises of the fireworks plant described in the application, and determine whether the applicant will be issued the license. In determining whether to issue the license, the state fire marshal shall consider the results of the criminal records check and the inspection, and the information set forth in the application, and shall decide whether the applicant and the fireworks plant described in the

application conform to sections 3743.02 to 3743.08 of the 7621
Revised Code and the rules adopted by the state fire marshal 7622
pursuant to section 3743.05 of the Revised Code, and are in full 7623
compliance with Chapters 3781. and 3791. of the Revised Code, 7624
and any applicable building or zoning regulations. 7625

(B) ~~Subject~~ Except as provided in division (F) of this 7626
section and subject to section 3743.70 of the Revised Code, the 7627
state fire marshal shall issue a license in accordance with 7628
Chapter 119. of the Revised Code to an applicant for licensure 7629
as a manufacturer of fireworks only if the applicant and the 7630
fireworks plant described in the application conform to sections 7631
3743.02 to 3743.08 of the Revised Code and the rules adopted by 7632
the state fire marshal pursuant to section 3743.05 of the 7633
Revised Code, only if the fireworks plant described in the 7634
application complies with the Ohio building code adopted under 7635
Chapter 3781. of the Revised Code, if that fireworks plant was 7636
constructed after May 30, 1986, and only if the state fire 7637
marshal is satisfied that the application and accompanying 7638
matter are complete and in conformity with section 3743.02 of 7639
the Revised Code. The requirements of this chapter and of the 7640
rules adopted under this chapter as applicable to the structure 7641
of a building do not apply to a building in a fireworks plant if 7642
the building was inspected and approved by the department of 7643
industrial relations or by any building department certified 7644
pursuant to division (E) of section 3781.10 of the Revised Code 7645
prior to May 30, 1986. 7646

(C) Each license issued pursuant to this section shall 7647
contain a distinct number assigned to the licensed manufacturer 7648
and, if the licensed manufacturer will engage in the processing 7649
of fireworks as any part of its manufacturing of fireworks at 7650
the fireworks plants, a notation indicating that fact. The state 7651

fire marshal shall maintain a list of all licensed manufacturers 7652
of fireworks. In the list next to each manufacturer's name, the 7653
state fire marshal shall insert the period of licensure, the 7654
license number of the manufacturer, and, if applicable, a 7655
notation that the manufacturer will engage in the processing of 7656
fireworks as part of its manufacturing of fireworks. 7657

(D) The holder of a license issued pursuant to this 7658
section may request the state fire marshal to cancel that 7659
license and issue in its place a license to sell fireworks at 7660
wholesale under section 3743.16 of the Revised Code. Upon 7661
receipt of such a request, the state fire marshal shall cancel 7662
the license issued under this section and issue a license under 7663
section 3743.16 of the Revised Code if the applicant meets the 7664
requirements of that section. 7665

(E) Upon receipt of an application and the required 7666
accompanying matter under section 3743.02 of the Revised Code, 7667
the state fire marshal shall forward to the superintendent of 7668
the bureau of criminal identification and investigation a 7669
request that the bureau conduct an investigation of the 7670
applicant and, if applicable, additional individuals who hold, 7671
own, or control a five per cent or greater beneficial or equity 7672
interest in the applicant, to determine whether the applicant or 7673
the additional associated individuals have been convicted of or 7674
pled guilty to a disqualifying offense as determined under 7675
section 9.79 of the Revised Code, under the laws of this state, 7676
another state, or the United States. 7677

If the applicant for initial licensure has resided in this 7678
state for less than five continuous years immediately prior to 7679
the date the applicant submits an initial application, the 7680
superintendent also shall request that the federal bureau of 7681

investigation conduct an investigation of the applicant and, if 7682
applicable, additional individuals who hold, own, or control a 7683
five per cent or greater beneficial or equity interest in the 7684
applicant, to determine whether the applicant or the additional 7685
associated individuals have been convicted of or pled guilty to 7686
a disqualifying offense as determined under section 9.79 of the 7687
Revised Code, under the laws of this state, another state, or 7688
the United States. 7689

The superintendent shall forward the results of an 7690
investigation conducted pursuant to this division to the state 7691
fire marshal and may charge a reasonable fee for providing the 7692
results. The state fire marshal shall assess any fee charged by 7693
the superintendent for the results to the applicant. 7694

(F) The state fire marshal shall issue a license to act as 7695
a manufacturer of fireworks in accordance with Chapter 4796. of 7696
the Revised Code to an applicant if either of the following 7697
applies: 7698

(1) The applicant is licensed in another state. 7699

(2) The applicant has satisfactory work experience, a 7700
government certification, or a private certification as 7701
described in that chapter as a manufacturer of fireworks in a 7702
state that does not issue that license. 7703

Sec. 3743.16. (A) If a person submits an application for 7704
licensure as a wholesaler of fireworks, together with the 7705
license fee, fingerprints, and proof of the insurance coverage, 7706
as required by section 3743.15 of the Revised Code, the state 7707
fire marshal shall review the application and accompanying 7708
matter, request the criminal records check described in division 7709
(D) of this section, inspect the premises on which the fireworks 7710

would be sold, and determine whether the applicant will be 7711
issued the license. In determining whether to issue the license, 7712
the state fire marshal shall consider the results of the 7713
criminal records check and the inspection, and the information 7714
set forth in the application, and shall decide whether the 7715
applicant and the premises on which the fireworks will be sold 7716
conform to sections 3743.15 to 3743.21 of the Revised Code and 7717
the rules adopted by the state fire marshal pursuant to section 7718
3743.18 of the Revised Code, and are in full compliance with 7719
Chapters 3781. and 3791. of the Revised Code, and any applicable 7720
building or zoning regulations. 7721

(B) ~~Subject~~ Except as provided in division (E) of this 7722
section and subject to section 3743.70 of the Revised Code, the 7723
state fire marshal shall issue a license in accordance with 7724
Chapter 119. of the Revised Code to the applicant for licensure 7725
as a wholesaler of fireworks only if the applicant and the 7726
premises on which the fireworks will be sold conform to sections 7727
3743.15 to 3743.21 of the Revised Code and the rules adopted by 7728
the state fire marshal pursuant to section 3743.18 of the 7729
Revised Code, only if the premises on which the fireworks will 7730
be sold complies with the Ohio building code adopted under 7731
Chapter 3781. of the Revised Code, if that premises was 7732
constructed after May 30, 1986, and only if the state fire 7733
marshal is satisfied that the application and accompanying 7734
matter are complete and in conformity with section 3743.15 of 7735
the Revised Code. The requirements of this chapter and of the 7736
rules adopted under this chapter as applicable to the structure 7737
of a building do not apply to a building used by a wholesaler if 7738
the building was inspected and approved by the department of 7739
industrial relations or by any building department certified 7740
pursuant to division (E) of section 3781.10 of the Revised Code 7741

prior to May 30, 1986. 7742

(C) Each license issued pursuant to this section shall 7743
contain a distinct number assigned to the particular wholesaler. 7744
The state fire marshal shall maintain a list of all licensed 7745
wholesalers of fireworks. In this list next to each wholesaler's 7746
name, the state fire marshal shall insert the period of 7747
licensure and the license number of the particular wholesaler. 7748

(D) Upon receipt of an application and the required 7749
accompanying matter under section 3743.15 of the Revised Code, 7750
the state fire marshal shall forward to the superintendent of 7751
the bureau of criminal identification and investigation a 7752
request that the bureau conduct an investigation of the 7753
applicant and, if applicable, additional individuals who hold, 7754
own, or control a five per cent or greater beneficial or equity 7755
interest in the applicant, to determine whether the applicant or 7756
the additional associated individuals have been convicted of or 7757
pled guilty to a disqualifying offense in accordance with 7758
section 9.79 of the Revised Code, under the laws of this state, 7759
another state, or the United States. 7760

If the applicant for initial licensure has resided in this 7761
state for less than five continuous years immediately prior to 7762
the date the applicant submits an initial application, the 7763
superintendent also shall request that the federal bureau of 7764
investigation conduct an investigation of the applicant and, if 7765
applicable, additional individuals who hold, own, or control a 7766
five per cent or greater beneficial or equity interest in the 7767
applicant, to determine whether the applicant or the additional 7768
associated individuals have been convicted of or pled guilty to 7769
a disqualifying offense in accordance with section 9.79 of the 7770
Revised Code, under the laws of this state, another state, or 7771

the United States. 7772

The superintendent shall forward the results of an 7773
investigation conducted pursuant to this division to the state 7774
fire marshal and may charge a reasonable fee for providing the 7775
results. The state fire marshal shall assess any fee charged by 7776
the superintendent for the results to the applicant. 7777

(E) The state fire marshal shall issue a license to act as 7778
a wholesaler of fireworks in accordance with Chapter 4796. of 7779
the Revised Code to an applicant if either of the following 7780
applies: 7781

(1) The applicant is licensed in another state. 7782

(2) The applicant has satisfactory work experience, a 7783
government certification, or a private certification as 7784
described in that chapter as a wholesaler of fireworks in a 7785
state that does not issue that license. 7786

Sec. 3743.40. (A) Any person who resides in another state 7787
and who intends to ship fireworks into this state shall submit 7788
to the state fire marshal an application for a shipping permit. 7789
As used in this section, "fireworks" includes only 1.3G and 1.4G 7790
fireworks. The application shall be submitted prior to shipping 7791
fireworks into this state, shall be on a form prescribed by the 7792
state fire marshal, shall contain the information required by 7793
division (B) of this section and all information requested by 7794
the state fire marshal, and shall be accompanied by the fee and 7795
the documentation described in division (C) of this section. 7796

The state fire marshal shall prescribe a form for 7797
applications for shipping permits and make a copy of the form 7798
available, upon request, to persons who seek such a permit. 7799

(B) In an application for a shipping permit, the applicant 7800

shall specify the types of fireworks to be shipped into this 7801
state. 7802

(C) An application for a shipping permit shall be 7803
accompanied by a fee of two thousand seven hundred fifty 7804
dollars. 7805

An application for a shipping permit shall be accompanied 7806
by a certified copy or other copy acceptable to the state fire 7807
marshal of the applicant's license or permit issued in the 7808
applicant's state of residence and authorizing the applicant to 7809
engage in the manufacture, wholesale sale, or transportation of 7810
fireworks in that state, if that state issues such a license or 7811
permit, and by a statement by the applicant that the applicant 7812
understands and will abide by rules adopted by the state fire 7813
marshal pursuant to section 3743.58 of the Revised Code for 7814
transporting fireworks. 7815

(D) Except as otherwise provided in this division, and 7816
subject to section 3743.70 of the Revised Code, the state fire 7817
marshal shall issue a shipping permit to an applicant only if 7818
the state fire marshal determines that the applicant is a 7819
resident of another state and is the holder of a license or 7820
permit issued by that state authorizing it to engage in the 7821
manufacture, wholesale sale, or transportation of fireworks in 7822
that state, and the state fire marshal is satisfied that the 7823
application and documentation are complete and in conformity 7824
with this section and that the applicant will transport 7825
fireworks into this state in accordance with rules adopted by 7826
the state fire marshal pursuant to section 3743.58 of the 7827
Revised Code. The state fire marshal shall issue a shipping 7828
permit to an applicant if the applicant meets all of the 7829
requirements of this section for the issuance of a shipping 7830

permit except that the applicant does not hold a license or 7831
permit issued by the state of residence authorizing the 7832
applicant to engage in the manufacture, wholesale sale, or 7833
transportation of fireworks in that state because that state 7834
does not issue such a license or permit. 7835

(E) Each permit issued pursuant to this section shall 7836
contain a distinct number assigned to the particular permit 7837
holder, and contain the information described in division (B) of 7838
this section. 7839

The state fire marshal shall maintain a list of all 7840
persons issued shipping permits. In this list next to each 7841
person's name, the state fire marshal shall insert the date upon 7842
which the permit was issued and the information described in 7843
division (B) of this section. 7844

(F) A shipping permit is valid for one year from the date 7845
of issuance by the state fire marshal and only if the permit 7846
holder ships the fireworks directly into this state to the 7847
holder of a license issued under section 3743.03 or 3743.16 of 7848
the Revised Code or a license holder under section 3743.51 of 7849
the Revised Code who possesses a valid exhibition permit issued 7850
in accordance with section 3743.54 of the Revised Code and the 7851
fireworks shipped are to be used at the specifically permitted 7852
exhibition. The permit authorizes the permit holder to ship 7853
fireworks, as described in rules adopted by the state fire 7854
marshal under Chapter 119. of the Revised Code, directly to the 7855
holder of a license issued under section 3743.03 or 3743.16 of 7856
the Revised Code, and to possess the fireworks in this state 7857
while the permit holder is in the course of shipping them 7858
directly into this state. 7859

The holder of a shipping permit shall have the permit in 7860

the holder's possession in this state at all times while in the 7861
course of shipping the fireworks directly into this state. A 7862
shipping permit is not transferable or assignable. 7863

(G) The state fire marshal shall not require a person 7864
holding a shipping permit issued under this section to obtain a 7865
shipping permit pursuant to Chapter 4796. of the Revised Code. 7866

Sec. 3743.51. (A) If a person submits an application for 7867
licensure as an exhibitor of fireworks, together with the fee, 7868
as required by section 3743.50 of the Revised Code, the state 7869
fire marshal shall review the application and determine whether 7870
the applicant satisfies sections 3743.50 to 3743.55 of the 7871
Revised Code and the rules adopted by the state fire marshal 7872
pursuant to division (A) of section 3743.53 of the Revised Code. 7873

(B) ~~Subject~~ Except as provided in division (D) of this 7874
section and subject to section 3743.70 of the Revised Code, the 7875
state fire marshal shall issue a license in accordance with 7876
Chapter 119. of the Revised Code to the applicant for licensure 7877
as an exhibitor of fireworks only if the applicant satisfies 7878
sections 3743.50 to 3743.55 of the Revised Code and the rules 7879
adopted by the state fire marshal pursuant to division (A) of 7880
section 3743.53 of the Revised Code, and only if the state fire 7881
marshal is satisfied that the application is complete and in 7882
conformity with section 3743.50 of the Revised Code. 7883

(C) Each license issued pursuant to this section shall 7884
contain a distinct number assigned to the particular exhibitor. 7885
The state fire marshal shall maintain a list of all licensed 7886
exhibitors of fireworks. In this list next to each exhibitor's 7887
name, the state fire marshal shall insert the period of 7888
licensure and the license number of the particular exhibitor. 7889

(D) The state fire marshal shall issue a license to act as 7890
an exhibitor of fireworks in accordance with Chapter 4796. of 7891
the Revised Code to an applicant if either of the following 7892
applies: 7893

(1) The applicant is licensed in another state. 7894

(2) The applicant has satisfactory work experience, a 7895
government certification, or a private certification as 7896
described in that chapter as an exhibitor of fireworks in a 7897
state that does not issue that license. 7898

Sec. 3746.041. The director of environmental protection 7899
shall issue an environmental professional certification provided 7900
for under division (B) (5) of section 3746.04 of the Revised Code 7901
in accordance with Chapter 4796. of the Revised Code if an 7902
applicant either holds a certification or license in another 7903
state, or the applicant has satisfactory work experience, a 7904
government certification, or a private certification as 7905
described in that chapter as an environmental professional in a 7906
state that does not issue that certification. 7907

Sec. 3748.07. (A) ~~Every~~ Except as provided in division (G) 7908
of this section, every facility that proposes to handle 7909
radioactive material or radiation-generating equipment for which 7910
licensure or registration, respectively, by its handler is 7911
required shall apply in writing to the director of health on 7912
forms prescribed and provided by the director for licensure or 7913
registration. Terms and conditions of licenses and certificates 7914
of registration may be amended in accordance with rules adopted 7915
under section 3748.04 of the Revised Code or orders issued by 7916
the director pursuant to section 3748.05 of the Revised Code. 7917

(B) (1) ~~An~~ Except as provided in division (G) of this 7918

section, an applicant proposing to handle radioactive material 7919
shall pay for a license or renewal of a license the appropriate 7920
fee specified in rules adopted under section 3748.04 of the 7921
Revised Code and listed on an invoice provided by the director. 7922
The applicant shall pay the fee on receipt of the invoice. 7923

(2) (a) Except as provided in division (B) (2) (b) of this 7924
section, until fees are established in rules adopted under 7925
division (A) (8) (b) of section 3748.04 of the Revised Code, an 7926
applicant proposing to handle radiation-generating equipment 7927
shall pay for a certificate of registration or renewal of a 7928
certificate a biennial registration fee of two hundred sixty-two 7929
dollars. 7930

Except as provided in division (B) (2) (b) of this section, 7931
on and after the effective date of the rules in which fees are 7932
established under division (A) (8) (b) of section 3748.04 of the 7933
Revised Code, an applicant proposing to handle radiation- 7934
generating equipment shall pay for a certificate of registration 7935
or renewal of a certificate the appropriate fee established in 7936
those rules. 7937

The applicant shall pay the fees described in division (B) 7938
(2) (a) of this section at the time of applying for a certificate 7939
of registration or renewal of a certificate. 7940

(b) An applicant that is, or is operated by, a medical 7941
practitioner or medical-practitioner group and proposes to 7942
handle radiation-generating equipment shall pay for a 7943
certificate of registration or renewal of a certificate a 7944
biennial registration fee of two hundred sixty-two dollars. The 7945
applicant shall pay the fee at the time of applying for a 7946
certificate of registration or renewal of the certificate. 7947

(C) All fees collected under this section shall be 7948
deposited in the state treasury to the credit of the general 7949
operations fund created in section 3701.83 of the Revised Code. 7950
The fees shall be used solely to administer and enforce this 7951
chapter and rules adopted under it. 7952

(D) Any fee required under this section that remains 7953
unpaid on the ninety-first day after the original invoice date 7954
shall be assessed an additional amount equal to ten per cent of 7955
the original fee. 7956

(E) The director shall grant a license or registration to 7957
any applicant who has paid the required fee and is in compliance 7958
with this chapter and rules adopted under it. 7959

(F) Except as provided in division (B) (2) of this section, 7960
licenses and certificates of registration shall be effective for 7961
the applicable period established in rules adopted under section 7962
3748.04 of the Revised Code. Licenses and certificates of 7963
registration shall be renewed in accordance with the renewal 7964
procedure established in rules adopted under section 3748.04 of 7965
the Revised Code. 7966

(G) The director shall issue a license to handle 7967
radioactive material or a certificate of registration to handle 7968
radiation-generating equipment in accordance with Chapter 4796. 7969
of the Revised Code to an applicant if either of the following 7970
applies: 7971

(1) The applicant holds a license or certificate in 7972
another state. 7973

(2) The applicant has satisfactory work experience, a 7974
government certification, or a private certification as 7975
described in that chapter in handling radioactive material or 7976

radiation-generating equipment in a state that does not issue 7977
that license or certification or both. 7978

Sec. 3748.12. ~~The~~ (A) Except as provided in division (C) 7979
of this section, the director of health shall certify radiation 7980
experts pursuant to rules adopted under division (C) of section 7981
3748.04 of the Revised Code. The director shall issue a 7982
certificate to each person certified under this section. An 7983
individual certified by the director is qualified to develop, 7984
provide periodic review of, and conduct audits of the quality 7985
assurance program for sources of radiation for which such a 7986
program is required under division (A) of section 3748.13 of the 7987
Revised Code. 7988

(B) The director shall establish an application fee for 7989
applying for certification and a biennial certification renewal 7990
fee in rules adopted under division (C) of section 3748.04 of 7991
the Revised Code. A certificate issued under this section shall 7992
expire two years after the date of its issuance. To maintain 7993
certification, a radiation expert shall apply to the director 7994
for renewal of certification in accordance with the standard 7995
renewal procedures established in Chapter 4745. of the Revised 7996
Code. The certification renewal fee is not required for initial 7997
certification, but shall be paid for every renewal of 7998
certification. Fees collected under this section shall be 7999
deposited into the state treasury to the credit of the general 8000
operations fund created in section 3701.83 of the Revised Code. 8001
The fees shall be used solely to administer and enforce this 8002
chapter and rules adopted under it. Any fee required under this 8003
section that remains unpaid on the ninety-first day after the 8004
original invoice date shall be assessed an additional amount 8005
equal to ten per cent of the original fee. 8006

(C) The director shall issue a certificate in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 8007
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(1) The applicant holds a license or certificate in another state. 8010
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a radiation expert in a state that does not issue that certificate. 8012
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Sec. 3769.03. The state racing commission shall prescribe the rules and conditions under which horse racing may be conducted and may issue, deny, suspend, diminish, or revoke permits to conduct horse racing as authorized by sections 3769.01 to 3769.14 of the Revised Code. The commission may impose, in addition to any other penalty imposed by the commission, fines in an amount not to exceed ten thousand dollars on any permit holder or any other person who violates the rules or orders of the commission. The commission may prescribe the forms of wagering that are permissible, the number of races, the procedures on wagering, and the wagering information to be provided to the public. 8016
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The commission may require totalizator equipment to display the amount of wagering in each wagering pool. The commission shall initiate safeguards as necessary to account for the amount of money wagered at each track in each wagering pool. It may require permit holders to install equipment that will provide a complete check and analysis of the functioning of any computers and require safeguards on their performance. The commission shall require all permit holders, except those holding state fair, county fair, or other fair permits, to 8028
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provide a photographic recording, approved by the commission, of 8037
the entire running of all races conducted by the permit holder. 8038

The state racing commission may issue, deny, suspend, or 8039
revoke licenses to those persons engaged in racing and to those 8040
employees of permit holders as is in the public interest for the 8041
purpose of maintaining a proper control over horse-racing 8042
meetings. The commission, as is in the public interest for the 8043
purpose of maintaining proper control over horse-racing 8044
meetings, also may rule any person off a permit holder's 8045
premises. License fees shall include registration fees and shall 8046
be set by the commission. Each license issued by the commission, 8047
unless revoked for cause, shall be for the period of one year 8048
from the first day of January of the year in which it is issued, 8049
except as otherwise provided in section 3769.07 of the Revised 8050
Code. Applicants for licenses issued by the commission shall 8051
submit their fingerprints to the commission, and the commission 8052
may forward the fingerprints to the federal bureau of 8053
investigation or to any other agency, or to both, for 8054
examination. The commission shall issue a license to a person 8055
engaged in racing or an employee of a permit holder in 8056
accordance with Chapter 4796. of the Revised Code if that person 8057
or employee holds a license in another state, or that person or 8058
employee has satisfactory work experience, a government 8059
certification, or a private certification as described in that 8060
chapter in horse racing in a state that does not issue that 8061
license. 8062

There is hereby created in the state treasury the state 8063
racing commission operating fund. All license fees established 8064
and collected by the commission pursuant to this section, and 8065
the amounts specified in divisions (B) and (C) of section 8066
3769.08 and division (A) (5) of section 3769.087 of the Revised 8067

Code, shall be paid into the state treasury to the credit of the 8068
fund. Moneys in the fund shall be expended by the commission to 8069
defray its operating costs, salaries and expenses, and the cost 8070
of administering and enforcing this chapter. 8071

The commission may deny a permit to any permit holder that 8072
has defaulted in payments to the public, employees, or the 8073
horsemen and may deny a permit to any successor purchaser of a 8074
track for as long as any of those defaults have not been 8075
satisfied by either the seller or purchaser. 8076

The commission shall deny a permit to any permit holder 8077
that has defaulted in payments to the state or has defaulted in 8078
payments required under section 3769.089 or 3769.0810 of the 8079
Revised Code and shall deny a permit to any successor purchaser 8080
of a track for as long as those defaults have not been satisfied 8081
by either the seller or purchaser. 8082

Any violation of this chapter, of any rule of racing 8083
adopted by the commission, or of any law or rule with respect to 8084
racing in any jurisdiction shall be sufficient reason for a 8085
refusal to issue a license, or a suspension or revocation of any 8086
license issued, pursuant to this section. 8087

With respect to the issuance, denial, suspension, or 8088
revocation of a license to a participant in horse racing, the 8089
action of the commission shall be subject to Chapter 119. of the 8090
Revised Code. 8091

The commission may sue and be sued in its own name. Any 8092
action against the commission shall be brought in the court of 8093
common pleas of Franklin county. Any appeal from a determination 8094
or decision of the commission rendered in the exercise of its 8095
powers and duties under this chapter shall be brought in the 8096

court of common pleas of Franklin county. 8097

The commission, biennially, shall make a full report to 8098
the governor of its proceedings for the two-year period ending 8099
with the thirty-first day of December preceding the convening of 8100
the general assembly and shall include its recommendations in 8101
the report. The commission, semiannually, on the thirtieth day 8102
of June and on the thirty-first day of December of each year, 8103
shall make a report and accounting to the governor. 8104

Sec. 3770.05. (A) As used in this section, "person" means 8105
any individual, association, corporation, limited liability 8106
company, partnership, club, trust, estate, society, receiver, 8107
trustee, person acting in a fiduciary or representative 8108
capacity, instrumentality of the state or any of its political 8109
subdivisions, or any other business entity or combination of 8110
individuals meeting the requirements set forth in this section 8111
or established by rule or order of the state lottery commission. 8112

(B) The director of the state lottery commission may 8113
license any person as a lottery sales agent. 8114

~~Before~~ (1) Except as provided in division (B) (2) of this 8115
section, before issuing any license to a lottery sales agent, 8116
the director shall consider all of the following: 8117

~~(1)~~ (a) The financial responsibility and security of the 8118
applicant and the applicant's business or activity; 8119

~~(2)~~ (b) The accessibility of the applicant's place of 8120
business or activity to the public; 8121

~~(3)~~ (c) The sufficiency of existing licensed agents to 8122
serve the public interest; 8123

~~(4)~~ (d) The volume of expected sales by the applicant; 8124

(5)(e) Any other factors pertaining to the public interest, convenience, or trust.	8125 8126
<u>(2) The director of the state lottery commission shall issue a lottery sales agent license in accordance with Chapter 4796. of the Revised Code to a video lottery terminal sales agent employee if either of the following applies:</u>	8127 8128 8129 8130
<u>(a) The employee holds a license in another state.</u>	8131
<u>(b) The employee has satisfactory work experience, a government certification, or a private certification as described in that chapter as a lottery sales agent in a state that does not issue that license.</u>	8132 8133 8134 8135
(C) Except as otherwise provided in divisions (F) and (G) of this section, the director of the state lottery commission may refuse to grant, or may suspend or revoke, a license if the applicant or licensee:	8136 8137 8138 8139
(1) Has been convicted of a felony or has been convicted of a crime involving moral turpitude;	8140 8141
(2) Has been convicted of an offense that involves illegal gambling;	8142 8143
(3) Has been found guilty of fraud or misrepresentation in any connection;	8144 8145
(4) Has been found to have violated any rule or order of the commission; or	8146 8147
(5) Has been convicted of illegal trafficking in supplemental nutrition assistance program benefits.	8148 8149
(D) Except as otherwise provided in division (G) of this section, the director of the state lottery commission may refuse	8150 8151

to grant, or may suspend or revoke, a license if the applicant 8152
or licensee is a corporation or other business entity, and any 8153
of the following applies: 8154

(1) Any of the directors, officers, managers, or 8155
controlling shareholders has been found guilty of any of the 8156
activities specified in divisions (C)(1) to (5) of this section; 8157

(2) It appears to the director of the state lottery 8158
commission that, due to the experience or general fitness of any 8159
director, officer, manager, or controlling shareholder, the 8160
granting of a license as a lottery sales agent would be 8161
inconsistent with the public interest, convenience, or trust; 8162

(3) The corporation or other business entity is not the 8163
owner or lessee of the business at which it would conduct a 8164
lottery sales agency pursuant to the license applied for; 8165

(4) Any person, firm, association, or corporation other 8166
than the applicant or licensee shares or will share in the 8167
profits of the applicant or licensee, other than receiving 8168
dividends or distributions as a shareholder, or participates or 8169
will participate in the management of the affairs of the 8170
applicant or licensee. 8171

(E) (1) The director of the state lottery commission shall 8172
revoke a lottery sales agent license if the applicant or 8173
licensee is or has been convicted of a violation of division (A) 8174
or (C) (1) of section 2913.46 of the Revised Code. 8175

(2) The director shall revoke the lottery sales agent 8176
license of a corporation if the corporation is or has been 8177
convicted of a violation of division (A) or (C) (1) of section 8178
2913.46 of the Revised Code. 8179

(F) The director of the state lottery commission shall not 8180

refuse to issue a license to an applicant because of a 8181
conviction of an offense unless the refusal is in accordance 8182
with section 9.79 of the Revised Code. 8183

(G) The director of the state lottery commission shall 8184
request the bureau of criminal identification and investigation, 8185
the department of public safety, or any other state, local, or 8186
federal agency to supply the director with the criminal records 8187
of any applicant for a lottery sales agent license, and may 8188
periodically request the criminal records of any person to whom 8189
a lottery sales agent license has been issued. At or prior to 8190
the time of making such a request, the director shall require an 8191
applicant or licensee to obtain fingerprint impressions on 8192
fingerprint cards prescribed by the superintendent of the bureau 8193
of criminal identification and investigation at a qualified law 8194
enforcement agency, and the director shall cause those 8195
fingerprint cards to be forwarded to the bureau of criminal 8196
identification and investigation, to the federal bureau of 8197
investigation, or to both bureaus. The commission shall assume 8198
the cost of obtaining the fingerprint cards. 8199

The director shall pay to each agency supplying criminal 8200
records for each investigation a reasonable fee, as determined 8201
by the agency. 8202

The commission may adopt uniform rules specifying time 8203
periods after which the persons described in divisions (C) (1) to 8204
(5) and (D) (1) to (4) of this section may be issued a license 8205
and establishing requirements for those persons to seek a court 8206
order to have records sealed in accordance with law. 8207

(H) (1) Each applicant for a lottery sales agent license 8208
shall do both of the following: 8209

(a) Pay fees to the state lottery commission, if required 8210
by rule adopted by the director under Chapter 119. of the 8211
Revised Code and the controlling board approves the fees; 8212

(b) Prior to approval of the application, obtain a surety 8213
bond in an amount the director determines by rule adopted under 8214
Chapter 119. of the Revised Code or, alternatively, with the 8215
director's approval, deposit the same amount into a dedicated 8216
account for the benefit of the state lottery. The director also 8217
may approve the obtaining of a surety bond to cover part of the 8218
amount required, together with a dedicated account deposit to 8219
cover the remainder of the amount required. The director also 8220
may establish an alternative program or policy, with the 8221
approval of the commission by rule adopted under Chapter 119. of 8222
the Revised Code, that otherwise ensures the lottery's financial 8223
interests are adequately protected. If such an alternative 8224
program or policy is established, an applicant or lottery sales 8225
agent, subject to the director's approval, may be permitted to 8226
participate in the program or proceed under that policy in lieu 8227
of providing a surety bond or dedicated amount. 8228

A surety bond may be with any company that complies with 8229
the bonding and surety laws of this state and the requirements 8230
established by rules of the commission pursuant to this chapter. 8231
A dedicated account deposit shall be conducted in accordance 8232
with policies and procedures the director establishes. 8233

A surety bond, dedicated account, other established 8234
program or policy, or any combination of these resources, as 8235
applicable, may be used to pay for the lottery sales agent's 8236
failure to make prompt and accurate payments for lottery ticket 8237
sales, for missing or stolen lottery tickets, for damage to 8238
equipment or materials issued to the lottery sales agent, or to 8239

pay for expenses the commission incurs in connection with the 8240
lottery sales agent's license. 8241

(2) A lottery sales agent license is effective for at 8242
least one year, but not more than three years. 8243

A licensed lottery sales agent, on or before the date 8244
established by the director, shall renew the agent's license and 8245
provide at that time evidence to the director that the surety 8246
bond, dedicated account deposit, or both, required under 8247
division (H) (1) (b) of this section has been renewed or is 8248
active, whichever applies. 8249

Before the commission renews a lottery sales agent 8250
license, the lottery sales agent shall submit a renewal fee to 8251
the commission, if one is required by rule adopted by the 8252
director under Chapter 119. of the Revised Code and the 8253
controlling board approves the renewal fee. The renewal fee 8254
shall not exceed the actual cost of administering the license 8255
renewal and processing changes reflected in the renewal 8256
application. The renewal of the license is effective for at 8257
least one year, but not more than three years. 8258

(3) A lottery sales agent license shall be complete, 8259
accurate, and current at all times during the term of the 8260
license. Any changes to an original license application or a 8261
renewal application may subject the applicant or lottery sales 8262
agent, as applicable, to paying an administrative fee that shall 8263
be in an amount that the director determines by rule adopted 8264
under Chapter 119. of the Revised Code, and that the controlling 8265
board approves, and that shall not exceed the actual cost of 8266
administering and processing the changes to an application. 8267

(4) The relationship between the commission and a lottery 8268

sales agent is one of trust. A lottery sales agent collects 8269
funds on behalf of the commission through the sale of lottery 8270
tickets for which the agent receives a compensation. 8271

(I) Pending a final resolution of any question arising 8272
under this section, the director of the state lottery commission 8273
may issue a temporary lottery sales agent license, subject to 8274
the terms and conditions the director considers appropriate. 8275

(J) If a lottery sales agent's rental payments for the 8276
lottery sales agent's premises are determined, in whole or in 8277
part, by the amount of retail sales the lottery sales agent 8278
makes, and if the rental agreement does not expressly provide 8279
that the amount of those retail sales includes the amounts the 8280
lottery sales agent receives from lottery ticket sales, only the 8281
amounts the lottery sales agent receives as compensation from 8282
the state lottery commission for selling lottery tickets shall 8283
be considered to be amounts the lottery sales agent receives 8284
from the retail sales the lottery sales agent makes, for the 8285
purpose of computing the lottery sales agent's rental payments. 8286

Sec. 3772.13. (A) No person may be employed as a key 8287
employee of a casino operator, management company, or holding 8288
company unless the person is the holder of a valid key employee 8289
license issued by the commission. 8290

(B) No person may be employed as a key employee of a 8291
gaming-related vendor unless that person is either the holder of 8292
a valid key employee license issued by the commission, or the 8293
person, at least five business days prior to the first day of 8294
employment as a key employee, has filed a notification of 8295
employment with the commission and subsequently files a 8296
completed application for a key employee license within the 8297
first thirty days of employment as a key employee. 8298

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

(D) To be eligible for a key employee license, the applicant shall be at least twenty-one years of age and shall meet the criteria set forth by rule by the commission.

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

(F) Each applicant shall submit with each application, on a form provided by the commission, two sets of fingerprints and a photograph. The commission shall charge each applicant an

application fee set by the commission to cover all actual costs 8329
generated by each licensee and all background checks under this 8330
section and section 3772.07 of the Revised Code. 8331

(G) (1) The casino operator, management company, or holding 8332
company by whom a person is employed as a key employee shall 8333
terminate the person's employment in any capacity requiring a 8334
license under this chapter and shall not in any manner permit 8335
the person to exercise a significant influence over the 8336
operation of a casino facility if: 8337

(a) The person does not apply for and receive a key 8338
employee license within three months of being issued a 8339
provisional license, as established under commission rule. 8340

(b) The person's application for a key employee license is 8341
denied by the commission. 8342

(c) The person's key employee license is revoked by the 8343
commission. 8344

The commission shall notify the casino operator, 8345
management company, or holding company who employs such a person 8346
by certified mail of any such finding, denial, or revocation. 8347

(2) A casino operator, management company, or holding 8348
company shall not pay to a person whose employment is terminated 8349
under division (G) (1) of this section, any remuneration for any 8350
services performed in any capacity in which the person is 8351
required to be licensed, except for amounts due for services 8352
rendered before notice was received under that division. A 8353
contract or other agreement for personal services or for the 8354
conduct of any casino gaming at a casino facility between a 8355
casino operator, management company, or holding company and a 8356
person whose employment is terminated under division (G) (1) of 8357

this section may be terminated by the casino operator, 8358
management company, or holding company without further liability 8359
on the part of the casino operator, management company, or 8360
holding company. Any such contract or other agreement is deemed 8361
to include a term authorizing its termination without further 8362
liability on the part of the casino operator, management 8363
company, or holding company upon receiving notice under division 8364
(G) (1) of this section. That a contract or other agreement does 8365
not expressly include such a term is not a defense in any action 8366
brought to terminate the contract or other agreement, and is not 8367
grounds for relief in any action brought questioning termination 8368
of the contract or other agreement. 8369

(3) A casino operator, management company, or holding 8370
company, without having obtained the prior approval of the 8371
commission, shall not enter into any contract or other agreement 8372
with a person who has been found unsuitable, who has been denied 8373
a license, or whose license has been revoked under division (G) 8374
(1) of this section, or with any business enterprise under the 8375
control of such a person, after the date on which the casino 8376
operator, management company, or holding company receives notice 8377
under that division. 8378

(H) Notwithstanding the requirements for a license under 8379
this section, the commission shall issue a key employee license 8380
in accordance with Chapter 4796. of the Revised Code to an 8381
applicant if either of the following applies: 8382

(1) The applicant holds a license in another state. 8383

(2) The applicant has satisfactory work experience, a 8384
government certification, or a private certification as 8385
described in that chapter as a key employee of a casino 8386
operator, management company, or holding company in a state that 8387

does not issue that license. 8388

Sec. 3772.131. (A) All casino gaming employees are 8389
required to have a casino gaming employee license. "Casino 8390
gaming employee" means the following and their supervisors: 8391

(1) Individuals involved in operating a casino gaming pit, 8392
including dealers, shills, clerks, hosts, and junket 8393
representatives; 8394

(2) Individuals involved in handling money, including 8395
cashiers, change persons, count teams, and coin wrappers; 8396

(3) Individuals involved in operating casino games; 8397

(4) Individuals involved in operating and maintaining slot 8398
machines, including mechanics, floor persons, and change and 8399
payoff persons; 8400

(5) Individuals involved in security, including guards and 8401
game observers; 8402

(6) Individuals with duties similar to those described in 8403
divisions (A) (1) to (5) of this section or other persons as the 8404
commission determines. "Casino gaming employee" does not include 8405
an individual whose duties are related solely to nongaming 8406
activities such as entertainment, hotel operation, maintenance, 8407
or preparing or serving food and beverages. 8408

(B) The commission may issue a casino gaming employee 8409
license to an applicant after it has determined that the 8410
applicant is eligible for a license under rules adopted by the 8411
commission and paid any applicable fee. All applications shall 8412
be made under oath. 8413

(C) To be eligible for a casino gaming employee license, 8414
an applicant shall be at least twenty-one years of age. 8415

(D) Each application for a casino gaming employee license 8416
shall be on a form prescribed by the commission and shall 8417
contain all information required by the commission. The 8418
applicant shall set forth in the application if the applicant 8419
has been issued prior gambling-related licenses; if the 8420
applicant has been licensed in any other state under any other 8421
name, and, if so, the name under which the license was issued 8422
and the applicant's age at the time the license was issued; any 8423
criminal conviction the applicant has had; and if a permit or 8424
license issued to the applicant in any other state has been 8425
suspended, restricted, or revoked, and, if so, the cause and the 8426
duration of each action. 8427

(E) Each applicant shall submit with each application, on 8428
a form provided by the commission, two sets of the applicant's 8429
fingerprints and a photograph. The commission shall charge each 8430
applicant an application fee to cover all actual costs generated 8431
by each licensee and all background checks. 8432

(F) Notwithstanding the requirements for a license under 8433
this section, the commission shall issue a casino gaming 8434
employee license in accordance with Chapter 4796. of the Revised 8435
Code to an applicant if either of the following applies: 8436

(1) The applicant holds a license in another state. 8437

(2) The applicant has satisfactory work experience, a 8438
government certification, or a private certification as 8439
described in that chapter as a casino gaming employee in a state 8440
that does not issue that license. 8441

Sec. 3773.36. (A) Upon the proper filing of an application 8442
to conduct any public or private competition that involves 8443
boxing, mixed martial arts, kick boxing, tough man contests, 8444

tough guy contests, or any other form of boxing or martial arts, 8445
accompanied by the surety bond and the application fee, or upon 8446
the proper filing of an application to conduct any public or 8447
private competition that involves wrestling accompanied by the 8448
application fee, the Ohio athletic commission shall issue a 8449
promoter's license to the applicant if it finds that the 8450
applicant is not in default on any payment, obligation, or debt 8451
payable to the state under sections 3773.31 to 3773.57 of the 8452
Revised Code, is financially responsible, and is knowledgeable 8453
in the proper conduct of such matches or exhibitions. 8454

(B) Notwithstanding the requirements for a license under 8455
division (A) of this section, the commission shall issue a 8456
promoter's license in accordance with Chapter 4796. of the 8457
Revised Code to an applicant if either of the following applies: 8458

(1) The applicant holds a license in another state. 8459

(2) The applicant has satisfactory work experience, a 8460
government certification, or a private certification as 8461
described in that chapter as a promoter in a state that does not 8462
issue that license. 8463

(C) Each license issued pursuant to this section shall 8464
bear the name of the licensee, the post office address of the 8465
licensee, the date of expiration, an identification number 8466
designated by the commission, and the seal of the commission. 8467

(D) A promoter's license shall expire twelve months after 8468
its date of issuance and shall become invalid on that date 8469
unless renewed. A promoter's license may be renewed upon 8470
application to the commission and upon payment of the renewal 8471
fee prescribed in section 3773.43 of the Revised Code. The 8472
commission shall renew the license unless it denies the 8473

application for renewal for one or more reasons stated in 8474
section 3123.47 or 3773.53 of the Revised Code. 8475

Sec. 3773.421. ~~A member of the~~ The Ohio athletic 8476
~~commission may grant~~ shall issue a referee's, judge's, 8477
matchmaker's, timekeeper's, manager's, trainer's, contestant's, 8478
or second's license ~~at any time prior to the beginning of a~~ 8479
~~public boxing match or exhibition in accordance with Chapter~~ 8480
4796. of the Revised Code to an applicant ~~from~~ if either of the 8481
following applies: 8482

(A) The applicant holds a license in another state ~~who~~ 8483
~~wishes to participate as specified in section 3773.41 of the~~ 8484
~~Revised Code and who furnishes satisfactory proof to the member~~ 8485
~~that the applicant holds a license that is not under suspension,~~ 8486
~~revocation, or other disciplinary action, if the license was~~ 8487
~~issued by an agency that is similar to the commission, is a~~ 8488
~~member of the association of boxing commissions, and has~~ 8489
~~licensing requirements that are at least as stringent as those~~ 8490
~~established by the commission.~~ 8491

(B) The applicant has satisfactory work experience, a 8492
government certification, or a private certification as 8493
described in that chapter as a referee, judge, matchmaker, 8494
timekeeper, manager, trainer, contestant, or second in a state 8495
that does not issue that license. 8496

Sec. 3774.02. (A) (1) A fantasy contest operator may not 8497
offer a fantasy contest in this state without first obtaining a 8498
license from the commission. 8499

(2) The commission shall issue a fantasy contest operator 8500
license in accordance with Chapter 4796. of the Revised Code to 8501
an applicant if either of the following applies: 8502

(a) The applicant holds a license in another state. 8503

(b) The applicant has satisfactory work experience, a 8504
government certification, or a private certification as 8505
described in that chapter as a fantasy contest operator in a 8506
state that does not issue that license. 8507

(B) (1) In order to obtain or renew a license to operate 8508
fantasy contests in this state, a fantasy contest operator shall 8509
pay to the commission a nonrefundable license fee. 8510

(2) Unless a license issued under this chapter is 8511
suspended, expires, or is revoked, a license may be renewed. 8512
After a determination by the commission that the licensee is in 8513
compliance with this chapter and rules adopted by the commission 8514
under this chapter or division (L) of section 3772.03 of the 8515
Revised Code, the license shall be renewed for not more than 8516
three years, as determined by commission rule adopted under this 8517
chapter or division (L) of section 3772.03 of the Revised Code. 8518

(C) Notwithstanding division (B) of this section, the 8519
commission may investigate a licensee at any time the commission 8520
determines it is necessary to ensure that the licensee remains 8521
in compliance with this chapter and the rules adopted under this 8522
chapter or division (L) of section 3772.03 of the Revised Code. 8523
Any fantasy contest operator that applies for or holds a license 8524
under this chapter shall establish the operator's suitability 8525
for a license by clear and convincing evidence. 8526

Sec. 3781.10. (A) (1) The board of building standards shall 8527
formulate and adopt rules governing the erection, construction, 8528
repair, alteration, and maintenance of all buildings or classes 8529
of buildings specified in section 3781.06 of the Revised Code, 8530
including land area incidental to those buildings, the 8531

construction of industrialized units, the installation of 8532
equipment, and the standards or requirements for materials used 8533
in connection with those buildings. The board shall incorporate 8534
those rules into separate residential and nonresidential 8535
building codes. The standards shall relate to the conservation 8536
of energy and the safety and sanitation of those buildings. 8537

(2) The rules governing nonresidential buildings are the 8538
lawful minimum requirements specified for those buildings and 8539
industrialized units, except that no rule other than as provided 8540
in division (C) of section 3781.108 of the Revised Code that 8541
specifies a higher requirement than is imposed by any section of 8542
the Revised Code is enforceable. The rules governing residential 8543
buildings are uniform requirements for residential buildings in 8544
any area with a building department certified to enforce the 8545
state residential building code. In no case shall any local code 8546
or regulation differ from the state residential building code 8547
unless that code or regulation addresses subject matter not 8548
addressed by the state residential building code or is adopted 8549
pursuant to section 3781.01 of the Revised Code. 8550

(3) The rules adopted pursuant to this section are 8551
complete, lawful alternatives to any requirements specified for 8552
buildings or industrialized units in any section of the Revised 8553
Code. Except as otherwise provided in division (I) of this 8554
section, the board shall, on its own motion or on application 8555
made under sections 3781.12 and 3781.13 of the Revised Code, 8556
formulate, propose, adopt, modify, amend, or repeal the rules to 8557
the extent necessary or desirable to effectuate the purposes of 8558
sections 3781.06 to 3781.18 of the Revised Code. 8559

(B) The board shall report to the general assembly 8560
proposals for amendments to existing statutes relating to the 8561

purposes declared in section 3781.06 of the Revised Code that 8562
public health and safety and the development of the arts require 8563
and shall recommend any additional legislation to assist in 8564
carrying out fully, in statutory form, the purposes declared in 8565
that section. The board shall prepare and submit to the general 8566
assembly a summary report of the number, nature, and disposition 8567
of the petitions filed under sections 3781.13 and 3781.14 of the 8568
Revised Code. 8569

(C) On its own motion or on application made under 8570
sections 3781.12 and 3781.13 of the Revised Code, and after 8571
thorough testing and evaluation, the board shall determine by 8572
rule that any particular fixture, device, material, process of 8573
manufacture, manufactured unit or component, method of 8574
manufacture, system, or method of construction complies with 8575
performance standards adopted pursuant to section 3781.11 of the 8576
Revised Code. The board shall make its determination with regard 8577
to adaptability for safe and sanitary erection, use, or 8578
construction, to that described in any section of the Revised 8579
Code, wherever the use of a fixture, device, material, method of 8580
manufacture, system, or method of construction described in that 8581
section of the Revised Code is permitted by law. The board shall 8582
amend or annul any rule or issue an authorization for the use of 8583
a new material or manufactured unit on any like application. No 8584
department, officer, board, or commission of the state other 8585
than the board of building standards or the board of building 8586
appeals shall permit the use of any fixture, device, material, 8587
method of manufacture, newly designed product, system, or method 8588
of construction at variance with what is described in any rule 8589
the board of building standards adopts or issues or that is 8590
authorized by any section of the Revised Code. Nothing in this 8591
section shall be construed as requiring approval, by rule, of 8592

plans for an industrialized unit that conforms with the rules 8593
the board of building standards adopts pursuant to section 8594
3781.11 of the Revised Code. 8595

(D) The board shall recommend rules, codes, and standards 8596
to help carry out the purposes of section 3781.06 of the Revised 8597
Code and to help secure uniformity of state administrative 8598
rulings and local legislation and administrative action to the 8599
bureau of workers' compensation, the director of commerce, any 8600
other department, officer, board, or commission of the state, 8601
and to legislative authorities and building departments of 8602
counties, townships, and municipal corporations, and shall 8603
recommend that they audit those recommended rules, codes, and 8604
standards by any appropriate action that they are allowed 8605
pursuant to law or the constitution. 8606

(E) (1) The board shall certify municipal, township, and 8607
county building departments, the personnel of those building 8608
departments, persons described in division (E) (7) of this 8609
section, and employees of individuals, firms, the state, or 8610
corporations described in division (E) (7) of this section to 8611
exercise enforcement authority, to accept and approve plans and 8612
specifications, and to make inspections, pursuant to sections 8613
3781.03, 3791.04, and 4104.43 of the Revised Code. 8614

(2) The board shall certify departments, personnel, and 8615
persons to enforce the state residential building code, to 8616
enforce the nonresidential building code, or to enforce both the 8617
residential and the nonresidential building codes. Any 8618
department, personnel, or person may enforce only the type of 8619
building code for which certified. 8620

(3) The board shall not require a building department, its 8621
personnel, or any persons that it employs to be certified for 8622

residential building code enforcement if that building 8623
department does not enforce the state residential building code. 8624
The board shall specify, in rules adopted pursuant to Chapter 8625
119. of the Revised Code, the requirements for certification for 8626
residential and nonresidential building code enforcement, which 8627
shall be consistent with this division. The requirements for 8628
residential and nonresidential certification may differ. Except 8629
as otherwise provided in this division, the requirements shall 8630
include, but are not limited to, the satisfactory completion of 8631
an initial examination and, to remain certified, the completion 8632
of a specified number of hours of continuing building code 8633
education within each three-year period following the date of 8634
certification which shall be not less than thirty hours. The 8635
rules shall provide that continuing education credits and 8636
certification issued by the council of American building 8637
officials, national model code organizations, and agencies or 8638
entities the board recognizes are acceptable for purposes of 8639
this division. The rules shall specify requirements that are 8640
consistent with the provisions of section 5903.12 of the Revised 8641
Code relating to active duty military service and are 8642
compatible, to the extent possible, with requirements the 8643
council of American building officials and national model code 8644
organizations establish. 8645

(4) The board shall establish and collect a certification 8646
and renewal fee for building department personnel, and persons 8647
and employees of persons, firms, or corporations as described in 8648
this section, who are certified pursuant to this division. 8649

(5) Any individual certified pursuant to this division 8650
shall complete the number of hours of continuing building code 8651
education that the board requires or, for failure to do so, 8652
forfeit certification. 8653

(6) This division does not require or authorize the board 8654
to certify personnel of municipal, township, and county building 8655
departments, and persons and employees of persons, firms, or 8656
corporations as described in this section, whose 8657
responsibilities do not include the exercise of enforcement 8658
authority, the approval of plans and specifications, or making 8659
inspections under the state residential and nonresidential 8660
building codes. 8661

(7) Enforcement authority for approval of plans and 8662
specifications and enforcement authority for inspections may be 8663
exercised, and plans and specifications may be approved and 8664
inspections may be made on behalf of a municipal corporation, 8665
township, or county, by any of the following who the board of 8666
building standards certifies: 8667

(a) Officers or employees of the municipal corporation, 8668
township, or county; 8669

(b) Persons, or employees of persons, firms, or 8670
corporations, pursuant to a contract to furnish architectural, 8671
engineering, or other services to the municipal corporation, 8672
township, or county; 8673

(c) Officers or employees of, and persons under contract 8674
with, a municipal corporation, township, county, health 8675
district, or other political subdivision, pursuant to a contract 8676
to furnish architectural, engineering, or other services; 8677

(d) Officers or employees of the division of industrial 8678
compliance in the department of commerce pursuant to a contract 8679
authorized by division (B) of section 121.083 of the Revised 8680
Code. 8681

(8) Municipal, township, and county building departments 8682

have jurisdiction within the meaning of sections 3781.03, 8683
3791.04, and 4104.43 of the Revised Code, only with respect to 8684
the types of buildings and subject matters for which they are 8685
certified under this section. 8686

(9) A certified municipal, township, or county building 8687
department may exercise enforcement authority, accept and 8688
approve plans and specifications, and make inspections pursuant 8689
to sections 3781.03, 3791.04, and 4104.43 of the Revised Code 8690
for a park district created pursuant to Chapter 1545. of the 8691
Revised Code upon the approval, by resolution, of the board of 8692
park commissioners of the park district requesting the 8693
department to exercise that authority and conduct those 8694
activities, as applicable. 8695

(10) Certification shall be granted upon application by 8696
the municipal corporation, the board of township trustees, or 8697
the board of county commissioners and approval of that 8698
application by the board of building standards. The application 8699
shall set forth: 8700

(a) Whether the certification is requested for residential 8701
or nonresidential buildings, or both; 8702

(b) The number and qualifications of the staff composing 8703
the building department; 8704

(c) The names, addresses, and qualifications of persons, 8705
firms, or corporations contracting to furnish work or services 8706
pursuant to division (E) (7) (b) of this section; 8707

(d) The names of any other municipal corporation, 8708
township, county, health district, or political subdivision 8709
under contract to furnish work or services pursuant to division 8710
(E) (7) of this section; 8711

(e) The proposed budget for the operation of the building department. 8712
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(11) The board of building standards shall adopt rules governing all of the following: 8714
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(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E) (7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified personnel to enforce the residential and nonresidential building codes as they pertain to that work. 8716
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(b) The minimum services to be provided by a certified building department. 8731
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(12) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential building codes, on petition to the board by any person affected by that enforcement or approval of plans, or by the board on its own motion. Hearings shall be held and appeals permitted on any proceedings for certification or revocation or suspension of certification in the same manner as provided in section 3781.101 of the Revised Code for other proceedings of the board of building standards. 8733
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(13) Upon certification, and until that authority is 8742
revoked, any county or township building department shall 8743
enforce the residential and nonresidential building codes for 8744
which it is certified without regard to limitation upon the 8745
authority of boards of county commissioners under Chapter 307. 8746
of the Revised Code or boards of township trustees under Chapter 8747
505. of the Revised Code. 8748

(14) The board shall certify a person to exercise 8749
enforcement authority, to accept and approve plans and 8750
specifications, or to make inspections in this state in 8751
accordance with Chapter 4796. of the Revised Code if either of 8752
the following applies: 8753

(a) The person holds a license or certificate in another 8754
state. 8755

(b) The person has satisfactory work experience, a 8756
government certification, or a private certification as 8757
described in that chapter in the same profession, occupation, or 8758
occupational activity as the profession, occupation, or 8759
occupational activity for which the certificate is required in 8760
this state in a state that does not issue that license or 8761
certificate. 8762

(F) In addition to hearings sections 3781.06 to 3781.18 8763
and 3791.04 of the Revised Code require, the board of building 8764
standards shall make investigations and tests, and require from 8765
other state departments, officers, boards, and commissions 8766
information the board considers necessary or desirable to assist 8767
it in the discharge of any duty or the exercise of any power 8768
mentioned in this section or in sections 3781.06 to 3781.18, 8769
3791.04, and 4104.43 of the Revised Code. 8770

(G) The board shall adopt rules and establish reasonable 8771
fees for the review of all applications submitted where the 8772
applicant applies for authority to use a new material, assembly, 8773
or product of a manufacturing process. The fee shall bear some 8774
reasonable relationship to the cost of the review or testing of 8775
the materials, assembly, or products and for the notification of 8776
approval or disapproval as provided in section 3781.12 of the 8777
Revised Code. 8778

(H) The residential construction advisory committee shall 8779
provide the board with a proposal for a state residential 8780
building code that the committee recommends pursuant to division 8781
(D) (1) of section 4740.14 of the Revised Code. Upon receiving a 8782
recommendation from the committee that is acceptable to the 8783
board, the board shall adopt rules establishing that code as the 8784
state residential building code. 8785

(I) (1) The committee may provide the board with proposed 8786
rules to update or amend the state residential building code 8787
that the committee recommends pursuant to division (E) of 8788
section 4740.14 of the Revised Code. 8789

(2) If the board receives a proposed rule to update or 8790
amend the state residential building code as provided in 8791
division (I) (1) of this section, the board either may accept or 8792
reject the proposed rule for incorporation into the residential 8793
building code. If the board does not act to either accept or 8794
reject the proposed rule within ninety days after receiving the 8795
proposed rule from the committee as described in division (I) (1) 8796
of this section, the proposed rule shall become part of the 8797
residential building code. 8798

(J) The board shall cooperate with the director of job and 8799
family services when the director promulgates rules pursuant to 8800

section 5104.05 of the Revised Code regarding safety and 8801
sanitation in type A family day-care homes. 8802

(K) The board shall adopt rules to implement the 8803
requirements of section 3781.108 of the Revised Code. 8804

Sec. 3781.102. (A) Any county or municipal building 8805
department certified pursuant to division (E) of section 3781.10 8806
of the Revised Code as of September 14, 1970, and that, as of 8807
that date, was inspecting single-family, two-family, and three- 8808
family residences, and any township building department 8809
certified pursuant to division (E) of section 3781.10 of the 8810
Revised Code, is hereby declared to be certified to inspect 8811
single-family, two-family, and three-family residences 8812
containing industrialized units, and shall inspect the buildings 8813
or classes of buildings subject to division (E) of section 8814
3781.10 of the Revised Code. 8815

(B) Each board of county commissioners may adopt, by 8816
resolution, rules establishing standards and providing for the 8817
licensing of electrical and heating, ventilating, and air 8818
conditioning contractors who are not required to hold a valid 8819
and unexpired license pursuant to Chapter 4740. of the Revised 8820
Code. 8821

Rules adopted by a board of county commissioners pursuant 8822
to this division may be enforced within the unincorporated areas 8823
of the county and within any municipal corporation where the 8824
legislative authority of the municipal corporation has 8825
contracted with the board for the enforcement of the county 8826
rules within the municipal corporation pursuant to section 8827
307.15 of the Revised Code. The rules shall not conflict with 8828
rules adopted by the board of building standards pursuant to 8829
section 3781.10 of the Revised Code or by the department of 8830

commerce pursuant to Chapter 3703. of the Revised Code. This 8831
division does not impair or restrict the power of municipal 8832
corporations under Section 3 of Article XVIII, Ohio 8833
Constitution, to adopt rules concerning the erection, 8834
construction, repair, alteration, and maintenance of buildings 8835
and structures or of establishing standards and providing for 8836
the licensing of specialty contractors pursuant to section 8837
715.27 of the Revised Code. 8838

A board of county commissioners, pursuant to this 8839
division, may require all electrical contractors and heating, 8840
ventilating, and air conditioning contractors, other than those 8841
who hold a valid and unexpired license issued pursuant to 8842
Chapter 4740. of the Revised Code, to successfully complete an 8843
examination, test, or demonstration of technical skills, and may 8844
impose a fee and additional requirements for a license to engage 8845
in their respective occupations within the jurisdiction of the 8846
board's rules under this division. 8847

(C) No board of county commissioners shall require any 8848
specialty contractor who holds a valid and unexpired license 8849
issued pursuant to Chapter 4740. of the Revised Code to 8850
successfully complete an examination, test, or demonstration of 8851
technical skills in order to engage in the type of contracting 8852
for which the license is held, within the unincorporated areas 8853
of the county and within any municipal corporation whose 8854
legislative authority has contracted with the board for the 8855
enforcement of county regulations within the municipal 8856
corporation, pursuant to section 307.15 of the Revised Code. 8857

(D) A board may impose a fee for registration of a 8858
specialty contractor who holds a valid and unexpired license 8859
issued pursuant to Chapter 4740. of the Revised Code before that 8860

specialty contractor may engage in the type of contracting for 8861
which the license is held within the unincorporated areas of the 8862
county and within any municipal corporation whose legislative 8863
authority has contracted with the board for the enforcement of 8864
county regulations within the municipal corporation, pursuant to 8865
section 307.15 of the Revised Code, provided that the fee is the 8866
same for all specialty contractors who wish to engage in that 8867
type of contracting. If a board imposes such a fee, the board 8868
immediately shall permit a specialty contractor who presents 8869
proof of holding a valid and unexpired license and pays the 8870
required fee to engage in the type of contracting for which the 8871
license is held within the unincorporated areas of the county 8872
and within any municipal corporation whose legislative authority 8873
has contracted with the board for the enforcement of county 8874
regulations within the municipal corporation, pursuant to 8875
section 307.15 of the Revised Code. 8876

(E) The political subdivision associated with each 8877
municipal, township, and county building department the board of 8878
building standards certifies pursuant to division (E) of section 8879
3781.10 of the Revised Code may prescribe fees to be paid by 8880
persons, political subdivisions, or any department, agency, 8881
board, commission, or institution of the state, for the 8882
acceptance and approval of plans and specifications, and for the 8883
making of inspections, pursuant to sections 3781.03 and 3791.04 8884
of the Revised Code. 8885

(F) Each political subdivision that prescribes fees 8886
pursuant to division (E) of this section shall collect, on 8887
behalf of the board of building standards, fees equal to the 8888
following: 8889

(1) Three per cent of the fees the political subdivision 8890

collects in connection with nonresidential buildings; 8891

(2) One per cent of the fees the political subdivision 8892
collects in connection with residential buildings. 8893

(G) (1) The board shall adopt rules, in accordance with 8894
Chapter 119. of the Revised Code, specifying the manner in which 8895
the fee assessed pursuant to division (F) of this section shall 8896
be collected and remitted monthly to the board. The board shall 8897
pay the fees into the state treasury to the credit of the 8898
industrial compliance operating fund created in section 121.084 8899
of the Revised Code. 8900

(2) All money credited to the industrial compliance 8901
operating fund under this division shall be used exclusively for 8902
the following: 8903

(a) Operating costs of the board; 8904

(b) Providing services, including educational programs, 8905
for the building departments that are certified by the board 8906
pursuant to division (E) of section 3781.10 of the Revised Code; 8907

(c) Paying the expenses of the residential construction 8908
advisory committee, including the expenses of committee members 8909
as provided in section 4740.14 of the Revised Code. 8910

(H) A board of county commissioners that adopts rules 8911
providing for the licensing of electrical and heating, 8912
ventilating, and air conditioning contractors, pursuant to 8913
division (B) of this section, may accept, for purposes of 8914
satisfying the requirements of rules adopted under that 8915
division, a valid and unexpired license issued pursuant to 8916
Chapter 4740. of the Revised Code that is held by an electrical 8917
or heating, ventilating, and air conditioning contractor, for 8918
the construction, replacement, maintenance, or repair of one- 8919

family, two-family, or three-family dwelling houses or accessory structures incidental to those dwelling houses. 8920
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(I) A board of county commissioners shall not register a specialty contractor who is required to hold a license under Chapter 4740. of the Revised Code but does not hold a valid license issued under that chapter. 8922
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(J) If a board of county commissioners regulates a profession, occupation, or occupational activity under this section, the board shall comply with Chapter 4796. of the Revised Code. 8926
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(K) As used in this section, "specialty contractor" means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those contractors are described in Chapter 4740. of the Revised Code. 8930
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Sec. 3781.105. (A) The board of building standards shall certify individuals who design fire protection systems for buildings and who meet the requirements specified in this section. The board may establish separate certification categories for specific types of fire protection systems. 8935
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(B) Any individual who wishes to obtain certification shall make application to the board on a form prescribed by the board. The application shall be accompanied by an application fee and an initial certification fee. The initial certification fee shall be refunded if the applicant fails to obtain certification. Certification may be renewed annually upon payment of a renewal fee. 8940
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Fees required to be paid under this division shall be established by rule adopted by the board. The application fee 8947
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shall bear a reasonable relationship to processing the 8949
individual's application, the certification fee shall bear a 8950
reasonable relationship to certifying the individual, and the 8951
certification renewal fee shall bear a reasonable relationship 8952
to renewing the individual's certification. 8953

(C) Each applicant shall submit evidence satisfactory to 8954
the board that the applicant has directly engaged in designing 8955
and preparing drawings for the category of the type of fire 8956
protection system for which the applicant seeks certification. 8957

(D) The board shall certify any qualified applicant who 8958
passes an examination prescribed either by the board or by the 8959
national institute for certification in engineering 8960
technologies. The examination shall demonstrate the applicant's 8961
knowledge and understanding of the category of the type of fire 8962
protection system for which the applicant seeks certification. 8963

(E) The board, after a hearing in accordance with Chapter 8964
119. of the Revised Code, may suspend or revoke any category of 8965
certification of any individual who proves at any time to be 8966
incompetent to submit and certify plans and specifications for 8967
that category to the appropriate building department under 8968
section 3791.04 of the Revised Code, and may suspend or revoke 8969
all categories of certification of any individual who engages in 8970
any illegal or fraudulent acts in connection with the design of 8971
fire protection systems. 8972

~~(H)~~ (F) The board may adopt rules in accordance with 8973
Chapter 119. of the Revised Code for the administration and 8974
enforcement of this section. 8975

(G) Notwithstanding any other provision of this section to 8976
the contrary, the board shall certify an applicant in accordance 8977

with Chapter 4796. of the Revised Code if either of the 8978
following applies: 8979

(1) The applicant is licensed or certified in another 8980
state. 8981

(2) The applicant has satisfactory work experience, a 8982
government certification, or a private certification as 8983
described in that chapter as a designer of fire protection 8984
systems in a state that does not issue that license or 8985
certificate. 8986

Sec. 3905.041. ~~(A)(1) An~~ The superintendent of insurance 8987
shall issue an insurance agent license to an individual who 8988
applies for a ~~resident~~ an insurance agent license in this state 8989
within ninety days after establishing a principal place of 8990
residence or principal place of business in this state shall not 8991
be required under in accordance with section 3905.04 Chapter 8992
4796. of the Revised Code to complete a program of insurance 8993
education or to pass a written examination if the individual has 8994
paid all applicable fees required under this chapter and if 8995
either of the following applies: 8996

~~(a)~~ (A) The individual is currently licensed in another 8997
state and is in good standing for the line or lines of authority 8998
requested. 8999

~~(b)~~ The individual was previously licensed in another 9000
state, the individual's application for a resident insurance 9001
agent license in this state is received within ninety days after 9002
the cancellation of the individual's previous license, and, at 9003
the time of license cancellation, the individual was in good 9004
standing for the line or lines of authority requested. 9005

~~(2) To determine an applicant's licensure status and~~ 9006

~~standing in another state, the superintendent of insurance may
utilize the producer database maintained by the NAIC or its
affiliates or subsidiaries. If that information is not available
on the producer database, the superintendent may require
documentation from the prior home state.~~ 9007
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~~(B) An individual who applies for a temporary insurance
agent license in this state shall not be required under section
3905.04 of the Revised Code to complete any prelicensing
education or to pass a written examination.~~ 9012
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~~(C) The superintendent may exempt any limited lines
insurance from the examination requirement of section 3905.04 of
the Revised Code~~ 9016
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(B) The individual has satisfactory work experience, a
government certification, or a private certification as
described in that chapter as an insurance agent in a state that
does not issue that license. 9019
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Sec. 3905.062. (A) As used in this section: 9023

(1) "Customer" means a person who purchases portable
electronics or services. 9024
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(2) "Enrolled customer" means a customer who elects
coverage under a portable electronics insurance policy issued to
a vendor of portable electronics by an insurer. 9026
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(3) "Endorsee" means an employee or authorized
representative of a vendor authorized to sell or offer portable
electronics insurance. 9029
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(4) "Location" means any physical location in this state
or any web site, call center site, or similar location directed
to residents of this state. 9032
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(5) "Portable electronics" means a personal, self-contained, battery-operated electronic communication, viewing, listening, recording, gaming, computing, or global positioning device that is easily carried by an individual, including a cellular or satellite telephone; pager; personal global positioning satellite unit; portable computer; portable audio listening, video viewing or recording device; digital camera; video camcorder; portable gaming system; docking station; automatic answering device; and any other similar device, and any accessory related to the use of the device.

(6) "Portable electronics insurance" means insurance providing coverage for the repair or replacement of portable electronics, which may be offered on a month-to-month or other periodic basis as a group or master commercial inland marine policy issued to a vendor by an insurer, and may cover portable electronics against loss, theft, inoperability due to mechanical failure, malfunction, damage, or other applicable perils. "Portable electronics insurance" does not mean any of the following:

(a) A consumer goods service contract governed by section 3905.423 of the Revised Code;

(b) A policy of insurance covering a seller's or a manufacturer's obligations under a warranty;

(c) A homeowner's, renter's, private passenger automobile, commercial multi-peril, or similar insurance policy.

(7) "Portable electronics transaction" means the sale or lease of portable electronics by a vendor to a customer or the sale of a service related to the use of portable electronics by a vendor to a customer.

(8) "Supervising entity" means an insurer or a business entity licensed as an insurance agent under section 3905.06 of the Revised Code that is appointed by an insurer to supervise the administration of a portable electronics insurance program.

(9) "Vendor" means a person in the business of engaging in portable electronics transactions directly or indirectly.

(B) (1) Except as provided in division (B) (2) of this section, no vendor or vendor's employee shall offer, sell, solicit, or place portable electronics insurance unless the vendor is licensed under section 3905.041, 3905.06, or ~~3905.07~~ 3905.08 of the Revised Code with a portable electronics insurance line of authority.

(2) Any vendor offering or selling portable electronics insurance on or before March 22, 2012, that wishes to continue offering or selling that insurance shall apply for a license within ninety days after the superintendent of insurance makes the application available.

(C) (1) The superintendent shall issue a resident business entity license to a vendor under section 3905.06 of the Revised Code if the vendor satisfies the requirements of sections 3905.05 and 3905.06 of the Revised Code, except that the application for a portable electronics insurance license shall satisfy the following additional requirements:

(a) The application shall include the location of the vendor's home office.

(b) If the application requires the vendor to designate an individual or entity as a responsible insurance agent, that agent shall not be required to be an employee of the applicant and may be the supervising entity or an individual agent who is

an employee of the supervising entity. 9093

(c) If the vendor derives less than fifty per cent of the 9094
vendor's revenue from the sale of portable electronics 9095
insurance, the application for a portable electronics insurance 9096
license may require the vendor to provide the name, residence 9097
address, and other information required by the superintendent 9098
for one employee or officer of the vendor who is designated by 9099
the vendor as the person responsible for the vendor's compliance 9100
with the requirements of this chapter. 9101

(d) If the vendor derives fifty per cent or more of the 9102
vendor's revenue from the sale of portable electronics 9103
insurance, the application may require the information listed 9104
under division (C)(1)(c) of this section for all owners with at 9105
least ten per cent interest or voting interest, partners, 9106
officers, and directors of the vendor, or members or managers of 9107
a vendor that is a limited liability company. 9108

(2) The superintendent shall issue a nonresident business 9109
entity license to a vendor if the vendor satisfies the 9110
requirements of section 3905.07 of the Revised Code. However, if 9111
the nonresident vendor's home state does not issue a limited 9112
lines license for portable electronics insurance, the 9113
nonresident vendor may apply for a resident license under 9114
section 3905.06 of the Revised Code in the same manner and with 9115
the same rights and privileges as if the vendor were a resident 9116
of this state. 9117

(D) The holder of a limited lines license may not sell, 9118
solicit, or negotiate insurance on behalf of any insurer unless 9119
appointed to represent that insurer under section 3905.20 of the 9120
Revised Code. 9121

(E) Division (B) (34) of section 3905.14 of the Revised Code shall not apply to portable electronics vendors or the vendors' endorsees.

(F) (1) A vendor may authorize any endorsee of the vendor to sell or offer portable electronics insurance to a customer at any location at which the vendor engages in portable electronics transactions.

(2) An endorsee is not required to be licensed as an insurance agent under this chapter if the vendor is licensed under this section and the insurer issuing the portable electronics insurance either directly supervises or appoints a supervising entity to supervise the administration of the portable electronics insurance program including development of a training program for endorsees in accordance with division (G) of this section.

(3) No endorsee shall do any of the following:

(a) Advertise, represent, or otherwise represent the endorsee's self as an insurance agent licensed under section 3905.06 of the Revised Code;

(b) Offer, sell, or solicit the purchase of portable electronics insurance except in conjunction with and incidental to the sale or lease of portable electronics;

(c) Make any statement or engage in any conduct, express or implied, that would lead a customer to believe any of the following:

(i) That the insurance policies offered by the endorsee provide coverage not already provided by a customer's homeowner's insurance policy, renter's insurance policy, or by another source of coverage;

(ii) That the purchase by the customer of portable 9151
electronics insurance is required in order to purchase or lease 9152
portable electronics or services from the portable electronics 9153
vendor; 9154

(iii) That the portable electronics vendor or its 9155
endorsees are qualified to evaluate the adequacy of the 9156
customer's existing insurance coverage. 9157

(G) Each vendor, or the supervising entity to that vendor, 9158
shall provide a training and education program for all endorsees 9159
who sell or offer portable electronics insurance. The program 9160
may be provided as a web-based training module or in any other 9161
electronic or recorded video form. The training and education 9162
program shall meet all of the following minimum standards: 9163

(1) The training shall be delivered to each endorsee of 9164
each vendor who sells or offers portable electronics insurance 9165
and the endorsee shall complete the training; 9166

(2) If the training is conducted in an electronic form, 9167
the supervising entity shall implement a supplemental education 9168
program regarding portable electronics insurance that is 9169
conducted and overseen by employees of the supervising entity 9170
who are licensed as insurance agents under section 3905.06 of 9171
the Revised Code; 9172

(3) The training and education program shall include basic 9173
information about portable electronics insurance and information 9174
concerning all of the following prohibited actions of endorsees: 9175

(a) No endorsee shall advertise, represent, or otherwise 9176
represent the endorsee's self as a licensed insurance agent. 9177

(b) No endorsee shall offer, sell, or solicit the purchase 9178
of portable electronics insurance except in conjunction with and 9179

incidental to the sale or lease of portable electronics. 9180

(c) No endorsee shall make any statement or engage in any 9181
conduct, express or implied, that would lead a customer to 9182
believe any of the following: 9183

(i) That the insurance policies offered by the endorsee 9184
provide coverage not already provided by a customer's 9185
homeowner's insurance policy, renter's insurance policy, or by 9186
another source of coverage; 9187

(ii) That the purchase by the customer of portable 9188
electronics insurance is required in order to purchase or lease 9189
portable electronics or services from the portable electronics 9190
vendor; 9191

(iii) That the portable electronics vendor or its 9192
endorsees are qualified to evaluate the adequacy of the 9193
customer's existing insurance coverage. 9194

(H) A supervising entity appointed to supervise the 9195
administration of a portable electronics insurance program under 9196
division (F) (2) of this section shall maintain a registry of 9197
locations supervised by that entity that are authorized to sell 9198
or solicit portable electronics insurance in this state. The 9199
supervising entity shall make the registry available to the 9200
superintendent upon request by the superintendent if the 9201
superintendent provides ten days' notice to the vendor or 9202
supervising entity. 9203

(I) At every location where a vendor offers portable 9204
electronics insurance to customers, the vendor shall provide 9205
brochures or other written materials to prospective customers 9206
that include all of the following: 9207

(1) A summary of the material terms of the insurance 9208

coverage, including all of the following:	9209
(a) The identity of the insurer;	9210
(b) The identity of the supervising entity;	9211
(c) The amount of any applicable deductible and how it is to be paid;	9212 9213
(d) Benefits of the coverage;	9214
(e) Key terms and conditions of coverage such as whether portable electronics may be replaced with a similar make and model, replaced with a reconditioned device, or repaired with nonoriginal manufacturer parts or equipment.	9215 9216 9217 9218
(2) A summary of the process for filing a claim, including a description of how to return portable electronics equipment and the maximum fee applicable if a customer fails to comply with any equipment return requirements;	9219 9220 9221 9222
(3) A disclosure that portable electronics insurance may provide a duplication of coverage already provided by a customer's homeowner's insurance policy, renter's insurance policy, or other source of coverage;	9223 9224 9225 9226
(4) A disclosure that the enrollment by the customer in a portable electronics insurance program is not required to purchase or lease portable electronics or services;	9227 9228 9229
(5) A disclosure that neither the endorsee nor the vendor is qualified to evaluate the adequacy of the customer's existing insurance coverage;	9230 9231 9232
(6) A disclosure that the customer may cancel enrollment for coverage under a portable electronics insurance policy at any time and receive a refund of any applicable premium.	9233 9234 9235

(J) (1) The charges for portable electronics insurance may 9236
be billed and collected by the vendor of portable electronics, 9237
and the vendor may receive compensation for performing billing 9238
and collection services, if either of the following conditions 9239
are met: 9240

(a) If the charge to the customer for coverage is not 9241
included in the cost associated with the purchase or lease of 9242
portable electronics or related services, the charge for 9243
coverage is separately itemized on the customer's bill. 9244

(b) If the charge to the customer for coverage is included 9245
in the cost associated with the purchase or lease of portable 9246
electronics or related services, the vendor clearly and 9247
conspicuously discloses to the customer that the charge for 9248
portable electronics insurance coverage is included with the 9249
charge for portable electronics or related services. 9250

(2) All funds received by a vendor from a customer for the 9251
sale of portable electronics insurance shall be considered funds 9252
held in trust by the vendor in a fiduciary capacity for the 9253
benefit of the insurer. Vendors that bill and collect such 9254
charges are not required to maintain those funds in a segregated 9255
account if the vendor is authorized by the insurer to hold those 9256
funds in an alternate manner and the vendor remits the amount of 9257
the charges to the supervising entity within sixty days after 9258
receiving the charges. 9259

(K) (1) Except as otherwise provided in divisions (K) (2) 9260
and (3) of this section, an insurer may terminate or otherwise 9261
change the terms and conditions of a policy of portable 9262
electronics insurance only upon providing the vendor 9263
policyholder and enrolled customers with at least sixty days' 9264
prior notice. If the insurer changes the terms and conditions, 9265

the insurer shall promptly provide the vendor policyholder with 9266
a revised policy or endorsement and each enrolled customer with 9267
a revised certificate, endorsement, updated brochure, or other 9268
evidence indicating that a change in the terms and conditions 9269
has occurred and a summary of material changes. 9270

(2) An insurer may terminate an enrolled customer's 9271
enrollment under a portable electronics insurance policy upon 9272
fifteen days' prior notice for discovery of fraud or material 9273
misrepresentation in obtaining coverage or in the presentation 9274
of a claim under the policy. 9275

(3) An insurer may immediately terminate an enrolled 9276
customer's enrollment under a portable electronics insurance 9277
policy for any of the following reasons: 9278

(a) The enrolled customer fails to pay the required 9279
premium; 9280

(b) The enrolled customer ceases to have an active service 9281
plan, if applicable, with the vendor of portable electronics; 9282

(c) The enrolled customer exhausts the aggregate limit of 9283
liability, if any, under the terms of the portable electronics 9284
insurance policy and the insurer sends notice of termination to 9285
the customer within thirty calendar days after exhaustion of the 9286
limit. However, if the insurer does not send the notice within 9287
the thirty-day time frame, enrollment shall continue 9288
notwithstanding the aggregate limit of liability until the 9289
insurer sends notice of termination to the enrolled customer. 9290

(4) If a portable electronics insurance policy is 9291
terminated by a vendor policyholder, the vendor policyholder 9292
shall provide notice to each enrolled customer advising the 9293
customer of the termination of the policy and the effective date 9294

of the termination. The written notice shall be mailed or 9295
delivered to the customer at least thirty days prior to the 9296
termination. 9297

(5) Notice required pursuant to this section shall be 9298
provided in writing, either via mail or by electronic means. 9299

(a) If notice is provided via mail, it shall be mailed or 9300
delivered to the vendor at the vendor's mailing address and to 9301
all affected enrolled customers at the last known mailing 9302
addresses of those customers on file with the insurer. The 9303
insurer or vendor of portable electronics shall maintain proof 9304
of mailing in a form authorized or accepted by the United States 9305
postal service or other commercial mail delivery service. 9306

(b) If notice is provided electronically, it shall be 9307
transmitted via facsimile or electronic mail to the vendor at 9308
the vendor's facsimile number or electronic mail address and to 9309
all affected enrolled customers at the last known facsimile 9310
numbers or electronic mail addresses of those customers on file 9311
with the insurer. The insurer or vendor shall maintain proof 9312
that the notice was sent. 9313

(L) An enrolled customer may cancel the enrolled 9314
customer's coverage under a portable electronics insurance 9315
policy at any time. Upon cancellation, the insurer shall refund 9316
any applicable unearned premium. 9317

(M) A license issued pursuant to this section shall 9318
authorize the vendor and its endorsees to engage only in those 9319
activities that are expressly permitted by this section. 9320

(N) (1) If a vendor or a vendor's endorsee violates any 9321
provision of this section, the superintendent may revoke or 9322
suspend the license issued or impose any other sanctions 9323

provided under section 3905.14 of the Revised Code. 9324

(2) If any provision of this section is violated by a 9325
vendor or a vendor's endorsee at a particular location, the 9326
superintendent may issue a cease and desist order to a 9327
particular location, or take any other administrative action 9328
authorized in section 3901.22 and division (E) of section 9329
3905.14 of the Revised Code. 9330

(3) If any person violates division (B) or (F)(3) of this 9331
section, the superintendent may issue a cease and desist order 9332
in addition to taking any other administrative action provided 9333
for in sections 3901.22 and division (E) of section 3905.14 of 9334
the Revised Code. 9335

(4) If the superintendent determines that a violation of 9336
this section or section 3905.14 of the Revised Code has 9337
occurred, the superintendent may assess a civil penalty in 9338
amount not exceeding twenty-five thousand dollars per violation 9339
and an administrative fee to cover the expenses incurred by the 9340
department in the administrative action, including costs 9341
incurred in the investigation and hearing process. 9342

(O) The superintendent may adopt rules implementing this 9343
section. 9344

Sec. 3905.063. (A) As used in this section: 9345

(1) "Customer" means a person who obtains the use of 9346
storage space from a self-service storage facility under the 9347
terms of a self-storage rental agreement. 9348

(2) "Endorsee" means an employee or authorized 9349
representative of a self-service storage facility authorized to 9350
sell or offer self-service storage insurance. 9351

(3) "Enrolled customer" means a customer who elects coverage under a self-service storage insurance policy issued to a self-service storage facility by an insurer or a policy issued directly to a customer from an insurer.

(4) "Location" means any physical location in this state or any web site, call center site, or similar location directed to residents of this state.

(5) "Owner" means the owner, operator, property management company, lessor, or sublessor of a self-service storage facility. "Owner" does not mean an occupant.

(6) "Personal property" means moveable property not affixed to land, and includes goods, merchandise, furniture, and household items.

(7) (a) "Self-service storage insurance" means insurance providing coverage for the loss of, or damage to, tangible personal property that is contained in storage space or in transit during a self-service storage rental agreement period, which may be offered on a month-to-month or other periodic basis under an individual policy, or as a group, commercial, or master policy issued to a self-service storage facility to provide insurance for the self-service storage facility's customers.

(b) "Self-service storage insurance" does not mean any of the following:

(i) A consumer goods service contract governed by section 3905.423 of the Revised Code;

(ii) A policy of insurance covering a seller's or a manufacturer's obligations under a warranty;

(iii) A homeowner's, renter's, private passenger

automobile, or similar insurance policy. 9380

(8) "Self-service storage rental agreement" means a 9381
written agreement containing the terms and conditions governing 9382
the use of storage space provided by a self-service storage 9383
facility. 9384

(9) "Supervising entity" means an insurer or a business 9385
entity licensed as an insurance agent under section 3905.041, 9386
3905.06, or ~~3905.07~~ 3905.08 of the Revised Code that is 9387
appointed by an insurer to supervise the administration of self- 9388
service storage insurance. 9389

(B) (1) Except as provided in division (B) (2) of this 9390
section, no self-service storage facility or self-service 9391
storage facility's endorsee shall offer, sell, solicit, or place 9392
self-service storage insurance unless the self-service storage 9393
facility is licensed under section 3905.041, 3905.06, or ~~3905.07~~ 9394
3905.08 of the Revised Code with a self-service storage 9395
insurance line of authority and the offer, sale, solicitation, 9396
or placement is incidental to the lease of self-service storage. 9397

(2) Any self-service storage facility offering or selling 9398
self-service storage insurance on or before ~~the effective date~~ 9399
~~of this section~~ March 23, 2015, that wishes to continue offering 9400
or selling that insurance shall apply for a license within 9401
ninety days after the superintendent of insurance makes the 9402
application available. 9403

(C) (1) The superintendent shall issue a resident insurance 9404
license to a self-service storage facility under section 3905.06 9405
of the Revised Code if the self-service storage facility 9406
satisfies the requirements of sections 3905.05 and 3905.06 of 9407
the Revised Code, except that the application for a self-service 9408

storage insurance license shall satisfy the following additional 9409
requirements: 9410

(a) The application shall include the location, including 9411
the address for each location, of the self-service storage 9412
facility's home office and any location at which the facility 9413
engages in self-service storage transactions. 9414

(b) If the application requires the self-service storage 9415
facility to designate an individual or entity as a responsible 9416
insurance agent, that agent shall not be required to be an 9417
employee of the applicant and may be an individual agent who is 9418
an employee of the supervising entity. 9419

(c) If the self-service storage facility derives less than 9420
fifty per cent of the self-service storage facility's revenue 9421
from the sale of self-service storage insurance, the application 9422
for a self-service storage insurance license may require the 9423
self-service storage facility to provide the name, residence 9424
address, and other information required by the superintendent 9425
for one employee or officer of the self-service storage facility 9426
who is designated by the self-service storage facility as the 9427
person responsible for the self-service storage facility's 9428
compliance with the requirements of this chapter. 9429

(d) If the self-service storage facility derives fifty per 9430
cent or more of the self-service storage facility's revenue from 9431
the sale of self-service storage insurance, the application may 9432
require the information listed under division (C)(1)(c) of this 9433
section for all owners with at least ten per cent interest or 9434
voting interest, partners, officers, and directors of the self- 9435
service storage facility, or members or managers of a self- 9436
service storage facility that is a limited liability company. 9437

(2) The superintendent shall issue a nonresident insurance agent license to a self-service storage facility if the self-service storage facility satisfies the requirements of section 3905.07 of the Revised Code. However, if the nonresident self-service storage facility's home state does not issue a limited lines license for self-service storage insurance, the nonresident self-service storage facility may apply for a resident license under sections 3905.05 and 3905.06 of the Revised Code in the same manner and with the same rights and privileges as if the self-service storage facility were a resident of this state.

(D) The holder of a limited lines license may not sell, solicit, or negotiate insurance on behalf of any insurer unless appointed to represent that insurer under section 3905.20 of the Revised Code.

(E) Division (B) (34) of section 3905.14 of the Revised Code shall not apply to the self-service storage facility or the self-service storage facility's endorsees.

(F) If insurance is required as a condition of a self-service storage rental agreement, the requirement may be satisfied by the customer's purchase of self-service storage insurance that is sold, solicited, or negotiated by the self-service storage facility or presentation to the self-service storage facility of evidence of other applicable insurance coverage.

Evidence of applicable insurance coverage includes a representation by a licensed Ohio insurance agent that the customer satisfies the requirements of this division.

(G) (1) A self-service storage facility may authorize any

endorsee of the self-service storage facility to sell or offer 9467
self-service storage insurance to a customer at any location at 9468
which the self-service storage facility engages in self-service 9469
storage transactions. 9470

(2) An endorsee is not required to be licensed as an 9471
insurance agent under this chapter if the self-service storage 9472
facility is licensed under this section and the insurer issuing 9473
the self-service storage insurance either directly supervises or 9474
appoints a supervising entity to supervise the administration of 9475
the self-service storage insurance including development of a 9476
training program for endorsees in accordance with division (H) 9477
of this section. 9478

(3) No endorsee shall do any of the following: 9479

(a) Advertise, represent, or otherwise represent the 9480
endorsee's self as an insurance agent licensed under section 9481
3905.06 or 3905.07 of the Revised Code; 9482

(b) Offer, sell, or solicit the purchase of self-service 9483
storage insurance except in conjunction with and incidental to 9484
the sale or lease of self-service storage; 9485

(c) Make any statement or engage in any conduct, express 9486
or implied, that would lead a customer to believe either of the 9487
following: 9488

(i) That, if insurance is required as a condition of a 9489
self-service storage rental agreement, the purchase by the 9490
customer of self-service storage insurance offered by the self- 9491
service storage facility is the only method by which that 9492
condition may be met; 9493

(ii) That the self-service storage facility or its 9494
endorsees are qualified to evaluate the adequacy of the 9495

customer's existing insurance coverage. 9496

(4) An endorsee shall disclose that self-service storage 9497
insurance may duplicate coverage already provided under a 9498
customer's homeowner's insurance policy, renter's insurance 9499
policy, or other coverage. 9500

(H) Each self-service storage facility, or the supervising 9501
entity to that self-service storage facility, shall provide a 9502
training and education program for all endorsees who sell or 9503
offer self-service storage insurance. The program may be 9504
provided as a web-based training module or in any other 9505
electronic or recorded video form. The training and education 9506
program shall meet all of the following minimum standards: 9507

(1) The training shall be delivered to each endorsee of 9508
each self-service storage facility who sells or offers self- 9509
service storage insurance and the endorsee shall complete the 9510
training. 9511

(2) If the training is conducted in an electronic form, 9512
the supervising entity shall implement a supplemental education 9513
program regarding self-service storage insurance that is 9514
conducted and overseen by employees of the supervising entity 9515
who are licensed as insurance agents under section 3905.06 or 9516
~~3905.07~~3905.08 of the Revised Code. 9517

(3) The training and education program shall include basic 9518
information about self-service storage insurance and information 9519
concerning all of the following prohibited actions of endorsees: 9520

(a) No endorsee shall advertise, represent, or otherwise 9521
represent the endorsee's self as a licensed insurance agent. 9522

(b) No endorsee shall offer, sell, or solicit the purchase 9523
of self-service storage insurance except in conjunction with and 9524

incidental to the rental of a storage space by the self-service storage facility. 9525
9526

(c) No endorsee shall make any statement or engage in any conduct, express or implied, that would lead a customer to believe any of the following: 9527
9528
9529

(i) That the insurance policies offered by the endorsee provide coverage not already provided by a customer's homeowner's insurance policy, renter's insurance policy, or by another source of coverage; 9530
9531
9532
9533

(ii) That, if insurance is required as a condition of a self-service storage rental agreement, the purchase by the customer of self-service storage insurance offered by the self-service storage facility is the only method by which that condition may be met; 9534
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(iii) That the self-service storage facility or its endorsees are qualified to evaluate the adequacy of the customer's existing insurance coverage. 9539
9540
9541

(I) A supervising entity appointed to supervise the administration of self-service storage insurance under division (G) (2) of this section shall maintain a registry of locations supervised by that entity that are authorized to sell or solicit self-service storage insurance in this state and the endorsees at each location. The supervising entity shall make the registry available to the superintendent upon request. 9542
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(J) (1) At every location where a self-service storage facility offers self-service storage insurance to customers, the self-service storage facility shall provide brochures or other written materials to prospective customers that include all of the following: 9549
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9553

(a) A summary of the material terms of the insurance coverage, including all of the following:	9554 9555
(i) The identity of the insurer;	9556
(ii) The identity of the supervising entity;	9557
(iii) The amount of any applicable deductible and how it is to be paid;	9558 9559
(iv) Benefits of the coverage;	9560
(v) Key terms and conditions of coverage.	9561
(b) A summary of the process for filing a claim;	9562
(c) A disclosure that self-service storage insurance may provide a duplication of coverage already provided by a customer's homeowner's insurance policy, renter's insurance policy, or other source of coverage;	9563 9564 9565 9566
(d) A disclosure that, if insurance is required as a condition of a self-service storage rental agreement, the requirement may be satisfied by either of the following:	9567 9568 9569
(i) The customer's purchase of self-service storage insurance that is sold, solicited, or negotiated by the self-service storage facility;	9570 9571 9572
(ii) The customer's presentation to the self-service storage facility of evidence of other applicable insurance coverage such as a representation by a licensed Ohio insurance agent that the customer satisfies the coverage requirement;	9573 9574 9575 9576
(e) A disclosure that neither the endorsee nor the self-service storage facility is qualified to evaluate the adequacy of the customer's existing insurance coverage;	9577 9578 9579
(f) A disclosure that the customer may cancel enrollment	9580

for coverage under a self-service storage insurance policy at 9581
any time and receive a refund of any applicable premium. 9582

(2) A self-service storage facility shall provide to every 9583
customer who purchases self-service storage insurance a 9584
certificate that is evidence of the coverage. 9585

(K) (1) The charges for self-service storage insurance may 9586
be billed and collected by the self-service storage facility, 9587
and the self-service storage facility may receive compensation 9588
for performing billing and collection services, if either of the 9589
following conditions are met: 9590

(a) If the charge to the customer for coverage is not 9591
included in the cost associated with the purchase or lease of 9592
self-service storage or related services, the charge for 9593
coverage is separately itemized on the customer's bill. 9594

(b) If the charge to the customer for coverage is included 9595
in the cost associated with the lease of self-service storage, 9596
the self-service storage facility clearly and conspicuously 9597
discloses to the customer that the charge for self-service 9598
storage insurance coverage is included with the lease for self- 9599
service storage. 9600

(2) All funds received by a self-service storage facility 9601
from a customer for the sale of self-service storage insurance 9602
shall be considered funds held in trust by the self-service 9603
storage facility in a fiduciary capacity for the benefit of the 9604
insurer. Self-service storage facilities that bill and collect 9605
such charges are not required to maintain those funds in a 9606
segregated account if the self-service storage facility is 9607
authorized by the insurer to hold those funds in an alternate 9608
manner and the self-service storage facility remits the amount 9609

of the charges to the supervising entity within sixty days after 9610
receiving the charges. 9611

(L) (1) Except as otherwise provided in divisions (L) (2) 9612
and (3) of this section, an insurer may terminate or otherwise 9613
change the terms and conditions of a policy of self-service 9614
storage insurance only upon providing the self-service storage 9615
facility policyholder and enrolled customers with at least sixty 9616
days' prior notice. If the insurer changes the terms and 9617
conditions, the insurer shall promptly provide the self-service 9618
storage facility policyholder with a revised policy or 9619
endorsement and each enrolled customer with a revised 9620
certificate, endorsement, updated brochure, or other evidence 9621
indicating that a change in the terms and conditions has 9622
occurred and a summary of material changes. 9623

(2) An insurer may terminate an enrolled customer's 9624
enrollment under a self-service storage insurance policy upon 9625
fifteen days' prior notice for discovery of fraud or material 9626
misrepresentation in obtaining coverage or in the presentation 9627
of a claim under the policy. 9628

(3) An insurer may immediately terminate an enrolled 9629
customer's enrollment under a self-service storage insurance 9630
policy for any of the following reasons: 9631

(a) The enrolled customer fails to pay the required 9632
premium; 9633

(b) The enrolled customer ceases to have an active lease 9634
at the self-service storage facility; 9635

(c) The enrolled customer exhausts the aggregate limit of 9636
liability, if any, under the terms of the self-service storage 9637
insurance policy and the insurer sends notice of termination to 9638

the customer within thirty calendar days after exhaustion of the 9639
limit. However, if the insurer does not send the notice within 9640
the thirty-day time frame, enrollment shall continue 9641
notwithstanding the aggregate limit of liability until the 9642
insurer sends notice of termination to the enrolled customer. 9643

(4) If a self-service storage insurance policy is 9644
terminated by a self-service storage facility policyholder, the 9645
self-service storage facility policyholder shall provide notice 9646
to each enrolled customer advising the customer of the 9647
termination of the policy and the effective date of the 9648
termination. The written notice shall be sent by mail, 9649
electronic mail, or delivery to the customer at least thirty 9650
days prior to the termination. 9651

(5) Notice required pursuant to this section may be sent 9652
by any of the following methods: 9653

(a) Electronically, in accordance with section 3901.41 of 9654
the Revised Code; 9655

(b) Via ordinary, registered, or certified mail, return 9656
receipt requested and postage prepaid; 9657

(c) By overnight delivery using a nationally recognized 9658
carrier. 9659

(M) An enrolled customer may cancel the enrolled 9660
customer's coverage under a self-service storage insurance 9661
policy at any time. Upon cancellation, the insurer shall refund 9662
any applicable unearned premium. 9663

(N) A license issued pursuant to this section shall 9664
authorize the self-service storage facility and its endorsees to 9665
engage only in those activities that are expressly permitted by 9666
this section. 9667

(O) (1) If a self-service storage facility or a self-service storage facility's endorsee violates any provision of this section, the superintendent may revoke or suspend the license issued or impose any other sanctions provided under section 3905.14 of the Revised Code.

(2) If any provision of this section is violated by a self-service storage facility, a self-service storage facility's endorsee at a particular location, a supervising entity, or an agent, the facility, endorsee, supervising entity, or agent is deemed to have engaged in an unfair and deceptive act or practice in the business of insurance under sections 3901.19 to 3901.26 of the Revised Code.

(3) If the superintendent determines that a violation of this section or section 3905.14 of the Revised Code has occurred, the superintendent may assess a civil penalty in an amount not exceeding twenty-five thousand dollars per violation and an administrative fee to cover the expenses incurred by the department in the administrative action, including costs incurred in the investigation and hearing process.

(P) (1) Notwithstanding any other provision of law, if a self-service storage facility's insurance-related activities, and those of its endorsees, employees, and authorized representatives, are limited to offering and disseminating self-service storage insurance on behalf of and under the direction of a limited lines self-service storage insurance agent that meets the requirements of this section, the facility is authorized to offer and disseminate insurance and receive related compensation for these services if the self-service storage facility is registered by the limited lines self-service storage insurance agent as described in division (I) of this

section. Any compensation paid to a self-service storage 9698
facility's endorsee, employee, or authorized representative for 9699
the services described in this section shall be incidental to 9700
the endorsee's, employee's, or authorized representative's 9701
overall compensation and not based primarily on the number of 9702
customers who purchase self-service storage insurance coverage. 9703

(2) Nothing in this section shall be construed to prohibit 9704
payment of compensation to a self-service storage facility or 9705
its employees, endorsees, or authorized representatives for 9706
activities under the limited lines self-service storage 9707
insurance agent's license that are incidental to the overall 9708
compensation of the self-service storage facility or the 9709
employees, endorsees, or authorized representatives of the 9710
facility. 9711

(3) All costs paid or charged to a consumer for the 9712
purchase of self-service storage insurance or related services, 9713
including compensation to the self-service storage facility, 9714
shall be separately itemized on the customer's bill. 9715

(Q) The superintendent may adopt rules implementing this 9716
section. 9717

Sec. 3905.07. (A) The superintendent of insurance shall 9718
issue a nonresident insurance agent license to ~~an applicant that~~ 9719
~~is a nonresident~~ person-business entity upon payment of all 9720
applicable fees required under this chapter if the 9721
superintendent finds all of the following: 9722

(1) The applicant is currently licensed as a resident and 9723
is in good standing in the applicant's home state. 9724

(2) The applicant is licensed in the applicant's home 9725
state for the lines of authority requested in this state. 9726

(3) The applicant has submitted or has had transmitted to 9727
the superintendent the application for licensure that the 9728
applicant submitted to the applicant's home state or a completed 9729
applicable uniform application. 9730

(4) The applicant has not committed any act that is a 9731
ground for the denial, suspension, or revocation of a license 9732
under section 3905.14 of the Revised Code. 9733

(5) The applicant is honest and trustworthy and is 9734
otherwise suitable to be licensed. 9735

(6) The applicant's home state issues nonresident 9736
insurance agent licenses to residents of this state on the same 9737
basis as set forth in division (A) of this section. 9738

(7) ~~If the applicant is a business entity, the~~ The 9739
applicant has designated an insurance agent licensed as an agent 9740
in this state to be responsible for the applicant's compliance 9741
with the insurance laws of this state. 9742

(8) The applicant has submitted any other documents 9743
requested by the superintendent. 9744

(B) To determine an applicant's licensure and standing 9745
status in another state, the superintendent may utilize the 9746
producer database maintained by the NAIC or its affiliates or 9747
subsidiaries. If that information is not available on the 9748
producer database, the superintendent may require a 9749
certification letter from the applicant's home state. 9750

(C) (1) ~~An individual seeking to renew a nonresident~~ 9751
~~insurance agent license shall apply biennially for a renewal of~~ 9752
~~the license on or before the last day of the licensee's birth~~ 9753
~~month.~~ A business entity seeking to renew a nonresident 9754
insurance agent license shall apply biennially for a renewal of 9755

the license on or before the date determined by the 9756
superintendent. 9757

Applications shall be submitted to the superintendent on 9758
forms prescribed by the superintendent. Each application shall 9759
be accompanied by a biennial renewal fee. The superintendent 9760
also may require an applicant to submit any document reasonably 9761
necessary to verify the information contained in the renewal 9762
application. 9763

(2) To be eligible for renewal, an applicant shall 9764
maintain a resident license in the applicant's home state for 9765
the lines of authority held in this state. 9766

(3) If an applicant submits a completed renewal 9767
application, qualifies for renewal pursuant to divisions (C) (1) 9768
and (2) of this section, and has not committed any act that is a 9769
ground for the refusal to issue, suspension of, or revocation of 9770
a license under section 3905.14 of the Revised Code, the 9771
superintendent shall renew the applicant's nonresident insurance 9772
agent license. 9773

(D) If ~~an individual or a~~ business entity does not apply 9774
for the renewal of the ~~individual or~~ business entity's license 9775
on or before the license renewal date specified in division (C) 9776
(1) of this section, the ~~individual or~~ business entity may 9777
submit a late renewal application along with all applicable fees 9778
required under this chapter prior to the first day of the second 9779
month following the license renewal date. 9780

(E) A license issued under this section that is not 9781
renewed on or before its renewal date pursuant to division (C) 9782
of this section or its late renewal date pursuant to division 9783
(D) of this section automatically is suspended for nonrenewal on 9784

the first day of the second month following the renewal date. If 9785
a license is suspended for nonrenewal pursuant to this division, 9786
the ~~individual or~~ business entity is eligible to apply for a 9787
reinstatement of the license within the twelve-month period 9788
following the date by which the license should have been renewed 9789
by complying with the reinstatement procedure established by the 9790
superintendent and paying all applicable fees required under 9791
this chapter. 9792

(F) A license that is suspended for nonrenewal that is not 9793
reinstated pursuant to division (E) of this section 9794
automatically is canceled unless the superintendent is 9795
investigating any allegations of wrongdoing by the agent or has 9796
initiated proceedings under Chapter 119. of the Revised Code. In 9797
that case, the license automatically is canceled after the 9798
completion of the investigation or proceedings unless the 9799
superintendent revokes the license. 9800

~~(G) An individual licensed as a nonresident insurance 9801
agent who is unable to comply with the license renewal 9802
procedures established under this section and who is unable to 9803
engage in the business of insurance due to military service, a 9804
long-term medical disability, or some other extenuating 9805
circumstance may request an extension of the renewal date of the 9806
individual's license. To be eligible for such an extension, the 9807
individual shall submit a written request with supporting 9808
documentation to the superintendent. At the superintendent's 9809
discretion, the superintendent may not consider a written 9810
request made after the renewal date of the license. 9811~~

~~(H)~~ Notwithstanding any other provision of this chapter, a 9812
nonresident person-business entity licensed as a surplus lines 9813
producer in the applicant's home state shall receive a 9814

nonresident surplus lines broker license pursuant to division 9815
(A) of this section. Nothing in this section otherwise affects 9816
or supersedes any provision of sections 3905.30 to 3905.37 of 9817
the Revised Code. 9818

Sec. 3905.071. (A) (1) If a nonresident person licensed as 9819
a nonresident insurance agent under section ~~3905.07~~3905.08 of 9820
the Revised Code changes the person's address within the 9821
person's state of residence, the person shall, within thirty 9822
days after making that change, file a change of address with the 9823
superintendent of insurance or the superintendent's designee. 9824

(2) If a nonresident person licensed as a nonresident 9825
insurance agent under section ~~3905.07~~3905.08 of the Revised 9826
Code changes the person's home state, the person shall, within 9827
thirty days after making that change, file a change of address 9828
with the superintendent and provide the superintendent with 9829
certification from the new home state. 9830

(B) If a nonresident insurance agent complies with 9831
division (A) of this section and the agent is in good standing 9832
with the superintendent, no fee or license application shall be 9833
required. A change in the residency status of an agent's license 9834
under this section does not change the license renewal date 9835
established by the initial license under section ~~3905.07~~ 9836
3905.041 of the Revised Code. 9837

Sec. 3905.072. ~~Notwithstanding any other provision of this~~ 9838
~~chapter, the~~ The superintendent of insurance shall issue ~~to a~~ 9839
~~nonresident person licensed as a limited line credit insurance~~ 9840
~~agent or other type of limited lines insurance agent in the~~ 9841
~~person's home state~~ a nonresident limited lines insurance agent 9842
license in accordance with ~~division (A) of section 3905.07~~ 9843
Chapter 4796. of the Revised Code, ~~with the same scope of~~ 9844

~~authority as the person has under the license issued by the~~ 9845
~~person's home state. However, the recognition of a limited lines~~ 9846
~~authority under this section shall not create any new line of~~ 9847
~~authority.~~ 9848

~~For purposes of this section, "limited lines insurance"~~ 9849
~~means any authority granted by the home state that is less than~~ 9850
~~the total authority provided in the associated major lines set~~ 9851
~~forth in divisions (B) (1) to (6) of section 3905.06 of the~~ 9852
~~Revised Code to an individual who is a nonresident if either of~~ 9853
~~the following applies:~~ 9854

(A) The individual is licensed as a limited line credit 9855
insurance agent or other type of limited lines insurance agent 9856
in the person's home state. 9857

(B) The individual has satisfactory work experience, a 9858
government certification, or a private certification as 9859
described in that chapter as a limited line credit insurance 9860
agent or other type of limited lines insurance agent in a home 9861
state that does not issue that license. 9862

Sec. 3905.08. (A) The superintendent of insurance shall 9863
~~waive all requirements under this chapter for issue a~~ 9864
~~nonresident insurance agent license to an applicant with a valid~~ 9865
~~in accordance with Chapter 4796. of the Revised Code if either~~ 9866
~~of the following applies:~~ 9867

(1) The applicant holds a license from the applicant's 9868
~~home state, except the requirements set forth in sections~~ 9869
~~3905.07 to 3905.072 of the Revised Code, if the applicant's home~~ 9870
~~state awards nonresident agent licenses to residents of this~~ 9871
~~state on the same basis.~~ 9872

(2) The applicant has satisfactory work experience, a 9873

government certification, or a private certification as 9874
described in that chapter as an insurance agent in a home state 9875
that does not issue that license. 9876

(B) A nonresident insurance agent's satisfaction of the 9877
continuing education requirements for insurance agents of the 9878
agent's home state shall constitute satisfaction of the 9879
continuing education requirements for insurance agents of this 9880
state as set forth in section 3905.481 of the Revised Code. 9881

Sec. 3905.09. (A) The superintendent of insurance may 9882
issue a temporary insurance agent license to any of the 9883
following persons if the superintendent determines that the 9884
license is necessary for the servicing of insurance business: 9885

(1) The surviving spouse or court-appointed personal 9886
representative of a licensed insurance agent who dies or becomes 9887
mentally or physically disabled, to allow adequate time for the 9888
sale of the insurance business owned by the agent or for the 9889
recovery or return of the agent to the business, or to provide 9890
for the training and licensing of new personnel to operate the 9891
agent's business; 9892

(2) A member or employee of a business entity licensed as 9893
an insurance agent, upon the death or disability of the sole or 9894
remaining licensed insurance agent; 9895

(3) The designee of a licensed insurance agent entering 9896
active service in the United States armed forces; 9897

(4) Any other person if the superintendent determines that 9898
the public interest will best be served by the issuance of the 9899
license. 9900

(B) A temporary license issued under division (A) of this 9901
section shall remain in force for a period not to exceed one 9902

hundred eighty days. However, a temporary license may not 9903
continue in force under any of the circumstances described in 9904
division (A) of this section after the owner of the business or 9905
the owner's personal representative disposes of the business. 9906

(C) The superintendent may, by order, limit the authority 9907
of any temporary license in any way deemed necessary to protect 9908
insureds and the public. The superintendent may also, by order, 9909
rescind a temporary license if the interests of insureds or the 9910
public are endangered. 9911

(D) A temporary licensee shall be sponsored by a licensed 9912
insurance agent or insurer, which sponsor shall be responsible 9913
for all acts of the licensee. The superintendent may impose any 9914
other requirement on temporary licensees that the superintendent 9915
considers necessary to protect insureds and the public. 9916

(E) Chapter 119. of the Revised Code shall not apply to 9917
the issuance, restriction, or rescission of a temporary license 9918
under this section. 9919

(F) Chapter 4796. of the Revised Code does not apply to a 9920
nonresident person issued a temporary license under this 9921
section. 9922

Sec. 3905.30. (A) As used in sections 3905.30 to 3905.38 9923
of the Revised Code: 9924

(1) Notwithstanding section 3905.01 of the Revised Code, 9925
"home state" means the state in which an insured maintains its 9926
principal place of business or, in the case of an individual, 9927
the individual's principal residence except in the case of 9928
either of the following: 9929

(a) If one hundred per cent of the insured risk is located 9930
out of the state in which an insured maintains its principal 9931

place of business or principal residence as described in 9932
division (A) (1) (a) of this section, "home state" means the state 9933
to which the greatest percentage of the insured's taxable 9934
premium for that insurance contract is allocated. 9935

(b) If more than one insured from an affiliated group are 9936
named insureds on a single unauthorized insurance contract, 9937
"home state" means the state in which the member of the 9938
affiliated group that has the largest percentage of premium 9939
attributed to it under such insurance contract. 9940

(2) "Principal place of business" means the state where 9941
the insured maintains the insured's headquarters and where the 9942
insured's high-level officers direct, control, and coordinate 9943
the business activities of the insured. 9944

(B) ~~The Except as provided in division (D) of this~~ 9945
~~section, the~~ superintendent of insurance may issue a surplus 9946
lines broker's license to any natural person who is a resident 9947
of this or any other state or to a business entity that is 9948
organized under the laws of this or any other state. To be 9949
eligible for a resident surplus lines broker's license, a person 9950
must have both a property license and a casualty license. ~~To be~~ 9951
~~eligible for a nonresident surplus lines broker's license, a~~ 9952
~~person must hold an active surplus lines broker license in the~~ 9953
~~person's home state. A nonresident surplus lines broker shall~~ 9954
~~obtain a nonresident license with a property and casualty line~~ 9955
~~of authority in this state if the broker is or will be~~ 9956
~~personally performing the due diligence requirements under~~ 9957
~~section 3905.33 of the Revised Code.~~ 9958

(C) (1) A surplus lines broker's license permits the person 9959
named in the license to negotiate for and obtain insurance, 9960
other than life insurance, on property or persons in this state 9961

from both of the following: 9962

(a) Insurers not authorized to transact business in this 9963
state; 9964

(b) An insurer designated as a domestic surplus lines 9965
insurer pursuant to section 3905.332 of the Revised Code. 9966

(2) Each such license expires on the thirty-first day of 9967
January next after the year in which it is issued, and may be 9968
then renewed. 9969

(D) The superintendent shall issue a surplus lines 9970
broker's license in accordance with Chapter 4796. of the Revised 9971
Code to an individual if either of the following applies: 9972

(1) The individual holds a license in another state. 9973

(2) The individual has satisfactory work experience, a 9974
government certification, or a private certification as 9975
described in that chapter as a surplus lines broker in a state 9976
that does not issue that license. 9977

Sec. 3905.471. (A) No individual or entity shall act as or 9978
hold itself out to be an insurance navigator unless that 9979
individual or entity is certified as an insurance navigator 9980
under this section and is receiving funding under division (i) 9981
of section 1311 of the Affordable Care Act. 9982

(B) An insurance navigator who complies with the 9983
requirements of this section may do any of the following: 9984

(1) Conduct public education activities to raise awareness 9985
of the availability of qualified health plans; 9986

(2) Distribute fair and impartial general information 9987
concerning enrollment in all qualified health plans offered 9988

within the exchange and the availability of the premium tax	9989
credits under section 36B of the Internal Revenue Code of 1986,	9990
26 U.S.C. 36B, and cost-sharing reductions under section 1402 of	9991
the Affordable Care Act;	9992
(3) Facilitate enrollment in qualified health plans,	9993
without suggesting that an individual select a particular plan;	9994
(4) Provide referrals to appropriate state agencies for	9995
any enrollee with a grievance, complaint, or question regarding	9996
their health plan, coverage, or a determination under such plan	9997
coverage;	9998
(5) Provide information in a manner that is culturally and	9999
linguistically appropriate to the needs of the population being	10000
served by the exchange.	10001
(C) An insurance navigator shall not do any of the	10002
following:	10003
(1) Sell, solicit, or negotiate health insurance;	10004
(2) Provide advice concerning the substantive benefits,	10005
terms, and conditions of a particular health benefit plan or	10006
offer advice about which health benefit plan is better or worse	10007
or suitable for a particular individual or entity;	10008
(3) Recommend a particular health plan or advise consumers	10009
about which health benefit plan to choose;	10010
(4) Provide any information or services related to health	10011
benefit plans or other products not offered in the exchange.	10012
Division (C) (4) of this section shall not be interpreted as	10013
prohibiting an insurance navigator from providing information on	10014
eligibility for medicaid;	10015
(5) Engage in any unfair method of competition or any	10016

fraudulent, deceptive, or dishonest act or practice. 10017

(D) ~~An~~ Except as provided in division (N) of this section, 10018
an individual shall not act in the capacity of an insurance 10019
navigator, or perform insurance navigator duties on behalf of an 10020
organization serving as an insurance navigator, unless the 10021
individual has applied for certification and the superintendent 10022
finds that the applicant meets all of the following 10023
requirements: 10024

(1) Is at least eighteen years of age; 10025

(2) Has completed and submitted the application and 10026
disclosure form required under division (F) (2) of this section 10027
and has declared, under penalty of refusal, suspension, or 10028
revocation of the insurance navigator's certification, that the 10029
statements made in the form are true, correct, and complete to 10030
the best of the applicant's knowledge and belief; 10031

(3) Has successfully completed a criminal records check 10032
under section 3905.051 of the Revised Code, as required by the 10033
superintendent; 10034

(4) Has successfully completed the certification and 10035
training requirements adopted by the superintendent in 10036
accordance with division (F) of this section; 10037

(5) Has paid all fees required by the superintendent. 10038

(E) (1) A business entity that acts as an insurance 10039
navigator, supervises the activities of individual insurance 10040
navigators, or receives funding to provide insurance navigator 10041
services shall obtain an insurance navigator business entity 10042
certification. 10043

(2) Any entity applying for a business entity 10044

certification shall apply in a form specified, and provide any 10045
information required by, the superintendent. 10046

(3) A business entity certified as an insurance navigator 10047
shall, in a manner prescribed by the superintendent, make 10048
available a list of all individual insurance navigators that the 10049
business entity employs, supervises, or with which the business 10050
entity is affiliated. 10051

(F) The superintendent of insurance shall, prior to any 10052
exchange becoming operational in this state, do all of the 10053
following: 10054

(1) (a) ~~Adopt~~ Except as provided in division (N) of this 10055
section, adopt rules to establish a certification and training 10056
program for a prospective insurance navigator and the insurance 10057
navigator's employees that includes screening via a criminal 10058
records check performed in accordance with section 3905.051 of 10059
the Revised Code, initial and continuing education requirements, 10060
and an examination; 10061

(b) The certification and training program shall include 10062
training on compliance with the "Health Insurance Portability 10063
and Accountability Act of 1996," 110 Stat. 1955, 42 U.S.C. 10064
1320d, et seq., as amended, training on ethics, and training on 10065
provisions of the Affordable Care Act relating to insurance 10066
navigators and exchanges. 10067

(2) Develop an application and disclosure form by which an 10068
insurance navigator may disclose any potential conflicts of 10069
interest, as well as any other information the superintendent 10070
considers pertinent. 10071

(G) (1) The superintendent may suspend, revoke, or refuse 10072
to issue or renew the insurance navigator certification of any 10073

person, or levy a civil penalty against any person, that 10074
violates the requirements of this section or commits any act 10075
that would be a ground for denial, suspension, or revocation of 10076
an insurance agent license, as prescribed in section 3905.14 of 10077
the Revised Code. 10078

(2) The superintendent shall have the power to examine and 10079
investigate the business affairs and records of any insurance 10080
navigator. 10081

(3) (a) The superintendent shall not certify as an 10082
insurance navigator, and shall revoke any existing insurance 10083
navigator certification of, any individual, organization, or 10084
business entity that is receiving financial compensation, 10085
including monetary and in-kind compensation, gifts, or grants, 10086
on or after October 1, 2013, from an insurer offering a 10087
qualified health benefit plan through an exchange operating in 10088
this state. 10089

(b) Notwithstanding division (G) (3) (a) of this section, 10090
the superintendent may certify as a navigator a qualified health 10091
center and a federally qualified health center look-alike, as 10092
defined in section 3701.047 of the Revised Code. 10093

(4) (a) If the superintendent finds that a violation of 10094
this section made by an individual insurance navigator was made 10095
with the knowledge of the employing or supervising entity, or 10096
that the employing or supervising entity should reasonably have 10097
been aware of the individual insurance navigator's violation, 10098
and the violation was not reported to the superintendent and no 10099
corrective action was undertaken on a timely basis, then the 10100
superintendent may suspend, revoke, or refuse to renew the 10101
insurance navigator certification of the supervising or 10102
employing entity. 10103

(b) In addition to, or in lieu of, any disciplinary action 10104
taken under division (G) (4) (a) of this section, the 10105
superintendent may levy a civil penalty against such an entity. 10106

(H) A business entity that terminates the employment, 10107
engagement, affiliation, or other relationship with an 10108
individual insurance navigator shall notify the superintendent 10109
within thirty days following the effective date of the 10110
termination, using a format prescribed by the superintendent, if 10111
the reason for termination is one of the reasons set forth in 10112
section 3905.14 of the Revised Code, or the entity has knowledge 10113
that the insurance navigator was found by a court or government 10114
body to have engaged in any of the activities in section 3905.14 10115
of the Revised Code. 10116

(I) Insurance navigators are subject to the laws of this 10117
chapter, and any rules adopted pursuant to the chapter, in so 10118
far as such laws are applicable. 10119

(J) The superintendent may deny, suspend, approve, renew, 10120
or revoke the certification of an insurance navigator if the 10121
superintendent determines that doing so would be in the interest 10122
of Ohio insureds or the general public. Such an action is not 10123
subject to Chapter 119. of the Revised Code. 10124

(K) The superintendent may adopt rules in accordance with 10125
Chapter 119. of the Revised Code to implement sections 3905.47 10126
to 3905.473 of the Revised Code. 10127

(L) The superintendent may, by rule, apply the 10128
requirements of this chapter to any entity or person designated 10129
by an exchange, the state, or the federal government to assist 10130
consumers or participate in exchange activities. 10131

(M) Any fees collected under this section shall be paid 10132

into the state treasury to the credit of the department of 10133
insurance operating fund created under section 3901.021 of the 10134
Revised Code. 10135

(N) The superintendent shall issue a certification to act 10136
as an insurance navigator in accordance with Chapter 4796. of 10137
the Revised Code to an applicant if either of the following 10138
applies: 10139

(1) The applicant holds a license or certification in 10140
another state. 10141

(2) The applicant has satisfactory work experience, a 10142
government certification, or a private certification as 10143
described in that chapter as an insurance navigator in a state 10144
that does not issue that license or certification. 10145

Sec. 3905.72. (A) (1) No person shall act as a managing 10146
general agent representing an insurer licensed in this state 10147
with respect to risks located in this state unless the person is 10148
licensed as a managing general agent pursuant to division (C) or 10149
(D) of this section. 10150

(2) No person shall act as a managing general agent 10151
representing an insurer organized under the laws of this state 10152
with respect to risks located outside this state unless the 10153
person is licensed as a managing general agent pursuant to 10154
division (C) of this section. 10155

(B) Every person that seeks to act as a managing general 10156
agent as described in division (A) of this section shall apply 10157
to the superintendent of insurance for a license. Except as 10158
otherwise provided in division (D) of this section, the 10159
application shall be in writing on a form provided by the 10160
superintendent and shall be sworn or affirmed before a notary 10161

public or other person empowered to administer oaths. The 10162
application shall be kept on file by the superintendent and 10163
shall include all of the following: 10164

(1) The name and principal business address of the 10165
applicant; 10166

(2) If the applicant is an individual, the applicant's 10167
current occupation; 10168

(3) If the applicant is an individual, the applicant's 10169
occupation or occupations during the five-year period prior to 10170
applying for the license to act as a managing general agent; 10171

(4) A copy of the contract between the applicant and the 10172
insurer as required by, and in compliance with, section 3905.73 10173
of the Revised Code; 10174

(5) A copy of a certified resolution of the board of 10175
directors of the insurer on whose behalf the applicant will act, 10176
appointing the applicant as a managing general agent and agent 10177
of the insurer, specifying the duties the applicant is expected 10178
to perform on behalf of the insurer and the lines of insurance 10179
the applicant will manage, and authorizing the insurer to enter 10180
into a contract with the applicant as required by section 10181
3905.73 of the Revised Code; 10182

(6) A statement that the applicant submits to the 10183
jurisdiction of the superintendent and the courts of this state; 10184

(7) Any other information required by the superintendent. 10185

(C) The superintendent shall issue to a resident of this 10186
state or a business entity organized under the laws of this 10187
state a license to act as a managing general agent representing 10188
an insurer licensed to do business in this state with respect to 10189

risks located in this state or a license to act as a managing 10190
general agent representing an insurer organized under the laws 10191
of this state with respect to risks located outside this state, 10192
and shall renew such a license, if the superintendent is 10193
satisfied that all of the following conditions are met: 10194

(1) The applicant is a suitable person and intends to hold 10195
self out in good faith as a managing general agent. 10196

(2) The applicant understands the duties and obligations 10197
of a managing general agent. 10198

(3) The applicant has filed a completed application that 10199
complies with division (B) of this section. 10200

(4) The applicant has paid a fee in the amount of twenty 10201
dollars. 10202

(5) The applicant maintains a bond in the amount of not 10203
less than fifty thousand dollars for the protection of the 10204
insurer. 10205

(6) The applicant maintains an errors and omissions policy 10206
of insurance. 10207

(7) The applicant is not, and has never been, under an 10208
order of suspension or revocation under section 3905.77 of the 10209
Revised Code or under any other law of this state, or any other 10210
state, relating to insurance, and is otherwise in compliance 10211
with sections 3905.71 to 3905.79 of the Revised Code and all 10212
other laws of this state relating to insurance. 10213

(D) (1) If the applicant is ~~a resident of another state or~~ 10214
a business entity organized under the laws of another state, the 10215
applicant shall submit a request for licensure, along with a fee 10216
of twenty dollars, to the superintendent. The superintendent 10217

shall issue a license to act as a managing general agent if the 10218
request for licensure includes proof that the applicant is 10219
licensed and in good standing as a managing general agent in the 10220
applicant's home state and either a copy of the application for 10221
licensure the applicant submitted to the applicant's home state 10222
or the application described in division (B) of this section. 10223

~~If the applicant's home state does not license managing 10224
general agents under provisions similar to those in sections 10225
3905.71 to 3905.79 of the Revised Code, or if the applicant's 10226
home state does not grant licenses to residents of this state on 10227
the same reciprocal basis, the applicant shall comply with 10228
divisions (B) and (C) of this section. 10229~~

(2) The superintendent shall issue a managing general 10230
agent license in accordance with Chapter 4796. of the Revised 10231
Code to an individual if either of the following applies: 10232

(a) The individual holds a license in another state. 10233

(b) The individual has satisfactory work experience, a 10234
government certification, or a private certification as 10235
described in that chapter as a managing general agent in a state 10236
that does not issue that license. 10237

(E) Unless suspended or revoked by an order of the 10238
superintendent pursuant to section 3905.77 of the Revised Code 10239
and except as provided in division (F) of this section, any 10240
license issued or renewed pursuant to division (C) or (D) of 10241
this section shall expire on the last day of February next after 10242
its issuance or renewal. 10243

(F) If the appointment of a managing general agent is 10244
terminated by the insurer, the license of the managing general 10245
agent shall expire on the date of the termination. 10246

(G) A license shall be renewed in accordance with the 10247
standard renewal procedure specified in Chapter 4745. of the 10248
Revised Code. 10249

(H) All license fees collected pursuant to this section 10250
shall be paid into the state treasury to the credit of the 10251
department of insurance operating fund. 10252

Sec. 3905.81. (A) As used in this section: 10253

(1) "Reinsurance intermediary-broker" means a person, 10254
other than an officer or employee of the ceding insurer, that 10255
solicits, negotiates, or places reinsurance cessions or 10256
retrocessions on behalf of a ceding insurer without the 10257
authority or power to bind reinsurance on behalf of such 10258
insurer. 10259

(2) (a) "Reinsurance intermediary-manager" means a person 10260
that has authority to bind or that manages all or part of the 10261
assumed reinsurance business of a reinsurer, including the 10262
management of a separate division, department, or underwriting 10263
office, and that acts as an agent of the reinsurer whether known 10264
as a reinsurance intermediary-manager, manager, or similar term. 10265

(b) "Reinsurance intermediary-manager" does not include: 10266

(i) An employee of the reinsurer; 10267

(ii) A United States manager of the United States branch 10268
of an alien reinsurer; 10269

(iii) An underwriting manager that, pursuant to contract, 10270
manages all of the reinsurance operations of the reinsurer, is 10271
under common control with the reinsurer, subject to sections 10272
3901.32 to 3901.37 of the Revised Code, and whose compensation 10273
is not based on the volume of premiums written; 10274

(iv) The manager of a group, association, pool, or organization of insurers that engages in joint reinsurance and that are subject to examination by the insurance regulatory authority of the state in which the manager's principal business office is located. 10275
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(B) ~~No~~ Except as provided in division (E) of this section, ~~no~~ person shall act as a reinsurance intermediary-broker or reinsurance intermediary-manager in this state, or on behalf of an insurer or reinsurer domiciled in this state, unless the person first obtains a license from the superintendent of insurance in accordance with this section ~~or the superintendent accepts, in accordance with rules that the superintendent may adopt under division (C) of this section,~~ a license issued to the person by the insurance regulatory authority of another state. 10280
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(C) The superintendent of insurance shall adopt rules in accordance with Chapter 119. of the Revised Code establishing the standards and procedures for licensing reinsurance intermediary-brokers and reinsurance intermediary-managers. ~~The superintendent may also adopt rules, in accordance with Chapter 119. of the Revised Code, for the acceptance of licenses issued by insurance regulatory authorities of other states with statutes similar to this section in lieu of requiring a license to be obtained from the superintendent under division (B) of this section.~~ 10290
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(D) The fee for the issuance or renewal of a license shall be five hundred dollars. ~~The fee for accepting the license of another state shall be one hundred dollars each year.~~ All fees collected pursuant to this section shall be paid into the state treasury to the credit of the department of insurance operating 10300
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fund. 10305

(E) The superintendent shall issue a license to act as a 10306
reinsurance intermediary-broker or reinsurance intermediary- 10307
manager in accordance with Chapter 4796. of the Revised Code to 10308
an applicant if either of the following applies: 10309

(1) The applicant holds a license in another state. 10310

(2) The applicant has satisfactory work experience, a 10311
government certification, or a private certification as 10312
described in that chapter as a reinsurance intermediary-broker 10313
or reinsurance intermediary-manager in a state that does not 10314
issue that license. 10315

Sec. 3905.85. (A) (1) An Except as provided in division (B) 10316
(2) of this section, an individual who applies for a license as 10317
a surety bail bond agent shall submit an application for the 10318
license in a manner prescribed by the superintendent of 10319
insurance. The application shall be accompanied by a one- 10320
hundred-fifty-dollar fee and a statement that gives the 10321
applicant's name, age, residence, present occupation, occupation 10322
for the five years next preceding the date of the application, 10323
and such other information as the superintendent may require. 10324

(2) An applicant for an individual resident license shall 10325
also submit to a criminal records check pursuant to section 10326
3905.051 of the Revised Code. 10327

(B) (1) The superintendent shall issue to an applicant an 10328
individual resident license that states in substance that the 10329
person is authorized to do the business of a surety bail bond 10330
agent, if the superintendent is satisfied that all of the 10331
following apply: 10332

(a) The applicant is eighteen years of age or older. 10333

- (b) The applicant's home state is Ohio. 10334
- (c) The applicant has not committed any act that is 10335
grounds for the refusal to issue, suspension of, or revocation 10336
of a license under section 3905.14 of the Revised Code. 10337
- (d) The applicant is a United States citizen or has 10338
provided proof of having legal authorization to work in the 10339
United States. 10340
- (e) The applicant has successfully completed the 10341
educational requirements set forth in section 3905.04 of the 10342
Revised Code and passed the examination required by that 10343
section. 10344
- (2) The superintendent shall issue a license to do the 10345
business of a surety bail bond agent in accordance with Chapter 10346
4796. of the Revised Code to an applicant ~~an individual~~ 10347
~~nonresident license that states in substance that the person is~~ 10348
~~authorized to do the business of a surety bail bond agent, if~~ 10349
~~the superintendent is satisfied that all~~ if either of the 10350
following ~~apply~~ applies: 10351
- (a) The applicant ~~is eighteen years of age or older~~ holds a 10352
license in another state. 10353
- (b) The applicant ~~is currently licensed as a resident in~~ 10354
~~another state and is in good standing in the applicant's home~~ 10355
~~state for~~ has satisfactory work experience, a government 10356
certification, or a private certification as described in that 10357
chapter as a surety bail bond ~~or is qualified for the same~~ 10358
~~authority~~ agent in a state that does not issue that license. 10359
- ~~(c) The applicant has not committed any act that is~~ 10360
~~grounds for the refusal to issue, suspension of, or revocation~~ 10361
~~of a license under section 3905.14 of the Revised Code.~~ 10362

(3) The superintendent shall issue an applicant a resident
business entity license that states in substance that the person
is authorized to do the business of a surety bail bond agent if
the superintendent is satisfied that all of the following apply:

(a) The applicant has submitted an application for the
license in a manner prescribed by the superintendent and the
one-hundred-fifty-dollar application fee.

(b) The applicant either is domiciled in this state or
maintains its principal place of business in this state.

(c) The applicant has designated an individual licensed
surety bail bond agent who will be responsible for the
applicant's compliance with the insurance laws of this state.

(d) The applicant has not committed any act that is
grounds for the refusal to issue, suspension of, or revocation
of a license under section 3905.14 of the Revised Code.

(e) The applicant is authorized to do business in this
state by the secretary of state if so required under the
applicable provisions of Title XVII of the Revised Code.

(f) The applicant has submitted any other documents
requested by the superintendent.

(4) The superintendent shall issue an applicant a
nonresident business entity license that states in substance
that the person is authorized to do the business of a surety
bail bond agent if the superintendent is satisfied that all of
the following apply:

(a) The applicant has submitted an application for the
license in a manner prescribed by the superintendent and the
one-hundred-fifty-dollar application fee.

(b) The applicant is currently licensed and is in good standing in the applicant's home state with surety bail bond authority. 10391
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(c) The applicant has designated an individual licensed surety bail bond agent who will be responsible for the applicant's compliance with the insurance laws of this state. 10394
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(d) The applicant has not committed any act that is grounds for the refusal to issue, suspension of, or revocation of a license under section 3905.14 of the Revised Code. 10397
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(e) The applicant has submitted any other documents requested by the superintendent. 10400
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(C) A ~~resident and nonresident~~ surety bail bond agent license issued pursuant to this section authorizes the holder, when appointed by an insurer, to execute or countersign bail bonds in connection with judicial proceedings and to receive money or other things of value for those services. However, the holder shall not execute or deliver a bond during the first one hundred eighty days after the license is initially issued. This restriction does not apply with respect to license renewals or any license issued under divisions (B) (3) and (4) of this section. 10402
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(D) The superintendent may refuse to renew a surety bail bond agent's license as provided in division (B) of section 3905.88 of the Revised Code, and may suspend, revoke, or refuse to issue or renew such a license as provided in section 3905.14 of the Revised Code. 10412
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If the superintendent refuses to issue such a license based in whole or in part upon the written response to a criminal records check completed pursuant to division (A) of 10417
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this section, the superintendent shall send a copy of the 10420
response that was transmitted to the superintendent to the 10421
applicant at the applicant's home address upon the applicant's 10422
submission of a written request to the superintendent. 10423

(E) Any person licensed as a surety bail bond agent may 10424
surrender the person's license in accordance with section 10425
3905.16 of the Revised Code. 10426

(F) (1) A person seeking to renew a surety bail bond agent 10427
license shall apply annually for a renewal of the license on or 10428
before the first day of April. Applications shall be submitted 10429
to the superintendent on forms prescribed by the superintendent. 10430
Each application shall be accompanied by a one-hundred-fifty- 10431
dollar renewal fee. 10432

(2) To be eligible for renewal, an individual applicant 10433
shall complete the continuing education requirements pursuant to 10434
section 3905.88 of the Revised Code prior to the renewal date. 10435

(3) If an applicant submits a completed renewal 10436
application, qualifies for renewal pursuant to divisions (F) (1) 10437
and (2) of this section, and has not committed any act that is a 10438
ground for the refusal to issue, suspension of, or revocation of 10439
a license under section 3905.14 or sections 3905.83 to 3905.99 10440
of the Revised Code, the superintendent shall renew the 10441
applicant's surety bail bond insurance agent license. 10442

(4) If an individual or business entity does not apply for 10443
the renewal of the individual or business entity's license on or 10444
before the license renewal date specified in division (F) (1) of 10445
this section, the individual or business entity may submit a 10446
late renewal application along with all applicable fees required 10447
under this chapter prior to the first day of May following the 10448

renewal date. The superintendent shall renew the license of an 10449
applicant that submits a late renewal application if the 10450
applicant satisfies all of the following conditions: 10451

(a) The applicant submits a completed renewal application. 10452

(b) The applicant pays the one-hundred-fifty-dollar 10453
renewal fee. 10454

(c) The applicant pays the late renewal fee established by 10455
the superintendent. 10456

(d) The applicant provides proof of compliance with the 10457
continuing education requirements pursuant to section 3905.88 of 10458
the Revised Code. 10459

(e) The applicant has not committed any act that is 10460
grounds for the refusal to issue, suspension of, or revocation 10461
of a license under section 3905.14 or sections 3905.83 to 10462
3905.99 of the Revised Code. 10463

(5) A license issued under this section that is not 10464
renewed on or before its late renewal date specified in division 10465
(F) (4) of this section is automatically suspended for nonrenewal 10466
effective the second day of May. 10467

(6) If a license is suspended for nonrenewal pursuant to 10468
division (F) (5) of this section, the individual or business 10469
entity is eligible to apply for reinstatement of the license 10470
within the twelve-month period following the date by which the 10471
license should have been renewed by complying with the 10472
reinstatement procedure established by the superintendent and 10473
paying all applicable fees required under this chapter. 10474

(7) A license that is suspended for nonrenewal that is not 10475
reinstated pursuant to division (F) (6) of this section 10476

automatically is canceled unless the superintendent is 10477
investigating any allegations of wrongdoing by the agent or has 10478
initiated proceedings under Chapter 119. of the Revised Code. In 10479
that case, the license automatically is canceled after the 10480
completion of the investigation or proceedings unless the 10481
superintendent revokes the license. 10482

(G) The superintendent may prescribe the forms to be used 10483
as evidence of the issuance of a license under this section. The 10484
superintendent shall require each licensee to acquire, from a 10485
source designated by the superintendent, a wallet identification 10486
card that includes the licensee's photograph and any other 10487
information required by the superintendent. The licensee shall 10488
keep the wallet identification card on the licensee's person 10489
while engaging in the bail bond business. 10490

(H) (1) The superintendent of insurance shall not issue or 10491
renew the license of a business entity organized under the laws 10492
of this or any other state unless the business entity is 10493
qualified to do business in this state under the applicable 10494
provisions of Title XVII of the Revised Code. 10495

(2) The failure of a business entity to be in good 10496
standing with the secretary of state or to maintain a valid 10497
appointment of statutory agent is grounds for suspending, 10498
revoking, or refusing to renew its license. 10499

(3) By applying for a surety bail bond agent license under 10500
this section, an individual or business entity consents to the 10501
jurisdiction of the courts of this state. 10502

(I) A surety bail bond agent licensed pursuant to this 10503
section is an officer of the court. 10504

(J) Any fee collected under this section shall be paid 10505

into the state treasury to the credit of the department of 10506
insurance operating fund created by section 3901.021 of the 10507
Revised Code. 10508

Sec. 3916.03. (A) ~~An~~ Except as provided in division (H) of 10509
this section, an applicant for a license as a viatical 10510
settlement provider or viatical settlement broker shall submit 10511
an application for the license in a manner prescribed by the 10512
superintendent of insurance. The application shall be 10513
accompanied by a fee established by the superintendent by rule 10514
adopted in accordance with Chapter 119. of the Revised Code. 10515

(B) A license issued under this chapter to a person other 10516
than an individual authorizes all partners, officers, members, 10517
or designated employees of the person to act as viatical 10518
settlement providers or viatical settlement brokers, as 10519
applicable, and all those partners, officers, members, or 10520
designated employees shall be named in the application and any 10521
supplements to the application. 10522

(C) ~~Upon~~ Except as provided in division (H) of this 10523
section, upon the filing of an application under this section 10524
and the payment of the license fee, the superintendent shall 10525
make an investigation of the applicant and issue to the 10526
applicant a license that states in substance that the person is 10527
authorized to act as a viatical settlement provider or viatical 10528
settlement broker, as applicable, if all of the following apply: 10529

(1) Regarding an application for a license as a viatical 10530
settlement provider, the applicant provides all of the 10531
following: 10532

(a) A detailed plan of operation; 10533

(b) Proof of financial responsibility pursuant to division 10534

(D) of this section;	10535
(c) A general description of the method the applicant will use to determine life expectancies, including a description of the applicant's intended receipt of life expectancies, the applicant's intended use of life expectancies, the applicant's intended use of life expectancy providers, and a written plan of policies and procedures used to determine life expectancies.	10536 10537 10538 10539 10540 10541
(2) The superintendent finds all of the following:	10542
(a) The applicant is competent and trustworthy and intends to act in good faith in the capacity of a viatical settlement provider or viatical settlement broker, as applicable.	10543 10544 10545
(b) The applicant has a good business reputation and has had experience, training, or education so as to be qualified to act in the capacity of a viatical settlement provider or viatical settlement broker, as applicable.	10546 10547 10548 10549
(3) If the applicant is a person other than an individual, the applicant provides a certificate of good standing from the state of its organization.	10550 10551 10552
(4) The applicant provides an antifraud plan that meets the requirements of division (G) of section 3916.18 of the Revised Code.	10553 10554 10555
(D) (1) An applicant for licensure as a viatical settlement provider may provide proof of financial responsibility through one of the following means:	10556 10557 10558
(a) Submitting audited financial statements that show a minimum equity of not less than two hundred fifty thousand dollars in cash or cash equivalents;	10559 10560 10561
(b) Submitting both audited annual financial statements	10562

that show positive equity and either of the following: 10563

(i) A surety bond in the amount of two hundred fifty 10564
thousand dollars in favor of this state issued by an insurer 10565
authorized to issue surety bonds in this state; 10566

(ii) An unconditional and irrevocable letter of credit, 10567
deposit of cash, or securities, in any combination, in the 10568
aggregate amount of two hundred fifty thousand dollars. 10569

~~(2) If an applicant is licensed as a viatical settlement 10570
provider in another state, the superintendent may accept as 10571
valid any similar proof of financial responsibility the 10572
applicant filed in that state. 10573~~

~~(3) The superintendent may request proof of financial 10574
responsibility at any time the superintendent considers 10575
necessary. 10576~~

(E) An applicant shall provide all information requested 10577
by the superintendent. The superintendent may, at any time, 10578
require an applicant to fully disclose the identity of all 10579
shareholders, partners, officers, members, and employees, and 10580
may, in the exercise of the superintendent's discretion, refuse 10581
to issue a license to an applicant that is not an individual if 10582
the superintendent is not satisfied that each officer, employee, 10583
shareholder, partner, or member who may materially influence the 10584
applicant's conduct meets the standards set forth in this 10585
chapter. 10586

(F) Except as otherwise provided in this division, a 10587
license as a viatical settlement provider or viatical settlement 10588
broker expires on the last day of March next after its issuance 10589
or continuance. A license as a viatical settlement provider or 10590
viatical settlement broker may, in the discretion of the 10591

superintendent and the payment of an annual renewal fee 10592
established by the superintendent by rule adopted in accordance 10593
with Chapter 119. of the Revised Code, be continued past the 10594
last day of March next after its issue and after the last day of 10595
March in each succeeding year. Failure to pay the renewal fee by 10596
the required date results in the expiration of the license. 10597

(G) Any individual licensed as a viatical settlement 10598
broker shall complete not less than fifteen hours of continuing 10599
education biennially. The superintendent shall approve 10600
continuing education courses that shall be related to viatical 10601
settlements and viatical settlement transactions. The 10602
superintendent shall adopt rules for the enforcement of this 10603
division. 10604

(H) The superintendent shall ~~not~~ issue a license to a 10605
~~nonresident~~ an applicant who is licensed in another state or has 10606
satisfactory work experience, a government certification, or a 10607
private certification as described in Chapter 4796. of the 10608
Revised Code as a viatical settlement provider or viatical 10609
settlement broker in a state that does not issue that license in 10610
accordance with that chapter, unless if either of the following 10611
applies: 10612

(1) The applicant files and maintains a written 10613
designation of an agent for service of process with the 10614
superintendent. 10615

(2) The applicant has filed with the superintendent the 10616
applicant's written irrevocable consent that any action against 10617
the applicant may be commenced against the applicant by service 10618
of process on the superintendent. 10619

(I) A viatical settlement provider or viatical settlement 10620

broker shall provide to the superintendent new or revised 10621
information regarding any change in its officers, any 10622
shareholder owning ten per cent or more of its voting 10623
securities, or its partners, directors, members, or designated 10624
employees within thirty days of the change. 10625

(J) Any fee collected under this section shall be paid 10626
into the state treasury to the credit of the department of 10627
insurance operating fund created by section 3901.021 of the 10628
Revised Code. 10629

Sec. 3951.03. (A) Before any certificate of authority 10630
shall be issued by the superintendent of insurance there shall 10631
be filed in ~~his~~ the superintendent's office a written 10632
application therefor. Such application shall be in the form or 10633
forms and supplements thereto prescribed by the superintendent 10634
and shall set forth: 10635

~~(A)~~ (1) The name and address of the applicant, and if the 10636
applicant be a firm, association, or partnership, the name and 10637
address of each member thereof, and if the applicant be a 10638
corporation, the name and address of each of its officers and 10639
directors; 10640

~~(B)~~ (2) Whether any license or certificate of authority as 10641
agent, broker, or public insurance adjuster has been issued 10642
previously by the superintendent of this state or by the 10643
insurance department of any state to the individual applicant, 10644
and, if the applicant be an individual, whether any such 10645
certificate has been issued previously to any firm, association, 10646
or partnership of which ~~he~~ the individual was or is an officer 10647
or director, and, if the applicant be a firm, association, or 10648
partnership, whether any such certificate has been issued 10649
previously to any member thereof, and, if the applicant be a 10650

corporation, whether any such certificate has been issued 10651
previously to any officer or director of such corporation; 10652

~~(C)~~ (3) The business or employment in which the applicant 10653
has been engaged for the five years next preceding the date of 10654
the application, and the name and address of such business and 10655
the name or names and addresses of his employer or employers; 10656

~~(D)~~ (4) Such information as the superintendent may require 10657
of applicants in order to determine their trustworthiness and 10658
competency to transact the business of public insurance 10659
adjusters, in such manner as to safeguard the interest of the 10660
public; 10661

~~(E)~~ The (B) Except as provided in division (C) of this 10662
section, the superintendent shall issue a public insurance 10663
adjuster agent certificate to a person, who is a bona fide 10664
employee of a public insurance adjuster without examination, 10665
provided said application is made by a person, partnership, 10666
association, or corporation engaged in the public insurance 10667
adjusting business. The fee to be paid by the applicant for such 10668
a license at the time the application is made, and annually 10669
thereafter for the renewal thereof according to the standard 10670
renewal procedure of sections 4745.01 to 4745.03, inclusive, of 10671
the Revised Code, shall be fifty dollars, and such applicant 10672
shall be bonded in the amount of one thousand dollars as 10673
provided for in division (D) of section 3951.06 of the Revised 10674
Code. 10675

(C) The superintendent shall issue a public insurance 10676
adjuster agent certificate in accordance with Chapter 4796. of 10677
the Revised Code to an applicant if either of the following 10678
applies: 10679

(1) The applicant holds a license or certificate in another state. 10680
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a public insurance adjuster agent in a state that does not issue that license or certificate. 10682
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(D) An application for any certificate of authority shall be signed and verified under oath by the applicant and, if made by a firm, association, partnership, or corporation, by each member or officer and director thereof to be authorized thereby to act as a public insurance adjuster. 10686
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Sec. 3951.05. The superintendent of insurance shall, in order to determine the trustworthiness and competency of any applicant for a certificate of authority to act as a public insurance adjuster, require such applicant or in the case of a firm, association, partnership, or corporation, such of its employees, members, officers, or directors, who are to be individually authorized to act under its certificate of authority, to submit to a written examination, ~~except applicants who are granted a waiver of examination in accordance with section 3951.09 of the Revised Code.~~ Examinations shall be held in such place in this state and at such time as the superintendent may designate. 10691
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Sec. 3951.09. The superintendent ~~may waive the requirement that an applicant submit to an examination to obtain of~~ insurance shall issue a certificate of authority under this chapter, ~~provided that the applicant is licensed as a public insurance adjuster in another state that required the applicant to submit to an examination as a condition of licensure. Prior to waiving the examination requirement with respect to a public~~ 10703
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~~insurance adjuster licensed in another state, the superintendent shall issue a notice at least sixty days prior to the effective date of the waiver identifying the applicant's other state of licensure. The notice shall be issued in a manner deemed appropriate by the superintendent. Once the superintendent has issued a notice under this section identifying an applicant's other state of licensure, the superintendent need not issue subsequent notices as to applicants licensed in the same state in order to waive the examination requirement for those applicants in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:~~ 10710
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(A) The applicant holds a license or certificate in another state. 10721
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(B) The applicant has satisfactory work experience, a government certification, or a private certification as described in Chapter 4796. of the Revised Code as a public insurance adjuster in a state that does not issue that license or certificate. 10723
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Sec. 4104.07. ~~An~~ Except as provided in division (E) of this section, an application for examination as an inspector of boilers and pressure vessels shall be in writing, accompanied by a fee of one hundred fifty dollars, upon a blank to be furnished by the superintendent of industrial compliance. Any moneys collected under this section shall be paid into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code. 10728
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(B) The superintendent shall determine if an applicant meets all the requirements for examination in accordance with rules adopted by the board of building standards under section 4104.02 of the Revised Code. An application shall be rejected 10736
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which contains any willful falsification, or untruthful 10740
statements. 10741

(C) An applicant shall be examined by the superintendent, 10742
by a written examination, prescribed by the board, dealing with 10743
the construction, installation, operation, maintenance, and 10744
repair of boilers and pressure vessels and their appurtenances, 10745
and the applicant shall be accepted or rejected on the merits of 10746
the applicant's application and examination. 10747

(D) Upon a favorable report by the superintendent of the 10748
result of an examination, the superintendent shall immediately 10749
issue to the successful applicant a certificate of competency to 10750
that effect. 10751

(E) The superintendent shall issue a certificate of 10752
competency in accordance with Chapter 4796. of the Revised Code 10753
to an applicant if either of the following applies: 10754

(1) The applicant holds a license or certificate in 10755
another state. 10756

(2) The applicant has satisfactory work experience, a 10757
government certification, or a private certification as 10758
described in that chapter as an inspector of boilers and 10759
pressure vessels in a state that does not issue that license or 10760
certificate. 10761

Sec. 4104.101. (A) No person shall install or make major 10762
repairs or modifications to any boiler without first registering 10763
to do so with the division of industrial compliance. 10764

(B) No person shall make any installation or major repair 10765
or modification of any boiler without first obtaining a permit 10766
to do so from the division. The permit application form shall 10767
provide the name and address of the owner, location of the 10768

boiler, and type of repair or modification that will be made. 10769

The application permit fee shall be one hundred dollars. 10770

(C) The superintendent of industrial compliance shall 10771

require annual registration of all contractors who install, make 10772

major repairs to, or modify any boiler. The board of building 10773

standards shall establish a reasonable fee to cover the cost of 10774

processing registrations. 10775

(D) Notwithstanding any provision of this section to the 10776

contrary, the superintendent shall register a contractor to 10777

install, make major repairs to, or modify boilers in accordance 10778

with Chapter 4796. of the Revised Code if either of the 10779

following applies: 10780

(1) The contractor is licensed or registered in another 10781

state to install, make major repairs to, or modify boilers. 10782

(2) The contractor has satisfactory work experience, a 10783

government certification, or a private certification as 10784

described in that chapter to install, make major repairs to, or 10785

modify boilers in a state that does not issue that license or 10786

registration. 10787

Sec. 4104.19. (A) Any ~~Except as provided in division (H)~~ 10788

of this section, any person seeking a license to operate as a 10789

steam engineer, high pressure boiler operator, or low pressure 10790

boiler operator shall file a written application with the 10791

superintendent of industrial compliance on a form prescribed by 10792

the superintendent with the appropriate application fee as set 10793

forth in section 4104.18 of the Revised Code. The application 10794

shall contain information satisfactory to the superintendent to 10795

demonstrate that the applicant meets the requirements of 10796

division (B) of this section. The application shall be filed 10797

with the superintendent not more than sixty days and not less than thirty days before the license examination is offered. 10798
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(B) To qualify to take the examination required to obtain a steam engineer, high pressure boiler operator, or low pressure boiler operator license, a person shall meet both of the following requirements: 10800
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(1) Be at least eighteen years of age; 10804

(2) Have one year of experience in the operation of steam engines, high pressure boilers, or low pressure boilers as applicable to the type of license being sought, or a combination of experience and education for the type of license sought as determined to be acceptable by the superintendent. 10805
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(C) No applicant shall qualify to take an examination or to renew a license if the applicant has violated this chapter or if the applicant has obtained or renewed a license issued under this chapter by fraud, misrepresentation, or deception. 10810
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(D) The superintendent shall issue a license to each applicant who receives a passing score on the examination, as determined by the superintendent, for the license for which the applicant applied. 10814
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(E) The superintendent may select and contract with one or more persons to do all of the following relative to the examinations for a license to operate as a steam engineer, high pressure boiler operator, or low pressure boiler operator: 10818
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(1) Prepare, administer, score, and maintain the confidentiality of the examination; 10822
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(2) Maintain responsibility for all expenses required to fulfill division (E)(1) of this section; 10824
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(3) Charge each applicant a fee for administering the examination, in an amount authorized by the superintendent;	10826 10827
(4) Design the examination for each type of license to determine an applicant's competence to operate the equipment for which the applicant is seeking licensure.	10828 10829 10830
(F) Each license issued under this chapter expires one year after the date of issue. Each person holding a valid, unexpired license may renew the license, without reexamination, by applying to the superintendent not more than ninety days before the expiration of the license, and submitting with the application the renewal fee established in section 4104.18 of the Revised Code. Upon receipt of the renewal information and fee, the superintendent shall issue the licensee a certificate of renewal.	10831 10832 10833 10834 10835 10836 10837 10838 10839
(G) The superintendent, in accordance with Chapter 119. of the Revised Code, may suspend or revoke any license, or may refuse to issue a license under this chapter upon finding that a licensee or an applicant for a license has violated or is violating the requirements of this chapter. The superintendent shall not refuse to issue a license to an applicant because of a disqualifying offense unless the refusal is in accordance with section 9.79 of the Revised Code.	10840 10841 10842 10843 10844 10845 10846 10847
<u>(H) The superintendent shall issue a license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:</u>	10848 10849 10850
<u>(1) The applicant holds a license in another state.</u>	10851
<u>(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a steam engineer, high pressure</u>	10852 10853 10854

boiler operator, or low pressure boiler operator in a state that 10855
does not issue that license. 10856

Sec. 4105.02. No person may act, either as a general 10857
inspector or as a special inspector, of elevators, unless the 10858
person holds a certificate of competency from the division of 10859
industrial compliance. 10860

Application for examination as an inspector of elevators 10861
shall be in writing, accompanied by a fee to be established as 10862
provided in section 4105.17 of the Revised Code, and upon a 10863
blank to be furnished by the division, stating the school 10864
education of the applicant, a list of the applicant's employers, 10865
the applicant's period of employment, and the position held with 10866
each. An applicant shall also submit a letter from one or more 10867
of the applicant's previous employers certifying as to the 10868
applicant's character and experience. 10869

Applications shall be rejected which contain any willful 10870
falsification or untruthful statements. An applicant, if the 10871
division considers the applicant's history and experience 10872
sufficient, shall be examined by the superintendent of 10873
industrial compliance by a written examination dealing with the 10874
construction, installation, operation, maintenance, and repair 10875
of elevators and their appurtenances, and the applicant shall be 10876
accepted or rejected on the merits of the applicant's 10877
application and examination. 10878

~~The~~ Except as provided in this section, the superintendent 10879
shall issue a certificate of competency in the inspection of 10880
elevators to any applicant found competent upon examination. A 10881
rejected applicant shall be entitled, after the expiration of 10882
ninety days and upon payment of an examination fee to be 10883
established as provided in section 4105.17 of the Revised Code, 10884

to another examination. Should an applicant fail to pass the 10885
prescribed examination on second trial, the applicant will not 10886
be permitted to be an applicant for another examination for a 10887
period of one year after the second examination. 10888

The superintendent shall issue a certificate of competency 10889
in the inspection of elevators in accordance with Chapter 4796. 10890
of the Revised Code to an applicant if either of the following 10891
applies: 10892

(A) The applicant holds a license or certificate in 10893
another state. 10894

(B) The applicant has satisfactory work experience, a 10895
government certification, or a private certification as 10896
described in that chapter as an inspector of elevators in a 10897
state that does not issue that license or certificate. 10898

Sec. 4169.03. (A) Before a passenger tramway operator may 10899
operate any passenger tramway in the state, the operator shall 10900
apply to the division of industrial compliance in the department 10901
of commerce, on forms prepared by it, for registration by the 10902
division. The application shall contain an inventory of the 10903
passenger tramways that the applicant intends to operate and 10904
other information as the division may reasonably require and 10905
shall be accompanied by the following annual fees: 10906

(1) Each aerial passenger tramway, five hundred dollars; 10907

(2) Each skimobile, two hundred dollars; 10908

(3) Each chair lift, two hundred dollars; 10909

(4) Each J bar, T bar, or platter pull, one hundred 10910
dollars; 10911

(5) Each rope tow, fifty dollars; 10912

(6) Each wire rope tow, seventy-five dollars;	10913
(7) Each conveyor, one hundred dollars.	10914
When an operator operates an aerial passenger tramway, a	10915
skimobile, or a chair lift during both a winter and summer	10916
season, the annual fee shall be one and one-half the above	10917
amount for the respective passenger tramway.	10918
(B) Upon payment of the appropriate annual fees in	10919
accordance with division (A) of this section and successful	10920
completion of the inspection described in section 4169.04 of the	10921
Revised Code, the division shall issue a registration	10922
certificate to the operator. Each certificate shall remain in	10923
force until the thirtieth day of September next ensuing. The	10924
division shall renew an operator's certificate in accordance	10925
with the standard renewal procedure in Chapter 4745. of the	10926
Revised Code upon payment of the appropriate annual fees.	10927
(C) Money received from the registration fees and from the	10928
finest collected pursuant to section 4169.99 of the Revised Code	10929
shall be paid into the state treasury to the credit of the	10930
industrial compliance operating fund created in section 121.084	10931
of the Revised Code.	10932
(D) No person shall operate a passenger tramway in this	10933
state unless the person has been registered by the division.	10934
<u>(E) The division shall issue a registration certificate in</u>	10935
<u>accordance with Chapter 4796. of the Revised Code to an operator</u>	10936
<u>if either of the following applies:</u>	10937
<u>(1) The operator is licensed or registered in another</u>	10938
<u>state.</u>	10939
<u>(2) The operator has satisfactory work experience, a</u>	10940

government certification, or a private certification as 10941
described in that chapter as a passenger tramway operator in a 10942
state that does not issue that license or registration. 10943

Sec. 4301.10. (A) The division of liquor control shall do 10944
all of the following: 10945

(1) Control the traffic in beer and intoxicating liquor in 10946
this state, including the manufacture, importation, and sale of 10947
beer and intoxicating liquor; 10948

(2) Grant or refuse permits for the manufacture, 10949
distribution, transportation, and sale of beer and intoxicating 10950
liquor and the sale of alcohol, as authorized or required by 10951
this chapter and Chapter 4303. of the Revised Code. A 10952
certificate, signed by the superintendent of liquor control and 10953
to which is affixed the official seal of the division, stating 10954
that it appears from the records of the division that no permit 10955
has been issued to the person specified in the certificate, or 10956
that a permit, if issued, has been revoked, canceled, or 10957
suspended, shall be received as prima-facie evidence of the 10958
facts recited in the certificate in any court or before any 10959
officer of this state. 10960

(3) Put into operation, manage, and control a system of 10961
state liquor stores for the sale of spirituous liquor at retail 10962
and to holders of permits authorizing the sale of spirituous 10963
liquor; however, the division shall not establish any drive-in 10964
state liquor stores; and by means of those types of stores, and 10965
any manufacturing plants, distributing and bottling plants, 10966
warehouses, and other facilities that it considers expedient, 10967
establish and maintain a state monopoly of the distribution of 10968
spirituous liquor and its sale in packages or containers; and 10969
for that purpose, manufacture, buy, import, possess, and sell 10970

spirituous liquors as provided in this chapter and Chapter 4303. 10971
of the Revised Code, and in the rules promulgated by the 10972
superintendent of liquor control pursuant to those chapters; 10973
lease or in any manner acquire the use of any land or building 10974
required for any of those purposes; purchase any equipment that 10975
is required; and borrow money to carry on its business, and 10976
issue, sign, endorse, and accept notes, checks, and bills of 10977
exchange; but all obligations of the division created under 10978
authority of this division shall be a charge only upon the 10979
moneys received by the division from the sale of spirituous 10980
liquor and its other business transactions in connection with 10981
the sale of spirituous liquor, and shall not be general 10982
obligations of the state; 10983

(4) Enforce the administrative provisions of this chapter 10984
and Chapter 4303. of the Revised Code, and the rules and orders 10985
of the liquor control commission and the superintendent relating 10986
to the manufacture, importation, transportation, distribution, 10987
and sale of beer or intoxicating liquor. The attorney general, 10988
any prosecuting attorney, and any prosecuting officer of a 10989
municipal corporation or a municipal court shall, at the request 10990
of the division of liquor control or the department of public 10991
safety, prosecute any person charged with the violation of any 10992
provision in those chapters or of any section of the Revised 10993
Code relating to the manufacture, importation, transportation, 10994
distribution, and sale of beer or intoxicating liquor. 10995

(5) Determine the locations of all state liquor stores and 10996
manufacturing, distributing, and bottling plants required in 10997
connection with those stores, subject to this chapter and 10998
Chapter 4303. of the Revised Code; 10999

(6) Conduct inspections of liquor permit premises to 11000

determine compliance with the administrative provisions of this 11001
chapter and Chapter 4303. of the Revised Code and the rules 11002
adopted under those provisions by the liquor control commission. 11003

Except as otherwise provided in division (A) (6) of this 11004
section, those inspections may be conducted only during those 11005
hours in which the permit holder is open for business and only 11006
by authorized agents or employees of the division or by any 11007
peace officer, as defined in section 2935.01 of the Revised 11008
Code. Inspections may be conducted at other hours only to 11009
determine compliance with laws or commission rules that regulate 11010
the hours of sale of beer or intoxicating liquor and only if the 11011
investigator has reasonable cause to believe that those laws or 11012
rules are being violated. Any inspection conducted pursuant to 11013
division (A) (6) of this section is subject to all of the 11014
following requirements: 11015

(a) The only property that may be confiscated is 11016
contraband, as defined in section 2901.01 of the Revised Code, 11017
or property that is otherwise necessary for evidentiary 11018
purposes. 11019

(b) A complete inventory of all property confiscated from 11020
the premises shall be given to the permit holder or the permit 11021
holder's agent or employee by the confiscating agent or officer 11022
at the conclusion of the inspection. At that time, the inventory 11023
shall be signed by the confiscating agent or officer, and the 11024
agent or officer shall give the permit holder or the permit 11025
holder's agent or employee the opportunity to sign the 11026
inventory. 11027

(c) Inspections conducted pursuant to division (A) (6) of 11028
this section shall be conducted in a reasonable manner. A 11029
finding by any court of competent jurisdiction that an 11030

inspection was not conducted in a reasonable manner in 11031
accordance with this section or any rules adopted by the 11032
commission may be considered grounds for suppression of 11033
evidence. A finding by the commission that an inspection was not 11034
conducted in a reasonable manner in accordance with this section 11035
or any rules adopted by it may be considered grounds for 11036
dismissal of the commission case. 11037

If any court of competent jurisdiction finds that property 11038
confiscated as the result of an administrative inspection is not 11039
necessary for evidentiary purposes and is not contraband, as 11040
defined in section 2901.01 of the Revised Code, the court shall 11041
order the immediate return of the confiscated property, provided 11042
that property is not otherwise subject to forfeiture, to the 11043
permit holder. However, the return of this property is not 11044
grounds for dismissal of the case. The commission likewise may 11045
order the return of confiscated property if no criminal 11046
prosecution is pending or anticipated. 11047

(7) Delegate to any of its agents or employees any power 11048
of investigation that the division possesses with respect to the 11049
enforcement of any of the administrative laws relating to beer 11050
or intoxicating liquor, provided that this division does not 11051
authorize the division to designate any agent or employee to 11052
serve as an enforcement agent. The employment and designation of 11053
enforcement agents shall be within the exclusive authority of 11054
the director of public safety pursuant to sections 5502.13 to 11055
5502.19 of the Revised Code. 11056

(8) Collect the following fees: 11057

(a) A biennial fifty-dollar registration fee for each 11058
agent, solicitor, trade marketing professional, or salesperson, 11059
registered pursuant to section 4303.25 of the Revised Code, of a 11060

beer or intoxicating liquor manufacturer, supplier, broker, 11061
trade marketing company, or wholesale distributor doing business 11062
in this state; 11063

(b) A fifty-dollar product registration fee for each new 11064
beer or intoxicating liquor product sold in this state. The 11065
product registration fee also applies to products sold in this 11066
state by B-2a and S permit holders. The product registration fee 11067
shall be accompanied by a copy of the federal label and product 11068
approval for the new product. 11069

(c) An annual three-hundred-dollar supplier registration 11070
fee from each manufacturer or supplier that produces and ships 11071
into this state, or ships into this state, intoxicating liquor 11072
or beer, in addition to an initial application fee of one 11073
hundred dollars. A manufacturer that produces and ships beer or 11074
wine into this state and that holds only an S permit is exempt 11075
from the supplier registration fee. A manufacturer that produces 11076
and ships wine into this state and that holds a B-2a permit 11077
shall pay an annual seventy-six-dollar supplier registration 11078
fee. A manufacturer that produces and ships wine into this state 11079
and that does not hold either an S or a B-2a permit, but that 11080
produces less than two hundred fifty thousand gallons of wine 11081
per year and that is entitled to a tax credit under 27 C.F.R. 11082
24.278 shall pay an annual seventy-six-dollar supplier 11083
registration fee. A B-2a or S permit holder that does not sell 11084
its wine to wholesale distributors of wine in this state and an 11085
S permit holder that does not sell its beer to wholesale 11086
distributors of beer in this state shall not be required to 11087
submit to the division territory designation forms. 11088

Each supplier, agent, solicitor, trade marketing 11089
professional, or salesperson registration issued under this 11090

division shall authorize the person named to carry on the 11091
activity specified in the registration. The division shall 11092
register a supplier, agent, solicitor, trade marketing 11093
professional, or salesperson in accordance with Chapter 4796. of 11094
the Revised Code if either of the following applies: 11095

(i) The supplier, agent, solicitor, trade marketing 11096
professional, or salesperson is licensed or registered in 11097
another state. 11098

(ii) The supplier, agent, solicitor, trade marketing 11099
professional, or salesperson has satisfactory work experience, a 11100
government certification, or a private certification as 11101
described in that chapter as a supplier, agent, solicitor, trade 11102
marketing professional, or salesperson in a state that does not 11103
issue that license or registration. 11104

Each agent, solicitor, trade marketing professional, or 11105
salesperson registration is valid for two years or for the 11106
unexpired portion of a two-year registration period. Each 11107
supplier registration is valid for one year or for the unexpired 11108
portion of a one-year registration period. Registrations shall 11109
end on their respective uniform expiration date, which shall be 11110
designated by the division, and are subject to suspension, 11111
revocation, cancellation, or fine as authorized by this chapter 11112
and Chapter 4303. of the Revised Code. 11113

As used in this division, "trade marketing company" and 11114
"trade marketing professional" have the same meanings as in 11115
section 4301.171 of the Revised Code. 11116

(9) Establish a system of electronic data interchange 11117
within the division and regulate the electronic transfer of 11118
information and funds among persons and governmental entities 11119

engaged in the manufacture, distribution, and retail sale of 11120
alcoholic beverages; 11121

(10) Notify all holders of retail permits of the forms of 11122
permissible identification for purposes of division (A) of 11123
section 4301.639 of the Revised Code; 11124

(11) Exercise all other powers expressly or by necessary 11125
implication conferred upon the division by this chapter and 11126
Chapter 4303. of the Revised Code, and all powers necessary for 11127
the exercise or discharge of any power, duty, or function 11128
expressly conferred or imposed upon the division by those 11129
chapters. 11130

(B) The division may do all of the following: 11131

(1) Sue, but may be sued only in connection with the 11132
execution of leases of real estate and the purchases and 11133
contracts necessary for the operation of the state liquor stores 11134
that are made under this chapter and Chapter 4303. of the 11135
Revised Code; 11136

(2) Enter into leases and contracts of all descriptions 11137
and acquire and transfer title to personal property with regard 11138
to the sale, distribution, and storage of spirituous liquor 11139
within the state; 11140

(3) Terminate at will any lease entered into pursuant to 11141
division (B)(2) of this section upon first giving ninety days' 11142
notice in writing to the lessor of its intention to do so; 11143

(4) Fix the wholesale and retail prices at which the 11144
various classes, varieties, and brands of spirituous liquor 11145
shall be sold by the division. Those retail prices shall be the 11146
same at all state liquor stores, except to the extent that a 11147
price differential is required to collect a county sales tax 11148

levied pursuant to section 5739.021 of the Revised Code and for 11149
which tax the tax commissioner has authorized prepayment 11150
pursuant to section 5739.05 of the Revised Code. In fixing 11151
selling prices, the division shall compute an anticipated gross 11152
profit at least sufficient to provide in each calendar year all 11153
costs and expenses of the division and also an adequate working 11154
capital reserve for the division. The gross profit shall not 11155
exceed forty per cent of the retail selling price based on costs 11156
of the division, and in addition the sum required by section 11157
4301.12 of the Revised Code to be paid into the state treasury. 11158
An amount equal to one and one-half per cent of that gross 11159
profit shall be paid into the statewide treatment and prevention 11160
fund created by section 4301.30 of the Revised Code and be 11161
appropriated by the general assembly from the fund to the 11162
department of mental health and addiction services as provided 11163
in section 4301.30 of the Revised Code. 11164

On spirituous liquor manufactured in this state from the 11165
juice of grapes or fruits grown in this state, the division 11166
shall compute an anticipated gross profit of not to exceed ten 11167
per cent. 11168

The wholesale prices fixed under this division shall be at 11169
a discount of not less than six per cent of the retail selling 11170
prices as determined by the division in accordance with this 11171
section. 11172

(C) The division may approve the expansion or diminution 11173
of a premises to which a liquor permit has been issued and may 11174
adopt standards governing such an expansion or diminution. 11175

Sec. 4508.03. (A) No person shall establish a driver 11176
training school or continue the operation of an existing school 11177
unless the person applies for and obtains from the director of 11178

public safety a license in the manner and form prescribed by the 11179
director. 11180

The director shall adopt rules that establish the 11181
requirements for a school license, including requirements 11182
concerning location, equipment, courses of instruction, 11183
instructors, previous records of the school and instructors, 11184
financial statements, schedule of fees and charges, insurance in 11185
the sum and with those provisions as the director considers 11186
necessary to protect adequately the interests of the public, and 11187
any other matters as the director may prescribe for the 11188
protection of the public. The rules also shall require financial 11189
responsibility information as part of the driver education 11190
curriculum. 11191

(B) Any school that offers a driver training program for 11192
disabled persons shall provide specially trained instructors for 11193
the driver training of such persons. No school shall operate a 11194
driver training program for disabled persons after June 30, 11195
1978, unless it has been licensed for such operation by the 11196
director. No person shall act as a specially trained instructor 11197
in a driver training program for disabled persons operated by a 11198
school after June 30, 1978, unless that person has been licensed 11199
by the director. 11200

(C) The director shall certify instructors to teach driver 11201
training to disabled persons in accordance with training program 11202
requirements established by the department of public safety. 11203

The director shall issue a certificate to teach driver 11204
training to disabled persons in accordance with Chapter 4796. of 11205
the Revised Code to a person if either of the following applies: 11206

(1) The person holds a license or certificate in another 11207

state. 11208

(2) The person has satisfactory work experience, a 11209
government certification, or a private certification as 11210
described in that chapter teaching driver training to disabled 11211
persons in a state that does not issue that license or 11212
certificate. 11213

(D) No person shall operate a driver training school 11214
unless the person has a valid license issued by the director 11215
under this section. 11216

(E) Whoever violates division (D) of this section is 11217
guilty of operating a driver training school without a valid 11218
license, a misdemeanor of the second degree. On a second or 11219
subsequent offense within two years after the first offense, the 11220
person is guilty of a misdemeanor of the first degree. 11221

Sec. 4508.04. (A) No person shall act as a driver training 11222
instructor, and no person shall act as a driver training 11223
instructor for disabled persons, unless such person applies for 11224
and obtains from the director of public safety a license in the 11225
manner and form prescribed by the director. The director shall 11226
provide by rule for instructors' license requirements including 11227
physical condition, knowledge of the courses of instruction, 11228
motor vehicle laws and safety principles, previous personal and 11229
employment records, and such other matters as the director may 11230
prescribe for the protection of the public. Driver training 11231
instructors for disabled persons shall meet such additional 11232
requirements and receive such additional classroom and practical 11233
instruction as the director shall prescribe by rule. 11234

(B) The director may issue a license under this section to 11235
a person convicted of a disqualifying offense as determined in 11236

accordance with section 9.79 of the Revised Code. 11237

(C) No person shall knowingly make a false statement on a 11238
license application submitted under this section. 11239

(D) Upon successful completion of all requirements for an 11240
initial instructor license, the director shall issue an 11241
applicant a probationary license, which expires one hundred 11242
eighty days from the date of issuance. In order to receive a 11243
driver training instructor license, a person issued a 11244
probationary license shall pass an assessment prescribed in 11245
rules adopted by the director pursuant to section 4508.02 of the 11246
Revised Code. The person shall pass the assessment prior to 11247
expiration of the probationary license. If the person fails to 11248
pass the assessment, or fails to meet any standards required for 11249
a driver training instructor license, the director may extend 11250
the expiration date of the person's probationary license. Upon 11251
successful completion of the assessment and approval of the 11252
director, the director shall issue to the person a driver 11253
training instructor license. 11254

(E) ~~(1)~~ Notwithstanding the requirements for a license 11255
issued under this section, the board shall issue a license in 11256
accordance with Chapter 4796. of the Revised Code to a person if 11257
either of the following applies: 11258

(1) The person holds a license in another state. 11259

(2) The person has satisfactory work experience, a 11260
government certification, or a private certification as 11261
described in that chapter as a driver training instructor in a 11262
state that does not issue that license. 11263

(F) (1) Whoever violates division (A) of this section is 11264
guilty of acting as a driver training instructor without a valid 11265

license, a misdemeanor of the first degree. 11266

(2) Whoever violates division (C) of this section may be 11267
charged with falsification under section 2921.13 of the Revised 11268
Code. 11269

Sec. 4508.08. There is hereby created in the department of 11270
public safety the motorcycle safety and education program. The 11271
director of public safety shall administer the program in 11272
accordance with the following guidelines: 11273

(A) (1) The program shall include courses of instruction 11274
conducted at vocational schools, community colleges, or other 11275
suitable locations, by instructors who have obtained 11276
certification in the manner and form prescribed by the director. 11277
The courses shall meet standards established in rules adopted by 11278
the department in accordance with Chapter 119. of the Revised 11279
Code. The courses may include instruction for novice motorcycle 11280
operators, instruction in motorist awareness and alcohol and 11281
drug awareness, and any other kind of instruction the director 11282
considers appropriate. A reasonable tuition fee, as determined 11283
by the director, may be charged. The director may authorize 11284
private organizations or corporations to offer courses without 11285
tuition fee restrictions, but such entities are not eligible for 11286
reimbursement of expenses or subsidies from the motorcycle 11287
safety and education fund created in section 4501.13 of the 11288
Revised Code. 11289

(2) The director shall do both of the following: 11290

(a) Authorize private organizations or corporations to 11291
offer any nationally recognized motorcycle operator training 11292
courses or curriculum and any course established in accordance 11293
with division (A) (1) of this section; 11294

(b) Permit an applicant for a motorcycle operator's endorsement or a restricted license that permits only the operation of a motorcycle who has completed any motorcycle operator training course or curriculum as authorized in division (A) (2) (a) of this section successfully within the preceding sixty days to be eligible for the examination waiver as described in division (B) (1) of section 4507.11 of the Revised Code.

(B) In addition to courses of instruction, the program may include provisions for equipment purchases, marketing and promotion, improving motorcycle license testing procedures, and any other provisions the director considers appropriate.

(C) The director shall evaluate the program every two years and shall periodically inspect the facilities, equipment, and procedures used in the courses of instruction.

(D) The director shall appoint at least one training specialist who shall oversee the operation of the program, establish courses of instruction, and supervise instructors. The training specialist shall be a licensed motorcycle operator and shall obtain certification in the manner and form prescribed by the director.

(E) The director may contract with other public agencies or with private organizations or corporations to assist in administering the program.

(F) Notwithstanding any provision of Chapter 102. of the Revised Code, the director, in order to administer the program, may participate in a motorcycle manufacturer's motorcycle loan program.

(G) The director shall contract with an insurance company

or companies authorized to do business in this state to purchase 11324
a policy or policies of insurance with respect to the 11325
establishment or administration, or any other aspect of the 11326
operation of the program. 11327

(H) Notwithstanding the requirements for a motorcycle 11328
instructor certificate issued under this section, the director 11329
shall issue a certificate in accordance with Chapter 4796. of 11330
the Revised Code to a person if either of the following applies: 11331

(1) The person holds a license or certificate in another 11332
state. 11333

(2) The person has satisfactory work experience, a 11334
government certification, or a private certification as 11335
described in that chapter as a motorcycle instructor in a state 11336
that does not issue that license or certificate. 11337

Sec. 4511.763. (A) No person, partnership, association, or 11338
corporation shall transport pupils to or from school on a school 11339
bus or enter into a contract with a board of education of any 11340
school district for the transportation of pupils on a school 11341
bus, without being licensed by the department of public safety. 11342

Notwithstanding the requirements for a license issued 11343
under this division, the director shall issue a license in 11344
accordance with Chapter 4796. of the Revised Code to a person if 11345
either of the following applies: 11346

(1) The person holds a license or certificate in another 11347
state. 11348

(2) The person has satisfactory work experience, a 11349
government certification, or a private certification as 11350
described in that chapter transporting pupils on a school bus in 11351
a state that does not issue that license or certificate. 11352

(B) Except as otherwise provided in this division, whoever
violates this section is guilty of a minor misdemeanor. If,
within one year of the offense, the offender previously has been
convicted of or pleaded guilty to one predicate motor vehicle or
traffic offense, whoever violates this section is guilty of a
misdemeanor of the fourth degree. If, within one year of the
offense, the offender previously has been convicted of two or
more predicate motor vehicle or traffic offenses, whoever
violates this section is guilty of a misdemeanor of the third
degree.

Sec. 4701.06. (A) The accountancy board shall grant the
certificate of "certified public accountant" to any person who
satisfies the following requirements:

(1) The person is a resident of this state or has a place
of business in this state or, as an employee, is regularly
employed in this state. The board may determine by rule
circumstances under which the residency requirement may be
waived.

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

(3) The person meets the following requirements of
education and experience:

(a) Graduation with a baccalaureate or higher degree that
includes successful completion of one hundred fifty semester
hours of undergraduate or graduate education. The board by rule
shall specify graduate degrees that satisfy this requirement and
also by rule shall require any subjects that it considers
appropriate. The total educational program shall include an
accounting concentration with related courses in other areas of
business administration, as defined by board rule.

(b) Acquisition of one year of experience satisfactory to the board in any of the following:

- (i) A public accounting firm;
- (ii) Government;
- (iii) Business;
- (iv) Academia.

(4) The person has passed an examination that is administered in the manner and that covers the subjects that the board prescribes by rule. In adopting the relevant rules, the board shall ensure to the extent possible that the examination, the examination process, and the examination's passing standard are uniform with the examinations, examination processes, and examination passing standards of all other states and may provide for the use of all or parts of the uniform certified public accountant examination and advisory grading service of the American institute of certified public accountants. The board may contract with third parties to perform administrative services that relate to the examination and that the board determines are appropriate in order to assist the board in performing its duties in relation to the examination.

(B) (1) The experience requirement for a candidate who does not meet the educational requirements under division (A) (3) (a) of this section because the board has waived them under division (B) (2) of this section is four years of the experience described in division (A) (3) (b) of this section.

(2) The board shall waive the educational requirement set forth in division (A) (3) (a) of this section for any candidate if the board finds that the candidate has obtained from an accredited college or university approved by the board, either

an associate degree or a baccalaureate degree, other than a 11411
baccalaureate degree described in division (A) (3) (a) of this 11412
section, with a concentration in accounting that includes 11413
related courses in other areas of business administration, and 11414
if the board is satisfied from the results of special 11415
examinations that the board gives the candidate to test the 11416
candidate's educational qualification that the candidate is as 11417
well equipped, educationally, as if the candidate met the 11418
applicable educational requirement specified in division (A) (3) 11419
(a) of this section. 11420

The board shall provide by rule for the general scope of 11421
any special examinations for a waiver of the educational 11422
requirements under division (A) (3) (a) of this section and may 11423
obtain any advice and assistance that it considers appropriate 11424
to assist it in preparing and grading those special 11425
examinations. The board may use any existing examinations or may 11426
prepare any number of new examinations to assist in determining 11427
the equivalent training of a candidate. The board by rule shall 11428
prescribe any special examinations for a waiver of the 11429
educational requirements under division (A) (3) (a) of this 11430
section and the passing score required for each examination. 11431

(C) A candidate who has graduated with a baccalaureate 11432
degree or its equivalent or a higher degree that includes 11433
successful completion of at least one hundred twenty semester 11434
hours of undergraduate or graduate education is eligible to take 11435
the examination referred to in division (A) (4) of this section 11436
without waiting until the candidate meets the education or 11437
experience requirements, provided the candidate also meets the 11438
requirement of division (A) (1) of this section. The board by 11439
rule shall specify degrees that make a candidate eligible under 11440
this division and by rule shall require any subjects that it 11441

considers appropriate. 11442

(D) A candidate for the certificate of certified public 11443
accountant who has successfully completed the examination under 11444
division (A) (4) of this section has no status as a certified 11445
public accountant, unless and until the candidate has the 11446
requisite education and experience and has received a 11447
certificate as a certified public accountant. The board shall 11448
determine and charge a fee for issuing the certificate that is 11449
adequate to cover the expense. 11450

(E) The board by rule may prescribe the terms and 11451
conditions under which a candidate who passes part but not all 11452
of the examination may retake the examination. It also may 11453
provide by rule for a reasonable waiting period for a 11454
candidate's reexamination. 11455

The applicable educational and experience requirements 11456
under divisions (A) (3), (B), and (C) of this section shall be 11457
those in effect on the date on which the candidate first sits 11458
for the examination. 11459

(F) The board shall charge a candidate a reasonable fee, 11460
to be determined by the board, that is adequate to cover all 11461
rentals, compensation for proctors, and other administrative 11462
expenses of the board related to examination or reexamination, 11463
including the expenses of procuring and grading the examination 11464
provided for in division (A) (4) of this section and for any 11465
special examinations for a waiver of the educational 11466
requirements under division (A) (3) (a) of this section. Fees for 11467
reexamination under division (E) of this section shall be 11468
charged by the board in amounts determined by it. The applicable 11469
fees shall be paid by the candidate at the time the candidate 11470
applies for examination or reexamination. 11471

(G) Any person who has received from the board a 11472
certificate as a certified public accountant and who holds an 11473
Ohio permit shall be styled and known as a "certified public 11474
accountant" and also may use the abbreviation "CPA." The board 11475
shall maintain a list of certified public accountants. Any 11476
certified public accountant also may be known as a "public 11477
accountant." 11478

(H) Persons who, on the effective date of an amendment of 11479
this section, held certified public accountant certificates 11480
previously issued under the laws of this state shall not be 11481
required to obtain additional certificates under this section 11482
but shall otherwise be subject to all provisions of this 11483
section, and those previously issued certificates, for all 11484
purposes, shall be considered certificates issued under this 11485
section and subject to its provisions. 11486

(I) The board may waive the examination under division (A) 11487
(4) of this section and, upon payment of a fee determined by it, 11488
may issue a certificate as a "certified public accountant" to 11489
any person who possesses the qualifications specified in 11490
divisions (A) (1) and (2) of this section and what the board 11491
determines to be substantially the equivalent of the applicable 11492
qualifications under division (A) (3) of this section and who ~~is~~ 11493
~~the holder of a certificate as a certified public accountant,~~ 11494
~~then in full force and effect, issued under the laws of any~~ 11495
~~state, or is~~ the holder of a certificate, license, or degree in 11496
a foreign country that constitutes a recognized qualification 11497
for the practice of public accounting in that country, that is 11498
comparable to that of a certified public accountant of this 11499
state, and that is then in full force and effect. 11500

(J) The board shall issue a certificate as a "certified 11501

public accountant" in accordance with Chapter 4796. of the 11502
Revised Code to a person if either of the following applies: 11503

(1) The person holds a certificate as a certified public 11504
accountant in another state. 11505

(2) The person has satisfactory work experience, a 11506
government certification, or a private certification as 11507
described in that chapter as a certified public accountant in a 11508
state that does not issue that certificate. 11509

Sec. 4701.07. The accountancy board shall register as a 11510
public accountant any person who meets all the following 11511
requirements: 11512

(A) The person is a resident of this state or has a place 11513
of business in this state. 11514

(B) The person has attained the age of eighteen years. 11515

(C) The person holds a baccalaureate or higher degree 11516
conferred by a college or university recognized by the board, 11517
with a concentration in accounting, or with what the board 11518
determines to be substantially the equivalent of the foregoing; 11519
or with a nonaccounting concentration supplemented by what the 11520
board determines to be substantially the equivalent of an 11521
accounting concentration, including related courses in other 11522
areas of business administration. 11523

The board may waive the educational requirement for any 11524
candidate if it finds that the candidate has attained the 11525
equivalent education by attendance at a business school or two- 11526
year college, by self-study, or otherwise, and if it is 11527
satisfied from the result of a special written examination that 11528
the board gives the candidate to test the candidate's 11529
educational qualifications that the candidate is as well 11530

equipped, educationally, as if the candidate met the applicable 11531
educational requirement specified in this division. The board 11532
may provide by rule for the general scope of these examinations 11533
and may obtain any advice and assistance that it considers 11534
appropriate to assist it in preparing and grading the special 11535
examinations. The board may use any existing examinations or may 11536
prepare any number of new examinations to assist it in 11537
determining the equivalent training of a candidate. The board by 11538
rule may prescribe the special examinations and the passing 11539
score required for each examination. 11540

(D) The person has completed two years of public 11541
accounting experience, satisfactory to the board, in any state 11542
in practice as a public accountant or in any state in employment 11543
as a staff accountant by anyone practicing public accounting, or 11544
other experience in private or governmental accounting that, in 11545
the opinion of the board, will be the equivalent of that public 11546
accounting practice, or any combination of those types of 11547
experience, except that the experience requirement is only one 11548
year of the experience described in this division for any 11549
candidate holding a master's degree in accounting or business 11550
administration from a college or university recognized by the 11551
board, if the candidate has satisfactorily completed the number 11552
of credit hours in accounting, business administration, 11553
economics, and any related subjects that the board determines to 11554
be appropriate and if either of the following applies: 11555

(1) The person has passed the uniform national society of 11556
public accountants examination or a comparable examination 11557
approved by the public accountant members of the accountancy 11558
board. 11559

(2) The person has passed the accounting practice and 11560

auditing sections of the uniform CPA examination. 11561

The examination described in division (D)(1) of this 11562
section shall be held by the board and shall take place as often 11563
as the board determines but shall not be held less frequently 11564
than once each year. The board shall charge a candidate an 11565
application fee, to be determined by the board, that is adequate 11566
to cover all rentals, compensation for proctors, and other 11567
expenses of the board related to examination or reexamination 11568
except the expenses of procuring and grading the examination. In 11569
addition, the board shall charge the candidate an examination 11570
fee to be determined by the board, that is adequate to cover the 11571
expense of procuring and grading the examination. Fees for 11572
reexamination under division (D) of this section also shall be 11573
charged by the board in amounts determined by it to be adequate 11574
to cover the expenses of procuring and grading the examinations. 11575
The applicable fees shall be paid by the candidate at the time 11576
the candidate applies for examination or reexamination. 11577

(E) The person applied, on or before April 16, 1993, for 11578
registration as a public accountant. 11579

The board shall determine and charge a fee for 11580
registration under this section that is adequate to cover the 11581
expense. 11582

The board in each case shall determine whether the 11583
applicant is eligible for registration. Any individual who is so 11584
registered and who holds an Ohio permit shall be styled and 11585
known as a "public accountant" and may use the abbreviation 11586
"PA." 11587

A person who, on the effective date of an amendment of 11588
this section, holds a valid registration as a public accountant 11589

issued under the laws of this state shall not be required to 11590
obtain additional registration under this section but shall 11591
otherwise be subject to all provisions of this section. That 11592
registration, for all purposes, shall be considered a 11593
registration issued under this section and subject to its 11594
provisions. 11595

Chapter 4796. of the Revised Code does not apply to public 11596
accountant registrations issued under this section. 11597

Sec. 4701.10. (A) The accountancy board, upon application, 11598
shall issue Ohio permits to practice public accounting to 11599
holders of the CPA certificate or the PA registration. Subject 11600
to division (H)(1) of this section, there shall be a triennial 11601
Ohio permit fee in an amount to be determined by the board not 11602
to exceed one hundred fifty dollars. All Ohio permits shall 11603
expire on the last day of December of the year assigned by the 11604
board and, subject to division (H)(1) of this section, shall be 11605
renewed triennially for a period of three years by certificate 11606
holders and registrants in good standing upon payment of a 11607
triennial renewal fee not to exceed one hundred fifty dollars. 11608

(B) The accountancy board may issue Ohio registrations to 11609
holders of the CPA certificate and the PA registration who are 11610
not engaged in the practice of public accounting. Such persons 11611
shall not convey to the general public that they are actively 11612
engaged in the practice of public accounting in this state. 11613
Subject to division (H)(1) of this section, there shall be a 11614
triennial Ohio registration fee in an amount to be determined by 11615
the board but not exceeding fifty-five dollars. All Ohio 11616
registrations shall expire on the last day of December of the 11617
year assigned by the board and, subject to division (H)(1) of 11618
this section, shall be renewed triennially for a period of three 11619

years upon payment by certificate holders and registrants in 11620
good standing of a renewal fee not to exceed fifty-five dollars. 11621

(C) Any person who receives a CPA certificate and who 11622
applies for an initial Ohio permit or Ohio registration more 11623
than sixty days after issuance of the CPA certificate may, at 11624
the board's discretion, be subject to a late filing fee not 11625
exceeding one hundred dollars. 11626

(D) Any person to whom the board has issued an Ohio permit 11627
who is engaged in the practice of public accounting and who 11628
fails to renew the permit by the expiration date shall be 11629
subject to a late filing fee not exceeding one hundred dollars 11630
for each full month or part of a month after the expiration date 11631
in which such person did not possess a permit, up to a maximum 11632
of one thousand two hundred dollars. The board may waive or 11633
reduce the late filing fee for just cause upon receipt of a 11634
written request from such person. 11635

(E) Any person to whom the board has issued an Ohio permit 11636
or Ohio registration who is not engaged in the practice of 11637
public accounting and who fails to renew the permit or 11638
registration by the expiration date shall be subject to a late 11639
filing fee not exceeding fifty dollars for each full month or 11640
part of a month after the expiration date in which such person 11641
did not possess a permit or registration, up to a maximum of 11642
three hundred dollars. The board may waive or reduce the late 11643
filing fee for just cause upon receipt of a written request from 11644
such person. 11645

(F) Failure of a CPA certificate holder or PA registration 11646
holder to apply for either an Ohio permit or an Ohio 11647
registration within one year from the expiration date of the 11648
Ohio permit or Ohio registration last obtained or renewed, or 11649

one year from the date upon which the CPA certificate holder was 11650
granted a CPA certificate, shall result in suspension of the CPA 11651
certificate or PA registration until all fees required under 11652
divisions (D) and (E) of this section have been paid, unless the 11653
board determines the failure to have been due to excusable 11654
neglect. In that case, the fee for the issuance or renewal of 11655
the Ohio permit or Ohio registration, as the case may be, shall 11656
be the amount that the board shall determine, but not in excess 11657
of fifty dollars plus the fee for each triennial period or part 11658
of a period the certificate holder or registrant did not have 11659
either an Ohio permit or an Ohio registration. 11660

(G) The board by rule may exempt persons from the 11661
requirement of holding an Ohio permit or Ohio registration for 11662
specified reasons, including, but not limited to, retirement, 11663
health reasons, military service, foreign residency, or other 11664
just cause. 11665

(H) (1) The board by rule: 11666

(a) May provide for the issuance of Ohio permits and Ohio 11667
registrations for less than three years' duration at prorated 11668
fees; 11669

(b) Shall add a surcharge to the Ohio permit and Ohio 11670
registration fee imposed pursuant to this section of at least 11671
fifteen dollars but no more than thirty dollars for a three-year 11672
Ohio permit or Ohio registration, at least ten dollars but no 11673
more than twenty dollars for a two-year Ohio permit or Ohio 11674
registration, and at least five dollars but no more than ten 11675
dollars for a one-year Ohio permit or Ohio registration. 11676

(2) Each quarter, the board, for the purpose provided in 11677
section 4743.05 of the Revised Code, shall certify to the 11678

director of budget and management the number of Ohio permits and 11679
Ohio registrations issued or renewed under this chapter during 11680
the preceding quarter and the amount equal to that number times 11681
the amount of the surcharge added to each Ohio permit and Ohio 11682
registration fee by the board under division (H)(1) of this 11683
section. 11684

(I) Chapter 4796. of the Revised Code does not apply to 11685
Ohio permits or Ohio registrations issued under this section. 11686

Sec. 4703.08. The architects board shall adopt rules to 11687
certify and register an applicant for a certificate of 11688
qualification to practice architecture who is licensed or 11689
registered as an architect in another ~~state or jurisdiction~~ 11690
country, holds a current certificate in good standing issued by 11691
the national council of architectural registration boards, and 11692
wishes to be registered in this state. 11693

Sec. 4703.10. If the applicant passes the examination 11694
under section 4703.09 of the Revised Code or in lieu of the 11695
examination is, in the opinion of the architects board, eligible 11696
to register as an architect pursuant to rules adopted under 11697
section 4703.08 of the Revised Code, the applicant is eligible 11698
to receive from the board a certificate of qualification to 11699
practice architecture. The certificate shall be signed by the 11700
president and secretary of the board and shall bear the name of 11701
the successful applicant, the serial number of the certificate, 11702
the seal of the board, and the words, "admitted to practice 11703
architecture in the state of Ohio, the _____ day of _____, 11704
_____" 11705

If the applicant fails the examination under section 11706
4703.09 of the Revised Code, the board may refuse to issue a 11707
certificate of qualification to practice architecture. 11708

The board shall certify and register an applicant in 11709
accordance with Chapter 4796. of the Revised Code for a 11710
certificate of qualification to practice architecture if either 11711
of the following applies: 11712

(A) The applicant holds a certification, registration, or 11713
license to practice architecture in another state. 11714

(B) The applicant has satisfactory work experience, a 11715
government certification, or a private certification as 11716
described in that chapter as an architect in a state that does 11717
not issue that certificate, registration, or license. 11718

Sec. 4703.33. (A) The Ohio landscape architects board, in 11719
accordance with Chapter 119. of the Revised Code, may adopt, 11720
amend, and enforce rules governing the standards for education, 11721
experience, services, conduct, and practice to be followed in 11722
the practice of the profession of landscape architecture and 11723
rules pertaining to the satisfactory completion of continuing 11724
education requirements. If the board adopts rules pertaining to 11725
continuing education requirements, the board shall, in general, 11726
follow model continuing education recommendations established by 11727
the council of landscape architectural registration boards or a 11728
similar successor organization. 11729

(B) The board, or the board's designee, shall hold 11730
examinations not less than once annually and shall register as a 11731
landscape architect each applicant who demonstrates to the 11732
satisfaction of the board that the applicant has met all the 11733
requirements of section 4703.34 of the Revised Code. 11734

(C) The board shall issue to each individual registered 11735
pursuant to this section a certificate of qualification. 11736

Chapter 4796. of the Revised Code does not apply to a 11737

certificate of qualification issued under this division. 11738

(D) The board shall appoint at least one of its members as 11739
a delegate to each regional and annual meeting of the council of 11740
landscape architectural registration boards. 11741

Sec. 4703.35. (A) The Ohio landscape architects board 11742
shall register as a landscape architect any individual who is at 11743
least eighteen years of age and who provides evidence 11744
satisfactory to the board that the individual is a registered or 11745
licensed landscape architect in another ~~state or~~ country in 11746
which the qualifications, at the time of licensure, were 11747
substantially equal, in the opinion of the board, to the 11748
requirements for registration as a landscape architect in this 11749
state. The board may require that an applicant for registration 11750
under this ~~section~~ division hold a current council record or 11751
certificate in good standing issued by the council of landscape 11752
architectural registration boards. 11753

(B) The board shall register as a landscape architect in 11754
accordance with Chapter 4796. of the Revised Code an individual 11755
if either of the following applies: 11756

(1) The individual holds a registration or license as a 11757
landscape architect in another state. 11758

(2) The individual has satisfactory work experience, a 11759
government certification, or a private certification as 11760
described in that chapter as a landscape architect in a state 11761
that does not issue that registration or license. 11762

Sec. 4703.37. (A) The Ohio landscape architects board 11763
shall establish an application fee for obtaining registration 11764
under section 4703.34 of the Revised Code and a fee for 11765
obtaining registration under division (A) of section 4703.35 of 11766

the Revised Code. 11767

(B) The fee to restore an expired certificate of 11768
qualification is the renewal fee for the current certification 11769
period, plus the renewal fee for each previous renewal period in 11770
which the certificate was not renewed, plus a penalty of twenty- 11771
five per cent of the total renewal fees for each renewal period 11772
or part thereof in which the certificate was not renewed, on the 11773
condition that the maximum fee shall not exceed an amount 11774
established by the board. 11775

(C) The board also shall establish the following fees: 11776

(1) The fee for a certificate of qualification or 11777
duplicate thereof, as issued to a landscape architect registered 11778
under sections 4703.33 to 4703.38 of the Revised Code. 11779

(2) The fee for the biennial renewal of the certificate of 11780
qualification and the fee for a duplicate renewal card. 11781

(3) The fee to be charged an examinee for administering an 11782
examination to the examinee on behalf of another jurisdiction. 11783

(4) The fee for a certificate of authorization issued 11784
under division (F) of section 4703.331 of the Revised Code, the 11785
fee for annual renewal of a certificate of authorization, and 11786
the fee for a duplicate certificate of authorization. 11787

(5) The fee to cover costs for checks or other instruments 11788
returned to the board by financial institutions due to 11789
insufficient funds. 11790

Sec. 4707.07. (A) The department of agriculture may grant 11791
auctioneer's licenses to those individuals who are determined to 11792
be qualified by the department. Each individual who applies for 11793
an auctioneer's license shall furnish to the department, on 11794

forms provided by the department, satisfactory proof that the applicant: 11795
11796

(1) Has attained the age of at least eighteen years; 11797

(2) Has ~~done one of the following:~~ 11798

~~(a) Met~~ met the apprenticeship requirements set forth in section 4707.09 of the Revised Code; 11799
11800

~~(b) Met the requirements of section 4707.12 of the Revised Code.~~ 11801
11802

(3) Has a general knowledge of the following: 11803

(a) The requirements of the Revised Code relative to auctioneers; 11804
11805

(b) The auction profession; 11806

(c) The principles involved in conducting an auction; 11807

(d) Any local and federal laws regarding the profession of auctioneering. 11808
11809

(4) Has satisfied the financial responsibility requirements established under section 4707.11 of the Revised Code if applicable. 11810
11811
11812

(B) Auctioneers who served apprenticeships and who hold licenses issued before May 1, 1991, and who seek renewal of their licenses, are not subject to the additional apprenticeship requirements imposed by section 4707.09 of the Revised Code. 11813
11814
11815
11816

(C) A licensee may do business under more than one registered name, but not to exceed three registered names, provided that the names have been approved by the department. 11817
11818
11819
The department may reject the application of any person seeking licensure under this chapter if the name or names to be used by 11820
11821

the applicant are likely to mislead the public, or if the name 11822
or names do not distinguish the applicant from the name or names 11823
of any existing person licensed under this chapter. If an 11824
applicant applies to the department to do business under three 11825
names, the department may charge a fee of ten dollars for the 11826
third name. 11827

(D) The department, ~~in its discretion, may waive the~~ 11828
~~schooling and apprenticeship requirements for a resident of this~~ 11829
~~state, provided that the resident shall issue an auctioneer's~~ 11830
license in accordance with Chapter 4796. of the Revised Code to 11831
an applicant if either of the following applies: 11832

(1) The applicant holds a valid an auctioneer's license 11833
~~that was issued by a state with which the department has entered~~ 11834
~~into a reciprocal licensing agreement and the resident is in~~ 11835
~~good standing with that in another state.~~ 11836

(2) The applicant shall provide proof that is has 11837
~~satisfactory to the department that the applicant has had two~~ 11838
~~years of work experience, a government certification, or a~~ 11839
private certification as described in that chapter as an 11840
auctioneer ~~immediately preceding the date of application that~~ 11841
~~includes at a minimum twelve auctions in which the applicant was~~ 11842
~~a bid caller in the reciprocal in a state that does not issue~~ 11843
that license. 11844

Sec. 4707.072. The department of agriculture may grant 11845
one-auction licenses to any nonresident individual who is 11846
determined to be qualified by the department. ~~Any Chapter 4796.~~ 11847
of the Revised Code does not apply to one-auction licenses 11848
issued under this section. 11849

Any individual who applies for a one-auction license shall 11850

attest, on forms provided by the department, and furnish to the department, satisfactory proof that the license applicant meets the following requirements:

(A) Has a good reputation;

(B) Is of trustworthy character;

(C) Has attained the age of at least eighteen years;

(D) Has a general knowledge of the requirements of the Revised Code relative to auctioneers, the auction profession, and the principles involved in conducting an auction;

(E) Has two years of professional auctioneering experience immediately preceding the date of application that includes the personal conduct by the applicant of at least twelve auction sales in any state, ~~or has met the requirements of section 4707.12 of the Revised Code;~~

(F) Has paid a fee of five hundred dollars;

(G) Has not applied for or previously obtained a license under this section;

(H) Has provided proof of financial responsibility in the form of either an irrevocable letter of credit or a cash bond or a surety bond in the amount of fifty thousand dollars. If the applicant gives a surety bond, the bond shall be executed by a surety company authorized to do business in this state. A bond shall be made to the department and shall be conditioned that the applicant shall comply with this chapter and rules adopted under it, including refraining from conduct described in section 4707.15 of the Revised Code. All bonds shall be on a form approved by the director of agriculture.

Sec. 4707.09. The department of agriculture may grant

apprentice auctioneers' licenses to those persons that are 11879
determined to be qualified by the department. Every applicant 11880
for an apprentice auctioneer's license shall pass an examination 11881
relating to the skills, knowledge, and statutes and rules 11882
governing auctioneers. Every applicant for an apprentice 11883
auctioneer's license shall furnish to the department, on forms 11884
provided by the department, satisfactory proof that the 11885
applicant: 11886

(A) Has attained the age of at least eighteen years; 11887

(B) Has obtained a written promise of a licensed 11888
auctioneer to sponsor the applicant during the applicant's 11889
apprenticeship; 11890

(C) Has satisfied the financial responsibility 11891
requirements established under section 4707.11 of the Revised 11892
Code if applicable; 11893

(D) Has successfully completed a course of study in 11894
auctioneering at an institution that is approved by the state 11895
auctioneers commission. 11896

Before an apprentice may take the auctioneer's license 11897
examination, the apprentice shall serve an apprenticeship of at 11898
least twelve months and participate as a bid caller in at least 11899
twelve auction sales under the direct supervision of the 11900
sponsoring licensed auctioneer, which auctions shall be 11901
certified by the licensed auctioneer on the apprentice's 11902
application for an auctioneer's license. No apprentice 11903
auctioneer shall be under the sponsorship of more than one 11904
licensed auctioneer at one time. 11905

If an auctioneer intends to terminate sponsorship of an 11906
apprentice auctioneer, the sponsoring auctioneer shall notify 11907

the apprentice auctioneer of the sponsoring auctioneer's 11908
intention by certified mail, return receipt requested, at least 11909
ten days prior to the effective date of termination and, at the 11910
same time, shall deliver or mail by certified mail to the 11911
department a copy of the termination notice and the license of 11912
the apprentice auctioneer. No apprentice auctioneer shall 11913
perform any acts under authority of the apprentice's license 11914
after the effective date of the termination until the apprentice 11915
receives a new license. No more than one license shall be issued 11916
to any apprentice auctioneer for the same period of time. 11917

No licensed auctioneer shall have under the licensed 11918
auctioneer's sponsorship more than two apprentice auctioneers at 11919
one time. No auctioneer shall sponsor an apprentice auctioneer 11920
if the auctioneer has not been licensed and in good standing for 11921
a period of at least two years immediately before sponsoring the 11922
apprentice auctioneer. A sponsoring auctioneer whose license is 11923
suspended or revoked shall send to the department the apprentice 11924
auctioneer's license not later than fourteen days after the 11925
suspension or revocation. If a sponsoring auctioneer's license 11926
is suspended or revoked, the apprentice auctioneer shall obtain 11927
a written promise of sponsorship from another licensed 11928
auctioneer before performing any acts under the authority of an 11929
apprentice auctioneer's license. The apprentice auctioneer shall 11930
send a copy of the written promise of sponsorship of another 11931
auctioneer to the department. If the department receives a copy 11932
of such a written promise of sponsorship and the apprentice pays 11933
the fee established by the department, the department shall 11934
issue a new license to the apprentice. 11935

An apprentice auctioneer may terminate the apprentice's 11936
sponsorship with an auctioneer by notifying the auctioneer of 11937
the apprentice's intention by certified mail, return receipt 11938

requested, at least ten days prior to the effective date of 11939
termination. At the same time, the apprentice shall deliver or 11940
mail by certified mail to the department a copy of the 11941
termination notice. Upon receiving the termination notice, the 11942
sponsoring auctioneer shall promptly deliver or mail by 11943
certified mail to the department the license of the apprentice 11944
auctioneer. 11945

The termination of a sponsorship, regardless of who 11946
initiates the termination, shall not be cause for an apprentice 11947
auctioneer to lose credit for any certified auctions in which 11948
the apprentice participated as a bid caller or apprenticeship 11949
time the apprentice served under the direct supervision of the 11950
former sponsor. 11951

The department shall issue an apprentice auctioneer's 11952
license in accordance with Chapter 4796. of the Revised Code to 11953
an applicant if either of the following applies: 11954

(1) The applicant holds an apprentice auctioneer's license 11955
in another state, provided that the applicant meets the 11956
requirement of division (D) of this section. 11957

(2) The applicant has satisfactory work experience, a 11958
government certification, or a private certification as 11959
described in that chapter as an apprentice auctioneer in a state 11960
that does not issue that license, provided that the applicant 11961
meets the requirement of division (D) of this section. 11962

Sec. 4709.07. (A) Each person who desires to obtain an 11963
initial license to practice barbering shall apply to the state 11964
cosmetology and barber board, on forms provided by the board. 11965
The application form shall include the name of the person 11966
applying for the license and evidence that the applicant meets 11967

all of the requirements of division (B) of this section. The 11968
application shall be accompanied by two signed current 11969
photographs of the applicant, in the size determined by the 11970
board, that show only the head and shoulders of the applicant, 11971
and the examination application fee. 11972

(B) In order to take the required barber examination and 11973
to qualify for licensure as a barber, an applicant must 11974
demonstrate that the applicant meets all of the following: 11975

(1) Is at least eighteen years of age; 11976

(2) Has an eighth grade education or an equivalent 11977
education as determined by the state board of education in the 11978
state where the applicant resides; 11979

(3) Has graduated with at least one thousand eight hundred 11980
hours of training from a board-approved barber school or has 11981
graduated with at least one thousand hours of training from a 11982
board-approved barber school in this state and has a current 11983
cosmetology or hair designer license issued pursuant to Chapter 11984
4713. of the Revised Code. No hours of instruction earned by an 11985
applicant five or more years prior to the examination apply to 11986
the hours of study required by this division. 11987

(C) Any applicant who meets all of the requirements of 11988
divisions (A) and (B) of this section may take the barber 11989
examination at the time and place specified by the board. If the 11990
applicant fails to attain at least a seventy-five per cent pass 11991
rate on each part of the examination, the applicant is 11992
ineligible for licensure; however, the applicant may reapply for 11993
examination within ninety days after the date of the release of 11994
the examination scores by paying the required reexamination fee. 11995
An applicant is only required to take that part or parts of the 11996

examination on which the applicant did not receive a score of 11997
seventy-five per cent or higher. If the applicant fails to 11998
reapply for examination within ninety days or fails the second 11999
examination, in order to reapply for examination for licensure 12000
the applicant shall complete an additional course of study of 12001
not less than two hundred hours, in a board-approved barber 12002
school. The board shall provide to an applicant, upon request, a 12003
report which explains the reasons for the applicant's failure to 12004
pass the examination. 12005

(D) The board shall issue a license to practice barbering 12006
to any applicant who, to the satisfaction of the board, meets 12007
the requirements of divisions (A) and (B) of this section, who 12008
passes the required examination, and pays the initial licensure 12009
fee. Every licensed barber shall display the certificate of 12010
licensure in a conspicuous place adjacent to or near the 12011
licensed barber's work chair, along with a signed current 12012
photograph, in the size determined by the board, showing head 12013
and shoulders only. 12014

(E) The board shall issue a license to practice barbering 12015
in accordance with Chapter 4796. of the Revised Code to an 12016
applicant if either of the following applies: 12017

(1) The applicant holds a license to practice barbering in 12018
another state. 12019

(2) The applicant has satisfactory work experience, a 12020
government certification, or a private certification as 12021
described in that chapter as a barber in a state that does not 12022
issue that license. 12023

Sec. 4709.08. Any person who holds a current license or 12024
registration to practice as a barber in any other ~~state or~~ 12025

~~district of the United States or~~ country whose requirements for 12026
licensure or registration of barbers are substantially 12027
equivalent to the requirements of this chapter and rules adopted 12028
under it and that extends similar reciprocity to persons 12029
licensed as barbers in this state may apply to the state 12030
cosmetology and barber board for a barber license. The board 12031
shall, without examination, unless the board determines to 12032
require an examination, issue a license to practice as a 12033
licensed barber in this state if the person meets the 12034
requirements of this section, is at least eighteen years of age, 12035
and pays the required fees. The board may waive any of the 12036
requirements of this section. 12037

Sec. 4709.10. (A) Each person who desires to obtain a 12038
license to operate a barber school shall apply to the state 12039
cosmetology and barber board, on forms provided by the board. 12040
The board shall issue a barber school license to a person if the 12041
board determines that the person meets and will comply with all 12042
of the requirements of division (B) of this section and pays the 12043
required licensure and inspection fees. 12044

(B) In order for a person to qualify for a license to 12045
operate a barber school, the barber school to be operated by the 12046
person must meet all of the following requirements: 12047

(1) Have a training facility sufficient to meet the 12048
required educational curriculum established by the board, 12049
including enough space to accommodate all the facilities and 12050
equipment required by rule by the board; 12051

(2) Provide sufficient licensed teaching personnel to meet 12052
the minimum pupil-teacher ratio established by rule of the 12053
board; 12054

(3) Have established and provide to the board proof that 12055
it has met all of the board requirements to operate a barber 12056
school, as adopted by rule of the board; 12057

(4) File with the board a program of its curriculum, 12058
accounting for not less than one thousand eight hundred hours of 12059
instruction in the courses of theory and practical demonstration 12060
required by rule of the board; 12061

(5) File with the board a surety bond in the amount of ten 12062
thousand dollars issued by a bonding company licensed to do 12063
business in this state. The bond shall be in the form prescribed 12064
by the board and conditioned upon the barber school's continued 12065
instruction in the theory and practice of barbering. The bond 12066
shall continue in effect until notice of its termination is 12067
provided to the board. In no event, however, shall the bond be 12068
terminated while the barber school is in operation. Any student 12069
who is injured or damaged by reason of a barber school's failure 12070
to continue instruction in the theory and practice of barbering 12071
may maintain an action on the bond against the barber school or 12072
the surety, or both, for the recovery of any money or tuition 12073
paid in advance for instruction in the theory and practice of 12074
barbering which was not received. The aggregate liability of the 12075
surety to all students shall not exceed the sum of the bond. 12076

(6) Maintain adequate record keeping to ensure that it has 12077
met the requirements for records of student progress as required 12078
by board rule; 12079

(7) Establish minimum standards for acceptance of student 12080
applicants for admission to the barber school. The barber school 12081
may establish entrance requirements which are more stringent 12082
than those prescribed by the board, but the requirements must at 12083
a minimum require the applicant to meet all of the following: 12084

(a) Be at least seventeen years of age;	12085
(b) Have an eighth grade education, or an equivalent education as determined by the state board of education;	12086 12087
(c) Submit two signed current photographs of the applicant, in the size determined by the board.	12088 12089
(8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school;	12090 12091 12092 12093
(9) Operate in a manner which reflects credit upon the barbering profession;	12094 12095
(10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board;	12096 12097 12098
(11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility.	12099 12100 12101 12102
(C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the board, on forms provided by the board. The	12103 12104 12105
<u>Except as provided in division (D) of this section, the</u> board shall only issue a barber teacher license to a person who meets all of the following requirements:	12106 12107 12108
(1) Holds a current barber license issued pursuant to this chapter and has at least eighteen months of work experience in a licensed barber shop or has been employed as an assistant barber teacher under the supervision of a licensed barber teacher for	12109 12110 12111 12112

at least one year, unless, for good cause, the board waives this requirement; 12113
12114

(2) Meets such other requirements as adopted by rule by the board; 12115
12116

(3) Passes the required examination; and 12117

(4) Pays the required fees. If an applicant fails to pass the examination, the applicant may reapply for the examination and licensure no earlier than one year after the failure to pass and provided that during that period, the applicant remains employed as an assistant barber teacher. 12118
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~~The~~ Except as provided in division (D) of this section, the board shall only issue an assistant barber teacher license to a person who holds a current barber license issued pursuant to this chapter and pays the required fees. 12123
12124
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(D) The board shall issue a barber teacher or assistant barber teacher license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 12127
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12129

(1) The applicant holds a barber teacher or assistant barber teacher license, as applicable, in another state. 12130
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a barber teacher or assistant barber teacher, as applicable, in a state that does not issue the applicable license. 12132
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(E) Any person who meets the qualifications of an assistant teacher pursuant to division (C) or (D) of this section, may be employed as an assistant teacher, provided that within five days after the commencement of the employment the 12137
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barber school submits to the board, on forms provided by the 12141
board, the applicant's qualifications. 12142

Sec. 4712.02. (A) (1) A credit services organization shall 12143
file a registration application with, and receive a certificate 12144
of registration from, the division of financial institutions 12145
before conducting business in this state. ~~The Except as provided~~ 12146
in division (A) (2) of this section, the registration application 12147
shall be accompanied by a one-hundred-dollar fee and shall 12148
contain all of the following information: 12149

~~(1)~~ (a) The name and address of the credit services 12150
organization; 12151

~~(2)~~ (b) The name and address of any person that directly 12152
or indirectly owns or controls ten per cent or more of the 12153
outstanding shares of stock in the organization; 12154

~~(3)~~ (c) Either of the following: 12155

~~(a)~~ (i) A full and complete disclosure of any litigation 12156
commenced against the organization or unresolved complaint that 12157
relates to the operation of the organization and that is filed 12158
with the attorney general, the secretary of state, or any other 12159
governmental authority of the United States, this state, or any 12160
other state of the United States; 12161

~~(b)~~ (ii) A notarized statement stating that no litigation 12162
has been commenced and no unresolved complaint relating to the 12163
operation of the organization has been filed with the attorney 12164
general, the secretary of state, or any other governmental 12165
authority of the United States, this state, or any other state 12166
of the United States. 12167

~~(4)~~ (d) Any other information required at any time by the 12168
division. 12169

(2) The division shall issue a certificate of registration 12170
in accordance with Chapter 4796. of the Revised Code to an 12171
applicant if either of the following applies: 12172

(a) The applicant holds a license or certificate as a 12173
credit services organization in another state. 12174

(b) The applicant has satisfactory work experience, a 12175
government certification, or a private certification as 12176
described in that chapter as a credit services organization in a 12177
state that does not issue that license or certificate. 12178

(B) (1) Except as ~~otherwise~~ provided in division (B) (2) of 12179
this section, each credit services organization shall notify the 12180
division in writing within thirty days after the date of a 12181
change in the information required by division (A) of this 12182
section. 12183

(2) Each organization shall notify the division in writing 12184
no later than thirty days prior to any change in the information 12185
required by division (A) (1) or (2) of this section and shall 12186
receive approval from the division before making any such 12187
change. 12188

(C) (1) A credit services organization shall attach both of 12189
the following to the registration application submitted pursuant 12190
to division (A) of this section: 12191

(a) A copy of the contract that the organization intends 12192
to execute with its customers; 12193

(b) Evidence of the bond required under section 4712.06 of 12194
the Revised Code. 12195

(2) Any modification made to the contract described in 12196
division (C) (1) (a) of this section shall be filed with the 12197

division prior to its use by the organization. 12198

(D) Each credit services organization registering under 12199
this section shall maintain a copy of the registration 12200
application in its files. The organization shall allow a buyer 12201
to inspect the registration application upon request. 12202

(E) Each nonresident credit services organization 12203
registering under this section shall designate and maintain a 12204
resident of this state as the organization's statutory agent for 12205
purposes of receipt of service of process. 12206

(F) If, in order to issue a certificate of registration to 12207
a credit services organization, investigation by the division 12208
outside this state is necessary, the division may require the 12209
organization to advance sufficient funds to pay the actual 12210
expenses of the investigation. 12211

(G) Each credit services organization registering under 12212
this section shall use no more than one fictitious or trade 12213
name. 12214

(H) (1) A certificate of registration issued by the 12215
division pursuant to this section shall expire annually on the 12216
thirtieth day of April, or annually on a different date 12217
established by the superintendent pursuant to section 1181.23 of 12218
the Revised Code. 12219

(2) A credit services organization may renew its 12220
certificate of registration by filing with the division a 12221
renewal application accompanied by a one-hundred-dollar renewal 12222
fee. 12223

(I) All money collected by the division pursuant to this 12224
section shall be deposited by it in the state treasury to the 12225
credit of the consumer finance fund. 12226

(J) (1) No credit services organization shall fail to comply with division (A) of this section.	12227 12228
(2) No credit services organization shall fail to comply with division (B), (D), (E), (F), or (G) of this section.	12229 12230
Sec. 4713.10. (A) The state cosmetology and barber board shall charge and collect the following fees:	12231 12232
(1) For a temporary pre-examination work permit under section 4713.22 of the Revised Code, not more than fifteen dollars;	12233 12234 12235
(2) For initial application to take an examination under section 4713.24 of the Revised Code, not more than forty dollars;	12236 12237 12238
(3) For application to take an examination under section 4713.24 of the Revised Code by an applicant who has previously applied to take, but failed to appear for, the examination, not more than fifty-five dollars;	12239 12240 12241 12242
(4) For application to re-take an examination under section 4713.24 of the Revised Code by an applicant who has previously appeared for, but failed to pass, the examination, not more than forty dollars;	12243 12244 12245 12246
(5) For the issuance of a license <u>by examination</u> under section 4713.28, 4713.30, or 4713.31 of the Revised Code, not more than seventy-five dollars;	12247 12248 12249
(6) For the issuance of a license under section 4713.34 of the Revised Code, not more than seventy dollars;	12250 12251
(7) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, not more than seventy dollars;	12252 12253 12254

(8) For the issuance or renewal of a cosmetology school license, not more than two hundred fifty dollars;	12255 12256
(9) For the issuance of a new salon license or the change of name or ownership of a salon license under section 4713.41 of the Revised Code, not more than one hundred dollars;	12257 12258 12259
(10) For the renewal of a salon license under section 4713.41 of the Revised Code, not more than ninety dollars;	12260 12261
(11) For the restoration of an expired license that may be restored pursuant to section 4713.63 of the Revised Code, an amount equal to the sum of the current license renewal fee and a lapsed renewal fee of not more than forty-five dollars per license renewal period that has elapsed since the license was last issued or renewed;	12262 12263 12264 12265 12266 12267
(12) For the issuance of a duplicate of any license, not more than thirty dollars;	12268 12269
(13) For the preparation and mailing of a licensee's records to another state for a reciprocity license, not more than fifty dollars;	12270 12271 12272
(14) For the processing of any fees related to a check from a licensee returned to the board for insufficient funds, an additional thirty dollars.	12273 12274 12275
(B) The board shall adjust the fees biennially, by rule, within the limits established by division (A) of this section, to provide sufficient revenues to meet its expenses.	12276 12277 12278
(C) The board may establish an installment plan for the payment of fines and fees and may reduce fees as considered appropriate by the board.	12279 12280 12281
(D) At the request of a person who is temporarily unable	12282

to pay a fee imposed under division (A) of this section, or on 12283
its own motion, the board may extend the date payment is due by 12284
up to ninety days. If the fee remains unpaid after the date 12285
payment is due, the amount of the fee shall be certified to the 12286
attorney general for collection in the form and manner 12287
prescribed by the attorney general. The attorney general may 12288
assess the collection cost to the amount certified in such a 12289
manner and amount as prescribed by the attorney general. 12290

Sec. 4713.28. (A) The state cosmetology and barber board 12291
shall issue a practicing license to an applicant who satisfies 12292
all of the following applicable conditions: 12293

(1) Is at least sixteen years of age; 12294

(2) Has the equivalent of an Ohio public school tenth 12295
grade education; 12296

(3) Has submitted a written application on a form 12297
furnished by the board that contains all of the following: 12298

(a) The name of the individual and any other identifying 12299
information required by the board; 12300

(b) A recent photograph of the individual that meets the 12301
specifications established by the board; 12302

(c) A photocopy of the individual's current driver's 12303
license or other proof of legal residence; 12304

(d) Proof that the individual is qualified to take the 12305
applicable examination as required by section 4713.20 of the 12306
Revised Code; 12307

(e) An oath verifying that the information in the 12308
application is true; 12309

(f) The applicable application fee.	12310
(4) Passes an examination conducted under division (A) of section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice;	12311 12312 12313
(5) Pays to the board the applicable license fee;	12314
(6) In the case of an applicant for an initial cosmetologist license, has successfully completed at least one thousand five hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;	12315 12316 12317 12318 12319 12320 12321 12322
(7) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state;	12323 12324 12325 12326
(8) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two hundred hours of board-approved hair designer training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;	12327 12328 12329 12330 12331 12332 12333 12334
(9) In the case of an applicant for an initial manicurist license, has successfully completed at least two hundred hours of board-approved manicurist training in a school of cosmetology licensed in this state;	12335 12336 12337 12338

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

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

(C) The board shall issue a practicing license in a branch of cosmetology in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in that branch of cosmetology in another state.

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

Sec. 4713.30. ~~The~~ (A) Except as provided in division (B) of this section, the state cosmetology and barber board shall issue an advanced license to an applicant who satisfies all of the following applicable conditions:

~~(A)~~ (1) Is at least sixteen years of age;

~~(B)~~ (2) Has the equivalent of an Ohio public school tenth grade education;

~~(C)~~ (3) Pays to the board the applicable fee;

~~(D)~~ (4) Passes the appropriate advanced license

examination; 12367

~~(E)~~ (5) In the case of an applicant for an initial 12368
advanced cosmetologist license, does either of the following: 12369

~~(1)~~ (a) Has a licensed advanced cosmetologist or owner of 12370
a licensed beauty salon located in this or another state certify 12371
to the board that the applicant has practiced as a cosmetologist 12372
for at least one thousand eight hundred hours in a licensed 12373
beauty salon; 12374

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12375
certify to the board that the applicant has successfully 12376
completed, in addition to the hours required for licensure as a 12377
cosmetologist, at least three hundred hours of board-approved 12378
advanced cosmetologist training. 12379

~~(F)~~ (6) In the case of an applicant for an initial 12380
advanced esthetician license, does either of the following: 12381

~~(1)~~ (a) Has the licensed advanced esthetician, licensed 12382
advanced cosmetologist, or owner of a licensed esthetics salon 12383
or licensed beauty salon located in this or another state 12384
certify to the board that the applicant has practiced esthetics 12385
for at least one thousand eight hundred hours as an esthetician 12386
in a licensed esthetics salon or as a cosmetologist in a 12387
licensed beauty salon; 12388

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12389
certify to the board that the applicant has successfully 12390
completed, in addition to the hours required for licensure as an 12391
esthetician or cosmetologist, at least one hundred fifty hours 12392
of board-approved advanced esthetician training. 12393

~~(G)~~ (7) In the case of an applicant for an initial 12394
advanced hair designer license, does either of the following: 12395

~~(1)~~ (a) Has the licensed advanced hair designer, licensed advanced cosmetologist, or owner of a licensed hair design salon or licensed beauty salon located in this or another state certify to the board that the applicant has practiced hair design for at least one thousand eight hundred hours as a hair designer in a licensed hair design salon or as a cosmetologist in a licensed beauty salon;

~~(2)~~ (b) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as a hair designer or cosmetologist, at least two hundred forty hours of board-approved advanced hair designer training.

~~(H)~~ (8) In the case of an applicant for an initial advanced manicurist license, does either of the following:

~~(1)~~ (a) Has the licensed advanced manicurist, licensed advanced cosmetologist, or owner of a licensed nail salon, licensed beauty salon, or licensed barber shop located in this or another state certify to the board that the applicant has practiced manicuring for at least one thousand eight hundred hours as a manicurist in a licensed nail salon or licensed barber shop or as a cosmetologist in a licensed beauty salon or licensed barber shop;

~~(2)~~ (b) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as a manicurist or cosmetologist, at least one hundred hours of board-approved advanced manicurist training.

~~(I)~~ (9) In the case of an applicant for an initial advanced natural hair stylist license, does either of the

following: 12425

~~(1)~~ (a) Has the licensed advanced natural hair stylist,
licensed advanced cosmetologist, or owner of a licensed natural
hair style salon or licensed beauty salon located in this or
another state certify to the board that the applicant has
practiced natural hair styling for at least one thousand eight
hundred hours as a natural hair stylist in a licensed natural
hair style salon or as a cosmetologist in a licensed beauty
salon; 12426
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~~(2)~~ (b) Has a school of cosmetology licensed in this state
certify to the board that the applicant has successfully
completed, in addition to the hours required for licensure as
natural hair stylist or cosmetologist, at least one hundred
fifty hours of board-approved advanced natural hair stylist
training. 12434
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(B) The board shall issue an advanced license in a branch
of cosmetology in accordance with Chapter 4796. of the Revised
Code to an applicant if either of the following applies: 12440
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12442

(1) The applicant holds an advanced license in that branch
of cosmetology in another state. 12443
12444

(2) The applicant has satisfactory work experience, a
government certification, or a private certification as
described in that chapter in that branch of cosmetology in a
state that does not issue that license. 12445
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Sec. 4713.31. (A) The state cosmetology and barber board
shall issue an instructor license to an applicant who satisfies
all of the following applicable conditions: 12449
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~~(A)~~ (1) Is at least eighteen years of age; 12452

(B) <u>(2)</u> Has the equivalent of an Ohio public school	12453
twelfth grade education;	12454
(C) <u>(3)</u> Pays to the board the applicable fee;	12455
(D) <u>(4)</u> In the case of an applicant for an initial	12456
cosmetology instructor license, holds a current, valid advanced	12457
cosmetologist license issued in this state and does either of	12458
the following:	12459
(1) <u>(a)</u> Has the licensed advanced cosmetologist or owner	12460
of the licensed beauty salon in which the applicant has been	12461
employed certify to the board that the applicant has engaged in	12462
the practice of cosmetology in a licensed beauty salon for at	12463
least one thousand eight hundred hours;	12464
(2) <u>(b)</u> Has a school of cosmetology licensed in this state	12465
certify to the board that the applicant has successfully	12466
completed one thousand hours of board-approved cosmetology	12467
instructor training as an apprentice instructor.	12468
(E) <u>(5)</u> In the case of an applicant for an initial	12469
esthetics instructor license, holds a current, valid advanced	12470
esthetician or advanced cosmetologist license issued in this	12471
state and does either of the following:	12472
(1) <u>(a)</u> Has the licensed advanced esthetician, licensed	12473
advanced cosmetologist, or owner of the licensed esthetics salon	12474
or licensed beauty salon in which the applicant has been	12475
employed certify to the board that the applicant has engaged in	12476
the practice of esthetics in a licensed esthetics salon or	12477
practice of cosmetology in a licensed beauty salon for at least	12478
one thousand eight hundred hours;	12479
(2) <u>(b)</u> Has a school of cosmetology licensed in this state	12480
certify to the board that the applicant has successfully	12481

completed at least five hundred hours of board-approved 12482
esthetics instructor training as an apprentice instructor. 12483

~~(F)~~ (6) In the case of an applicant for an initial hair 12484
design instructor license, holds a current, valid advanced hair 12485
designer or advanced cosmetologist license and does either of 12486
the following: 12487

~~(1)~~ (a) Has the licensed advanced hair designer, licensed 12488
advanced cosmetologist, or owner of the licensed hair design 12489
salon or licensed beauty salon in which the applicant has been 12490
employed certify to the board that the applicant has engaged in 12491
the practice of hair design in a licensed hair design salon or 12492
practice of cosmetology in a licensed beauty salon for at least 12493
one thousand eight hundred hours; 12494

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12495
certify to the board that the applicant has successfully 12496
completed at least eight hundred hours of board-approved hair 12497
design instructor's training as an apprentice instructor. 12498

~~(G)~~ (7) In the case of an applicant for an initial 12499
manicurist instructor license, holds a current, valid advanced 12500
manicurist or advanced cosmetologist license and does either of 12501
the following: 12502

~~(1)~~ (a) Has the licensed advanced manicurist, licensed 12503
advanced cosmetologist, or owner of the licensed nail salon or 12504
licensed beauty salon in which the applicant has been employed 12505
certify to the board that the applicant has engaged in the 12506
practice of manicuring in a licensed nail salon or practice of 12507
cosmetology in a licensed beauty salon for at least one thousand 12508
eight hundred hours; 12509

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12510

certify to the board that the applicant has successfully 12511
completed at least three hundred hours of board-approved 12512
manicurist instructor training as an apprentice instructor. 12513

~~(H)~~ (8) In the case of an applicant for an initial natural 12514
hair style instructor license, holds a current, valid advanced 12515
natural hair stylist or advanced cosmetologist license and does 12516
either of the following: 12517

~~(1)~~ (a) Has the licensed advanced natural hair stylist, 12518
licensed advanced cosmetologist, or owner of the licensed 12519
natural hair style salon or licensed beauty salon in which the 12520
applicant has been employed certify to the board that the 12521
applicant has engaged in the practice of natural hair styling in 12522
a licensed natural hair style salon or practice of cosmetology 12523
in a licensed beauty salon for at least one thousand eight 12524
hundred hours; 12525

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12526
certify to the board that the applicant has successfully 12527
completed at least four hundred hours of board-approved natural 12528
hair style instructor training as an apprentice instructor. 12529

~~(I)~~ (9) In the case of all applicants, passes an 12530
examination conducted under division (B) of section 4713.24 of 12531
the Revised Code for the branch of cosmetology the applicant 12532
seeks to instruct. 12533

(B) The board shall issue an instructor license for a 12534
branch of cosmetology in accordance with Chapter 4796. of the 12535
Revised Code to an applicant if either of the following applies: 12536

(1) The applicant holds an instructor license in that 12537
branch of cosmetology in another state. 12538

(2) The applicant has satisfactory work experience, a 12539

government certification, or a private certification as 12540
described in that chapter as an instructor in that branch of 12541
cosmetology in a state that does not issue that license. 12542

Sec. 4713.34. The state cosmetology and barber board shall 12543
issue a license to practice a branch of cosmetology or 12544
instructor license to an applicant who is licensed or registered 12545
in another ~~state or~~ country to practice that branch of 12546
cosmetology or teach the theory and practice of that branch of 12547
cosmetology, as appropriate, if all of the following conditions 12548
are satisfied: 12549

(A) The applicant satisfies all of the following 12550
conditions: 12551

(1) Is not less than eighteen years of age; 12552

(2) In the case of an applicant for a practicing license, 12553
passes an examination conducted under section 4713.24 of the 12554
Revised Code for the license the applicant seeks, unless the 12555
applicant satisfies conditions specified in rules adopted under 12556
section 4713.08 of the Revised Code for the board to issue the 12557
applicant a license without taking the examination; 12558

(3) Pays the applicable fee. 12559

(B) At the time the applicant obtained the license or 12560
registration in the other ~~state or~~ country, the requirements in 12561
this state for obtaining the license the applicant seeks were 12562
substantially equal to the other ~~state or~~ country's 12563
requirements. 12564

(C) The jurisdiction that issued the applicant's license 12565
or registration extends similar reciprocity to individuals 12566
holding a license issued by the board. 12567

Sec. 4713.37. (A) The state cosmetology and barber board 12568
may issue a temporary special occasion work permit to ~~an~~a 12569
nonresident individual who satisfies all of the following 12570
conditions: 12571

(1) Has been licensed or registered in another state or 12572
country to practice a branch of cosmetology or teach the theory 12573
and practice of a branch of cosmetology for at least five years; 12574

(2) Is a recognized expert in the practice or teaching of 12575
the branch of cosmetology the individual practices or teaches; 12576

(3) Is to practice that branch of cosmetology or teach the 12577
theory and practice of that branch of cosmetology in this state 12578
as part of a promotional or instructional program for not more 12579
than the amount of time a temporary special occasion work permit 12580
is effective; 12581

(4) Satisfies all other conditions for a temporary special 12582
occasion work permit established by rules adopted under section 12583
4713.08 of the Revised Code; 12584

(5) Pays the fee established by rules adopted under 12585
section 4713.08 of the Revised Code. 12586

(B) An individual issued a temporary special occasion work 12587
permit may practice the branch of cosmetology the individual 12588
practices in another state or country, or teach the theory and 12589
practice of the branch of cosmetology the individual teaches in 12590
another state or country, until the expiration date of the 12591
permit. A temporary special occasion work permit is valid for 12592
the period of time specified in rules adopted under section 12593
4713.08 of the Revised Code. 12594

(C) Chapter 4796. of the Revised Code does not apply to a 12595
temporary special occasion work permit issued under this 12596

<u>section.</u>	12597
Sec. 4713.69. (A) The <u>Except as provided in division (D)</u>	12598
<u>of this section,</u> the state cosmetology and barber board shall	12599
issue a boutique services registration to an applicant who	12600
satisfies all of the following applicable conditions:	12601
(1) Is at least sixteen years of age;	12602
(2) Has the equivalent of an Ohio public school tenth	12603
grade education;	12604
(3) Has submitted a written application on a form	12605
prescribed by the board containing all of the following:	12606
(a) The applicant's name and home address;	12607
(b) The applicant's home telephone number and cellular	12608
telephone number, if any;	12609
(c) The applicant's electronic mail address, if any;	12610
(d) The applicant's date of birth;	12611
(e) The address and telephone number where boutique	12612
services will be performed. The address shall not contain a post	12613
office box number.	12614
(f) Whether the applicant has an occupational license,	12615
certification, or registration to provide beauty services in	12616
another state, and if so, what type of license and in what	12617
state;	12618
(g) Whether the applicant has ever had an occupational	12619
license, certification, or registration suspended, revoked, or	12620
denied in any state;	12621
(h) An affidavit or certificate providing proof of formal	12622
training or apprenticeship under an individual providing such	12623

services. 12624

(B) The place of business where boutique services are 12625
performed must comply with the safety and sanitation 12626
requirements for licensed salon facilities as described in 12627
section 4713.41 of the Revised Code. 12628

(C) The board shall specify the manner by which boutique 12629
services registrants shall fulfill the continuing education 12630
requirements set forth in section 4713.09 of the Revised Code. 12631

(D) The board shall issue a boutique services registration 12632
in accordance with Chapter 4796. of the Revised Code to an 12633
applicant if either of the following applies: 12634

(1) The applicant holds a license or registration in 12635
providing boutique services in another state. 12636

(2) The applicant has satisfactory work experience, a 12637
government certification, or a private certification as 12638
described in that chapter in providing boutique services in a 12639
state that does not issue that license or registration. 12640

Sec. 4715.03. (A) The state dental board shall organize by 12641
electing from its members a president, secretary, and vice- 12642
secretary. The secretary and vice-secretary shall be elected 12643
from the members of the board who are dentists. It shall hold 12644
meetings monthly at least eight months a year at such times and 12645
places as the board designates. A majority of the members of the 12646
board shall constitute a quorum. The board shall make such 12647
reasonable rules as it determines necessary pursuant to Chapter 12648
119. of the Revised Code. 12649

(B) A concurrence of a majority of the members of the 12650
board shall be required to do any of the following: 12651

- (1) Grant, refuse, suspend, place on probationary status, 12652
revoke, refuse to renew, or refuse to reinstate a license or 12653
censure a license holder or take any other action authorized 12654
under section 4715.30 of the Revised Code; 12655
- (2) Seek an injunction under section 4715.05 of the 12656
Revised Code; 12657
- (3) Enter into a consent agreement with a license holder; 12658
- (4) If the board develops and implements the quality 12659
intervention program under section 4715.031 of the Revised Code, 12660
refer a license holder to the program; 12661
- (5) Terminate an investigation conducted under division 12662
(D) of this section; 12663
- (6) Dismiss any complaint filed with the board. 12664
- (C) (1) The board shall adopt rules in accordance with 12665
Chapter 119. of the Revised Code to do both of the following: 12666
- (a) Establish standards for the safe practice of dentistry 12667
and dental hygiene by qualified practitioners and shall, through 12668
its policies and activities, promote such practice; 12669
- (b) Establish universal blood and body fluid precautions 12670
that shall be used by each person licensed under this chapter 12671
who performs exposure prone invasive procedures. 12672
- (2) The rules adopted under division (C) (1) (b) of this 12673
section shall define and establish requirements for universal 12674
blood and body fluid precautions that include the following: 12675
- (a) Appropriate use of hand washing; 12676
- (b) Disinfection and sterilization of equipment; 12677
- (c) Handling and disposal of needles and other sharp 12678

instruments; 12679

(d) Wearing and disposal of gloves and other protective 12680
garments and devices. 12681

(D) The board shall administer and enforce the provisions 12682
of this chapter. The board shall, in accordance with sections 12683
4715.032 to 4715.035 of the Revised Code, investigate evidence 12684
which appears to show that any person has violated any provision 12685
of this chapter. Any person may report to the board under oath 12686
any information such person may have appearing to show a 12687
violation of any provision of this chapter. In the absence of 12688
bad faith, any person who reports such information or who 12689
testifies before the board in any disciplinary proceeding 12690
conducted pursuant to Chapter 119. of the Revised Code is not 12691
liable for civil damages as a result of making the report or 12692
providing testimony. If after investigation and reviewing the 12693
recommendation of the supervisory investigative panel issued 12694
pursuant to section 4715.034 of the Revised Code the board 12695
determines that there are reasonable grounds to believe that a 12696
violation of this chapter has occurred, the board shall, except 12697
as provided in this chapter, conduct disciplinary proceedings 12698
pursuant to Chapter 119. of the Revised Code, seek an injunction 12699
under section 4715.05 of the Revised Code, enter into a consent 12700
agreement with a license holder, or provide for a license holder 12701
to participate in the quality intervention program established 12702
under section 4715.031 of the Revised Code if the board develops 12703
and implements that program. 12704

For the purpose of any disciplinary proceeding or any 12705
investigation conducted under this division, the board may 12706
administer oaths, order the taking of depositions, issue 12707
subpoenas in accordance with section 4715.033 of the Revised 12708

Code, compel the attendance and testimony of persons at 12709
depositions, and compel the production of books, accounts, 12710
papers, documents, or other tangible things. The hearings and 12711
investigations of the board shall be considered civil actions 12712
for the purposes of section 2305.252 of the Revised Code. 12713
Notwithstanding section 121.22 of the Revised Code and except as 12714
provided in section 4715.036 of the Revised Code, proceedings of 12715
the board relative to the investigation of a complaint or the 12716
determination whether there are reasonable grounds to believe 12717
that a violation of this chapter has occurred are confidential 12718
and are not subject to discovery in any civil action. 12719

(E) (1) The board shall examine or cause to be examined 12720
eligible applicants to practice dental hygiene. The board may 12721
distinguish by rule different classes of qualified personnel 12722
according to skill levels and require all or only certain of 12723
these classes of qualified personnel to be examined and 12724
certified by the board. 12725

(2) The board shall administer a written jurisprudence 12726
examination to each applicant for a license to practice 12727
dentistry. The examination shall cover only the statutes and 12728
administrative rules governing the practice of dentistry in this 12729
state. 12730

(F) (1) In accordance with Chapter 119. of the Revised 12731
Code, subject to division (F) (2) of this section the board shall 12732
adopt, and may amend or rescind, rules establishing the 12733
eligibility criteria, the application and permit renewal 12734
procedures, and safety standards applicable to a dentist 12735
licensed under this chapter who applies for a permit to employ 12736
or use conscious sedation. These rules shall include all of the 12737
following: 12738

~~(1)~~ (a) The eligibility requirements and application procedures for an eligible dentist to obtain a conscious sedation permit; 12739
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~~(2)~~ (b) The minimum educational and clinical training standards required of applicants, which shall include satisfactory completion of an advanced cardiac life support course; 12742
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~~(3)~~ (c) The facility equipment and inspection requirements; 12746
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~~(4)~~ (d) Safety standards; 12748

~~(5)~~ (e) Requirements for reporting adverse occurrences. 12749

(2) The board shall issue a permit to employ or use conscious sedation in accordance with Chapter 4796. of the Revised Code to a dentist licensed under this chapter if either of the following applies: 12750
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(a) The dentist holds a license or permit to employ or use conscious sedation in another state. 12754
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(b) The dentist has satisfactory work experience, a government certification, or a private certification as described in Chapter 4796. of the Revised Code in employing or using conscious sedation in a state that does not issue that license. 12756
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(G) (1) In accordance with Chapter 119. of the Revised Code, subject to division (G) (2) of this section the board shall adopt rules establishing eligibility criteria, application and permit renewal procedures, and safety standards applicable to a dentist licensed under this chapter who applies for a general anesthesia permit. 12761
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(2) The board shall issue a general anesthesia permit in accordance with Chapter 4796. of the Revised Code to a dentist licensed under this chapter if either of the following applies: 12767
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(a) The dentist holds a general anesthesia license or permit in another state. 12770
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(b) The dentist has satisfactory work experience, a government certification, or a private certification as described in Chapter 4796. of the Revised Code utilizing general anesthesia in a state that does not issue that license or permit. 12772
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Sec. 4715.09. (A) No person shall practice dentistry without a current license from the state dental board. No person shall practice dentistry while the person's license is under suspension by the state dental board. 12777
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(B) No dentist shall use the services of any person not licensed to practice dentistry in this state, or the services of any partnership, corporation, or association, to construct, alter, repair, or duplicate any denture, plate, bridge, splint, or orthodontic or prosthetic appliance, without first furnishing the unlicensed person, partnership, corporation, or association with a written work authorization on forms prescribed by the state dental board. 12781
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The unlicensed person, partnership, corporation, or association shall retain the original work authorization, and the dentist shall retain a duplicate copy of the work authorization, for two years from its date. Work authorizations required by this section shall be open for inspection during the two-year period by the state dental board, its authorized agent, or the prosecuting attorney of a county or the director of law 12789
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of a municipal corporation wherein the work authorizations are 12796
located. 12797

(C) If the person, partnership, association, or 12798
corporation receiving a written authorization from a licensed 12799
dentist engages another person, firm, or corporation, referred 12800
to in this division as "subcontractor," to perform some of the 12801
services relative to the work authorization, the person shall 12802
furnish a written sub-work authorization with respect thereto on 12803
forms prescribed by the state dental board. 12804

The subcontractor shall retain the sub-work authorization 12805
and the issuer thereof shall retain a duplicate copy, attached 12806
to the work authorization received from the licensed dentist, 12807
for inspection by the state dental board or its duly authorized 12808
agents, for a period of two years in both cases. 12809

(D) No unlicensed person, partnership, association, or 12810
corporation shall perform any service described in division (B) 12811
of this section without a written work authorization from a 12812
licensed dentist. Provided, that if a written work authorization 12813
is demanded from a licensed dentist who fails or refuses to 12814
furnish it for any reason, the unlicensed person, partnership, 12815
association, or corporation shall not, in such event, be subject 12816
to the enforcement provisions of section 4715.05 or the penal 12817
provisions of section 4715.99 of the Revised Code. 12818

(E) No dentist shall employ or use conscious sedation 12819
unless the dentist possesses a valid permit issued by the state 12820
dental board authorizing the dentist to do so. 12821

(F) No dentist shall employ or use general anesthesia 12822
unless the dentist possesses a valid permit issued by the state 12823
dental board authorizing the dentist to do so. 12824

(G) Division (A) of this section does not apply to a 12825
nonresident person who meets both of the following conditions: 12826

(1) The person holds a license in good standing to 12827
practice dentistry issued by another state. 12828

(2) The person is practicing as a volunteer without 12829
remuneration during a charitable event that lasts not more than 12830
seven days. 12831

When a nonresident person meets the conditions of this 12832
division, the person shall be deemed to hold, for the course of 12833
the charitable event, a license to practice dentistry from the 12834
state dental board and shall be subject to the provisions of 12835
this chapter authorizing the board to take disciplinary action 12836
against a license holder. Not less than seven calendar days 12837
before the first day of the charitable event, the person or the 12838
event's organizer shall notify the board of the person's intent 12839
to engage in the practice of dentistry at the event. During the 12840
course of the charitable event, the person's scope of practice 12841
is limited to the procedures that a dentist licensed under this 12842
chapter is authorized to perform unless the person's scope of 12843
practice in the other state is more restrictive than in this 12844
state. If the latter is the case, the person's scope of practice 12845
is limited to the procedures that a dentist in the other state 12846
may perform. Chapter 4796. of the Revised Code does not apply to 12847
this division. 12848

Sec. 4715.10. (A) As used in this section, "accredited 12849
dental college" means a dental college accredited by the 12850
commission on dental accreditation or a dental college that has 12851
educational standards recognized by the commission on dental 12852
accreditation and is approved by the state dental board. 12853

(B) Each person who desires to practice dentistry in this state shall file a written application for a license with the secretary of the state dental board. The application shall be on a form prescribed by the board and verified by oath. ~~Each~~ Except as provided in division (F) of this section, each applicant shall furnish satisfactory proof to the board that the applicant has met the requirements of divisions (C) and (D) of this section, and if the applicant is a graduate of an unaccredited dental college located outside the United States, division (E) of this section.

(C) To be granted a license to practice dentistry, an applicant must meet all of the following requirements:

(1) Be at least eighteen years of age;

(2) Be of good moral character;

(3) Be a graduate of an accredited dental college or of a dental college located outside the United States who meets the standards adopted under section 4715.11 of the Revised Code;

(4) Have passed parts I and II of the examination given by the national board of dental examiners;

(5) Have passed a written jurisprudence examination administered by the state dental board under division (E) (2) of section 4715.03 of the Revised Code;

(6) Pay the fee required by division (A) (1) of section 4715.13 of the Revised Code.

(D) To be granted a license to practice dentistry, an applicant must meet any one of the following requirements:

(1) Have taken an examination administered by any of the following regional testing agencies and received a passing score

on the examination as determined by the administering agency: 12882
the central regional dental testing service, inc., northeast 12883
regional board of dental examiners, inc., the commission on 12884
dental competency assessments, the southern regional dental 12885
testing agency, inc., the council of interstate testing 12886
agencies, inc., or the western regional examining board; 12887

(2) Have taken an examination administered by the state 12888
dental board and received a passing score as established by the 12889
board; 12890

~~(3) Possess a license in good standing from another state 12891
and have actively engaged in the legal and reputable practice of 12892
dentistry in another state or in the armed forces of the United 12893
States, the United States public health service, or the United 12894
States department of veterans' affairs for five years 12895
immediately preceding application; 12896~~

~~(4) Have completed a dental residency program accredited 12897
or approved by the commission on dental accreditation and 12898
administered by an accredited dental college or hospital. 12899~~

(E) To be granted a license to practice dentistry, a 12900
graduate of an unaccredited dental college located outside the 12901
United States must meet both of the following requirements: 12902

(1) Have taken a basic science and laboratory examination 12903
consistent with rules adopted under section 4715.11 of the 12904
Revised Code and received a passing score as established by the 12905
board; 12906

(2) Have had sufficient clinical training in an accredited 12907
institution to reasonably assure a level of competency equal to 12908
that of graduates of accredited dental colleges, as determined 12909
by the board. 12910

(F) The board shall grant a license to practice dentistry 12911
in accordance with Chapter 4796. of the Revised Code to an 12912
applicant if either of the following applies: 12913

(1) The applicant holds a license to practice dentistry in 12914
another state. 12915

(2) The applicant has satisfactory work experience, a 12916
government certification, or a private certification as 12917
described in that chapter in the practice of dentistry in a 12918
state that does not issue that license. 12919

Sec. 4715.16. (A) Upon payment of a fee of thirteen 12920
dollars, the state dental board may without examination issue a 12921
limited resident's license to any person who is a graduate of a 12922
dental college, is authorized to practice in another ~~state or~~ 12923
country or qualified to take the regular licensing examination 12924
in this state, and furnishes the board satisfactory proof of 12925
having been appointed a dental resident at an accredited dental 12926
college in this state or at an accredited program of a hospital 12927
in this state, but has not yet been licensed as a dentist by the 12928
board. Any person receiving a limited resident's license may 12929
practice dentistry only in connection with programs operated by 12930
the dental college or hospital at which the person is appointed 12931
as a resident as designated on the person's limited resident's 12932
license, and only under the direction of a licensed dentist who 12933
is a member of the dental staff of the college or hospital or a 12934
dentist holding a current limited teaching license issued under 12935
division (B) of this section, and only on bona fide patients of 12936
such programs. The holder of a limited resident's license may be 12937
disciplined by the board pursuant to section 4715.30 of the 12938
Revised Code. The board shall issue a limited resident's license 12939
in accordance with Chapter 4796. of the Revised Code to an 12940

applicant if either of the following applies: 12941

(1) The applicant holds a license to practice dentistry in another state. 12942
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in the practice of dentistry in a state that does not issue that license. 12944
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(B) Upon payment of one hundred twenty-seven dollars and upon application endorsed by an accredited dental college in this state, the board may without examination issue a limited teaching license to a dentist who is a resident of a state other than Ohio and who is a graduate of a dental college, is authorized to practice dentistry in another state or country, and has full-time appointment to the faculty of the endorsing dental college. A limited teaching license is subject to annual renewal in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code, and automatically expires upon termination of the full-time faculty appointment. A person holding a limited teaching license may practice dentistry only in connection with programs operated by the endorsing dental college. The board may discipline the holder of a limited teaching license pursuant to section 4715.30 of the Revised Code. 12948
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Chapter 4796. of the Revised Code does not apply to a limited teaching license issued under this division. 12964
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(C) (1) As used in this division: 12966

(a) "Continuing dental education practicum" or "practicum" means a course of instruction, approved by the American dental association, Ohio dental association, or academy of general 12967
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dentistry, that is designed to improve the clinical skills of a 12970
dentist by requiring the dentist to participate in clinical 12971
exercises on patients. 12972

(b) "Director" means the person responsible for the 12973
operation of a practicum. 12974

(2) Upon payment of one hundred twenty-seven dollars and 12975
application endorsed by the director of a continuing dental 12976
education practicum, the board shall, without examination, issue 12977
a temporary limited continuing education license to a resident 12978
of a state other than Ohio who is licensed to practice dentistry 12979
in such state and is in good standing, is a graduate of an 12980
accredited dental college, and is registered to participate in 12981
the endorsing practicum. The determination of whether a dentist 12982
is in good standing shall be made by the board. 12983

A dentist holding a temporary limited continuing education 12984
license may practice dentistry only on residents of the state in 12985
which the dentist is permanently licensed or on patients 12986
referred by a dentist licensed pursuant to section 4715.12 of 12987
the Revised Code to an instructing dentist licensed pursuant to 12988
that section, and only while participating in a required 12989
clinical exercise of the endorsing practicum on the premises of 12990
the facility where the practicum is being conducted. 12991

Practice under a temporary limited continuing education 12992
license shall be under the direct supervision and full 12993
professional responsibility of an instructing dentist licensed 12994
pursuant to section 4715.12 of the Revised Code, shall be 12995
limited to the performance of those procedures necessary to 12996
complete the endorsing practicum, and shall not exceed thirty 12997
days of actual patient treatment in any year. 12998

(3) A director of a continuing dental education practicum 12999
who endorses an application for a temporary limited continuing 13000
education license shall, prior to making the endorsement, notify 13001
the state dental board in writing of the identity of the 13002
sponsors and the faculty of the practicum and the dates and 13003
locations at which it will be offered. The notice shall also 13004
include a brief description of the course of instruction. The 13005
board may prohibit a continuing dental education practicum from 13006
endorsing applications for temporary limited continuing 13007
education licenses if the board determines that the practicum is 13008
engaged in activities that constitute a threat to public health 13009
and safety or do not constitute bona fide continuing dental 13010
education, or that the practicum permits activities which 13011
otherwise violate this chapter. Any continuing dental education 13012
practicum prohibited from endorsing applications may request an 13013
adjudication pursuant to Chapter 119. of the Revised Code. 13014

A temporary limited continuing education license shall be 13015
valid only when the dentist is participating in the endorsing 13016
continuing dental education practicum and shall expire at the 13017
end of one year. If the dentist fails to complete the endorsing 13018
practicum in one year, the board may, upon the dentist's 13019
application and payment of a fee of ninety-four dollars, renew 13020
the temporary limited continuing education license for a 13021
consecutive one-year period. Only two renewals may be granted. 13022
The holder of a temporary limited continuing education license 13023
may be disciplined by the board pursuant to section 4715.30 of 13024
the Revised Code. 13025

Chapter 4796. of the Revised Code does not apply to a 13026
temporary limited continuing education license issued under this 13027
division. 13028

(D) The board shall act either to approve or to deny any application for a limited license pursuant to division (A), (B), or (C) of this section not later than sixty days of the date the board receives the application.

Sec. 4715.27. ~~The~~ (A) (1) Except as provided in division (A) (2) of this section, the state dental board may issue a license to an applicant who furnishes satisfactory proof of being at least eighteen years of age, of good moral character and who demonstrates, to the satisfaction of the board, knowledge of the laws, regulations, and rules governing the practice of a dental hygienist; who proves, to the satisfaction of the board, intent to practice as a dental hygienist in this state; who is a graduate from an accredited school of dental hygiene and who holds a license by examination from a similar dental board, and who passes an examination as prescribed by the board relating to dental hygiene.

(2) The board shall issue a license to practice as a dental hygienist in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(a) The applicant holds a license to practice as a dental hygienist in another state.

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in the practice of a dental hygienist in a state that does not issue that license.

(B) Upon payment of seventy-three dollars and upon application endorsed by an accredited dental hygiene school in this state, the state dental board may without examination issue a teacher's certificate to a dental hygienist, authorized to

practice in another state or country. A teacher's certificate 13058
shall be subject to annual renewal in accordance with the 13059
standard renewal procedure of sections 4745.01 to 4745.03 of the 13060
Revised Code, and shall not be construed as authorizing anything 13061
other than teaching or demonstrating the skills of a dental 13062
hygienist in the educational programs of the accredited dental 13063
hygiene school which endorsed the application. 13064

Chapter 4796. of the Revised Code does not apply to a 13065
teacher's certificate issued under this division. 13066

Sec. 4715.362. A dentist who desires to participate in the 13067
oral health access supervision program shall apply to the state 13068
dental board for an oral health access supervision permit. The 13069
application shall be under oath, on a form prescribed by the 13070
board in rules adopted under section 4715.372 of the Revised 13071
Code, and accompanied by an application fee of twenty-five 13072
dollars. To be eligible to receive the permit, an applicant 13073
shall meet the requirements established by the board in rules 13074
adopted under section 4715.372 of the Revised Code. 13075

The state dental board shall issue an oral health access 13076
supervision permit to a dentist who is in good standing with the 13077
board and satisfies all of the requirements of this section. 13078

Chapter 4796. of the Revised Code does not apply to a 13079
permit issued under this section. 13080

Sec. 4715.363. (A) A dental hygienist who desires to 13081
participate in the oral health access supervision program shall 13082
apply to the state dental board for a permit to practice under 13083
the oral health access supervision of a dentist. The application 13084
shall be under oath, on a form prescribed by the board in rules 13085
adopted under section 4715.372 of the Revised Code, and 13086

accompanied by an application fee of twenty-five dollars, which 13087
may be paid by credit card. 13088

(B) The applicant shall provide evidence satisfactory to 13089
the board that the applicant has done all of the following: 13090

(1) Completed at least one year and attained a minimum of 13091
one thousand five hundred hours of experience in the practice of 13092
dental hygiene; 13093

(2) Completed at least twenty-four hours of continuing 13094
dental hygiene education during the two years prior to 13095
submission of the application; 13096

(3) Completed a course pertaining to the practice of 13097
dental hygiene under the oral health access supervision of a 13098
dentist that meets standards established in rules adopted under 13099
section 4715.372 of the Revised Code; 13100

(4) Completed, during the two years prior to submission of 13101
the application, a course pertaining to the identification and 13102
prevention of potential medical emergencies that is the same as 13103
the course described in division (C) (2) of section 4715.22 of 13104
the Revised Code. 13105

(C) The state dental board shall issue a permit to 13106
practice under the oral health access supervision of a dentist 13107
to a dental hygienist who is in good standing with the board and 13108
meets all of the requirements of divisions (A) and (B) of this 13109
section. 13110

(D) Chapter 4796. of the Revised Code does not apply to a 13111
permit issued under this section. 13112

Sec. 4715.39. (A) The state dental board may define the 13113
duties that may be performed by dental assistants and other 13114

individuals designated by the board as qualified personnel. If 13115
defined, the duties shall be defined in rules adopted in 13116
accordance with Chapter 119. of the Revised Code. The rules may 13117
include training and practice standards for dental assistants 13118
and other qualified personnel. The standards may include 13119
examination and issuance of a certificate. If the board issues a 13120
certificate, the recipient shall display the certificate in a 13121
conspicuous location in any office in which the recipient is 13122
employed to perform the duties authorized by the certificate. 13123

(B) A dental assistant may polish the clinical crowns of 13124
teeth if all of the following requirements are met: 13125

(1) The dental assistant's polishing activities are 13126
limited to the use of a rubber cup attached to a slow-speed 13127
rotary dental hand piece to remove soft deposits that build up 13128
over time on the crowns of teeth. 13129

(2) The polishing is performed only after a dentist has 13130
evaluated the patient and any calculus detected on the teeth to 13131
be polished has been removed by a dentist or dental hygienist. 13132

(3) The dentist supervising the assistant supervises not 13133
more than two dental assistants engaging in polishing activities 13134
at any given time. 13135

(4) The dental assistant is certified by the dental 13136
assisting national board or the Ohio commission on dental 13137
assistant certification. 13138

(5) The dental assistant receives a certificate from the 13139
board authorizing the assistant to engage in the polishing 13140
activities. The board shall issue the certificate if the 13141
individual has successfully completed training in the polishing 13142
of clinical crowns through a program accredited by the American 13143

dental association commission on dental accreditation or 13144
equivalent training approved by the board. The training shall 13145
include courses in basic dental anatomy and infection control, 13146
followed by a course in coronal polishing that includes 13147
didactic, preclinical, and clinical training; any other training 13148
required by the board; and a skills assessment that includes 13149
successful completion of standardized testing. The board shall 13150
adopt rules pursuant to division (A) of this section 13151
establishing standards for approval of this training. 13152

The board shall issue a certificate to engage in polishing 13153
activities in accordance with Chapter 4796. of the Revised Code 13154
to a dental assistant if either of the following applies: 13155

(a) The applicant holds a license or certificate to engage 13156
in polishing activities in another state. 13157

(b) The applicant has satisfactory work experience, a 13158
government certification, or a private certification as 13159
described in that chapter in polishing activities in a state 13160
that does not issue that license or certificate. 13161

(C) A dental assistant may apply pit and fissure sealants 13162
if all of the following requirements are met: 13163

(1) A dentist evaluates the patient and designates the 13164
teeth and surfaces that will benefit from the application of 13165
sealant on the day the application is to be performed. 13166

(2) The dental assistant is certified by the dental 13167
assisting national board or the Ohio commission on dental 13168
assistant certification. 13169

(3) The dental assistant has successfully completed a 13170
course in the application of sealants consisting of at least two 13171
hours of didactic instruction and six hours of clinical 13172

instruction through a program provided by an institution 13173
accredited by the American dental association commission on 13174
dental accreditation or a program provided by a sponsor of 13175
continuing education approved by the board. 13176

(4) The dentist supervising the assistant has observed the 13177
assistant successfully apply at least six sealants. 13178

(5) Except as provided in division (D) or (E) of this 13179
section, the dentist supervising the assistant checks and 13180
approves the application of all sealants placed by the assistant 13181
before the patient leaves the location where the sealant 13182
application procedure is performed. 13183

(D) (1) A dental assistant who is certified by the dental 13184
assisting national board or the Ohio commission on dental 13185
assistant certification may provide, for not more than fifteen 13186
consecutive business days, all of the following services to a 13187
patient when the supervising dentist is not physically present 13188
at the location where the services are provided if the 13189
conditions specified in division (D) (2) of this section have 13190
been satisfied: 13191

(a) Recementation of temporary crowns or recementation of 13192
crowns with temporary cement; 13193

(b) Application of fluoride varnish; 13194

(c) Application of disclosing solutions; 13195

(d) Application of desensitizing agents, excluding silver 13196
diamine fluoride; 13197

(e) Caries susceptibility testing; 13198

(f) Instruction on oral hygiene home care, including the 13199
use of toothbrushes and dental floss. 13200

(2) The conditions that must be satisfied before a dental assistant may provide the services specified in division (D) (1) of this section are all of the following:

(a) The dental assistant has at least one year and a minimum of one thousand five hundred hours of experience practicing as a dental assistant.

(b) The dental assistant has successfully completed a course approved by the state dental board in the identification and prevention of potential medical emergencies.

(c) The supervising dentist has evaluated the dental assistant's skills.

(d) The supervising dentist has established written protocols or written standing orders for the dental assistant to follow during and in the absence of an emergency.

(e) The supervising dentist completed and evaluated a medical and dental history of the patient not more than one year prior to the date that the dental assistant provides services to the patient, and the supervising dentist determines that the patient is in a medically stable condition.

(f) The patient is notified, in advance of the appointment for services, that the supervising dentist will be absent from the location and that the dental assistant cannot diagnose the patient's dental health care status.

(g) The dental assistant is employed by, or under contract with, the supervising dentist, a dentist licensed under this chapter who meets one of the criteria specified in division (C) (10) (b) of section 4715.22 of the Revised Code, or a government entity that employs the dental assistant to provide services in a public school or in connection with other programs the

government entity administers. 13230

(3) A dental assistant who is certified by the dental 13231
assisting national board or the Ohio commission on dental 13232
assistant certification may apply, for not more than fifteen 13233
business days, pit and fissure sealants when the supervising 13234
dentist is not physically present at the location where the 13235
sealants are to be applied if the dental assistant meets the 13236
requirements in divisions (C) (3) and (4) of this section and all 13237
of the conditions specified in division (D) (2) of this section 13238
have been satisfied. 13239

(E) A dental assistant who is certified by the dental 13240
assisting national board or the Ohio commission on dental 13241
assistant certification may apply pit and fissure sealants prior 13242
to a dentist examining the patient and rendering a diagnosis, 13243
and when a dentist is not physically present at the location 13244
where the service is provided, if all of the following are the 13245
case: 13246

(1) The dental assistant meets the requirements in 13247
divisions (C) (3) and (4) of this section. 13248

(2) The conditions specified in divisions (D) (2) (a), (b), 13249
(c), (d), (f), and (g) of this section have been satisfied. 13250

(3) The dental assistant is providing the service as part 13251
of a program operated through any of the following: a school 13252
district board of education or the governing board of an 13253
educational service center; the board of health of a city or 13254
general health district or the authority having the duties of a 13255
board of health under section 3709.05 of the Revised Code; a 13256
national, state, district, or local dental association; or any 13257
other public or private entity recognized by the state dental 13258

board. 13259

(4) A supervising dentist for the program described in 13260
division (E)(3) of this section meets both of the following 13261
conditions: 13262

(a) Is employed by or a volunteer for, and the patients 13263
are referred by, the entity through which the program is 13264
operated; 13265

(b) Is available for consultation by telephone, 13266
videoconferencing, or other means of electronic communication. 13267

(5) The application of pit and fissure sealants is limited 13268
to erupted permanent posterior teeth without suspicion of 13269
dentinal cavitation. 13270

(6) If the patient is a minor, a parent, guardian, or 13271
other person responsible for the patient has been notified that 13272
a dentist will not be present at the location and that the 13273
dental assistant is not trained to diagnose or treat other 13274
serious dental concerns that could exist. 13275

(F) Subject to this section and the applicable rules of 13276
the board, licensed dentists may assign to dental assistants and 13277
other qualified personnel dental procedures that do not require 13278
the professional competence or skill of the licensed dentist, a 13279
dental hygienist, or an expanded function dental auxiliary as 13280
this section or the board by rule authorizes dental assistants 13281
and other qualified personnel to perform. Except as provided in 13282
division (D) or (E) of this section, the performance of dental 13283
procedures by dental assistants and other qualified personnel 13284
shall be under direct supervision and full responsibility of the 13285
licensed dentist. 13286

(G) Nothing in this section shall be construed by rule of 13287

the state dental board or otherwise to do the following:	13288
(1) Authorize dental assistants or other qualified personnel to engage in the practice of dental hygiene as defined by sections 4715.22 and 4715.23 of the Revised Code or to perform the duties of a dental hygienist, including the removal of calcarious deposits, dental cement, or accretions on the crowns and roots of teeth other than as authorized pursuant to this section;	13289 13290 13291 13292 13293 13294 13295
(2) Authorize dental assistants or other qualified personnel to engage in the practice of an expanded function dental auxiliary as specified in section 4715.64 of the Revised Code or to perform the duties of an expanded function dental auxiliary other than as authorized pursuant to this section.	13296 13297 13298 13299 13300
(3) Authorize the assignment of any of the following:	13301
(a) Diagnosis;	13302
(b) Treatment planning and prescription, including prescription for drugs and medicaments or authorization for restorative, prosthodontic, or orthodontic appliances;	13303 13304 13305
(c) Surgical procedures on hard or soft tissue of the oral cavity, or any other intraoral procedure that contributes to or results in an irremediable alteration of the oral anatomy;	13306 13307 13308
(d) The making of final impressions from which casts are made to construct any dental restoration.	13309 13310
(H) No dentist shall assign any dental assistant or other individual acting in the capacity of qualified personnel to perform any dental procedure that the assistant or other individual is not authorized by this section or by board rule to perform. No dental assistant or other individual acting in the	13311 13312 13313 13314 13315

capacity of qualified personnel shall perform any dental 13316
procedure other than in accordance with this section and any 13317
applicable board rule or any dental procedure that the assistant 13318
or other individual is not authorized by this section or by 13319
board rule to perform. 13320

Sec. 4715.42. (A) (1) As used in this section: 13321

(a) "Free clinic" has the same meaning as in section 13322
3701.071 of the Revised Code. 13323

(b) "Indigent and uninsured person" and "operation" have 13324
the same meanings as in section 2305.234 of the Revised Code. 13325

(2) For the purposes of this section, a person shall be 13326
considered retired from practice if the person's license has 13327
been surrendered or allowed to expire with the intention of 13328
ceasing to practice as a dentist or dental hygienist for 13329
remuneration. 13330

(B) Within thirty days after receiving an application for 13331
a volunteer's certificate that includes all of the items listed 13332
in divisions (C) (1), (2), and (3) of this section, the state 13333
dental board shall issue, without examination, a volunteer's 13334
certificate to a person who is retired from practice so that the 13335
person may provide dental services to indigent and uninsured 13336
persons at any location, including a free clinic. 13337

(C) An application for a volunteer's certificate shall 13338
include all of the following: 13339

(1) A copy of the applicant's degree from dental college 13340
or dental hygiene school. 13341

(2) One of the following, as applicable: 13342

(a) A copy of the applicant's most recent license to 13343

practice dentistry or dental hygiene issued by a jurisdiction in 13344
the United States that licenses persons to practice dentistry or 13345
dental hygiene. 13346

(b) A copy of the applicant's most recent license 13347
equivalent to a license to practice dentistry or dental hygiene 13348
in one or more branches of the United States armed services that 13349
the United States government issued. 13350

(3) Evidence of one of the following, as applicable: 13351

(a) The applicant has maintained for at least ten years 13352
prior to retirement full licensure in good standing in any 13353
jurisdiction in the United States that licenses persons to 13354
practice dentistry or dental hygiene. 13355

(b) The applicant has practiced as a dentist or dental 13356
hygienist in good standing for at least ten years prior to 13357
retirement in one or more branches of the United States armed 13358
services. 13359

(D) The holder of a volunteer's certificate may provide 13360
dental services only to indigent and uninsured persons, but may 13361
do so at any location, including a free clinic. The holder shall 13362
not accept any form of remuneration for providing dental 13363
services while in possession of the certificate. Except in a 13364
dental emergency, the holder shall not perform any operation. 13365
The board may revoke a volunteer's certificate on receiving 13366
proof satisfactory to the board that the holder has engaged in 13367
practice in this state outside the scope of the holder's 13368
certificate or that there are grounds for action against the 13369
person under section 4715.30 of the Revised Code. 13370

(E) (1) A volunteer's certificate shall be valid for a 13371
period of three years, and may be renewed upon the application 13372

of the holder, unless the certificate was previously revoked 13373
under division (D) of this section. The board shall maintain a 13374
register of all persons who hold volunteer's certificates. The 13375
board shall not charge a fee for issuing or renewing a 13376
certificate pursuant to this section. 13377

(2) To be eligible for renewal of a volunteer's 13378
certificate, the holder of the certificate shall certify to the 13379
board completion of sixty hours of continuing dental education 13380
that meets the requirements of section 4715.141 of the Revised 13381
Code and the rules adopted under that section, or completion of 13382
eighteen hours of continuing dental hygiene education that meets 13383
the requirements of section 4715.25 of the Revised Code and the 13384
rules adopted under that section, as the case may be. The board 13385
may not renew a certificate if the holder has not complied with 13386
the appropriate continuing education requirements. Any entity 13387
for which the holder provides dental services may pay for or 13388
reimburse the holder for any costs incurred in obtaining the 13389
required continuing education credits. 13390

(3) The board shall issue to each person who qualifies 13391
under this section for a volunteer's certificate a wallet 13392
certificate and a wall certificate that state that the 13393
certificate holder is authorized to provide dental services 13394
pursuant to the laws of this state. The holder shall keep the 13395
wallet certificate on the holder's person while providing dental 13396
services and shall display the wall certificate prominently at 13397
the location where the holder primarily practices. 13398

(4) The holder of a volunteer's certificate issued 13399
pursuant to this section is subject to the immunity provisions 13400
regarding the provision of services to indigent and uninsured 13401
persons in section 2305.234 of the Revised Code. 13402

(F) The board shall adopt rules in accordance with Chapter 13403
119. of the Revised Code to administer and enforce this section. 13404

(G) The state dental board shall make available through 13405
the board's web site the application form for a volunteer's 13406
certificate under this section, a description of the application 13407
process, and a list of all items that are required by division 13408
(C) of this section to be submitted with the application. 13409

(H) Chapter 4796. of the Revised Code does not apply to a 13410
license issued under this section. 13411

Sec. 4715.421. (A) As used in this section: 13412

(1) "Accredited dental college" has the same meaning as in 13413
section 4715.10 of the Revised Code. 13414

(2) "Accredited dental hygiene school" has the same 13415
meaning as in section 4715.36 of the Revised Code. 13416

(3) "Operation" has the same meaning as in section 13417
2305.234 of the Revised Code. 13418

(B) Within thirty days after receiving an application for 13419
a temporary volunteer's certificate that includes all of the 13420
items listed in divisions (C)(1) and (2) of this section, the 13421
state dental board shall issue, without examination, a temporary 13422
volunteer's certificate to a person not licensed under this 13423
chapter so that the person may provide dental services in this 13424
state as a volunteer. 13425

(C) An application for a temporary volunteer's certificate 13426
shall include both of the following: 13427

(1) A copy of the applicant's degree from an accredited 13428
dental college or accredited dental hygiene school; 13429

(2) One of the following, as applicable:	13430
(a) Evidence satisfactory to the board that the applicant holds a valid, unrestricted license to practice dentistry or dental hygiene issued by a jurisdiction in the United States that licenses persons to practice dentistry or dental hygiene;	13431 13432 13433 13434
(b) Evidence satisfactory to the board that the applicant is practicing dentistry or dental hygiene in one or more branches of the United States armed services.	13435 13436 13437
(D) The holder of a temporary volunteer's certificate shall not accept any form of remuneration for providing dental services pursuant to the certificate. Except in a dental emergency, the holder shall not perform any operation. The board may revoke a temporary volunteer's certificate on receiving proof satisfactory to the board that the holder has engaged in practice in this state outside the scope of the holder's certificate or that there are grounds for action against the person under section 4715.30 of the Revised Code.	13438 13439 13440 13441 13442 13443 13444 13445 13446
(E) (1) A temporary volunteer's certificate shall be valid for a period of seven days, and may be renewed upon the application of the holder, unless the certificate was previously revoked under division (D) of this section. The board shall maintain a register of all persons who hold a temporary volunteer's certificate. The board may charge a fee not to exceed twenty-five dollars for issuing or renewing a certificate pursuant to this section.	13447 13448 13449 13450 13451 13452 13453 13454
(2) The board shall issue to each person who qualifies under this section for a temporary volunteer's certificate a wallet certificate that states that the certificate holder is authorized to provide dental services pursuant to the laws of	13455 13456 13457 13458

this state. The holder shall keep the wallet certificate on the holder's person while providing dental services. 13459
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(3) The holder of a temporary volunteer's certificate issued pursuant to this section is subject to the immunity provisions in section 2305.234 of the Revised Code. 13461
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(F) The board shall adopt rules in accordance with Chapter 119. of the Revised Code to administer and enforce this section. 13464
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(G) Not later than ninety days after ~~the effective date of this section~~ March 23, 2015, the state dental board shall make available through the board's internet web site the application form for a temporary volunteer's certificate under this section, a description of the application process, and a list of all items that are required by division (C) of this section to be submitted with the application. 13466
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(H) Chapter 4796. of the Revised Code does not apply to a temporary volunteer's certificate issued under this section. 13473
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Sec. 4715.43. (A) As used in this section and in sections 4715.431 to 4715.437 of the Revised Code: 13475
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(1) "Authorizing dentist" means the holder of a current, valid teledentistry permit issued under this section who authorizes a dental hygienist or expanded function dental auxiliary to perform services under section 4715.431 of the Revised Code. 13477
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(2) "Dental hygiene services" means the prophylactic, preventive, and other procedures that dentists are authorized by this chapter and rules of the state dental board to assign to dental hygienists, except for procedures while a patient is anesthetized, definitive root planing, definitive subgingival curettage, the administration of local anesthesia, and the 13482
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procedures specified in rules adopted by the board as described 13488
in division (C) (3) of section 4715.22 of the Revised Code. 13489

(3) "Interim therapeutic restoration" means a direct 13490
provisional restoration placed to stabilize a tooth until a 13491
licensed dentist can assess the need for further treatment. 13492
"Interim therapeutic restoration" includes the removal of 13493
debris, other than carious or noncarious tooth structure, from 13494
the carious lesion using air or water irrigation. 13495

(4) "Synchronous, real-time communication" means a live, 13496
two-way interaction between a patient and a dentist conducted 13497
through audiovisual technology. 13498

(5) "Teledentistry" means the delivery of dental services 13499
through the use of synchronous, real-time communication and the 13500
delivery of services of a dental hygienist or expanded function 13501
dental auxiliary pursuant to a dentist's authorization. 13502

(B) (1) A dentist who desires to provide dental services 13503
through teledentistry shall apply to the state dental board for 13504
a teledentistry permit. The application must be made under oath 13505
on a form prescribed by the board and be accompanied by a 13506
twenty-dollar application fee. ~~To~~ Except as provided in division 13507
(B) (2) of this section, to be eligible for the permit, the 13508
dentist must meet the requirements established by the board in 13509
rules adopted under section 4715.436 of the Revised Code. 13510

(2) The state dental board shall issue a teledentistry 13511
permit to a dentist who is in good standing with the board and 13512
satisfies all of the requirements of this section. An individual 13513
who holds a license in another state is not required to obtain a 13514
license under Chapter 4796. of the Revised Code if the 13515
individual holds a permit under this section. 13516

Sec. 4715.53. (A) Each individual seeking a certificate to 13517
practice as a dental x-ray machine operator shall apply to the 13518
state dental board on a form the board shall prescribe and 13519
provide. ~~The~~ Except as provided in division (C) of this section, 13520
the application shall be accompanied by an application fee of 13521
thirty-two dollars. 13522

(B) The board shall review all applications received and, 13523
except as provided in division (C) of this section, issue a 13524
dental x-ray machine operator certificate to each applicant who 13525
submits evidence satisfactory to the board of one of the 13526
following: 13527

(1) The applicant holds certification from the dental 13528
assisting national board or the Ohio commission on dental 13529
assistant certification. 13530

~~(2) The applicant holds a license, certificate, permit, 13531
registration, or other credential issued by another state that 13532
the board determines uses standards for dental x-ray machine 13533
operators that are at least equal to those established under 13534
this chapter. 13535~~

~~(3) The applicant has successfully completed an 13536
educational program consisting of at least seven hours of 13537
instruction in dental x-ray machine operation that meets either 13538
of the following requirements: 13539~~

(a) Has been approved by the board in accordance with 13540
section 4715.57 of the Revised Code; 13541

(b) Is conducted by an institution accredited by the 13542
American dental association commission on dental accreditation. 13543

(C) The board shall issue a certificate in accordance with 13544
Chapter 4796. of the Revised Code to an applicant if either of 13545

the following applies: 13546

(1) The applicant holds a license or certificate in another state. 13547
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a dental x-ray machine operator in a state that does not issue that license or certificate. 13549
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(D) A certificate issued under this section expires two years after it is issued and may be renewed if the certificate holder does both of the following: 13553
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(1) Certifies to the board that the certificate holder has completed at least two hours of instruction in dental x-ray machine operation approved by the board in accordance with section 4715.57 of the Revised Code during the two-year period preceding the date the renewal application is received by the board. 13556
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(2) Submits a renewal fee of thirty-two dollars to the board. 13562
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Renewals shall be made in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code. 13564
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Sec. 4715.62. (A) Each individual seeking to register with the state dental board as an expanded function dental auxiliary shall file with the secretary of the board a written application for registration, under oath, on a form the board shall prescribe and provide. An Except as provided in division (C) of this section, an applicant shall include with the completed application all of the following: 13567
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- (1) An application fee of twenty-five dollars; 13574
- (2) Proof satisfactory to the board that the applicant has 13575
successfully completed, at an educational institution accredited 13576
by the commission on dental accreditation of the American dental 13577
association or the higher learning commission of the north 13578
central association of colleges and schools, the education or 13579
training specified by the board in rules adopted under section 13580
4715.66 of the Revised Code as the education or training that is 13581
necessary to obtain registration under this chapter to practice 13582
as an expanded function dental auxiliary, as evidenced by a 13583
diploma or other certificate of graduation or completion that 13584
has been signed by an appropriate official of the accredited 13585
institution that provided education or training; 13586
- (3) Proof satisfactory to the board that the applicant has 13587
passed an examination that meets the standards established by 13588
the board in rules adopted under section 4715.66 of the Revised 13589
Code to be accepted by the board as an examination of competency 13590
to practice as an expanded function dental auxiliary; 13591
- (4) Proof that the applicant holds current certification 13592
to perform basic life-support procedures, evidenced by 13593
documentation showing the successful completion of a basic life- 13594
support training course certified by the American red cross, the 13595
American heart association, or the American safety and health 13596
institute. 13597
- (B) If an applicant complies with division (A) of this 13598
section, the board shall register the applicant as an expanded 13599
function dental auxiliary. 13600
- (C) The board shall register an applicant in accordance 13601
with Chapter 4796. of the Revised Code if either of the 13602

following applies: 13603

(1) The applicant is licensed or registered as an expanded
function dental auxiliary in another state. 13604
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(2) The applicant has satisfactory work experience, a
government certification, or a private certification as
described in that chapter as an expanded function dental
auxiliary in a state that does not issue that license or
registration. 13606
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Sec. 4717.05. (A) Any person who desires to be licensed as 13611
an embalmer shall apply to the board of embalmers and funeral 13612
directors on a form provided by the board. The applicant shall 13613
include with the application an initial license fee as set forth 13614
in section 4717.07 of the Revised Code and evidence, verified by 13615
oath and satisfactory to the board, that the applicant meets all 13616
of the following requirements: 13617

(1) The applicant is at least eighteen years of age. 13618

(2) The applicant holds at least a bachelor's degree from 13619
a college or university authorized to confer degrees by the 13620
department of higher education or the comparable legal agency of 13621
another state in which the college or university is located and 13622
submits an official transcript from that college or university 13623
with the application. 13624

(3) The applicant has satisfactorily completed at least 13625
twelve months of instruction in a prescribed course in mortuary 13626
science as approved by the board and has presented to the board 13627
a certificate showing successful completion of the course. The 13628
course of mortuary science college training may be completed 13629
either before or after the completion of the educational 13630
standard set forth in division (A) (2) of this section. 13631

- (4) The applicant has been certified by the board prior to beginning an embalmer apprenticeship. 13632
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- (5) The applicant has satisfactorily completed at least one year of apprenticeship under an embalmer licensed in this state and has participated in embalming at least twenty-five dead human bodies. 13634
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- (6) The applicant, upon meeting the educational standards provided for in divisions (A) (2) and (3) of this section and completing the apprenticeship required in division (A) (5) of this section, has completed the examination for an embalmer's license required by the board. 13638
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- (B) Upon receiving satisfactory evidence verified by oath that the applicant meets all the requirements of division (A) of this section, the board shall issue the applicant an embalmer's license. 13643
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- (C) Any person who desires to be licensed as a funeral director shall apply to the board on a form prescribed by the board. The application shall include an initial license fee as set forth in section 4717.07 of the Revised Code and evidence, verified by oath and satisfactory to the board, that the applicant meets all of the following requirements: 13647
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- (1) Except as otherwise provided in division (D) of this section, the applicant has satisfactorily met all the requirements for an embalmer's license as described in divisions (A) (1) to (3) of this section. 13653
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- (2) The applicant has been certified by the board prior to beginning a funeral director apprenticeship. 13657
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- (3) The applicant, following mortuary science college training described in division (A) (3) of this section, has 13659
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satisfactorily completed a one-year apprenticeship under a licensed funeral director in this state and has participated in directing at least twenty-five funerals.

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

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

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

(F) The board shall issue an embalmer or funeral director apprentice card in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

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

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an embalmer or funeral director apprentice in a state that does not issue that license or card.

(G) A funeral director or embalmer may request the funeral director's or embalmer's license be placed on inactive status by submitting to the board a form prescribed by the board and such other information as the board may request. A funeral director

or embalmer may not place the funeral director's or embalmer's 13690
license on inactive status unless the funeral director or 13691
embalmer is in good standing with the board and is in compliance 13692
with applicable continuing education requirements. A funeral 13693
director or embalmer who is granted inactive status is 13694
prohibited from participating in any activity for which a 13695
funeral director's or embalmer's license is required in this 13696
state. A funeral director or embalmer who has been granted 13697
inactive status is exempt from the continuing education 13698
requirements under section 4717.09 of the Revised Code during 13699
the period of the inactive status. 13700

~~(G)~~ (H) A funeral director or embalmer who has been 13701
granted inactive status may not return to active status for at 13702
least two years following the date that the inactive status was 13703
granted. Following a period of at least two years of inactive 13704
status, the funeral director or embalmer may apply to return to 13705
active status upon completion of all of the following 13706
conditions: 13707

(1) The funeral director or embalmer files with the board 13708
a form prescribed by the board seeking active status and 13709
provides any other information as the board may request; 13710

(2) The funeral director or embalmer takes and passes the 13711
Ohio laws examination for each license being activated; 13712

(3) The funeral director or embalmer pays a reactivation 13713
fee to the board in the amount of one hundred forty dollars for 13714
each license being reactivated. 13715

Sec. 4717.051. (A) ~~Any~~ Except as provided in division (D) 13716
of this section, any person who desires to obtain a permit as a 13717
crematory operator shall apply to the board of embalmers and 13718

funeral directors on a form prescribed by the board. The 13719
applicant shall include with the application the initial permit 13720
fee set forth in section 4717.07 of the Revised Code and 13721
evidence, verified under oath and satisfactory to the board, 13722
that the applicant satisfies both of the following requirements: 13723

(1) The applicant is at least eighteen years of age. 13724

(2) The applicant has satisfactorily completed a crematory 13725
operation certification program approved by the board and has 13726
presented to the board a certificate showing completion of the 13727
program. 13728

(B) If the board of embalmers and funeral directors, upon 13729
receiving satisfactory evidence, determines that the applicant 13730
satisfies all of the requirements of division (A) of this 13731
section, the board shall issue to the applicant a permit as a 13732
crematory operator. 13733

(C) The board of embalmers and funeral directors may 13734
revoke or suspend a crematory operator permit or subject a 13735
crematory operator permit holder to discipline in accordance 13736
with the laws, rules, and procedures applicable to licensees 13737
under this chapter. 13738

(D) The board shall issue a crematory operator permit in 13739
accordance with Chapter 4796. of the Revised Code to an 13740
applicant if either of the following applies: 13741

(1) The applicant holds a license or permit in another 13742
state. 13743

(2) The applicant has satisfactory work experience, a 13744
government certification, or a private certification as 13745
described in that chapter as a crematory operator in a state 13746
that does not issue that license or permit. 13747

Sec. 4717.10. (A) The board of embalmers and funeral 13748
directors ~~may recognize licenses issued to embalmers and funeral~~ 13749
~~directors by other states, and upon presentation of such~~ 13750
~~licenses, may shall issue to the holder~~ an embalmer's or funeral 13751
director's license under this chapter in accordance with Chapter 13752
4796. of the Revised Code to an applicant who holds a license in 13753
another state or who has satisfactory work experience, a 13754
government certification, or a private certification as 13755
described in that chapter as an embalmer or funeral director in 13756
a state that does not issue that license. ~~The board shall charge~~ 13757
~~the same fee as prescribed in section 4717.07 of the Revised~~ 13758
~~Code to issue or renew such an embalmer's or funeral director's~~ 13759
~~license.~~ Such licenses shall be renewed biennially as provided 13760
in section 4717.08 of the Revised Code. ~~The board shall not~~ 13761
~~issue a license to any person under division (A) of this section~~ 13762
~~unless the applicant proves that the applicant, in the state in~~ 13763
~~which the applicant is licensed, has complied with requirements~~ 13764
~~substantially equal to those established in section 4717.05 of~~ 13765
~~the Revised Code.~~ 13766

(B) (1) The board of embalmers and funeral directors may 13767
issue courtesy card permits to nonresident funeral directors 13768
licensed in a state that borders this state. A courtesy card 13769
permit holder shall be authorized to undertake both the 13770
following acts in this state: 13771

~~(1)~~ (a) Prepare and complete those sections of a death 13772
certificate and other permits needed for disposition of deceased 13773
human remains in this state and sign and file such death 13774
certificates and permits; 13775

~~(2)~~ (b) Supervise and conduct funeral ceremonies, 13776
interments, and entombments in this state. 13777

(2) Chapter 4796. of the Revised Code does not apply to a 13778
courtesy card permit issued under this division. 13779

(C) The board of embalmers and funeral directors may 13780
determine under what conditions a courtesy card permit may be 13781
issued to funeral directors in bordering states after taking 13782
into account whether and under what conditions and fees such 13783
border states issue similar courtesy card permits to funeral 13784
directors licensed in this state. A courtesy card permit holder 13785
shall comply with all applicable laws and rules of this state 13786
while engaged in any acts of funeral directing in this state. 13787
The board may revoke or suspend a courtesy card permit or 13788
subject a courtesy card permit holder to discipline in 13789
accordance with the laws, rules, and procedures applicable to 13790
funeral directors under this chapter. Applicants for courtesy 13791
card permits shall apply on forms prescribed by the board, pay a 13792
biennial fee set by the board for initial applications and 13793
renewals, and adhere to such other requirements imposed by the 13794
board on courtesy card permit holders. 13795

(D) No courtesy card permit holder shall be authorized to 13796
undertake any of the following activities in this state: 13797

(1) Arranging funerals or disposition services with 13798
members of the public in this state; 13799

(2) Be employed by or under contract to a funeral home 13800
licensed in this state to perform funeral services in this 13801
state; 13802

(3) Advertise funeral or disposition services in this 13803
state; 13804

(4) Enter into or execute funeral or disposition contracts 13805
in this state; 13806

(5) Prepare or embalm deceased human remains in this state; 13807
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(6) Arrange for or carry out the disinterment of human remains in this state. 13809
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(E) As used in this section, "courtesy card permit" means a special permit that may be issued to a nonresident funeral director licensed in a state that borders this state and who does not hold a funeral director's license under this chapter. 13811
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Sec. 4723.08. (A) The board of nursing may impose fees not to exceed the following limits: 13815
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(1) For application for licensure by examination or endorsement to practice nursing as a registered nurse or as a licensed practical nurse submitted under division (A) or (B) of section 4723.09 of the Revised Code, seventy-five dollars; 13817
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13819
13820

(2) For application for licensure to practice nursing as an advanced practice registered nurse submitted under division (A) or (B) (2) of section 4723.41 of the Revised Code, one hundred fifty dollars; 13821
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(3) For application for a dialysis technician intern certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code; 13825
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(4) For application for a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code; 13828
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(5) For providing, pursuant to division (B) of section 4723.271 of the Revised Code, written verification of a nursing license, dialysis technician certificate, medication aide certificate, or community health worker certificate to another 13831
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jurisdiction, fifteen dollars;	13835
(6) For providing, pursuant to division (A) of section 4723.271 of the Revised Code, a replacement copy of a wall certificate suitable for framing as described in that division, twenty-five dollars;	13836 13837 13838 13839
(7) For renewal of a license to practice as a registered nurse or licensed practical nurse, sixty-five dollars;	13840 13841
(8) For renewal of a license to practice as an advanced practice registered nurse, one hundred thirty-five dollars;	13842 13843
(9) For renewal of a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	13844 13845 13846
(10) For processing a late application for renewal of a nursing license or dialysis technician certificate, fifty dollars;	13847 13848 13849
(11) For application for authorization to approve continuing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;	13850 13851 13852 13853
(12) For application for authorization to approve continuing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;	13854 13855 13856 13857
(13) For each year for which authorization to approve continuing education programs and courses is renewed, one hundred fifty dollars;	13858 13859 13860
(14) For application for approval to operate a dialysis training program, the amount specified in rules adopted under	13861 13862

section 4723.79 of the Revised Code;	13863
(15) For reinstatement of a lapsed license or certificate issued under this chapter, one hundred dollars except as provided in section 5903.10 of the Revised Code;	13864 13865 13866
(16) For processing a check returned to the board by a financial institution, twenty-five dollars;	13867 13868
(17) The amounts specified in rules adopted under section 4723.88 of the Revised Code pertaining to the issuance of certificates to community health workers, including fees for application for a certificate, renewal of a certificate, processing a late application for renewal of a certificate, reinstatement of a lapsed certificate, application for approval of a community health worker training program for community health workers, and renewal of the approval of a training program for community health workers.	13869 13870 13871 13872 13873 13874 13875 13876 13877
(B) Each quarter, for purposes of transferring funds under section 4743.05 of the Revised Code to the nurse education assistance fund created in section 3333.28 of the Revised Code, the board of nursing shall certify to the director of budget and management the number of licenses renewed under this chapter during the preceding quarter and the amount equal to that number times five dollars.	13878 13879 13880 13881 13882 13883 13884
(C) The board may charge a participant in a board-sponsored continuing education activity an amount not exceeding fifteen dollars for each activity.	13885 13886 13887
(D) The board may contract for services pertaining to the process of providing written verification of a license or certificate when the verification is performed for purposes other than providing verification to another jurisdiction. The	13888 13889 13890 13891

contract may include provisions pertaining to the collection of 13892
the fee charged for providing the written verification. As part 13893
of these provisions, the board may permit the contractor to 13894
retain a portion of the fees as compensation, before any amounts 13895
are deposited into the state treasury. 13896

Sec. 4723.09. (A) (1) An application for licensure by 13897
examination to practice as a registered nurse or as a licensed 13898
practical nurse shall be submitted to the board of nursing in 13899
the form prescribed by rules of the board. The application shall 13900
include all of the following: 13901

(a) Evidence that the applicant has met the educational 13902
requirements described in division (C) of this section; 13903

(b) Any other information required by rules of the board; 13904

(c) The application fee required by section 4723.08 of the 13905
Revised Code. 13906

(2) The board shall grant a license to practice nursing as 13907
a registered nurse or as a licensed practical nurse if the 13908
following conditions are met: 13909

(a) The applicant passes the examination accepted by the 13910
board under section 4723.10 of the Revised Code. 13911

(b) In the case of an applicant who entered a prelicensure 13912
nursing education program on or after June 1, 2003, the results 13913
of a criminal records check conducted in accordance with section 13914
4723.091 of the Revised Code demonstrate that the applicant is 13915
not ineligible for licensure in accordance with section 4723.092 13916
of the Revised Code. 13917

(c) The board determines that the applicant has not 13918
committed any act that is grounds for disciplinary action under 13919

section 3123.47 or 4723.28 of the Revised Code or determines 13920
that an applicant who has committed any act that is grounds for 13921
disciplinary action under either section has made restitution or 13922
has been rehabilitated, or both. 13923

(3) The board is not required to afford an adjudication to 13924
an individual to whom it has refused to grant a license because 13925
of that individual's failure to pass the examination. 13926

(B) (1) An application for licensure by endorsement to 13927
practice nursing as a registered nurse or as a licensed 13928
practical nurse shall be submitted to the board in the form 13929
prescribed by rules of the board. The application shall include 13930
all of the following: 13931

(a) Evidence that the applicant holds a current, valid, 13932
and unrestricted license or equivalent authorization from 13933
another jurisdiction other than another state granted after 13934
passing an examination approved by the board of that 13935
jurisdiction that is equivalent to the examination requirements 13936
under this chapter for a license to practice nursing as a 13937
registered nurse or licensed practical nurse; 13938

(b) Any other information required by rules of the board; 13939

(c) The application fee required by section 4723.08 of the 13940
Revised Code. 13941

(2) The board shall grant a license by endorsement to 13942
practice nursing as a registered nurse or as a licensed 13943
practical nurse to an applicant who applied under division (B)
(1) of this section if the following conditions are met: 13944
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(a) The applicant provides evidence satisfactory to the 13946
board that the applicant has met the educational requirements 13947
described in division (C) of this section. 13948

(b) The examination, at the time it is successfully completed, is equivalent to the examination requirements in effect at that time for applicants who were licensed by examination in this state.

(c) The board determines there is sufficient evidence that the applicant completed two contact hours of continuing education directly related to this chapter or the rules adopted under it.

(d) The results of a criminal records check conducted in accordance with section 4723.091 of the Revised Code demonstrate that the applicant is not ineligible for licensure in accordance with section 4723.092 of the Revised Code.

(e) The applicant has not committed any act that is grounds for disciplinary action under section 3123.47 or 4723.28 of the Revised Code, or the board determines that an applicant who has committed any act that is grounds for disciplinary action under either of those sections has made restitution or has been rehabilitated, or both.

(C) (1) To be eligible for licensure by examination or endorsement under division (A) or (B) of this section, an applicant seeking a license to practice nursing as a registered nurse must successfully complete either of the following:

(a) A nursing education program approved by the board under division (A) of section 4723.06 of the Revised Code;

(b) A nursing education program approved by a board of another jurisdiction that is a member of the national council of state boards of nursing.

(2) To be eligible for licensure by examination or endorsement, an applicant seeking a license to practice nursing

as a licensed practical nurse must successfully complete one of 13978
the following: 13979

(a) A nursing education program approved by the board 13980
under division (A) of section 4723.06 of the Revised Code; 13981

(b) A nursing education program approved by a board of 13982
another jurisdiction that is a member of the national council of 13983
state boards of nursing; 13984

(c) A practical nurse course offered or approved by the 13985
United States army; 13986

(d) A practical nurse education program approved by the 13987
United States air force as either of the following: 13988

(i) The community college of the air force associate 13989
degree in practical nursing technology; 13990

(ii) The allied health program, for students who graduated 13991
that program prior to 2016. 13992

(D) The board shall grant a license to practice nursing as 13993
a registered nurse or as a licensed practical nurse in 13994
accordance with Chapter 4796. of the Revised Code to an 13995
applicant if either of the following applies: 13996

(1) The applicant holds a license in another state. 13997

(2) The applicant has satisfactory work experience, a 13998
government certification, or a private certification as 13999
described in that chapter as a registered nurse or licensed 14000
practical nurse in a state that does not issue that license. 14001

(E) The board may grant a nonrenewable temporary permit to 14002
practice nursing as a registered nurse or as a licensed 14003
practical nurse to an applicant for a license ~~by endorsement~~ 14004

under division (B) or (D) of this section if the board is 14005
satisfied by the evidence that the applicant holds a current, 14006
valid, and unrestricted license or equivalent authorization from 14007
another jurisdiction. Chapter 4796. of the Revised Code does not 14008
apply for a temporary permit issued under this division. Subject 14009
to earlier automatic termination as described in this paragraph, 14010
the temporary permit shall expire at the earlier of one hundred 14011
eighty days after issuance or upon the issuance of a license ~~by~~ 14012
~~endorsement~~ under division (B) or (D) of this section. The 14013
temporary permit shall terminate automatically if the criminal 14014
records check completed by the bureau of criminal identification 14015
and investigation as described in section 4723.091 of the 14016
Revised Code regarding the applicant indicates that the 14017
applicant is ineligible for licensure in accordance with section 14018
4723.092 of the Revised Code. An applicant whose temporary 14019
permit is automatically terminated is permanently prohibited 14020
from obtaining a license to practice nursing in this state as a 14021
registered nurse or as a licensed practical nurse. 14022

Sec. 4723.26. (A) (1) As used in this section: 14023

(a) "Free clinic" has the same meaning as in section 14024
3701.071 of the Revised Code. 14025

(b) "Indigent and uninsured person" and "operation" have 14026
the same meanings as in section 2305.234 of the Revised Code. 14027

(2) For the purposes of this section, a person shall be 14028
considered retired from practice if the person's license has 14029
expired with the intention of ceasing to practice nursing as a 14030
registered nurse, licensed practical nurse, or advanced practice 14031
registered nurse for remuneration. 14032

(B) The board of nursing may issue, without examination, a 14033

volunteer's certificate to a qualified person who is retired 14034
from practice so that the person may provide nursing services to 14035
indigent and uninsured persons at any location, including a free 14036
clinic. 14037

(C) Except as provided in division (D) of this section, an 14038
application for a volunteer's certificate shall include all of 14039
the following: 14040

(1) A copy or other evidence of the applicant's degree 14041
from a school of registered nursing, practical nursing, or 14042
advanced practice registered nursing; 14043

(2) One of the following, as applicable: 14044

(a) A copy or other evidence of the applicant's most 14045
recent license to practice nursing as a registered nurse, 14046
licensed practical nurse, or advanced practice registered nurse 14047
issued by a jurisdiction in the United States that licenses 14048
persons to practice nursing as a registered nurse, licensed 14049
practical nurse, or advanced practice registered nurse; 14050

(b) A copy or other evidence of the applicant's most 14051
recent license equivalent to a license to practice nursing as a 14052
registered nurse, licensed practical nurse, or advanced practice 14053
registered nurse in one or more branches of the United States 14054
armed services that the United States government issued. 14055

(3) Evidence of one of the following, as applicable: 14056

(a) The applicant has maintained for at least ten years 14057
prior to retirement a valid, unrestricted license in any 14058
jurisdiction in the United States that licenses persons to 14059
practice nursing as a registered nurse, licensed practical 14060
nurse, or advanced practice registered nurse. 14061

(b) The applicant has practiced nursing as a registered 14062
nurse, licensed practical nurse, or advanced practice registered 14063
nurse under a valid, unrestricted license for at least ten years 14064
prior to retirement in one or more branches of the United States 14065
armed services. 14066

(D) For an applicant retired from practice for at least 14067
ten years, the applicant shall do both of the following: 14068

(1) Certify to the board completion of continuing nursing 14069
education that meets the requirements of section 4723.24 of the 14070
Revised Code and the rules adopted under that section; 14071

(2) Submit a request to the bureau of criminal 14072
identification and investigation for a criminal records check 14073
and check of federal bureau of investigation records pursuant to 14074
section 4723.091 of the Revised Code. 14075

(E) Chapter 4796. of the Revised Code does not apply to a 14076
certificate issued under this section. 14077

(F) The holder of a volunteer's certificate may provide 14078
nursing services only to indigent and uninsured persons, but may 14079
do so at any location, including a free clinic. The holder shall 14080
not accept any form of remuneration for providing nursing 14081
services while in possession of the certificate. The board may 14082
suspend or revoke a volunteer's certificate on receiving proof 14083
satisfactory to the board that the holder has engaged in 14084
practice in this state outside the scope of the holder's 14085
certificate or that there are grounds for action against the 14086
person under section 4723.28 of the Revised Code. In revoking a 14087
certificate, the board may specify that the revocation is 14088
permanent. 14089

~~(F)~~ (G) (1) A volunteer's certificate shall be valid for a 14090

period of two years, and may be renewed upon the application of 14091
the holder, unless the certificate is suspended or revoked under 14092
division ~~(E)~~(F) of this section. The board shall maintain a 14093
record of all persons who hold volunteer's certificates. The 14094
board shall not charge a fee for issuing or renewing a 14095
certificate pursuant to this section. 14096

(2) To be eligible for renewal of a volunteer's 14097
certificate, the holder of the certificate shall certify to the 14098
board completion of continuing nursing education that meets the 14099
requirements of section 4723.24 of the Revised Code and the 14100
rules adopted under that section. The board may not renew a 14101
certificate if the holder has not complied with the appropriate 14102
continuing education requirements. Any entity for which the 14103
holder provides nursing services may pay for or reimburse the 14104
holder for any costs incurred in obtaining the required 14105
continuing education hours. 14106

(3) The holder of a volunteer's certificate issued 14107
pursuant to this section is subject to the immunity provisions 14108
regarding the provision of services to indigent and uninsured 14109
persons in section 2305.234 of the Revised Code. 14110

~~(G)~~(H) The board shall adopt rules in accordance with 14111
Chapter 119. of the Revised Code to administer and enforce this 14112
section. 14113

Sec. 4723.32. This chapter does not prohibit any of the 14114
following: 14115

(A) The practice of nursing by a student currently 14116
enrolled in and actively pursuing completion of a prelicensure 14117
nursing education program, if all of the following are the case: 14118

(1) The student is participating in a program located in 14119

this state and approved by the board of nursing or participating 14120
in this state in a component of a program located in another 14121
jurisdiction and approved by a board that is a member of the 14122
national council of state boards of nursing; 14123

(2) The student's practice is under the auspices of the 14124
program; 14125

(3) The student acts under the supervision of a registered 14126
nurse serving for the program as a faculty member or teaching 14127
assistant. 14128

(B) The rendering of medical assistance to a licensed 14129
physician, licensed dentist, or licensed podiatrist by a person 14130
under the direction, supervision, and control of such licensed 14131
physician, dentist, or podiatrist; 14132

(C) The activities of persons employed as nursing aides, 14133
attendants, orderlies, or other auxiliary workers in patient 14134
homes, nurseries, nursing homes, hospitals, home health 14135
agencies, or other similar institutions; 14136

(D) The provision of nursing services to family members or 14137
in emergency situations; 14138

(E) The care of the sick when done in connection with the 14139
practice of religious tenets of any church and by or for its 14140
members; 14141

(F) The practice of nursing as an advanced practice 14142
registered nurse by a student currently enrolled in and actively 14143
pursuing completion of a program of study leading to initial 14144
authorization by the board of nursing to practice nursing as an 14145
advanced practice registered nurse in a designated specialty, if 14146
all of the following are the case: 14147

(1) The program qualifies the student to sit for the examination of a national certifying organization approved by the board under section 4723.46 of the Revised Code or the program prepares the student to receive a master's or doctoral degree in accordance with division (A) (2) of section 4723.41 of the Revised Code;

(2) The student's practice is under the auspices of the program;

(3) The student acts under the supervision of an advanced practice registered nurse serving for the program as a faculty member, teaching assistant, or preceptor.

(G) The activities of an individual who is a resident of a state other than this state and who currently holds a license to practice nursing or equivalent authorization from another jurisdiction, but only if the individual's activities are limited to those activities that the same type of nurse may engage in pursuant to a license issued under this chapter, the individual's authority to practice has not been revoked, the individual is not currently under suspension or on probation, the individual does not represent the individual as being licensed under this chapter, and one of the following is the case:

(1) The individual is engaging in the practice of nursing by discharging official duties while employed by or under contract with the United States government or any agency thereof;

(2) The individual is engaging in the practice of nursing as an employee of an individual, agency, or corporation located in the other jurisdiction in a position with employment

responsibilities that include transporting patients into, out 14177
of, or through this state, as long as each trip in this state 14178
does not exceed seventy-two hours; 14179

(3) The individual is consulting with an individual 14180
licensed in this state to practice any health-related 14181
profession; 14182

(4) The individual is engaging in activities associated 14183
with teaching in this state as a guest lecturer at or for a 14184
nursing education program, continuing nursing education program, 14185
or in-service presentation; 14186

(5) The individual is conducting evaluations of nursing 14187
care that are undertaken on behalf of an accrediting 14188
organization, including the national league for nursing 14189
accrediting committee, the joint commission (formerly known as 14190
the joint commission on accreditation of healthcare 14191
organizations), or any other nationally recognized accrediting 14192
organization; 14193

(6) The individual is providing nursing care to an 14194
individual who is in this state on a temporary basis, not to 14195
exceed six months in any one calendar year, if the nurse is 14196
directly employed by or under contract with the individual or a 14197
guardian or other person acting on the individual's behalf; 14198

(7) The individual is providing nursing care during any 14199
disaster, natural or otherwise, that has been officially 14200
declared to be a disaster by a public announcement issued by an 14201
appropriate federal, state, county, or municipal official; 14202

(8) The individual is providing nursing care at a free-of- 14203
charge camp accredited by the SeriousFun children's network that 14204
specializes in providing therapeutic recreation, as defined in 14205

section 2305.231 of the Revised Code, for individuals with 14206
chronic diseases, if all of the following are the case: 14207

(a) The individual provides documentation to the medical 14208
director of the camp that the individual holds a current, valid 14209
license to practice nursing or equivalent authorization from 14210
another jurisdiction. 14211

(b) The individual provides nursing care only at the camp 14212
or in connection with camp events or activities that occur off 14213
the grounds of the camp. 14214

(c) The individual is not compensated for the individual's 14215
services. 14216

(d) The individual provides nursing care within this state 14217
for not more than thirty days per calendar year. 14218

(e) The camp has a medical director who holds an 14219
unrestricted license to practice medicine issued in accordance 14220
with Chapter 4731. of the Revised Code. 14221

(9) The individual is providing nursing care as a 14222
volunteer without remuneration during a charitable event that 14223
lasts not more than seven days if both of the following are the 14224
case: 14225

(a) The individual, or the charitable event's organizer, 14226
notifies the board of nursing not less than seven calendar days 14227
before the first day of the charitable event of the individual's 14228
intent to engage in the practice of nursing as a registered 14229
nurse, advanced practice registered nurse, or licensed practical 14230
nurse at the event; 14231

(b) If the individual's scope of practice in the other 14232
jurisdiction is more restrictive than in this state, the 14233

individual is limited to performing only those procedures that a 14234
registered nurse, advanced practice registered nurse, or 14235
licensed practical nurse in the other jurisdiction may perform. 14236

(H) The administration of medication by an individual who 14237
holds a valid medication aide certificate issued under this 14238
chapter, if the medication is administered to a resident of a 14239
nursing home, residential care facility, or ICF/IID authorized 14240
by section 4723.64 of the Revised Code to use a certified 14241
medication aide and the medication is administered in accordance 14242
with section 4723.67 of the Revised Code. 14243

(I) An individual who is a resident of a state other than 14244
this state and who holds a license to practice nursing or 14245
equivalent authorization from another jurisdiction is not 14246
required to obtain a license in accordance with Chapter 4796. of 14247
the Revised Code to perform the activities described under 14248
division (G) of this section. 14249

Sec. 4723.41. (A) Each person who desires to practice 14250
nursing as a certified nurse-midwife and has not been authorized 14251
to practice midwifery prior to December 1, 1967, and each person 14252
who desires to practice nursing as a certified registered nurse 14253
anesthetist, clinical nurse specialist, or certified nurse 14254
practitioner shall file with the board of nursing a written 14255
application for a license to practice nursing as an advanced 14256
practice registered nurse and designation in the desired 14257
specialty. The application must be filed, under oath, on a form 14258
prescribed by the board accompanied by the application fee 14259
required by section 4723.08 of the Revised Code. 14260

Except as provided in division (B), (C), or (D) of this 14261
section, at the time of making application, the applicant shall 14262
meet all of the following requirements: 14263

- (1) Be a registered nurse; 14264
- (2) Submit documentation satisfactory to the board that 14265
the applicant has earned a master's or doctoral degree with a 14266
major in a nursing specialty or in a related field that 14267
qualifies the applicant to sit for the certification examination 14268
of a national certifying organization approved by the board 14269
under section 4723.46 of the Revised Code; 14270
- (3) Submit documentation satisfactory to the board of 14271
having passed the certification examination of a national 14272
certifying organization approved by the board under section 14273
4723.46 of the Revised Code to examine and certify, as 14274
applicable, nurse-midwives, registered nurse anesthetists, 14275
clinical nurse specialists, or nurse practitioners; 14276
- (4) Submit an affidavit with the application that states 14277
all of the following: 14278
- (a) That the applicant is the person named in the 14279
documents submitted under this section and is the lawful 14280
possessor thereof; 14281
- (b) The applicant's age, residence, the school at which 14282
the applicant obtained education in the applicant's nursing 14283
specialty, and any other facts that the board requires; 14284
- (c) The specialty in which the applicant seeks 14285
designation. 14286
- (B) (1) A certified registered nurse anesthetist, clinical 14287
nurse specialist, certified nurse-midwife, or certified nurse 14288
practitioner who is practicing or has practiced as such in 14289
another jurisdiction other than another state may apply for a 14290
license by endorsement to practice nursing as an advanced 14291
practice registered nurse and designation as a certified 14292

registered nurse anesthetist, clinical nurse specialist, 14293
certified nurse-midwife, or certified nurse practitioner in this 14294
state if the nurse meets the requirements set forth in division 14295
(A) of this section or division (B) (2) of this section. 14296

(2) If an applicant who is practicing or has practiced in 14297
another jurisdiction other than another state applies for 14298
designation under division (B) (2) of this section, the 14299
application shall be submitted to the board in the form 14300
prescribed by rules of the board and be accompanied by the 14301
application fee required by section 4723.08 of the Revised Code. 14302
The application shall include evidence that the applicant meets 14303
the requirements of division (B) (2) of this section, holds 14304
authority to practice nursing and is in good standing in another 14305
jurisdiction other than another state granted after meeting 14306
requirements approved by the entity of that jurisdiction that 14307
regulates nurses, and other information required by rules of the 14308
board of nursing. 14309

With respect to the educational requirements and national 14310
certification requirements that an applicant under division (B) 14311
(2) of this section must meet, both of the following apply: 14312

(a) If the applicant is a certified registered nurse 14313
anesthetist, certified nurse-midwife, or certified nurse 14314
practitioner who, on or before December 31, 2000, obtained 14315
certification in the applicant's nursing specialty with a 14316
national certifying organization listed in division (A) (3) of 14317
section 4723.41 of the Revised Code as that division existed 14318
prior to March 20, 2013, or that was at that time approved by 14319
the board under section 4723.46 of the Revised Code, the 14320
applicant must have maintained the certification. The applicant 14321
is not required to have earned a master's or doctoral degree 14322

with a major in a nursing specialty or in a related field that 14323
qualifies the applicant to sit for the certification 14324
examination. 14325

(b) If the applicant is a clinical nurse specialist, one 14326
of the following must apply to the applicant: 14327

(i) On or before December 31, 2000, the applicant obtained 14328
a master's or doctoral degree with a major in a clinical area of 14329
nursing from an educational institution accredited by a national 14330
or regional accrediting organization. The applicant is not 14331
required to have passed a certification examination. 14332

(ii) On or before December 31, 2000, the applicant 14333
obtained a master's or doctoral degree in nursing or a related 14334
field and was certified as a clinical nurse specialist by the 14335
American nurses credentialing center or another national 14336
certifying organization that was at that time approved by the 14337
board under section 4723.46 of the Revised Code. 14338

(3) The board shall grant a license to practice nursing as 14339
an advanced practice registered nurse in accordance with Chapter 14340
4796. of the Revised Code to an applicant if either of the 14341
following applies: 14342

(a) The applicant holds a license in another state. 14343

(b) The applicant has satisfactory work experience, a 14344
government certification, or a private certification as 14345
described in that chapter as an advanced practice registered 14346
nurse in a state that does not issue that license. 14347

(4) The board may grant a nonrenewable temporary permit to 14348
practice nursing as an advanced practice registered nurse to an 14349
applicant for licensure ~~by endorsement~~ under division (B) (2) or 14350
(3) of this section if the board is satisfied by the evidence 14351

that the applicant holds a valid, unrestricted license in or 14352
equivalent authorization from another jurisdiction. Chapter 14353
4796. of the Revised Code does not apply to a temporary permit 14354
issued under this division. The temporary permit shall expire at 14355
the earlier of one hundred eighty days after issuance or upon 14356
the issuance of a license ~~by endorsement~~ under division (B) (2) 14357
or (3) of this section. 14358

(C) An applicant who desires to practice nursing as a 14359
certified registered nurse anesthetist, certified nurse-midwife, 14360
or certified nurse practitioner is exempt from the educational 14361
requirements in division (A) (2) of this section if all of the 14362
following are the case: 14363

(1) Before January 1, 2001, the board issued to the 14364
applicant a certificate of authority to practice as a certified 14365
registered nurse anesthetist, certified nurse-midwife, or 14366
certified nurse practitioner; 14367

(2) The applicant submits documentation satisfactory to 14368
the board that the applicant obtained certification in the 14369
applicant's nursing specialty with a national certifying 14370
organization listed in division (A) (3) of section 4723.41 of the 14371
Revised Code as that division existed prior to March 20, 2013, 14372
or that was at that time approved by the board under section 14373
4723.46 of the Revised Code; 14374

(3) The applicant submits documentation satisfactory to 14375
the board that the applicant has maintained the certification 14376
described in division (C) (2) of this section. 14377

(D) An applicant who desires to practice as a clinical 14378
nurse specialist is exempt from the examination requirement in 14379
division (A) (3) of this section if both of the following are the 14380

case: 14381

(1) Before January 1, 2001, the board issued to the 14382
applicant a certificate of authority to practice as a clinical 14383
nurse specialist; 14384

(2) The applicant submits documentation satisfactory to 14385
the board that the applicant earned either of the following: 14386

(a) A master's or doctoral degree with a major in a 14387
clinical area of nursing from an educational institution 14388
accredited by a national or regional accrediting organization; 14389

(b) A master's or doctoral degree in nursing or a related 14390
field and was certified as a clinical nurse specialist by the 14391
American nurses credentialing center or another national 14392
certifying organization that was at that time approved by the 14393
board under section 4723.46 of the Revised Code. 14394

Sec. 4723.651. (A) To be eligible to receive a medication 14395
aide certificate, an applicant shall meet all of the following 14396
conditions: 14397

(1) Be at least eighteen years of age; 14398

(2) Have a high school diploma or a certificate of high 14399
school equivalence as defined in section 5107.40 of the Revised 14400
Code; 14401

(3) If the applicant is to practice as a medication aide 14402
in a nursing home, be a nurse aide who satisfies the 14403
requirements of division (A) (1), (2), (3), (4), (5), (6), or (8) 14404
of section 3721.32 of the Revised Code; 14405

(4) If the applicant is to practice as a medication aide 14406
in a residential care facility, be a nurse aide who satisfies 14407
the requirements of division (A) (1), (2), (3), (4), (5), (6), or 14408

(8) of section 3721.32 of the Revised Code or an individual who 14409
has at least one year of direct care experience in a residential 14410
care facility; 14411

(5) If the applicant is to practice as a medication aide 14412
in an ICF/IID, be a nurse aide who satisfies the requirements of 14413
division (A) (1), (2), (3), (4), (5), (6), or (8) of section 14414
3721.32 of the Revised Code or an individual who has at least 14415
one year of direct care experience in an ICF/IID; 14416

(6) Successfully complete the course of instruction 14417
provided by a training program approved under section 4723.66 of 14418
the Revised Code; 14419

(7) Not be ineligible for licensure or certification in 14420
accordance with section 4723.092 of the Revised Code; 14421

(8) Have not committed any act that is grounds for 14422
disciplinary action under section 3123.47 or 4723.28 of the 14423
Revised Code or be determined by the board to have made 14424
restitution, been rehabilitated, or both; 14425

(9) Meet all other requirements for a medication aide 14426
certificate established in rules adopted under section 4723.69 14427
of the Revised Code. 14428

(B) ~~If~~ Except as provided in division (C) of this section, 14429
if an applicant meets the requirements specified in division (A) 14430
of this section, the board of nursing shall issue a medication 14431
aide certificate to the applicant. If a medication aide 14432
certificate is issued to an individual on the basis of having at 14433
least one year of direct care experience working in a 14434
residential care facility, as provided in division (A) (4) of 14435
this section, the certificate is valid for use only in a 14436
residential care facility. If a medication aide certificate is 14437

issued to an individual on the basis of having at least one year 14438
of direct care experience working in an ICF/IID, as provided in 14439
division (A) (5) of this section, the certificate is valid for 14440
use only in an ICF/IID. The board shall state the limitation on 14441
the certificate issued to the individual. 14442

(C) The board shall issue a medication aide certificate in 14443
accordance with Chapter 4796. of the Revised Code to an 14444
applicant if either of the following applies: 14445

(1) The applicant holds a certificate or license in 14446
another state. 14447

(2) The applicant has satisfactory work experience, a 14448
government certification, or a private certification as 14449
described in that chapter as a medication aide in a state that 14450
does not issue that certificate or license. 14451

(D) A medication aide certificate is valid for two years, 14452
unless earlier suspended or revoked. The certificate may be 14453
renewed in accordance with procedures specified by the board in 14454
rules adopted under section 4723.69 of the Revised Code. To be 14455
eligible for renewal, an applicant shall pay the renewal fee 14456
established in the rules and meet all renewal qualifications 14457
specified in the rules. 14458

Sec. 4723.75. (A) The ~~Except as provided in division (D)~~ 14459
of this section, the board of nursing shall issue a certificate 14460
to practice as a dialysis technician to an applicant if the 14461
following conditions are met: 14462

(1) The application is submitted to the board in 14463
accordance with rules adopted under section 4723.79 of the 14464
Revised Code and includes both of the following: 14465

(a) The fee established in rules adopted under section 14466

4723.79 of the Revised Code;	14467
(b) The name and address of each approved dialysis training program in which the applicant has enrolled and the dates during which the applicant was enrolled in each program.	14468 14469 14470
(2) The applicant meets the requirements established by the board's rules.	14471 14472
(3) The applicant demonstrates competency to practice as a dialysis technician, as specified in division (B) of this section.	14473 14474 14475
(4) In the case of an applicant who entered a dialysis training program on or after June 1, 2003, the results of a criminal records check conducted in accordance with section 4723.091 of the Revised Code demonstrate that the applicant is not ineligible for certification in accordance with section 4723.092 of the Revised Code.	14476 14477 14478 14479 14480 14481
(B) For an applicant to demonstrate competence to practice as a dialysis technician, one of the following must apply:	14482 14483
(1) The applicant has successfully completed a dialysis training program approved by the board under section 4723.74 of the Revised Code and meets both of the following requirements:	14484 14485 14486
(a) Has performed dialysis care for a dialysis provider for not less than six months immediately prior to the date of application;	14487 14488 14489
(b) Has passed a certification examination demonstrating competence to perform dialysis care not later than eighteen months after successfully completing a dialysis training program approved by the board under section 4723.74 of the Revised Code.	14490 14491 14492 14493
(2) The applicant does all of the following:	14494

(a) Has a testing organization approved by the board	14495
submit evidence satisfactory to the board that the applicant	14496
passed an examination, in another jurisdiction, that	14497
demonstrates the applicant's competence to provide dialysis	14498
care;	14499
(b) Submits evidence satisfactory to the board that the	14500
applicant has been employed to perform dialysis care in another	14501
jurisdiction for not less than six months immediately prior to	14502
the date of application for certification under this section;	14503
(c) Submits evidence satisfactory to the board that the	14504
applicant completed at least two hours of education directly	14505
related to this chapter and the rules adopted under it.	14506
(C) An applicant who does not pass the certification	14507
examination described in division (B) (1) (b) of this section	14508
within the time period prescribed in that division may continue	14509
to pursue certification by repeating the entire training and	14510
application process, including doing all of the following:	14511
(1) Enrolling in and successfully completing a dialysis	14512
training program approved by the board;	14513
(2) Submitting a request to the bureau of criminal	14514
identification and investigation for a criminal records check	14515
and check of federal bureau of investigation records pursuant to	14516
section 4723.091 of the Revised Code;	14517
(3) Submitting an application for a dialysis technician	14518
intern certificate in accordance with section 4723.76 of the	14519
Revised Code;	14520
(4) Demonstrating competence to perform dialysis care in	14521
accordance with division (B) of this section.	14522

(D) The board shall issue a certificate to practice as a dialysis technician in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 14523
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(1) The applicant holds a certificate or license in another state. 14526
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a dialysis technician in a state that does not issue that certificate or license. 14528
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Sec. 4723.76. (A) The ~~Except as provided in division (D) of this section, the~~ board of nursing shall issue a certificate to practice as a dialysis technician intern to an applicant who has not passed the dialysis technician certification examination required by section 4723.751 of the Revised Code, but who satisfies all of the following requirements: 14532
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(1) Applies to the board in accordance with rules adopted under section 4723.79 of the Revised Code and includes with the application both of the following: 14538
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(a) The fee established in rules adopted under section 4723.79 of the Revised Code; 14541
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(b) The name and address of all dialysis training programs approved by the board in which the applicant has been enrolled and the dates of enrollment in each program. 14543
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(2) Provides documentation from the applicant's employer attesting that the applicant is competent to perform dialysis care; 14546
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(3) Has successfully completed a dialysis training program approved by the board of nursing under section 4723.74 of the 14549
14550

Revised Code. 14551

(B) A dialysis technician intern certificate issued to an 14552
applicant who meets the requirements in division (A) of this 14553
section is valid for a period of time that is eighteen months 14554
from the date on which the applicant successfully completed a 14555
dialysis training program approved by the board under section 14556
4723.74 of the Revised Code, minus the time the applicant was 14557
enrolled in one or more dialysis training programs approved by 14558
the board. 14559

(C) A dialysis technician intern certificate issued under 14560
this section may not be renewed. 14561

(D) (1) The board shall issue a certificate to practice as 14562
a dialysis technician intern in accordance with Chapter 4796. of 14563
the Revised Code to an applicant if either of the following 14564
applies: 14565

(a) The applicant holds a certificate or license in 14566
another state. 14567

(b) The applicant has satisfactory work experience, a 14568
government certification, or a private certification as 14569
described in that chapter as a dialysis technician intern in a 14570
state that does not issue that certificate or license. 14571

(2) A certificate issued under Chapter 4796. of the 14572
Revised Code is valid for the same time period as described in 14573
division (B) of this section. 14574

Sec. 4723.85. (A) The board of nursing shall review all 14575
applications received under section 4723.83 of the Revised Code. 14576
If an applicant meets the requirements of section 4723.84 of the 14577
Revised Code, the board shall issue a community health worker 14578
certificate to the applicant. 14579

(B) Notwithstanding the requirements specified in section 4723.84 of the Revised Code, the board shall issue a community health worker certificate in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 14580
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(1) The applicant holds a certificate or license in another state. 14585
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a community health worker in a state that does not issue that certificate or license. 14587
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(C) A community health worker certificate issued under division (A) or (B) of this section expires biennially and may be renewed in accordance with the schedule and procedures established by the board in rules adopted under section 4723.88 of the Revised Code. To be eligible for renewal, an individual must complete the continuing education requirements established by the board in rules adopted under section 4723.88 of the Revised Code and meet all other requirements for renewal, as specified in the board's rules adopted under that section. If an applicant for renewal has successfully completed the continuing education requirements and meets all other requirements for renewal, the board shall issue a renewed community health worker certificate to the applicant. 14591
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Sec. 4725.13. (A) The state vision professionals board, by an affirmative vote of a majority of its members, shall issue certificates under its seal as follows: 14604
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(1) Every applicant who, prior to May 19, 1992, passed the licensing examination then in effect, and who otherwise complies 14607
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with sections 4725.01 to 4725.34 of the Revised Code shall 14609
receive from the board a certificate of licensure authorizing 14610
the holder to engage in the practice of optometry as provided in 14611
division (A) (1) of section 4725.01 of the Revised Code. 14612

(2) Every applicant who, prior to May 19, 1992, passed the 14613
general and ocular pharmacology examination then in effect, and 14614
who otherwise complies with sections 4725.01 to 4725.34 of the 14615
Revised Code, shall receive from the board a separate topical 14616
ocular pharmaceutical agents certificate authorizing the holder 14617
to administer topical ocular pharmaceutical agents as provided 14618
in division (A) (2) of section 4725.01 of the Revised Code and in 14619
accordance with sections 4725.01 to 4725.34 of the Revised Code. 14620

(3) Every applicant who holds a valid certificate of 14621
licensure issued prior to May 19, 1992, and meets the 14622
requirements of section 4725.14 of the Revised Code shall 14623
receive from the board a separate therapeutic pharmaceutical 14624
agents certificate authorizing the holder to engage in the 14625
practice of optometry as provided in division (A) (3) of section 14626
4725.01 of the Revised Code. 14627

(4) Every applicant who, on or after May 19, 1992, passes 14628
all parts of the licensing examination accepted by the board 14629
under section 4725.11 of the Revised Code and otherwise complies 14630
with the requirements of sections 4725.01 to 4725.34 of the 14631
Revised Code shall receive from the board a certificate of 14632
licensure authorizing the holder to engage in the practice of 14633
optometry as provided in division (A) (1) of section 4725.01 of 14634
the Revised Code and a separate therapeutic pharmaceutical 14635
agents certificate authorizing the holder to engage in the 14636
practice of optometry as provided in division (A) (3) of that 14637
section. 14638

(B) Each person to whom a certificate is issued pursuant 14639
to this section by the board shall keep the certificate 14640
displayed in a conspicuous place in the location at which that 14641
person practices optometry and shall whenever required exhibit 14642
the certificate to any member or agent of the board. If an 14643
optometrist practices outside of or away from the location at 14644
which the optometrist's certificate of licensure is displayed, 14645
the optometrist shall deliver to each person examined or fitted 14646
with optical accessories by the optometrist, a receipt signed by 14647
the optometrist in which the optometrist shall set forth the 14648
amounts charged, the optometrist's post-office address, and the 14649
number assigned to the optometrist's certificate of licensure. 14650
The information may be provided as part of a prescription given 14651
to the person. 14652

(C) A person who, on May 19, 1992, holds a valid 14653
certificate of licensure or topical ocular pharmaceutical agents 14654
certificate issued by the board may continue to engage in the 14655
practice of optometry as provided by the certificate of 14656
licensure or topical ocular pharmaceutical agents certificate if 14657
the person continues to comply with sections 4725.01 to 4725.34 14658
of the Revised Code as required by the certificate of licensure 14659
or topical ocular pharmaceutical agents certificate. 14660

(D) Chapter 4796. of the Revised Code does not apply to 14661
certificates issued under division (A) (2) or (3) of this 14662
section. 14663

Sec. 4725.18. (A) The state vision professionals board may 14664
issue a certificate of licensure and therapeutic pharmaceutical 14665
agents certificate by endorsement to an individual licensed as 14666
an optometrist by ~~another state or~~ a Canadian province if the 14667
board determines that the ~~other state or~~ province has standards 14668

for the practice of optometry that are at least as stringent as 14669
the standards established under sections 4725.01 to 4725.34 of 14670
the Revised Code and the individual meets the conditions 14671
specified in division (B) of this section. The certificates may 14672
be issued only by an affirmative vote of a majority of the 14673
board's members. 14674

(B) An individual seeking a certificate of licensure and 14675
therapeutic pharmaceutical agents certificate pursuant to 14676
division (A) of this section shall submit an application to the 14677
board. To receive the certificates, an applicant must meet all 14678
of the following conditions: 14679

(1) Meet the same qualifications that an individual must 14680
meet under divisions (B) (1) to (3) of section 4725.12 of the 14681
Revised Code to receive a certificate of licensure and 14682
therapeutic pharmaceutical agents certificate under that 14683
section; 14684

(2) Be licensed to practice optometry by a ~~state or~~ 14685
Canadian province that requires passage of a written, entry- 14686
level examination at the time of initial licensure; 14687

(3) Be licensed in good standing by the optometry 14688
licensing agency of the ~~other state or~~ province, evidenced by 14689
submission of a letter from the licensing agency of the ~~other~~ 14690
~~state or~~ province attesting to the applicant's good standing; 14691

(4) Provide the board with certified reports from the 14692
optometry licensing agencies of all ~~states and~~ provinces in 14693
which the applicant is licensed or has been licensed to practice 14694
optometry describing all past and pending actions taken by those 14695
agencies with respect to the applicant's authority to practice 14696
optometry in those jurisdictions, including such actions as 14697

investigations, entering into consent agreements, suspensions, 14698
revocations, and refusals to issue or renew a license; 14699

(5) Have been actively engaged in the practice of 14700
optometry, including the use of therapeutic pharmaceutical 14701
agents, for at least three years immediately preceding making 14702
application under this section; 14703

(6) Pay the nonrefundable application fees established 14704
under section 4725.34 of the Revised Code for a certificate of 14705
licensure and therapeutic pharmaceutical agents certificate; 14706

(7) Submit all transcripts, reports, or other information 14707
the board requires; 14708

(8) Participate in a two-hour instruction session provided 14709
by the board on the optometry statutes and rules of this state 14710
or pass an Ohio optometry jurisprudence test administered by the 14711
board; 14712

(9) Pass all or part of the licensing examination accepted 14713
by the board under section 4725.11 of the Revised Code, if the 14714
board determines that testing is necessary to determine whether 14715
the applicant's qualifications are sufficient for issuance of a 14716
certificate of licensure and therapeutic pharmaceutical agents 14717
certificate under this section; 14718

(10) Not have been previously denied issuance of a 14719
certificate by the board. 14720

(C) The board shall issue a certificate of licensure and 14721
therapeutic pharmaceutical agents certificate in accordance with 14722
Chapter 4796. of the Revised Code to an applicant if either of 14723
the following applies: 14724

(1) The applicant holds a certificate or license in 14725

another state. 14726

(2) The applicant has satisfactory work experience, a 14727
government certification, or a private certification as 14728
described in that chapter in the practice of optometry using 14729
therapeutic pharmaceutical agents in a state that does not issue 14730
that license or certificate. 14731

Sec. 4725.26. Division (A) of section 4725.02 of the 14732
Revised Code does not apply to the following: 14733

(A) Physicians authorized to practice medicine and surgery 14734
or osteopathic medicine and surgery under Chapter 4731. of the 14735
Revised Code; 14736

(B) Persons who sell optical accessories but do not assume 14737
to adapt them to the eye, and neither practice nor profess to 14738
practice optometry; 14739

(C) ~~An~~ A nonresident instructor in a school of optometry 14740
that is located in this state and approved by the state vision 14741
professionals board under section 4725.10 of the Revised Code 14742
who holds a valid current license to practice optometry from a 14743
licensing body in another jurisdiction and limits the practice 14744
of optometry to the instruction of students enrolled in the 14745
school. The state vision professionals board shall not require a 14746
nonresident instructor who holds a license in another state to 14747
obtain a license in accordance with Chapter 4796. of the Revised 14748
Code to practice optometry in the manner described under this 14749
division. 14750

(D) A student enrolled in a school of optometry, located 14751
in this or another state and approved by the board under section 14752
4725.10 of the Revised Code, while the student is participating 14753
in this state in an optometry training program provided or 14754

sponsored by the school, if the student acts under the direct, 14755
personal supervision and control of an optometrist licensed by 14756
the board or authorized to practice pursuant to division (C) of 14757
this section. 14758

(E) An individual who is licensed or otherwise 14759
specifically authorized by the Revised Code to engage in an 14760
activity that is included in the practice of optometry. 14761

(F) An individual who is not licensed or otherwise 14762
specifically authorized by the Revised Code to engage in an 14763
activity that is included in the practice of optometry, but is 14764
acting pursuant to the rules for delegation of optometric tasks 14765
adopted under section 4725.09 of the Revised Code. 14766

(G) ~~An~~ A nonresident individual who holds in good standing 14767
a valid license to practice optometry from a licensing body in 14768
another jurisdiction and is practicing as a volunteer without 14769
remuneration during a charitable event that lasts not more than 14770
seven days. 14771

When an individual meets the conditions of this division, 14772
the individual shall be deemed to hold, during the course of the 14773
charitable event, a license to practice optometry from the state 14774
vision professionals board and shall be subject to the 14775
provisions of this chapter authorizing the board to take 14776
disciplinary action against a license holder. Not less than 14777
seven calendar days before the first day of the charitable 14778
event, the individual or the event's organizer shall notify the 14779
board of the individual's intent to engage in the practice of 14780
optometry at the event. During the course of the charitable 14781
event, the individual's scope of practice is limited to the 14782
procedures that an optometrist licensed under this chapter is 14783
authorized to perform unless the individual's scope of practice 14784

in the other jurisdiction is more restrictive than in this 14785
state. If the latter is the case, the individual's scope of 14786
practice is limited to the procedures that an optometrist in the 14787
other jurisdiction may perform. 14788

The board shall not require a nonresident individual who 14789
holds a license in another state to obtain a license in 14790
accordance with Chapter 4796. of the Revised Code to practice 14791
optometry as a volunteer in the manner described under this 14792
division. 14793

Sec. 4725.48. (A) Any person who desires to engage in 14794
optical dispensing shall file a properly completed application 14795
for an examination with the state vision professionals board or 14796
with the testing service the board has contracted with pursuant 14797
to section 4725.49 of the Revised Code. The application for 14798
examination shall be made using a form provided by the board and 14799
shall be accompanied by an examination fee the board shall 14800
establish by rule. 14801

(B) Any person who desires to engage in optical dispensing 14802
shall file a properly completed application for a license with 14803
the board with a licensure application fee of fifty dollars. 14804

No person shall be eligible to apply for a license under 14805
this division, unless the person is at least eighteen years of 14806
age, is free of contagious or infectious disease, has received a 14807
passing score, as determined by the board, on the examination 14808
administered under division (A) of this section, is a graduate 14809
of an accredited high school of any state, or has received an 14810
equivalent education and has successfully completed either of 14811
the following: 14812

(1) Two years of supervised experience under a licensed 14813

dispensing optician, optometrist, or physician engaged in the 14814
practice of ophthalmology, up to one year of which may be 14815
continuous experience of not less than thirty hours a week in an 14816
optical laboratory; 14817

(2) A two-year college level program in optical dispensing 14818
that has been approved by the board and that includes, but is 14819
not limited to, courses of study in mathematics, science, 14820
English, anatomy and physiology of the eye, applied optics, 14821
ophthalmic optics, measurement and inspection of lenses, lens 14822
grinding and edging, ophthalmic lens design, keratometry, and 14823
the fitting and adjusting of spectacle lenses and frames and 14824
contact lenses, including methods of fitting contact lenses and 14825
post-fitting care. 14826

(C) (1) Any person who desires to obtain a license to 14827
practice as an ocularist shall file a properly completed 14828
application with the board accompanied by the appropriate fee 14829
and proof that the applicant has met the requirements for 14830
licensure. The board shall establish, by rule, the application 14831
fee and the minimum requirements for licensure, including 14832
education, examination, or experience standards recognized by 14833
the board as national standards for ocularists. The board shall 14834
issue a license to practice as an ocularist to an applicant who 14835
satisfies the requirements of this division and rules adopted 14836
pursuant to this division. 14837

(2) The board shall issue a license to practice as an 14838
ocularist in accordance with Chapter 4796. of the Revised Code 14839
to an applicant if either of the following applies: 14840

(a) The applicant holds a license in another state. 14841

(b) The applicant has satisfactory work experience, a 14842

government certification, or a private certification as 14843
described in that chapter as an ocularist in a state that does 14844
not issue that license. 14845

(D) (1) Subject to divisions (D) (3) and (4) of this 14846
section, the board shall not adopt, maintain, renew, or enforce 14847
any rule that precludes an individual from renewing a license as 14848
a dispensing optician issued under sections 4725.40 to 4725.59 14849
of the Revised Code due to any past criminal activity or 14850
interpretation of moral character, unless the individual has 14851
committed a crime of moral turpitude or a disqualifying offense 14852
as those terms are defined in section 4776.10 of the Revised 14853
Code. 14854

If the board denies an individual a license or license 14855
renewal, the reasons for such denial shall be put in writing. 14856

(2) The board may refuse to issue a license to an 14857
applicant because of a conviction of or plea of guilty to an 14858
offense if the refusal is in accordance with section 9.79 of the 14859
Revised Code. 14860

(3) In considering a renewal of an individual's license, 14861
the board shall not consider any conviction or plea of guilty 14862
prior to the initial licensing. However, the board may consider 14863
a conviction or plea of guilty if it occurred after the 14864
individual was initially licensed, or after the most recent 14865
license renewal. 14866

(4) The board may grant an individual a conditional 14867
license that lasts for one year. After the one-year period has 14868
expired, the license is no longer considered conditional, and 14869
the individual shall be considered fully licensed. 14870

(E) The board, subject to the approval of the controlling 14871

board, may establish examination fees in excess of the amount 14872
established by rule pursuant to this section, provided that such 14873
fees do not exceed those amounts established in rule by more 14874
than fifty per cent. 14875

Sec. 4725.52. Any licensed dispensing optician may 14876
supervise a maximum of three apprentices who shall be permitted 14877
to engage in optical dispensing only under the supervision of 14878
the licensed dispensing optician. 14879

To serve as an apprentice, a person shall register with 14880
the state vision professionals board on a form provided by the 14881
board and in the form of a statement giving the name and address 14882
of the supervising licensed dispensing optician, the location at 14883
which the apprentice will be employed, and any other information 14884
required by the board. For the duration of the apprenticeship, 14885
the apprentice shall register annually on the form provided by 14886
the board and in the form of a statement. 14887

Each apprentice shall pay an initial registration fee of 14888
twenty dollars. For each registration renewal thereafter, each 14889
apprentice shall pay a registration renewal fee of twenty 14890
dollars. 14891

The board shall grant registration as an apprentice under 14892
this section in accordance with Chapter 4796. of the Revised 14893
Code to an applicant if the applicant holds a registration or 14894
license in another state or has satisfactory work experience, a 14895
government certification, or a private certification as 14896
described in that chapter as an apprentice permitted to engage 14897
in supervised optical dispensing in a state that does not grant 14898
that registration or license. 14899

The board shall not deny registration as an apprentice 14900

under this section to any individual based on the individual's 14901
past criminal history or an interpretation of moral character 14902
unless the denial is for a disqualifying offense in accordance 14903
with section 9.79 of the Revised Code. In considering a renewal 14904
of an individual's registration, the board shall not consider 14905
any conviction or plea of guilty prior to the initial 14906
registration. However, the board may consider a conviction or 14907
plea of guilty if it occurred after the individual was initially 14908
registered, or after the most recent registration renewal. If 14909
the board denies an individual for a registration or 14910
registration renewal, the reasons for such denial shall be put 14911
in writing. Additionally, the board may grant an individual a 14912
conditional registration that lasts for one year. After the one- 14913
year period has expired, the registration is no longer 14914
considered conditional, and the individual shall be considered 14915
fully registered. 14916

A person who is gaining experience under the supervision 14917
of a licensed optometrist or ophthalmologist that would qualify 14918
the person under division (B)(1) of section 4725.48 of the 14919
Revised Code to take the examination for optical dispensing is 14920
not required to register with the board. 14921

Sec. 4725.57. ~~An applicant for licensure as a licensed~~ 14922
~~dispensing optician who is licensed or registered in another~~ 14923
~~state shall be accorded the full privileges of practice within~~ 14924
~~this state, upon the payment of a fifty-dollar fee and the~~ 14925
~~submission of a certified copy of the license or certificate~~ 14926
~~issued by such other state, without the necessity of~~ 14927
~~examination, if the~~The state vision professionals board 14928
~~determines that the~~shall issue a license to engage in optical 14929
dispensing in accordance with Chapter 4796. of the Revised Code 14930
to an applicant meets the remaining requirements of division (B) 14931

~~of section 4725.48 of the Revised Code. The board may require~~ 14932
~~that the applicant have received a passing score, as determined~~ 14933
~~by the board, on an examination that is substantially the same~~ 14934
~~as the examination described in division (A) of section 4725.48~~ 14935
~~of the Revised Code~~if either of the following applies: 14936

(A) The applicant holds a license or registration in 14937
another state. 14938

(B) The applicant has satisfactory work experience, a 14939
government certification, or a private certification as 14940
described in that chapter as a dispensing optician in a state 14941
that does not issue that license or registration. 14942

Sec. 4725.591. Section 4725.41 of the Revised Code does 14943
not apply to a nonresident person who holds in good standing a 14944
valid license from another state to engage in optical dispensing 14945
and is engaging in optical dispensing as a volunteer without 14946
remuneration during a charitable event that lasts not more than 14947
seven days. 14948

When a person meets the conditions of this section, the 14949
person shall be deemed to hold, during the course of the 14950
charitable event, a license to engage in optical dispensing from 14951
the state vision professionals board and shall be subject to the 14952
provisions of this chapter authorizing the board to take 14953
disciplinary action against a license holder. Not less than 14954
seven calendar days before the first day of the charitable 14955
event, the person or the event's organizer shall notify the 14956
board of the person's intent to engage in optical dispensing at 14957
the event. During the course of the charitable event, the 14958
person's scope of practice is limited to the procedures that a 14959
dispensing optician licensed under this chapter is authorized to 14960
perform unless the person's scope of practice in the other state 14961

is more restrictive than in this state. If the latter is the 14962
case, the person's scope of practice is limited to the 14963
procedures that a dispensing optician in the other state may 14964
perform. 14965

The state vision professionals board shall not require a 14966
nonresident person who holds a license in another state to 14967
obtain a license in accordance with Chapter 4796. of the Revised 14968
Code to practice optometry as a volunteer in the manner 14969
described under this section. 14970

Sec. 4727.03. (A) As used in this section, "experience in 14971
the capacity involved" means that the applicant for a 14972
pawnbroker's license demonstrates sufficient financial 14973
responsibility and experience in the pawnbroker business, or in 14974
a related business, to act as a pawnbroker in compliance with 14975
this chapter. "Experience in the capacity involved" shall be 14976
determined by: 14977

(1) Prior or current ownership or management of, or 14978
employment in, a pawnshop; 14979

(2) Demonstration to the satisfaction of the 14980
superintendent of financial institutions of a thorough working 14981
knowledge of all pawnbroker laws and rules as they relate to the 14982
actual operation of a pawnshop. 14983

A demonstration shall include a demonstration of an 14984
ability to properly complete forms, knowledge of how to properly 14985
calculate interest and storage charges, and knowledge of legal 14986
notice and forfeiture procedures. The final determination of 14987
whether an applicant's demonstration is adequate rests with the 14988
superintendent. 14989

(3) A submission by the applicant and any stockholders, 14990

owners, managers, directors, or officers of the pawnshop, and 14991
employees of the applicant to a police record check; and 14992

(4) Liquid assets in a minimum amount of one hundred 14993
twenty-five thousand dollars at the time of applying for initial 14994
licensure and demonstration of the ability to maintain the 14995
liquid assets at a minimum amount of seventy-five thousand 14996
dollars for the duration of holding a valid pawnbroker's 14997
license. If an applicant holds a pawnbroker's license at the 14998
time of application or is applying for more than one license, 14999
this requirement shall be met separately for each license. 15000

~~(B) The~~ (1) Except as provided in division (B) (2) of this 15001
section, the superintendent may grant a license to act as a 15002
pawnbroker to any person having experience in the capacity 15003
involved to engage in the business of pawnbroking upon the 15004
payment to the superintendent of a license fee determined by the 15005
superintendent pursuant to section 1321.20 of the Revised Code. 15006
A license is not transferable or assignable. 15007

(2) The superintendent shall grant a license to act as a 15008
pawnbroker in accordance with Chapter 4796. of the Revised Code 15009
to a person if either of the following applies: 15010

(a) The person holds a license in another state. 15011

(b) The person has satisfactory work experience, a 15012
government certification, or a private certification as 15013
described in that chapter as a pawnbroker in a state that does 15014
not issue that license. 15015

(C) The superintendent may consider an application 15016
withdrawn and may retain the investigation fee required under 15017
division (D) of this section if both of the following are true: 15018

(1) An application for a license does not contain all of 15019

the information required under division (B) of this section. 15020

(2) The information is not submitted to the superintendent 15021
within ninety days after the superintendent requests the 15022
information from the applicant in writing. 15023

(D) The superintendent shall require an applicant for a 15024
pawnbroker's license to pay to the superintendent a 15025
nonrefundable initial investigation fee of two hundred dollars, 15026
which is for the exclusive use of the state. 15027

(E) (1) Except as otherwise provided in division (E) (2) of 15028
this section, a pawnbroker's license issued by the 15029
superintendent expires on the thirtieth day of June next 15030
following the date of its issuance, or on a different date set 15031
by the superintendent pursuant to section 1181.23 of the Revised 15032
Code, and may be renewed annually in accordance with the 15033
standard renewal procedure set forth in Chapter 4745. of the 15034
Revised Code. Fifty per cent of the annual license fee shall be 15035
for the use of the state, and fifty per cent shall be paid by 15036
the state to the municipal corporation, or if outside the limits 15037
of any municipal corporation, to the county, in which the office 15038
of the licensee is located. All such fees payable to municipal 15039
corporations or counties shall be paid annually. 15040

(2) A pawnbroker's license issued or renewed by the 15041
superintendent on or after January 1, 2006, expires on the 15042
thirtieth day of June in the even-numbered year next following 15043
the date of its issuance or renewal, as applicable, and may be 15044
renewed biennially by the thirtieth day of June in accordance 15045
with the standard renewal procedure set forth in Chapter 4745. 15046
of the Revised Code. Fifty per cent of the biennial license fee 15047
shall be for the use of the state, and fifty per cent shall be 15048
paid by the state to the municipal corporation, or if outside 15049

the limits of any municipal corporation, to the county, in which 15050
the office of the licensee is located. All such fees payable to 15051
municipal corporations or counties shall be paid biennially. If 15052
deemed necessary for participation, the superintendent may reset 15053
the renewal date and require annual registration pursuant to 15054
section 1181.23 of the Revised Code. 15055

(F) The fee for renewal of a license shall be equivalent 15056
to the fee for an initial license established by the 15057
superintendent pursuant to section 1321.20 of the Revised Code. 15058
Any licensee who wishes to renew the pawnbroker's license but 15059
who fails to do so on or before the date the license expires 15060
shall reapply for licensure in the same manner and pursuant to 15061
the same requirements as for initial licensure, unless the 15062
licensee pays to the superintendent on or before the thirty- 15063
first day of August of the year the license expires, a late 15064
renewal penalty of one hundred dollars in addition to the 15065
regular renewal fee. Any licensee who fails to renew the license 15066
on or before the date the license expires is prohibited from 15067
acting as a pawnbroker until the license is renewed or a new 15068
license is issued under this section. Any licensee who renews a 15069
license between the first day of July and the thirty-first day 15070
of August of the year the license expires is not relieved from 15071
complying with this division. The superintendent may refuse to 15072
issue to or renew the license of any licensee who violates this 15073
division. 15074

(G) No license shall be granted to any person not a 15075
resident of or the principal office of which is not located in 15076
the municipal corporation or county designated in such license 15077
unless that applicant, in writing and in due form approved by 15078
and filed with the superintendent, first appoints an agent, a 15079
resident of the state, and city or county where the office is to 15080

be located, upon whom all judicial and other process, or legal notice, directed to the applicant may be served. In case of the death, removal from the state, or any legal disability or any disqualification of any such agent, service of such process or notice may be made upon the superintendent.

The superintendent may, upon notice to the licensee and reasonable opportunity to be heard, suspend or revoke any license or assess a penalty against the licensee if the licensee, or the licensee's officers, agents, or employees, has violated this chapter. Any penalty shall be appropriate to the violation but in no case shall the penalty be less than two hundred nor more than two thousand dollars. Whenever, for any cause, a license is suspended or revoked, the superintendent shall not issue another license to the licensee nor to the legal spouse of the licensee, nor to any business entity of which the licensee is an officer or member or partner, nor to any person employed by the licensee, until the expiration of at least two years from the date of revocation or suspension of the license. The superintendent shall deposit all penalties allocated pursuant to this section into the state treasury to the credit of the consumer finance fund.

Any proceedings for the revocation or suspension of a license or to assess a penalty against a licensee are subject to Chapter 119. of the Revised Code.

(H) If a licensee surrenders or chooses not to renew the pawnbroker's license, the licensee shall notify the superintendent thirty days prior to the date on which the licensee intends to close the licensee's business as a pawnbroker. Prior to the date, the licensee shall do either of the following with respect to all active loans:

(1) Dispose of an active loan by selling the loan to 15111
another person holding a valid pawnbroker's license issued under 15112
this section; 15113

(2) Reduce the rate of interest on pledged articles held 15114
as security for a loan to eight per cent per annum or less 15115
effective on the date that the pawnbroker's license is no longer 15116
valid. 15117

Sec. 4728.03. (A) As used in this section, "experience in 15118
the capacity involved" means that the applicant for a precious 15119
metals dealer's license has had sufficient financial 15120
responsibility and experience in the business of precious metals 15121
dealer, or a related business, to act as a precious metals 15122
dealer in compliance with this chapter. 15123

(B) (1) ~~The~~ Except as provided in division (B) (3) of this 15124
section, the division of financial institutions in the 15125
department of commerce may grant a precious metals dealer's 15126
license to any person having experience in the capacity 15127
involved, who demonstrates a net worth of at least ten thousand 15128
dollars and the ability to maintain that net worth during the 15129
licensure period. The superintendent of financial institutions 15130
shall compute the applicant's net worth according to generally 15131
accepted accounting principles. 15132

(2) In place of the demonstration of net worth required by 15133
division (B) (1) of this section, an applicant may obtain a 15134
surety bond issued by a surety company authorized to do business 15135
in this state if all of the following conditions are met: 15136

(a) A copy of the surety bond is filed with the division; 15137

(b) The bond is in favor of any person, and of the state 15138
for the benefit of any person, injured by any violation of this 15139

chapter; 15140

(c) The bond is in the amount of not less than ten 15141
thousand dollars. 15142

(3) The division shall grant a precious metals dealer's 15143
license in accordance with Chapter 4796. of the Revised Code to 15144
an applicant if either of the following applies: 15145

(a) The applicant holds a license in another state. 15146

(b) The applicant has satisfactory work experience, a 15147
government certification, or a private certification as 15148
described in that chapter as a precious metals dealer in a state 15149
that does not issue that license. 15150

(4) Before granting a license under this division, the 15151
division shall determine that the applicant meets the 15152
requirements of division (B) (1) ~~or~~, (2), or (3) of this 15153
section. 15154

(C) ~~The~~ Except for a license issued under division (B) (3) 15155
of this section, the division shall require an applicant for a 15156
precious metals dealer's license to pay to the division a 15157
nonrefundable, initial investigation fee of two hundred dollars 15158
which shall be for the exclusive use of the state. The license 15159
fee for a precious metals dealer's license and the renewal fee 15160
shall be determined by the superintendent, provided that the fee 15161
may not exceed three hundred dollars. A license issued by the 15162
division shall expire on the last day of June next following the 15163
date of its issuance or annually on a different date set by the 15164
superintendent pursuant to section 1181.23 of the Revised Code. 15165
Fifty per cent of license fees shall be for the use of the 15166
state, and fifty per cent shall be paid to the municipal 15167
corporation, or if outside the limits of any municipal 15168

corporation, to the county in which the office of the licensee 15169
is located. All portions of license fees payable to municipal 15170
corporations or counties shall be paid as they accrue, by the 15171
treasurer of state, on vouchers issued by the director of budget 15172
and management. 15173

(D) Every such license shall be renewed annually by the 15174
last day of June, or annually on a different date set by the 15175
superintendent pursuant to section 1181.23 of the Revised Code, 15176
according to the standard renewal procedure of Chapter 4745. of 15177
the Revised Code. No license shall be granted to any person not 15178
a resident of or the principal office of which is not located in 15179
the municipal corporation or county designated in such license, 15180
unless, and until such applicant shall, in writing and in due 15181
form, to be first approved by and filed with the division, 15182
appoint an agent, a resident of the state, and city or county 15183
where the office is to be located, upon whom all judicial and 15184
other process, or legal notice, directed to the applicant may be 15185
served; and in case of the death, removal from the state, or any 15186
legal disability or any disqualification of any agent, service 15187
of process or notice may be made upon the superintendent. 15188

(E) The division may, pursuant to Chapter 119. of the 15189
Revised Code, upon notice to the licensee and after giving the 15190
licensee reasonable opportunity to be heard, revoke or suspend 15191
any license, if the licensee or the licensee's officers, agents, 15192
or employees violate this chapter. Whenever, for any cause, the 15193
license is revoked or suspended, the division shall not issue 15194
another license to the licensee nor to the husband or wife of 15195
the licensee, nor to any copartnership or corporation of which 15196
the licensee is an officer, nor to any person employed by the 15197
licensee, until the expiration of at least one year from the 15198
date of revocation of the license. 15199

(F) In conducting an investigation to determine whether an applicant satisfies the requirements for licensure under this section, the superintendent may request that the superintendent of the bureau of criminal identification and investigation investigate and determine whether the bureau has procured any information pursuant to section 109.57 of the Revised Code pertaining to the applicant.

If the superintendent of financial institutions determines that conducting an investigation to determine whether an applicant satisfies the requirements for licensure under this section will require procuring information outside the state, then, in addition to the fee established under division (C) of this section, the superintendent may require the applicant to pay any of the actual expenses incurred by the division to conduct such an investigation, provided that the superintendent shall assess the applicant a total no greater than one thousand dollars for such expenses. The superintendent may require the applicant to pay in advance of the investigation, sufficient funds to cover the estimated cost of the actual expenses. If the superintendent requires the applicant to pay investigation expenses, the superintendent shall provide to the applicant an itemized statement of the actual expenses incurred by the division to conduct the investigation.

(G) (1) Except as otherwise provided in division (G) (2) of this section a precious metals dealer licensed under this section shall maintain a net worth of at least ten thousand dollars, computed as required under division (B) (1) of this section, for as long as the licensee holds a valid precious metals dealer's license issued pursuant to this section.

(2) A licensee who obtains a surety bond under division

(B) (2) of this section is exempt from the requirement of 15230
division (G) (1) of this section, but shall maintain the bond for 15231
at least two years after the date on which the licensee ceases 15232
to conduct business in this state. 15233

Sec. 4729.09. The state board of pharmacy ~~may~~ shall issue 15234
a license an individual as a pharmacist without examination if 15235
the individual: 15236

~~(A) Holds a license in good standing to practice pharmacy~~ 15237
~~under the laws of~~ in accordance with Chapter 4796. of the 15238
Revised Code to an applicant if either of the following applies: 15239

(A) The applicant holds a license in another state, ~~has~~ 15240
~~successfully completed an examination for licensure in the other~~ 15241
~~state, and in the opinion of the board, the examination was at~~ 15242
~~least as thorough as that required by the board at the time the~~ 15243
~~individual took the examination;.~~ 15244

~~(B) Has filed with the licensing body of the other state~~ 15245
~~at least the credentials or the equivalent that were required by~~ 15246
~~this state at the time the other state licensed the individual~~ 15247
~~as a pharmacist.~~ 15248

~~The board shall not issue a license to practice pharmacy~~ 15249
~~to an individual licensed in another state if the state in which~~ 15250
~~the individual is licensed does not reciprocate by granting~~ 15251
~~licenses to practice pharmacy to individuals holding valid~~ 15252
~~licenses received through examination by the state board of~~ 15253
~~pharmacy~~ The applicant has satisfactory work experience, a 15254
government certification, or a private certification as 15255
described in that chapter as a pharmacist in a state that does 15256
not issue that license. 15257

Sec. 4729.11. The state board of pharmacy shall establish 15258

a pharmacy internship program for the purpose of providing the 15259
practical experience necessary to practice as a pharmacist. Any 15260
individual who desires to become a pharmacy intern shall apply 15261
for licensure to the board. An application filed under this 15262
section may not be withdrawn without the approval of the board. 15263

Each applicant shall be issued a license as a pharmacy 15264
intern if the board determines that the applicant is actively 15265
pursuing an educational program in preparation for licensure as 15266
a pharmacist and meets the other requirements as determined by 15267
the board. The board shall issue a pharmacy intern license in 15268
accordance with Chapter 4796. of the Revised Code to an 15269
applicant who holds a license in another state or has 15270
satisfactory work experience, a government certification, or a 15271
private certification as described in that chapter as a pharmacy 15272
intern in a state that does not issue that license. A license 15273
shall be valid until the next renewal date and shall be renewed 15274
only if the intern is meeting the requirements and rules of the 15275
board. 15276

Sec. 4729.15. (A) Except as provided in division (B) of 15277
this section, the state board of pharmacy shall charge the 15278
following fees: 15279

(1) For applying for a license to practice as a 15280
pharmacist, an amount adequate to cover all expenses of the 15281
board related to examination except the expenses of procuring 15282
and grading the examination, which fee shall not be returned if 15283
the applicant fails to pass the examination; 15284

(2) For the examination of an applicant for licensure as a 15285
pharmacist, an amount adequate to cover any expenses to the 15286
board of procuring and grading the examination or any part 15287
thereof, which fee shall not be returned if the applicant fails 15288

to pass the examination;	15289
(3) For issuing a license to an individual who passes the examination described in section 4729.07 of the Revised Code, an amount that is adequate to cover the expense;	15290 15291 15292
(4) For a pharmacist applying for renewal of a license before the expiration date, two hundred fifty dollars, which fee shall not be returned if the applicant fails to qualify for renewal;	15293 15294 15295 15296
(5) For a pharmacist applying for renewal of a license that has been expired for less than three years, the renewal fee identified in division (A) (4) of this section plus a penalty of thirty-seven dollars and fifty cents, which fee shall not be returned if the applicant fails to qualify for renewal;	15297 15298 15299 15300 15301
(6) For a pharmacist applying for renewal of a license that has been expired for more than three years, three hundred thirty-seven dollars and fifty cents, which fee shall not be returned if the applicant fails to qualify for renewal;	15302 15303 15304 15305
(7) For a pharmacist applying for a license on presentation of a pharmacist license granted by another state, three hundred thirty-seven dollars and fifty cents <u>the fee specified in Chapter 4796. of the Revised Code</u> , which fee shall not be returned if the applicant fails to qualify for licensure.	15306 15307 15308 15309 15310
(8) For a license to practice as a pharmacy intern, forty-five dollars, which fee shall not be returned if the applicant fails to qualify for licensure;	15311 15312 15313
(9) For the renewal of a pharmacy intern license, forty-five dollars, which fee shall not be returned if the applicant fails to qualify for renewal;	15314 15315 15316

(10) For certifying licensure and grades for reciprocal licensure, thirty-five dollars;	15317 15318
(11) For making copies of any application, affidavit, or other document filed in the state board of pharmacy office, an amount fixed by the board that is adequate to cover the expense, except that for copies required by federal or state agencies or law enforcement officers for official purposes, no charge need be made;	15319 15320 15321 15322 15323 15324
(12) For certifying and affixing the seal of the board, an amount fixed by the board that is adequate to cover the expense, except that for certifying and affixing the seal of the board to a document required by federal or state agencies or law enforcement officers for official purposes, no charge need be made;	15325 15326 15327 15328 15329 15330
(13) For each copy of a book or pamphlet that includes laws administered by the state board of pharmacy, rules adopted by the board, and chapters of the Revised Code with which the board is required to comply, an amount fixed by the board that is adequate to cover the expense of publishing and furnishing the book or pamphlet.	15331 15332 15333 15334 15335 15336
(B) (1) Subject to division (B) (2) of this section, the fees described in divisions (A) (1) to (10) of this section do not apply to an individual who is on active duty in the armed forces of the United States, as defined in section 5903.01 of the Revised Code, to the spouse of an individual who is on active duty in the armed forces of the United States, or to an individual who served in the armed forces of the United States and presents documentation that the individual has been discharged under honorable conditions from the armed forces or has been transferred to the reserve with evidence of	15337 15338 15339 15340 15341 15342 15343 15344 15345 15346

satisfactory service. 15347

(2) The state board of pharmacy may establish limits with 15348
respect to the individuals for whom fees are not applicable 15349
under division (B)(1) of this section. 15350

Sec. 4729.901. (A) An applicant for registration under 15351
section 4729.90 of the Revised Code shall file with the state 15352
board of pharmacy an application in the form and manner 15353
prescribed in rules adopted under section 4729.94 of the Revised 15354
Code. The application shall be accompanied by an application fee 15355
of fifty dollars, which shall not be returned if the applicant 15356
fails to qualify for registration. 15357

(B) If the board is satisfied that the applicant meets the 15358
requirements of section 4729.90 of the Revised Code and any 15359
additional requirements established by the board and determines 15360
that the results of a criminal records check do not make the 15361
applicant ineligible, the board shall register the applicant as 15362
a registered pharmacy technician or certified pharmacy 15363
technician, as applicable. 15364

(C) The board shall register as a registered pharmacy 15365
technician or certified pharmacy technician, as applicable, in 15366
accordance with Chapter 4796. of the Revised Code an applicant 15367
if either of the following applies: 15368

(1) The applicant holds a license or is registered in 15369
another state. 15370

(2) The applicant has satisfactory work experience, a 15371
government certification, or a private certification as 15372
described in that chapter as a pharmacy technician in a state 15373
that does not issue that license or registration. 15374

(D) Registration under division (B) or (C) of this section 15375

is valid for the period specified by the board in rules adopted 15376
under section 4729.94 of the Revised Code. The period shall not 15377
exceed twenty-four months unless the board extends the period in 15378
the rules to adjust license renewal schedules. 15379

Sec. 4729.921. An applicant for registration as a pharmacy 15380
technician trainee shall file with the state board of pharmacy 15381
an application in the form and manner prescribed in rules 15382
adopted under section 4729.94 of the Revised Code. The 15383
application shall be accompanied by an application fee of 15384
twenty-five dollars, which shall not be returned if the 15385
applicant fails to qualify for registration. 15386

If the board is satisfied that an applicant meets the 15387
requirements of section 4729.92 of the Revised Code and any 15388
additional requirements established by the board and determines 15389
that the results of a criminal records check do not make the 15390
applicant ineligible, the board shall register the applicant as 15391
a pharmacy technician trainee. 15392

The board shall register as a pharmacy technician trainee 15393
in accordance with Chapter 4796. of the Revised Code an 15394
applicant who either holds a license or is registered in another 15395
state or has satisfactory work experience, a government 15396
certification, or a private certification as described in that 15397
chapter as a pharmacy technician trainee in a state that does 15398
not issue that license or registration. 15399

Registration is valid for one year from the date of 15400
registration. Registration is not renewable, but an individual 15401
may reapply for registration if the individual's previous 15402
registration has lapsed for more than five years or the board 15403
grants its approval. 15404

Sec. 4730.10. (A) ~~An~~ Except as provided in division (C) of 15405
this section, an individual seeking a license to practice as a 15406
physician assistant shall file with the state medical board a 15407
written application on a form prescribed and supplied by the 15408
board. The application shall include all of the following: 15409

(1) The applicant's name, residential address, business 15410
address, if any, and social security number; 15411

(2) Satisfactory proof that the applicant meets the age 15412
requirement specified in division (A) (1) of section 4730.11 of 15413
the Revised Code; 15414

(3) Satisfactory proof that the applicant meets either the 15415
educational requirements specified in division (B) (1) or (2) of 15416
section 4730.11 of the Revised Code or the educational or other 15417
applicable requirements specified in division (C) (1), (2), or 15418
(3) of that section; 15419

(4) Any other information the board requires. 15420

(B) At the time of making application for a license to 15421
practice, the applicant shall pay the board a fee of four 15422
hundred dollars, no part of which shall be returned. The fees 15423
shall be deposited in accordance with section 4731.24 of the 15424
Revised Code. 15425

(C) The board shall issue a license to practice as a 15426
physician assistant in accordance with Chapter 4796. of the 15427
Revised Code to an applicant if either of the following applies: 15428

(1) The applicant holds a license in another state. 15429

(2) The applicant has satisfactory work experience, a 15430
government certification, or a private certification as 15431
described in that chapter as a physician assistant in a state 15432

that does not issue that license. 15433

Sec. 4731.151. (A) Naprapaths who received a certificate 15434
to practice from the state medical board prior to March 2, 1992, 15435
may continue to practice naprapathy, as defined in rules adopted 15436
by the board. Such naprapaths shall practice in accordance with 15437
rules adopted by the board. 15438

(B) (1) As used in this division: 15439

(a) "Mechanotherapy" means all of the following: 15440

(i) Examining patients by verbal inquiry; 15441

(ii) Examination of the musculoskeletal system by hand; 15442

(iii) Visual inspection and observation; 15443

(iv) Diagnosing a patient's condition only as to whether 15444
the patient has a disorder of the musculoskeletal system; 15445

(v) In the treatment of patients, employing the techniques 15446
of advised or supervised exercise; electrical neuromuscular 15447
stimulation; massage or manipulation; or air, water, heat, cold, 15448
sound, or infrared ray therapy only to those disorders of the 15449
musculoskeletal system that are amenable to treatment by such 15450
techniques and that are identifiable by examination performed in 15451
accordance with division (B) (1) (a) (i) of this section and 15452
diagnosable in accordance with division (B) (1) (a) (ii) of this 15453
section. 15454

(b) "Educational requirements" means the completion of a 15455
course of study appropriate for certification to practice 15456
mechanotherapy on or before November 3, 1985, as determined by 15457
rules adopted under this chapter. 15458

(2) Mechanotherapists who received a certificate to 15459

practice from the board prior to March 2, 1992, may continue to 15460
practice mechanotherapy, as defined in rules adopted by the 15461
board. Such mechanotherapists shall practice in accordance with 15462
rules adopted by the board. 15463

A person authorized by this division to practice as a 15464
mechanotherapist may examine, diagnose, and assume 15465
responsibility for the care of patients with due regard for 15466
first aid and the hygienic and nutritional care of the patients. 15467
Roentgen rays shall be used by a mechanotherapist only for 15468
diagnostic purposes. 15469

(3) A person who holds a certificate to practice 15470
mechanotherapy and completed educational requirements in 15471
mechanotherapy on or before November 3, 1985, is entitled to use 15472
the title "doctor of mechanotherapy" and is a "physician" who 15473
performs "medical services" for the purposes of Chapters 4121. 15474
and 4123. of the Revised Code and the medicaid program, and 15475
shall receive payment or reimbursement as provided under those 15476
chapters and that program. 15477

(C) Chapter 4796. of the Revised Code does not apply to a 15478
certificate to practice naprapathy or mechanotherapy issued 15479
under this section. 15480

Sec. 4731.19. (A) A-Except as provided in division (E) of 15481
this section, a person seeking a license to practice a limited 15482
branch of medicine shall file with the state medical board an 15483
application in a manner prescribed by the board. The application 15484
shall include or be accompanied by all of the following: 15485

(1) Evidence that the applicant is at least eighteen years 15486
of age; 15487

(2) Evidence that the applicant has attained high school 15488

graduation or its equivalent;	15489
(3) Evidence that the applicant holds one of the following:	15490 15491
(a) A diploma or certificate from a school, college, or institution in good standing as determined by the board, showing the completion of the following required courses of instruction:	15492 15493 15494
(i) Two hundred seventy-five hours in anatomy and physiology and pathology;	15495 15496
(ii) Two hundred seventy-five hours in massage theory and practical, including hygiene;	15497 15498
(iii) Twenty-five hours in ethics;	15499
(iv) Twenty-five hours in business and law.	15500
(b) A diploma or certificate from a school, college, or institution in another state or jurisdiction showing completion of a course of instruction that meets the requirements of division (A) (3) (a) of this section and any other course requirements determined by the board through rules adopted under section 4731.05 of the Revised Code;	15501 15502 15503 15504 15505 15506
(c) During the five-year period immediately preceding the date of application, a current license, registration, or certificate in good standing in another state for massage therapy.	15507 15508 15509 15510
(4) Evidence that the applicant has successfully passed an examination, prescribed in rules described in section 4731.16 of the Revised Code, to determine competency to practice the applicable limited branch of medicine;	15511 15512 15513 15514
(5) An attestation that the information submitted under	15515

this section is accurate and truthful and that the applicant 15516
consents to release of information; 15517

(6) Any other information the board requires. 15518

(B) An applicant for a license to practice a limited 15519
branch of medicine shall comply with the requirements of section 15520
4731.171 of the Revised Code. 15521

(C) At the time of making application for a license to 15522
practice a limited branch of medicine, the applicant shall pay 15523
to the board a fee of one hundred fifty dollars, no part of 15524
which shall be returned. No application shall be considered 15525
filed until the board receives the appropriate fee. 15526

(D) The board may investigate the application materials 15527
received under this section and contact any agency or 15528
organization for recommendations or other information about the 15529
applicant. 15530

(E) The board shall issue a certificate to practice a 15531
limited branch of medicine in accordance with Chapter 4796. of 15532
the Revised Code to an applicant if either of the following 15533
applies: 15534

(1) The applicant holds a license or certificate in 15535
another state. 15536

(2) As described in that chapter, the applicant has 15537
satisfactory work experience in practicing, or a government 15538
certification or private certification to practice, a limited 15539
branch of medicine in a state that does not issue that license 15540
or certificate. 15541

Sec. 4731.291. (A) An Except as provided in division (E) 15542
of this section, an individual seeking to pursue an internship, 15543

residency, clinical fellowship program, or elective clinical 15544
rotation in this state, who does not hold a license to practice 15545
medicine and surgery or osteopathic medicine or surgery issued 15546
under this chapter, shall apply to the state medical board for a 15547
training certificate. The application shall be made on forms 15548
that the board shall furnish and shall be accompanied by an 15549
application fee of one hundred thirty dollars. 15550

An applicant for a training certificate shall furnish to 15551
the board all of the following: 15552

(1) Evidence satisfactory to the board that the applicant 15553
is at least eighteen years of age; 15554

(2) Evidence satisfactory to the board that the applicant 15555
has been accepted or appointed to participate in this state in 15556
one of the following: 15557

(a) An internship, residency, or clinical fellowship 15558
program accredited by either the accreditation council for 15559
graduate medical education of the American medical association 15560
or the American osteopathic association; 15561

(b) A clinical fellowship program that is not accredited 15562
as described in division (A) (2) (a) of this section, but is 15563
conducted at an institution with a residency program that is 15564
accredited as described in that division and is in a clinical 15565
field the same as or related to the clinical field of the 15566
fellowship program; 15567

(c) An elective clinical rotation that lasts not more than 15568
one year and is offered to interns, residents, or clinical 15569
fellows participating in programs that are located outside this 15570
state and meet the requirements of division (A) (2) (a) or (b) of 15571
this section. 15572

(3) Information identifying the beginning and ending dates 15573
of the period for which the applicant has been accepted or 15574
appointed to participate in the internship, residency, or 15575
clinical fellowship program; 15576

(4) Any other information that the board requires. 15577

(B) ~~If~~ Except as provided in division (E) of this section, 15578
if no grounds for denying a license or certificate under section 15579
4731.22 of the Revised Code apply, and the applicant meets the 15580
requirements of division (A) of this section, the board shall 15581
issue a training certificate to the applicant. The board shall 15582
not require an examination as a condition of receiving a 15583
training certificate. 15584

A training certificate issued pursuant to this section 15585
shall be valid only for three years, but may be renewed by the 15586
board for one additional three-year period. To renew a training 15587
certificate, the holder shall apply to the board on or before 15588
the certificate's expiration date. 15589

The fee for renewal of a training certificate shall be one 15590
hundred dollars. A late application may be submitted not more 15591
than thirty days after the certificate's expiration date. In 15592
such a case, the holder shall include with the application a 15593
one-hundred-fifty-dollar reinstatement fee. 15594

(C) The holder of a valid training certificate shall be 15595
entitled to perform such acts as may be prescribed by or 15596
incidental to the holder's internship, residency, or clinical 15597
fellowship program, but the holder shall not be entitled 15598
otherwise to engage in the practice of medicine and surgery or 15599
osteopathic medicine and surgery in this state. The holder shall 15600
limit activities under the certificate to the programs of the 15601

hospitals or facilities for which the training certificate is 15602
issued. The holder shall train only under the supervision of the 15603
physicians responsible for supervision as part of the 15604
internship, residency, or clinical fellowship program. 15605

A training certificate may be revoked by the board upon 15606
proof, satisfactory to the board, that the holder thereof has 15607
engaged in practice in this state outside the scope of the 15608
internship, residency, or clinical fellowship program for which 15609
the training certificate has been issued, or upon proof, 15610
satisfactory to the board, that the holder thereof has engaged 15611
in unethical conduct or that there are grounds for action 15612
against the holder under section 4731.22 of the Revised Code. 15613

(D) The board may adopt rules as the board finds necessary 15614
to effect the purpose of this section. 15615

(E) The board shall issue a training certificate to 15616
practice medicine and surgery or osteopathic medicine and 15617
surgery in accordance with Chapter 4796. of the Revised Code to 15618
an applicant if either of the following applies: 15619

(1) The applicant holds a license or certificate in 15620
another state. 15621

(2) The applicant has satisfactory work experience, a 15622
government certification, or a private certification as 15623
described in that chapter practicing medicine and surgery or 15624
osteopathic medicine and surgery in a state that does not issue 15625
that certificate. 15626

Sec. 4731.293. (A) The state medical board shall issue, 15627
without examination, a clinical research faculty certificate to 15628
practice medicine and surgery, osteopathic medicine and surgery, 15629
or podiatric medicine and surgery to any person who applies for 15630

the certificate and provides to the board satisfactory evidence 15631
of both of the following: 15632

(1) That the applicant holds a current, unrestricted 15633
license to practice medicine and surgery, osteopathic medicine 15634
and surgery, or podiatric medicine and surgery issued by another 15635
state or country; 15636

(2) That the applicant has been appointed to serve in this 15637
state on the academic staff of a medical school accredited by 15638
the liaison committee on medical education, an osteopathic 15639
medical school accredited by the American osteopathic 15640
association, or a college of podiatric medicine and surgery in 15641
good standing with the board. 15642

(B) The holder of a clinical research faculty certificate 15643
may do one of the following, as applicable: 15644

(1) Practice medicine and surgery or osteopathic medicine 15645
and surgery only as is incidental to the certificate holder's 15646
teaching or research duties at the medical school or a teaching 15647
hospital affiliated with the school; 15648

(2) Practice podiatric medicine and surgery only as is 15649
incidental to the certificate holder's teaching or research 15650
duties at the college of podiatric medicine and surgery or a 15651
teaching hospital affiliated with the college. 15652

(C) The board may revoke a certificate on receiving proof 15653
satisfactory to the board that the certificate holder has 15654
engaged in practice in this state outside the scope of the 15655
certificate or that there are grounds for action against the 15656
certificate holder under section 4731.22 of the Revised Code. 15657

(D) A clinical research faculty certificate is valid for 15658
three years, except that the certificate ceases to be valid if 15659

the holder's academic staff appointment described in division 15660
(A) (2) of this section is no longer valid or the certificate is 15661
revoked pursuant to division (C) of this section. 15662

(E) (1) The board shall provide a renewal notice to the 15663
certificate holder at least one month before the certificate 15664
expires. Failure of a certificate holder to receive a notice of 15665
renewal from the board shall not excuse the certificate holder 15666
from the requirements contained in this section. The notice 15667
shall inform the certificate holder of the renewal procedure. 15668
The notice also shall inform the certificate holder of the 15669
reporting requirement established by division (H) of section 15670
3701.79 of the Revised Code. At the discretion of the board, the 15671
information may be included on the application for renewal or on 15672
an accompanying page. 15673

(2) A clinical research faculty certificate may be renewed 15674
for an additional three-year period. There is no limit on the 15675
number of times a certificate may be renewed. A person seeking 15676
renewal of a certificate shall apply to the board. The board 15677
shall provide the application for renewal in a form determined 15678
by the board. 15679

(3) An applicant is eligible for renewal if the applicant 15680
does all of the following: 15681

(a) Reports any criminal offense to which the applicant 15682
has pleaded guilty, of which the applicant has been found 15683
guilty, or for which the applicant has been found eligible for 15684
intervention in lieu of conviction, since last filing an 15685
application for a clinical research faculty certificate; 15686

(b) Provides evidence satisfactory to the board of both of 15687
the following: 15688

(i) That the applicant continues to maintain a current, 15689
unrestricted license to practice medicine and surgery, 15690
osteopathic medicine and surgery, or podiatric medicine and 15691
surgery issued by another state or country; 15692

(ii) That the applicant's initial appointment to serve in 15693
this state on the academic staff of a school or college is still 15694
valid or has been renewed. 15695

(4) Regardless of whether the certificate has expired, a 15696
person who was granted a visiting medical faculty certificate 15697
under this section as it existed immediately prior to June 6, 15698
2012, may apply for a clinical research faculty certificate as a 15699
renewal. The board may issue the clinical research faculty 15700
certificate if the applicant meets the requirements of division 15701
(E) (3) of this section. The board may not issue a clinical 15702
research faculty certificate if the visiting medical faculty 15703
certificate was revoked. 15704

(F) A person holding a clinical research faculty 15705
certificate issued under this section shall not be required to 15706
obtain a certificate under Chapter 4796. of the Revised Code. 15707

(G) The board may adopt any rules it considers necessary 15708
to implement this section. The rules shall be adopted in 15709
accordance with Chapter 119. of the Revised Code. 15710

Sec. 4731.294. (A) The state medical board may issue, 15711
without examination, a special activity certificate to any 15712
nonresident person seeking to practice medicine and surgery or 15713
osteopathic medicine and surgery in conjunction with a special 15714
activity, program, or event taking place in this state. 15715

(B) An applicant for a special activity certificate shall 15716
submit evidence satisfactory to the board of all of the 15717

following: 15718

(1) The applicant holds a current, unrestricted license to 15719
practice medicine and surgery or osteopathic medicine and 15720
surgery issued by another state or country and that within the 15721
two-year period immediately preceding application, the applicant 15722
has done one of the following: 15723

(a) Actively practiced medicine and surgery or osteopathic 15724
medicine and surgery in the United States; 15725

(b) Participated in a graduate medical education program 15726
accredited by either the accreditation council for graduate 15727
medical education of the American medical association or the 15728
American osteopathic association; 15729

(c) Successfully passed the federation licensing 15730
examination established by the federation of state medical 15731
boards, a special examination established by the federation of 15732
state medical boards, or all parts of a standard medical 15733
licensing examination established for purposes of determining 15734
the competence of individuals to practice medicine and surgery 15735
or osteopathic medicine and surgery in the United States. 15736

(2) The applicant meets the same educational requirements 15737
that individuals must meet under sections 4731.09 and 4731.14 of 15738
the Revised Code. 15739

(3) The applicant's practice in conjunction with the 15740
special activity, program, or event will be in the public 15741
interest. 15742

(C) The applicant shall pay a fee of one hundred twenty- 15743
five dollars. 15744

(D) The holder of a special activity certificate may 15745

practice medicine and surgery or osteopathic medicine and 15746
surgery only in conjunction with the special activity, event, or 15747
program for which the certificate is issued. The board may 15748
revoke a certificate on receiving proof satisfactory to the 15749
board that the holder of the certificate has engaged in practice 15750
in this state outside the scope of the certificate or that there 15751
are grounds for action against the certificate holder under 15752
section 4731.22 of the Revised Code. 15753

(E) A special activity certificate is valid for the 15754
shorter of thirty days or the duration of the special activity, 15755
program, or event. The certificate may not be renewed. 15756

(F) The board shall not require a person holding a special 15757
activity certificate issued under this section to obtain a 15758
certificate under Chapter 4796. of the Revised Code. 15759

(G) The state medical board shall adopt rules in 15760
accordance with Chapter 119. of the Revised Code that specify 15761
how often an applicant may be granted a certificate under this 15762
section. 15763

Sec. 4731.295. (A) (1) As used in this section: 15764

(a) "Free clinic" has the same meaning as in section 15765
3701.071 of the Revised Code. 15766

(b) "Indigent and uninsured person" and "operation" have 15767
the same meanings as in section 2305.234 of the Revised Code. 15768

(2) For the purposes of this section, a person shall be 15769
considered retired from practice if the person's license has 15770
expired with the person's intention of ceasing to practice 15771
medicine and surgery or osteopathic medicine and surgery for 15772
remuneration. 15773

(B) The state medical board may issue, without 15774
examination, a volunteer's certificate to a person who is 15775
retired from practice so that the person may provide medical 15776
services to indigent and uninsured persons at any location, 15777
including a free clinic. The board shall deny issuance of a 15778
volunteer's certificate to a person who is not qualified under 15779
this section to hold a volunteer's certificate. 15780

(C) An application for a volunteer's certificate shall 15781
include all of the following: 15782

(1) A copy of the applicant's degree of medicine or 15783
osteopathic medicine. 15784

(2) One of the following, as applicable: 15785

(a) A copy of the applicant's most recent license 15786
authorizing the practice of medicine and surgery or osteopathic 15787
medicine and surgery issued by a jurisdiction in the United 15788
States that licenses persons to practice medicine and surgery or 15789
osteopathic medicine and surgery-. 15790

(b) A copy of the applicant's most recent license 15791
equivalent to a license to practice medicine and surgery or 15792
osteopathic medicine and surgery in one or more branches of the 15793
United States armed services that the United States government 15794
issued. 15795

(3) Evidence of one of the following, as applicable: 15796

(a) That the applicant has maintained for at least ten 15797
years prior to retirement full licensure in good standing in any 15798
jurisdiction in the United States that licenses persons to 15799
practice medicine and surgery or osteopathic medicine and 15800
surgery. 15801

(b) That the applicant has practiced for at least ten 15802
years prior to retirement in good standing as a doctor of 15803
medicine and surgery or osteopathic medicine and surgery in one 15804
or more of the branches of the United States armed services. 15805

(4) An attestation that the applicant will not accept any 15806
form of remuneration for any medical services rendered while in 15807
possession of a volunteer's certificate. 15808

(D) The holder of a volunteer's certificate may provide 15809
medical services only to indigent and uninsured persons, but may 15810
do so at any location, including a free clinic. The holder shall 15811
not accept any form of remuneration for providing medical 15812
services while in possession of the certificate. Except in a 15813
medical emergency, the holder shall not perform any operation or 15814
deliver babies. The board may revoke a volunteer's certificate 15815
on receiving proof satisfactory to the board that the holder has 15816
engaged in practice in this state outside the scope of the 15817
certificate. 15818

(E) (1) A volunteer's certificate shall be valid for a 15819
period of three years, unless earlier revoked under division (D) 15820
of this section or pursuant to section 4731.22 of the Revised 15821
Code. A volunteer's certificate may be renewed upon the 15822
application of the holder. The board shall maintain a register 15823
of all persons who hold volunteer's certificates. The board 15824
shall not charge a fee for issuing or renewing a certificate 15825
pursuant to this section. 15826

(2) To be eligible for renewal of a volunteer's 15827
certificate the holder of the certificate shall certify to the 15828
board completion of one hundred fifty hours of continuing 15829
medical education that meets the requirements of section 15830
4731.282 of the Revised Code regarding certification by private 15831

associations and approval by the board. The board may not renew 15832
a certificate if the holder has not complied with the continuing 15833
medical education requirements. Any entity for which the holder 15834
provides medical services may pay for or reimburse the holder 15835
for any costs incurred in obtaining the required continuing 15836
medical education credits. 15837

(3) The board shall issue a volunteer's certificate to 15838
each person who qualifies under this section for the 15839
certificate. The certificate shall state that the certificate 15840
holder is authorized to provide medical services pursuant to the 15841
laws of this state. The holder shall display the certificate 15842
prominently at the location where the holder primarily 15843
practices. 15844

(4) The holder of a volunteer's certificate issued 15845
pursuant to this section is subject to the immunity provisions 15846
regarding the provision of services to indigent and uninsured 15847
persons in section 2305.234 of the Revised Code. 15848

(F) The holder of a volunteer's certificate issued under 15849
this section is not required to obtain a license under Chapter 15850
4796. of the Revised Code. 15851

(G) The board shall adopt rules in accordance with Chapter 15852
119. of the Revised Code to administer and enforce this section. 15853

Sec. 4731.297. (A) As used in this section: 15854

(1) "Academic medical center" means a medical school and 15855
its affiliated teaching hospitals and clinics partnering to do 15856
all of the following: 15857

(a) Provide the highest quality of patient care from 15858
expert physicians; 15859

(b) Conduct groundbreaking research leading to medical 15860
advancements for current and future patients; 15861

(c) Provide medical education and graduate medical 15862
education to educate and train physicians. 15863

(2) "Affiliated physician group practice" means a medical 15864
practice that consists of one or more physicians authorized 15865
under this chapter to practice medicine and surgery or 15866
osteopathic medicine and surgery and that is affiliated with an 15867
academic medical center to further the objectives described in 15868
divisions (A) (1) (a) to (c) of this section. 15869

(B) The state medical board shall issue, without 15870
examination, to an applicant who meets the requirements of this 15871
section a certificate of conceded eminence authorizing the 15872
practice of medicine and surgery or osteopathic medicine and 15873
surgery as part of the applicant's employment with an academic 15874
medical center in this state or affiliated physician group 15875
practice in this state. 15876

(C) To be eligible for a certificate of conceded eminence, 15877
an applicant shall provide to the board all of the following: 15878

(1) Evidence satisfactory to the board of all of the 15879
following: 15880

(a) That the applicant is an international medical 15881
graduate who holds a medical degree from an educational 15882
institution listed in the international medical education 15883
directory; 15884

(b) That the applicant has been appointed to serve in this 15885
state as a full-time faculty member of a medical school 15886
accredited by the liaison committee on medical education or an 15887
osteopathic medical school accredited by the American 15888

osteopathic association;	15889
(c) That the applicant has accepted an offer of employment with an academic medical center in this state or affiliated physician group practice in this state;	15890 15891 15892
(d) That the applicant holds a license in good standing in another state or country authorizing the practice of medicine and surgery or osteopathic medicine and surgery;	15893 15894 15895
(e) That the applicant has unique talents and extraordinary abilities not generally found within the applicant's specialty, as demonstrated by satisfying at least four of the following:	15896 15897 15898 15899
(i) The applicant has achieved educational qualifications beyond those that are required for entry into the applicant's specialty, including advanced degrees, special certifications, or other academic credentials.	15900 15901 15902 15903
(ii) The applicant has written multiple articles in journals listed in the index medicus or an equivalent scholarly publication acceptable to the board.	15904 15905 15906
(iii) The applicant has a sustained record of excellence in original research, at least some of which involves serving as the principal investigator or co-principal investigator for a research project.	15907 15908 15909 15910
(iv) The applicant has received nationally or internationally recognized prizes or awards for excellence.	15911 15912
(v) The applicant has participated in peer review in a field of specialization that is the same as or similar to the applicant's specialty.	15913 15914 15915
(vi) The applicant has developed new procedures or	15916

treatments for complex medical problems that are recognized by 15917
peers as a significant advancement in the applicable field of 15918
medicine. 15919

(vii) The applicant has held previous academic 15920
appointments with or been employed by a health care organization 15921
that has a distinguished national or international reputation. 15922

(viii) The applicant has been the recipient of a national 15923
institutes of health or other competitive grant award. 15924

(f) That the applicant has received staff membership or 15925
professional privileges from the academic medical center 15926
pursuant to standards adopted under section 3701.351 of the 15927
Revised Code on a basis that requires the applicant's medical 15928
education and graduate medical education to be at least 15929
equivalent to that of a physician educated and trained in the 15930
United States; 15931

(g) That the applicant has sufficient written and oral 15932
English skills to communicate effectively and reliably with 15933
patients, their families, and other medical professionals; 15934

(h) That the applicant will have professional liability 15935
insurance through the applicant's employment with the academic 15936
medical center or affiliated physician group practice. 15937

(2) An attestation that the applicant agrees to practice 15938
only within the clinical setting of the academic medical center 15939
or for the affiliated physician group practice; 15940

(3) Three letters of reference from distinguished experts 15941
in the applicant's specialty attesting to the unique 15942
capabilities of the applicant, at least one of which must be 15943
from outside the academic medical center or affiliated physician 15944
group practice; 15945

(4) An affidavit from the dean of the medical school where 15946
the applicant has been appointed to serve as a faculty member 15947
stating that the applicant meets all of the requirements of 15948
division (C) (1) of this section and that the letters of 15949
reference submitted under division (C) (3) of this section are 15950
from distinguished experts in the applicant's specialty, and 15951
documentation to support the affidavit; 15952

(5) A fee of one thousand dollars for the certificate. 15953

(D) (1) The holder of a certificate of conceded eminence 15954
may practice medicine and surgery or osteopathic medicine and 15955
surgery only within the clinical setting of the academic medical 15956
center with which the certificate holder is employed or for the 15957
affiliated physician group practice with which the certificate 15958
holder is employed. 15959

(2) A certificate holder may supervise medical students, 15960
physicians participating in graduate medical education, advanced 15961
practice nurses, and physician assistants when performing 15962
clinical services in the certificate holder's area of specialty. 15963

(E) The board may revoke a certificate issued under this 15964
section on receiving proof satisfactory to the board that the 15965
certificate holder has engaged in practice in this state outside 15966
the scope of the certificate or that there are grounds for 15967
action against the certificate holder under section 4731.22 of 15968
the Revised Code. 15969

(F) A certificate of conceded eminence is valid for the 15970
shorter of two years or the duration of the certificate holder's 15971
employment with the academic medical center or affiliated 15972
physician group practice. The certificate ceases to be valid if 15973
the holder resigns or is otherwise terminated from the academic 15974

medical center or affiliated physician group practice. 15975

(G) A certificate of conceded eminence may be renewed for 15976
an additional two-year period. There is no limit on the number 15977
of times a certificate may be renewed. A person seeking renewal 15978
of a certificate shall apply to the board and is eligible for 15979
renewal if the applicant does all of the following: 15980

(1) Pays the renewal fee of one thousand dollars; 15981

(2) Provides to the board an affidavit and supporting 15982
documentation from the academic medical center or affiliated 15983
physician group practice of all of the following: 15984

(a) That the applicant's initial appointment to the 15985
medical faculty is still valid or has been renewed; 15986

(b) That the applicant's clinical practice is consistent 15987
with the established standards in the field; 15988

(c) That the applicant has demonstrated continued 15989
scholarly achievement; 15990

(d) That the applicant has demonstrated continued 15991
professional achievement consistent with the academic medical 15992
center's requirements, established pursuant to standards adopted 15993
under section 3701.351 of the Revised Code, for physicians with 15994
staff membership or professional privileges with the academic 15995
medical center. 15996

(3) Satisfies the same continuing medical education 15997
requirements set forth in section 4731.282 of the Revised Code 15998
that apply to a person who holds a certificate to practice 15999
medicine and surgery or osteopathic medicine and surgery issued 16000
under this chapter. 16001

(4) Complies with any other requirements established by 16002

the board. 16003

(H) The board shall not require a person to obtain a certificate under Chapter 4796. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery if the person holds a certificate of conceded eminence issued under this section. 16004
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(I) The board may adopt any rules it considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 16009
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Sec. 4731.299. (A) ~~The~~ Except as provided in division (I) of this section, the state medical board may issue, without examination, to an applicant who meets all of the requirements of this section an expedited license to practice medicine and surgery or osteopathic medicine and surgery by endorsement. 16012
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(B) An individual who seeks an expedited license by endorsement shall file with the board a written application on a form prescribed and supplied by the board. The application shall include all of the information the board considers necessary to process it. 16017
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(C) ~~To~~ Except as provided in division (I) of this section, to be eligible to receive an expedited license by endorsement, an applicant shall do both of the following: 16022
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(1) Provide evidence satisfactory to the board that the applicant meets all of the following requirements: 16025
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(a) Has passed one of the following: 16027

(i) Steps one, two, and three of the United States medical licensing examination; 16028
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(ii) Levels one, two, and three of the comprehensive 16030

osteopathic medical licensing examination of the United States; 16031

(iii) Any other medical licensing examination recognized 16032
by the board. 16033

(b) During the five-year period immediately preceding the 16034
date of application, has held a current, unrestricted license to 16035
practice medicine and surgery or osteopathic medicine and 16036
surgery issued by the licensing authority of ~~another state or a~~ 16037
Canadian province; 16038

(c) For at least two years immediately preceding the date 16039
of application, has actively practiced medicine and surgery or 16040
osteopathic medicine and surgery in a clinical setting; 16041

(d) Is in compliance with the medical education and 16042
training requirements in sections 4731.09 and 4731.14 of the 16043
Revised Code. 16044

(2) Certify to the board that all of the following are the 16045
case: 16046

(a) Not more than two malpractice claims, which resulted 16047
in a finding of liability or in payment, have been filed against 16048
the applicant during the ten-year period immediately preceding 16049
the date of application and no malpractice claim against the 16050
applicant during that ten-year period has resulted in total 16051
payment of more than five hundred thousand dollars. 16052

(b) The applicant does not have a medical condition that 16053
could affect the applicant's ability to practice according to 16054
acceptable and prevailing standards of care. 16055

(c) No adverse action has been taken against the applicant 16056
by a health care institution. 16057

(d) To the applicant's knowledge, no federal agency, 16058

medical society, medical association, or branch of the United States military has investigated or taken action against the applicant. 16059
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(e) No professional licensing or regulatory authority has filed a complaint against, investigated, or taken action against the applicant and the applicant has not withdrawn a professional license application. 16062
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(f) The applicant has not been suspended or expelled from any institution of higher education or school, including a medical school. 16066
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(D) An applicant for an expedited license by endorsement shall comply with section 4731.08 of the Revised Code. 16069
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(E) ~~At~~ Except as provided in division (I) of this section, at the time of application, the applicant shall pay to the board a fee of one thousand dollars, no part of which shall be returned. No application shall be considered filed until the board receives the fee. 16071
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(F) The secretary and supervising member of the board shall review all applications received under this section. 16076
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If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant. 16078
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If the secretary and supervising member determine that an applicant does not meet the requirements for an expedited license by endorsement, the application shall be treated as an application under section 4731.09 of the Revised Code. 16081
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(G) Each license issued by the board under this section shall be signed by the president and secretary of the board and 16085
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attested by the board's seal. 16087

(H) Within sixty days after September 29, 2013, the board 16088
shall approve acceptable means of demonstrating compliance with 16089
sections 4731.09 and 4731.14 of the Revised Code as required by 16090
division (C) (1) (d) of this section. 16091

(I) The board shall issue a license to practice medicine 16092
and surgery or osteopathic medicine and surgery in accordance 16093
with Chapter 4796. of the Revised Code to an applicant if either 16094
of the following applies: 16095

(1) The applicant holds a license in another state. 16096

(2) The applicant has satisfactory work experience, a 16097
government certification, or a private certification as 16098
described in that chapter as a physician in a state that does 16099
not issue that license. 16100

Sec. 4731.30. (A) As used in this section and sections 16101
4731.301 and 4731.302 of the Revised Code, "medical marijuana," 16102
"drug database," "physician," and "qualifying medical condition" 16103
have the same meanings as in section 3796.01 of the Revised 16104
Code. 16105

(B) (1) Except as provided in division (B) (4) or (I) of 16106
this section, a physician seeking to recommend treatment with 16107
medical marijuana shall apply to the state medical board for a 16108
certificate to recommend. An application shall be submitted in 16109
the manner established in rules adopted under section 4731.301 16110
of the Revised Code. 16111

(2) The Except as provided in division (I) of this 16112
section, the board shall grant a certificate to recommend if 16113
both of the following conditions are met: 16114

(a) The application is complete and meets the requirements established in rules.	16115 16116
(b) The applicant demonstrates that the applicant does not have an ownership or investment interest in or compensation arrangement with an entity licensed under Chapter 3796. of the Revised Code or an applicant for licensure.	16117 16118 16119 16120
(3) A certificate to recommend expires according to the renewal schedule established in rules adopted under section 4731.301 of the Revised Code and may be renewed in accordance with the procedures established in those rules.	16121 16122 16123 16124
(4) This section does not apply to a physician who recommends treatment with marijuana or a drug derived from marijuana under any of the following that is approved by an investigational review board or equivalent entity, the United States food and drug administration, or the national institutes of health or one of its cooperative groups or centers under the United States department of health and human services:	16125 16126 16127 16128 16129 16130 16131
(a) A research protocol;	16132
(b) A clinical trial;	16133
(c) An investigational new drug application;	16134
(d) An expanded access submission.	16135
(C) (1) A physician who holds a certificate to recommend may recommend that a patient be treated with medical marijuana if all of the following conditions are met:	16136 16137 16138
(a) The patient has been diagnosed with a qualifying medical condition;	16139 16140
(b) A bona fide physician-patient relationship has been	16141

established through all of the following: 16142

(i) An in-person physical examination of the patient by 16143
the physician; 16144

(ii) A review of the patient's medical history by the 16145
physician; 16146

(iii) An expectation of providing care and receiving care 16147
on an ongoing basis. 16148

(c) The physician has requested, or a physician delegate 16149
approved by the state board of pharmacy has requested, from the 16150
drug database a report of information related to the patient 16151
that covers at least the twelve months immediately preceding the 16152
date of the report, and the physician has reviewed the report. 16153

(2) In the case of a patient who is a minor, the physician 16154
may recommend treatment with medical marijuana only after 16155
obtaining the consent of the patient's parent or other person 16156
responsible for providing consent to treatment. 16157

(D) (1) When issuing a written recommendation to a patient, 16158
the physician shall specify any information required in rules 16159
adopted by the board under section 4731.301 of the Revised Code. 16160

(2) A written recommendation issued to a patient under 16161
this section is valid for a period of not more than ninety days. 16162
The physician may renew the recommendation for not more than 16163
three additional periods of not more than ninety days each. 16164
Thereafter, the physician may issue another recommendation to 16165
the patient only upon a physical examination of the patient. 16166

(E) Annually, the physician shall submit to the state 16167
medical board a report that describes the physician's 16168
observations regarding the effectiveness of medical marijuana in 16169

treating the physician's patients during the year covered by the 16170
report. When submitting reports, a physician shall not include 16171
any information that identifies or would tend to identify any 16172
specific patient. 16173

(F) Each physician who holds a certificate to recommend 16174
shall complete annually at least two hours of continuing medical 16175
education in medical marijuana approved by the state medical 16176
board. 16177

(G) A physician shall not do any of the following: 16178

(1) Personally furnish or otherwise dispense medical 16179
marijuana; 16180

(2) Issue a recommendation for a family member or the 16181
physician's self. 16182

(H) A physician is immune from civil liability, is not 16183
subject to professional disciplinary action by the state medical 16184
board or state board of pharmacy, and is not subject to criminal 16185
prosecution for any of the following actions: 16186

(1) Advising a patient, patient representative, or 16187
caregiver about the benefits and risks of medical marijuana to 16188
treat a qualifying medical condition; 16189

(2) Recommending that a patient use medical marijuana to 16190
treat or alleviate the condition; 16191

(3) Monitoring a patient's treatment with medical 16192
marijuana. 16193

(I) The board shall issue a certificate to recommend in 16194
accordance with Chapter 4796. of the Revised Code to an 16195
applicant if either of the following applies: 16196

(1) The applicant holds a license or certificate in another state. 16197
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a physician recommending treatment with medical marijuana in a state that does not issue that license or certificate. 16199
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Sec. 4731.52. (A) ~~A~~ Except as provided in division (E) of this section, a person seeking a license to practice podiatric medicine and surgery shall file with the state medical board an application in the form and manner prescribed by the board. The application must include all of the following: 16204
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(1) Evidence satisfactory to the board to demonstrate that the applicant meets all of the following requirements: 16209
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(a) Is at least eighteen years of age; 16211

(b) Possesses a high school diploma or a certificate of high school equivalence or has obtained the equivalent of such education as determined by the board; 16212
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(c) Has completed at least two years of undergraduate work in a college of arts and sciences or the equivalent of such education as determined by the board; 16215
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(d) Holds a degree from a college of podiatric medicine and surgery that was in good standing with the board at the time the degree was granted, as determined by the board; 16218
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(e) Has completed one year of postgraduate training in a podiatric internship, residency, or clinical fellowship program accredited by the council on podiatric medicine or the American podiatric medical association or its equivalent as determined by 16221
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the board; 16225

(f) Has successfully passed an examination prescribed in 16226
rules adopted by the board to determine competency to practice 16227
podiatric medicine and surgery; 16228

(g) Has complied with section 4731.531 of the Revised 16229
Code. 16230

(2) An attestation that the information submitted under 16231
this section is accurate and truthful; 16232

(3) Consent to the release of the applicant's information; 16233

(4) Any other information the board requires. 16234

(B) ~~An Except as provided in division (E) of this section,~~ 16235
an applicant for a license to practice podiatric medicine and 16236
surgery shall include with the application a fee of three 16237
hundred five dollars, no part of which may be returned. An 16238
application is not considered submitted until the board receives 16239
the fee. 16240

(C) The board may conduct an investigation related to the 16241
application materials received pursuant to this section and may 16242
contact any individual, agency, or organization for 16243
recommendations or other information about the applicant. 16244

(D) The board shall conclude any investigation of an 16245
applicant conducted under section 4731.22 of the Revised Code 16246
not later than ninety days after receipt of a complete 16247
application unless the applicant agrees in writing to an 16248
extension or the board determines that there is a substantial 16249
question of a violation of this chapter or the rules adopted 16250
under it and notifies the applicant in writing of the reasons 16251
for continuation of the investigation. If the board determines 16252

that the applicant is not in violation of this chapter or the 16253
rules adopted under it, the board shall issue a license not 16254
later than forty-five days after making that determination. 16255

(E) The board shall issue a license to practice podiatric 16256
medicine and surgery in accordance with Chapter 4796. of the 16257
Revised Code to an applicant if either of the following applies: 16258

(1) The applicant holds a license in another state. 16259

(2) The applicant has satisfactory work experience, a 16260
government certification, or a private certification as 16261
described in that chapter as a podiatrist in a state that does 16262
not issue that license. 16263

Sec. 4731.572. (A) The state medical board shall issue, 16264
without examination, a visiting podiatric faculty certificate to 16265
any nonresident person who holds a current, unrestricted license 16266
to practice podiatric medicine and surgery issued by another 16267
state or country and has been appointed to serve in this state 16268
on the academic staff of an approved college of podiatric 16269
medicine and surgery in good standing, as determined by the 16270
board. The board shall not require a nonresident person who 16271
holds a license in another state to obtain a license under 16272
Chapter 4796. of the Revised Code. 16273

(B) An applicant for a visiting podiatric faculty 16274
certificate shall submit evidence satisfactory to the board that 16275
the applicant meets the requirements of division (A) of this 16276
section. 16277

(C) The holder of a visiting podiatric faculty certificate 16278
may practice podiatric medicine and surgery only as is 16279
incidental to the certificate holder's teaching duties at the 16280
college or the teaching hospitals affiliated with the college. 16281

The board may revoke a certificate on receiving proof 16282
satisfactory to the board that the holder of the certificate has 16283
engaged in practice in this state outside the scope of the 16284
certificate or that there are grounds for action against the 16285
certificate holder under section 4731.22 of the Revised Code. 16286

(D) A visiting podiatric faculty certificate is valid for 16287
the shorter of one year or the duration of the holder's 16288
appointment to the academic staff of the college. The 16289
certificate may not be renewed. 16290

Sec. 4731.573. (A) ~~An~~ Except as provided in division (E) 16291
of this section, an individual seeking to pursue an internship, 16292
residency, or clinical fellowship program in podiatric medicine 16293
and surgery in this state, who does not hold a license to 16294
practice podiatric medicine and surgery issued under this 16295
chapter, shall apply to the state medical board for a training 16296
certificate. The application shall be made on forms that the 16297
board shall furnish and shall be accompanied by an application 16298
fee of one hundred thirty dollars. 16299

An applicant for a training certificate shall furnish to 16300
the board all of the following: 16301

(1) Evidence satisfactory to the board that the applicant 16302
is at least eighteen years of age; 16303

(2) Evidence satisfactory to the board that the applicant 16304
has been accepted or appointed to participate in this state in 16305
one of the following: 16306

(a) An internship, residency, or clinical fellowship 16307
program accredited by either the council on podiatric medical 16308
education or the American podiatric medical association; 16309

(b) A clinical fellowship program that is not accredited 16310

as described in division (A) (2) (a) of this section, but is 16311
conducted at an institution with a residency program that is 16312
accredited as described in that division and is in a clinical 16313
field the same as or related to the clinical field of the 16314
fellowship program. 16315

(3) Information identifying the beginning and ending dates 16316
of the period for which the applicant has been accepted or 16317
appointed to participate in the internship, residency, or 16318
clinical fellowship program; 16319

(4) Any other information that the board requires. 16320

(B) ~~If~~ Except as provided in division (E) of this section, 16321
if no grounds for denying a license or certificate under section 16322
4731.22 of the Revised Code apply and the applicant meets the 16323
requirements of division (A) of this section, the board shall 16324
issue a training certificate to the applicant. The board shall 16325
not require an examination as a condition of receiving a 16326
training certificate. 16327

A training certificate issued pursuant to this section 16328
shall be valid only for three years, but may be renewed by the 16329
board for one additional three-year period. To renew a training 16330
certificate, the holder shall apply to the board on or before 16331
the certificate's expiration date. 16332

The fee for renewal of a training certificate shall be one 16333
hundred dollars. A late application may be submitted not more 16334
than thirty days after the certificate's expiration date. In 16335
such a case, the holder shall include with the application a 16336
one-hundred-fifty-dollar reinstatement fee. 16337

(C) The holder of a valid training certificate shall be 16338
entitled to perform such acts as may be prescribed by or 16339

incidental to the holder's internship, residency, or clinical 16340
fellowship program, but the holder shall not be entitled 16341
otherwise to engage in the practice of podiatric medicine and 16342
surgery in this state. The holder shall limit activities under 16343
the certificate to the programs of the hospitals or facilities 16344
for which the training certificate is issued. The holder shall 16345
train only under the supervision of the podiatrists responsible 16346
for supervision as part of the internship, residency, or 16347
clinical fellowship program. A training certificate may be 16348
revoked by the board upon proof, satisfactory to the board, that 16349
the holder thereof has engaged in practice in this state outside 16350
the scope of the internship, residency, or clinical fellowship 16351
program for which the training certificate has been issued, or 16352
upon proof, satisfactory to the board, that the holder thereof 16353
has engaged in unethical conduct or that there are grounds for 16354
action against the holder under section 4731.22 of the Revised 16355
Code. 16356

(D) The board may adopt rules as the board finds necessary 16357
to effect the purpose of this section. 16358

(E) The board shall issue a training certificate to 16359
practice podiatric medicine and surgery in accordance with 16360
Chapter 4796. of the Revised Code to an applicant if either of 16361
the following applies: 16362

(1) The applicant holds a license or certificate in 16363
another state. 16364

(2) The applicant has satisfactory work experience, a 16365
government certification, or a private certification as 16366
described in that chapter practicing podiatric medicine and 16367
surgery in a state that does not issue that license or 16368
certificate. 16369

Sec. 4732.10. (A) The state board of psychology shall 16370
appoint an entrance examiner who shall determine the sufficiency 16371
of an applicant's qualifications for admission to the 16372
appropriate examination. A member of the board or the executive 16373
director may be appointed as the entrance examiner. 16374

(B) Requirements for admission to examination for a 16375
psychologist license shall be that the applicant: 16376

(1) Is at least twenty-one years of age; 16377

(2) Meets one of the following requirements: 16378

(a) Received an earned doctoral degree from an institution 16379
accredited or recognized by a national or regional accrediting 16380
agency and a program accredited by any of the following: 16381

(i) The American psychological association, office of 16382
program consultation and accreditation; 16383

(ii) The accreditation office of the Canadian 16384
psychological association; 16385

(iii) A program listed by the association of state and 16386
provincial psychology boards/national register designation 16387
committee; 16388

(iv) The national association of school psychologists. 16389

(b) Received an earned doctoral degree in psychology or 16390
school psychology from an institution accredited or recognized 16391
by a national or regional accrediting agency but the program 16392
does not meet the program accreditation requirements of division 16393
(B) (2) (a) of this section; 16394

(c) Received from an academic institution outside of the 16395
United States or Canada a degree determined, under rules adopted 16396

by the board under division (E) of this section, to be 16397
equivalent to a doctoral degree in psychology from a program 16398
described in division (B) (2) (a) of this section; 16399

(d) Held a psychologist license, certificate, or 16400
registration required for practice in ~~another United States or a~~ 16401
Canadian jurisdiction for a minimum of ten years and meets 16402
educational, experience, and professional requirements 16403
established under rules adopted by the board. 16404

(3) Has had at least two years of supervised professional 16405
experience in psychological work of a type satisfactory to the 16406
board, at least one year of which must be a predoctoral 16407
internship. The board shall adopt guidelines for the kind of 16408
supervised professional experience that fulfill this 16409
requirement. 16410

(4) If applying under division (B) (2) (b) or (c) of this 16411
section, has had at least two years of supervised professional 16412
experience in psychological work of a type satisfactory to the 16413
board, at least one year of which must be postdoctoral. The 16414
board shall adopt guidelines for the kind of supervised 16415
professional experience that fulfill this requirement. 16416

(C) Requirements for admission to examination for a school 16417
psychologist license shall be that the applicant: 16418

(1) Has received from an educational institution 16419
accredited or recognized by national or regional accrediting 16420
agencies as maintaining satisfactory standards, including those 16421
approved by the state board of education for the training of 16422
school psychologists, at least a master's degree in school 16423
psychology, or a degree considered equivalent by the board; 16424

(2) Is at least twenty-one years of age; 16425

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

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

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

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

(E) The board shall adopt under Chapter 119. of the Revised Code rules for determining for the purposes of division (B) (2) (b) of this section whether a degree is equivalent to a degree in psychology from an institution in the United States.

Sec. 4732.12. If an applicant for a license issued by the state board of psychology to practice as a psychologist or school psychologist receives a score acceptable to the board on the appropriate examination required by section 4732.11 of the Revised Code and has paid the fee required by section 4732.15 of the Revised Code, the board shall issue the appropriate license.

The board shall issue a license to practice as a

psychologist or school psychologist, as appropriate, in 16455
accordance with Chapter 4796. of the Revised Code to an 16456
applicant who holds a license in another state or has 16457
satisfactory work experience, a government certification, or a 16458
private certification as described in that chapter as a 16459
psychologist or school psychologist in a state that does not 16460
issue that license. 16461

Sec. 4732.22. (A) The following persons are exempted from 16462
the licensing requirements of this chapter: 16463

(1) A person who holds a license or certificate issued by 16464
the state board of education authorizing the practice of school 16465
psychology, while practicing school psychology within the scope 16466
of employment by a board of education or by a private school 16467
meeting the standards prescribed by the state board of education 16468
under division (D) of section 3301.07 of the Revised Code, or 16469
while acting as a school psychologist within the scope of 16470
employment in a program for children with disabilities 16471
established under Chapter 3323. or 5126. of the Revised Code. A 16472
person exempted under this division shall not offer 16473
psychological services to any other individual, organization, or 16474
group for remuneration, monetary or otherwise, unless the person 16475
is licensed by the state board of psychology. 16476

(2) Any nonresident temporarily employed in this state to 16477
render psychological services for not more than thirty days a 16478
year, who, in the opinion of the board, meets the standards for 16479
entrance in division (B) of section 4732.10 of the Revised Code, 16480
who has paid the required fee and submitted an application 16481
prescribed by the board, and who holds whatever license or 16482
certificate, if any, is required for such practice in the 16483
person's home state or home country. The state board of 16484

psychology shall not require a nonresident temporarily employed 16485
in this state who holds a license or certificate in another 16486
state to obtain a license in accordance with Chapter 4796. of 16487
the Revised Code to practice or render psychological services in 16488
the manner described under this division. 16489

(3) Any person working under the supervision of a 16490
psychologist or school psychologist licensed under this chapter, 16491
while carrying out specific tasks, under the license holder's 16492
supervision, as an extension of the license holder's legal and 16493
ethical authority as specified under this chapter if the person 16494
is registered under division (B) of this section. All fees shall 16495
be billed under the name of the license holder. The person 16496
working under the license holder's supervision shall not 16497
represent self to the public as a psychologist or school 16498
psychologist, although supervised persons and persons in 16499
training may be ascribed such titles as "psychology trainee," 16500
"psychology assistant," "psychology intern," or other 16501
appropriate term that clearly implies their supervised or 16502
training status. 16503

(4) Any student in an accredited educational institution, 16504
while carrying out activities that are part of the student's 16505
prescribed course of study, provided such activities are 16506
supervised by a professional person who is qualified to perform 16507
such activities and is licensed under this chapter or is a 16508
qualified supervisor pursuant to rules of the board; 16509

(5) Recognized religious officials, including ministers, 16510
priests, rabbis, imams, Christian science practitioners, and 16511
other persons recognized by the board, conducting counseling 16512
when the counseling activities are within the scope of the 16513
performance of their regular duties and are performed under the 16514

auspices or sponsorship of an established and legally cognizable 16515
religious denomination or sect, as defined in current federal 16516
tax regulations, and when the religious official does not refer 16517
to the official's self as a psychologist and remains accountable 16518
to the established authority of the religious denomination or 16519
sect; 16520

(6) Persons in the employ of the federal government 16521
insofar as their activities are a part of the duties of their 16522
positions; 16523

(7) Persons licensed, certified, or registered under any 16524
other provision of the Revised Code who are practicing those 16525
arts and utilizing psychological procedures that are allowed and 16526
within the standards and ethics of their profession or within 16527
new areas of practice that represent appropriate extensions of 16528
their profession, provided that they do not hold themselves out 16529
to the public by the title of psychologist; 16530

(8) Persons using the term "social psychologist," 16531
"experimental psychologist," "developmental psychologist," 16532
"research psychologist," "cognitive psychologist," and other 16533
terms used by those in academic and research settings who 16534
possess a doctoral degree in psychology from an educational 16535
institution accredited or recognized by national or regional 16536
accrediting agencies as maintaining satisfactory standards and 16537
who do not use such a term in the solicitation or rendering of 16538
professional psychological services. 16539

(B) The license holder who is supervising a person 16540
described in division (A) (3) of this section shall register the 16541
person with the board. The board shall adopt rules regarding the 16542
registration process and the supervisory relationship. 16543

Sec. 4733.18. (A) The state board of registration for professional engineers and surveyors ~~may~~ shall authorize a temporary registration for an individual who has filed with the board an application for a temporary registration and has paid the required fee in accordance with Chapter 4796. of the Revised Code. The temporary registration continues only for the time the board requires for consideration of the application for registration, ~~provided a person is legally qualified to practice that profession in the person's own state in which the requirements and qualifications of registration are not lower than those specified in this chapter.~~

(B) (1) The following persons are exempt from this chapter:

(a) An employee or a subordinate of a person registered under this chapter or an employee of a person holding temporary registration under division (A) of this section, provided the employee's or subordinate's duties do not include responsible charge of engineering or surveying work;

(b) Officers and employees of the government of the United States while engaged within this state in the practice of engineering or surveying, for that government;

(c) An engineer engaged solely as an officer of a privately owned public utility.

(2) This chapter does not require registration for the purpose of practicing professional engineering, or professional surveying by an individual, firm, or corporation on property owned or leased by that individual, firm, or corporation unless the same involves the public welfare or the safeguarding of life, health, or property, or for the performance of engineering or surveying which relates solely to the design or fabrication

of manufactured products. 16573

(C) Nothing in this chapter prevents persons other than 16574
engineers from preparing plans, drawings, specifications, or 16575
data, from filing applications for building permits, or from 16576
obtaining those permits for residential buildings, as defined by 16577
section 3781.06 of the Revised Code, or buildings that are 16578
erected as one-, two-, or three-family units or structures 16579
within the meaning of the term "industrialized unit" as provided 16580
in section 3781.06 of the Revised Code. 16581

(D) Nothing in this chapter prevents persons other than 16582
engineers from preparing drawings or data, from filing 16583
applications for building permits, or from obtaining those 16584
permits for the installation of replacement equipment or systems 16585
that are similar in type or capacity to the equipment or systems 16586
being replaced, and for any improvement, alteration, repair, 16587
painting, decorating, or other modification of any buildings or 16588
structures subject to sections 3781.06 to 3781.18 and 3791.04 of 16589
the Revised Code where the building official determines that no 16590
plans or specifications are required for approval. 16591

Sec. 4733.19. ~~A~~ With respect to a person registered or 16592
licensed to engage in the practice of engineering or surveying 16593
by a proper authority of a ~~another~~ state, territory, or 16594
possession of the United States, or the District of Columbia, 16595
~~who, in the opinion of or has satisfactory work experience, a~~ 16596
government certification, or a private certification as an 16597
engineer or surveyor in another state, territory, or possession 16598
of the United States, or the District of Columbia that does not 16599
issue that registration or license, the state board of 16600
registration for professional engineers and surveyors, ~~meets the~~ 16601
~~requirements of this chapter, based on verified evidence, may,~~ 16602

~~upon application and payment of the established fee, be~~ 16603
~~registered shall register the person as a professional engineer~~ 16604
~~or surveyor in accordance with Chapter 4796. of the Revised~~ 16605
~~Code.~~ 16606

~~Any person who seeks registration as a professional~~ 16607
~~surveyor under this section must pass a two-hour professional~~ 16608
~~practice examination, devoted to the laws and practices of this~~ 16609
~~state prior to receiving such registration.~~ 16610

Sec. 4734.23. (A) A person licensed by another ~~state or~~ 16611
country in the practice of chiropractic may apply under this 16612
section for a license to practice chiropractic in this state in 16613
lieu of applying under section 4734.20 of the Revised Code. The 16614
fee for applying under this ~~section~~ division shall be five 16615
hundred dollars. 16616

(B) The state chiropractic board may, for good cause, 16617
waive all or part of the educational and testing requirements 16618
specified under section 4734.20 of the Revised Code and issue a 16619
license to an applicant under division (A) of this section, if 16620
the applicant presents satisfactory proof of being licensed to 16621
practice chiropractic in another ~~state or~~ country where the 16622
requirements for receipt of the license, on the date the license 16623
was issued, are considered by the board to be substantially 16624
equivalent to those of this chapter. The applicant must meet the 16625
same age requirement that must be met under section 4734.20 of 16626
the Revised Code. If the board does not waive all of the 16627
educational and testing requirements, the board may require that 16628
the applicant complete and receive a score specified by the 16629
board on one or more tests administered by the board or by the 16630
national board of chiropractic examiners or another testing 16631
entity. 16632

(C) The board shall issue a license to practice chiropractic in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 16633
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(1) The applicant holds a license to practice chiropractic in another state. 16636
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a chiropractor in a state that does not issue that license. 16638
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Sec. 4734.27. (A) To the extent it is in the public interest, the state chiropractic board may issue, without examination, a special limited license to practice chiropractic as follows: 16642
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(1) To a person who is seeking to participate in an internship, residency, preceptorship, or clinical fellowship in this state in preparation for the practice of chiropractic; 16646
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(2) To a nonresident person who plans to provide chiropractic services in connection with a special activity, program, or event conducted in this state, if the person holds a current, valid, and unrestricted license to practice chiropractic in another state or country; 16649
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(3) To a person who previously held an unrestricted license to practice chiropractic in this state who plans to offer gratuitous chiropractic services as a voluntary public service; 16654
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16657

(4) To any other person for any other reason specified as good cause by the board in rules adopted under this section. 16658
16659

(B) An applicant for a special limited license shall 16660

submit to the board a complete application on a form prescribed 16661
by the board, pay an application fee of seventy-five dollars, 16662
and furnish proof satisfactory to the board of being at least 16663
twenty-one years of age and of either holding the degree of 16664
doctor of chiropractic or being enrolled in a program leading to 16665
the degree. The institution from which the applicant received 16666
the degree or in which the applicant is enrolled must be a 16667
school or college that is approved by the board under section 16668
4734.21 of the Revised Code. 16669

(C) The provisions of this chapter that apply to 16670
applicants for and holders of licenses to practice chiropractic 16671
shall apply to applicants for and holders of special limited 16672
licenses to the extent the board considers appropriate, 16673
including the board's authority to conduct any investigation it 16674
considers appropriate to verify an applicant's credentials and 16675
fitness to receive a license and the board's authority to take 16676
actions under section 4734.31 of the Revised Code. 16677

(D) The board shall adopt any rules it considers necessary 16678
to implement this section. All rules adopted under this section 16679
shall be adopted in accordance with Chapter 119. of the Revised 16680
Code. 16681

(E) (1) The board shall issue a special limited license to 16682
practice chiropractic under division (A) (1) of this section in 16683
accordance with Chapter 4796. of the Revised Code to a person if 16684
either of the following applies: 16685

(a) The person holds a limited license to practice 16686
chiropractic in another state. 16687

(b) The person has satisfactory work experience, a 16688
government certification, or a private certification as 16689

described in that chapter as a chiropractor in a state that does 16690
not issue that limited license. 16691

(2) A nonresident person who holds a special limited 16692
license to practice chiropractic under division (A)(2) of this 16693
section is not required to obtain a license under Chapter 4796. 16694
of the Revised Code to practice under the special limited 16695
license. 16696

(3) Chapter 4796. of the Revised Code does not apply to a 16697
special limited license issued under division (A)(3) or (4) of 16698
this section. 16699

Sec. 4734.283. If the state chiropractic board determines 16700
under section 4734.282 of the Revised Code that an applicant 16701
meets the requirements for a certificate to practice 16702
acupuncture, the executive director of the board shall issue to 16703
the applicant a certificate to practice acupuncture. 16704

A certificate to practice acupuncture expires biennially 16705
in accordance with a schedule the board shall establish. The 16706
certificate may be renewed in accordance with section 4734.284 16707
of the Revised Code. 16708

Notwithstanding the requirements for a certificate under 16709
this chapter, the executive director shall issue a certificate 16710
to practice acupuncture in accordance with Chapter 4796. of the 16711
Revised Code to a chiropractor who holds a license or 16712
certificate to practice acupuncture in another state or has 16713
satisfactory work experience, a government certification, or a 16714
private certification as described in that chapter as an 16715
acupuncturist in a state that does not issue that license or 16716
certificate. 16717

Sec. 4735.023. (A) An oil and gas land professional who is 16718

not otherwise permitted to engage in the activities described in 16719
division (A) of section 4735.01 of the Revised Code may perform 16720
such activities, if the oil and gas land professional does all 16721
of the following: 16722

(1) (a) Registers on an annual basis as an oil and gas land 16723
professional with the superintendent of real estate by such date 16724
specified and on a form approved by the superintendent, which 16725
form includes both of the following: 16726

(i) The name and address of the oil and gas land 16727
professional; 16728

(ii) Evidence of the oil and gas land professional's 16729
membership in good standing in a national, state, or local 16730
professional organization that has been in existence for at 16731
least three years and has, as part of its mission, developed a 16732
set of standards of performance and ethics for oil and gas land 16733
professionals. 16734

(b) Pays an annual fee, established by the superintendent 16735
in an amount not to exceed one hundred dollars, which shall 16736
accompany the registration. 16737

(2) At or prior to first contacting any landowner or other 16738
person with an interest in real estate for the purpose of 16739
engaging in the activities of an oil and gas land professional, 16740
and on a form approved by the superintendent, discloses to the 16741
landowner or other person all of the following: 16742

(a) The oil and gas land professional's name and address 16743
as registered with the superintendent; 16744

(b) That the oil and gas land professional is registered 16745
as such with the superintendent and is a member in good standing 16746
in a national, state, or local professional organization that 16747

has been in existence for at least three years and has, as part 16748
of its mission, developed a set of standards of performance and 16749
ethics for oil and gas land professionals; 16750

(c) That the oil and gas land professional is not a 16751
licensed real estate broker or real estate salesperson under 16752
Chapter 4735. of the Revised Code; 16753

(d) That the landowner or other person with an interest in 16754
real estate may seek legal counsel in connection with any 16755
transaction with the oil and gas land professional; 16756

(e) That the oil and gas land professional is not 16757
representing the landowner or other person with an interest in 16758
real estate. 16759

(3) At or prior to entering into any agreements for the 16760
purpose of exploring for, transporting, producing, or developing 16761
oil and gas mineral interests including, but not limited to, oil 16762
and gas leases and pipeline easements with any landowner or 16763
other person with an interest in real estate, and on a form 16764
approved by the superintendent, discloses to the landowner or 16765
other person with an interest in real estate all of the 16766
following: 16767

(a) The oil and gas land professional's name and address 16768
as registered with the superintendent; 16769

(b) That the oil and gas land professional is registered 16770
as such with the superintendent and a member in good standing in 16771
a national, state, or local professional organization that has 16772
been in existence for at least three years and has, as part of 16773
its mission, developed a set of standards of performance and 16774
ethics for oil and gas land professionals; 16775

(c) That the oil and gas land professional is not a 16776

licensed real estate broker or real estate salesperson under 16777
Chapter 4735. of the Revised Code; 16778

(d) That the landowner or other person may seek legal 16779
counsel in connection with any transaction with the oil and gas 16780
land professional; 16781

(e) That the oil and gas land professional is not 16782
representing the landowner or other person with an interest in 16783
real estate. 16784

(B) Any oil and gas land professional who must be 16785
registered as such with the superintendent pursuant to this 16786
section who ceases to be a member in good standing of an 16787
organization described in division (A) (1) (a) (ii) of this section 16788
shall report the change in membership status to the 16789
superintendent within thirty days of that change. Failure to 16790
report such change in membership status shall result in the 16791
automatic suspension of registration status and subject the 16792
registrant to the penalties for unlicensed activity as found in 16793
section 4735.052 of the Revised Code. 16794

(C) Any oil and gas land professional who fails to 16795
register with the superintendent pursuant to this section is 16796
subject to the penalties for unlicensed activity as found in 16797
section 4735.052 of the Revised Code. 16798

(D) Notwithstanding any provision of this section to the 16799
contrary, the superintendent shall register in accordance with 16800
Chapter 4796. of the Revised Code as an oil and gas land 16801
professional a person if either of the following applies: 16802

(1) The person is licensed or registered as an oil and gas 16803
land professional in another state. 16804

(2) The person has satisfactory work experience, a 16805

government certification, or a private certification as 16806
described in that chapter as an oil and gas land professional in 16807
a state that does not issue that license or registration. 16808

Sec. 4735.07. (A) The superintendent of real estate, with 16809
the consent of the Ohio real estate commission, may enter into 16810
agreements with recognized national testing services to 16811
administer the real estate broker's examination under the 16812
superintendent's supervision and control, consistent with the 16813
requirements of this chapter as to the contents of such 16814
examination. 16815

(B) No applicant for a real estate broker's license shall 16816
take the broker's examination who has not established to the 16817
satisfaction of the superintendent that the applicant: 16818

(1) Is honest and truthful; 16819

(2) (a) Has not been convicted of a disqualifying offense 16820
as determined in accordance with section 9.79 of the Revised 16821
Code; 16822

(b) Has not been finally adjudged by a court to have 16823
violated any municipal, state, or federal civil rights laws 16824
relevant to the protection of purchasers or sellers of real 16825
estate or, if the applicant has been so adjudged, at least two 16826
years have passed since the court decision and the 16827
superintendent has disregarded the adjudication because the 16828
applicant has proven, by a preponderance of the evidence, that 16829
the applicant's activities and employment record since the 16830
adjudication show that the applicant is honest and truthful, and 16831
there is no basis in fact for believing that the applicant will 16832
again violate the laws involved. 16833

(3) Has not, during any period in which the applicant was 16834

licensed under this chapter, violated any provision of, or any 16835
rule adopted pursuant to, this chapter, or, if the applicant has 16836
violated any such provision or rule, has established to the 16837
satisfaction of the superintendent that the applicant will not 16838
again violate such provision or rule; 16839

(4) Is at least eighteen years of age; 16840

(5) Has been a licensed real estate broker or salesperson 16841
for at least two years; during at least two of the five years 16842
preceding the person's application, has worked as a licensed 16843
real estate broker or salesperson for an average of at least 16844
thirty hours per week; and has completed one of the following: 16845

(a) At least twenty real estate transactions, in which 16846
property was sold for another by the applicant while acting in 16847
the capacity of a real estate broker or salesperson; 16848

(b) Such equivalent experience as is defined by rules 16849
adopted by the commission. 16850

(6) (a) If licensed as a real estate salesperson prior to 16851
August 1, 2001, successfully has completed at an institution of 16852
higher education all of the following credit-eligible courses by 16853
either classroom instruction or distance education: 16854

(i) Thirty hours of instruction in real estate practice; 16855

(ii) Thirty hours of instruction that includes the 16856
subjects of Ohio real estate law, municipal, state, and federal 16857
civil rights law, new case law on housing discrimination, 16858
desegregation issues, and methods of eliminating the effects of 16859
prior discrimination. If feasible, the instruction in Ohio real 16860
estate law shall be taught by a member of the faculty of an 16861
accredited law school. If feasible, the instruction in 16862
municipal, state, and federal civil rights law, new case law on 16863

housing discrimination, desegregation issues, and methods of 16864
eliminating the effects of prior discrimination shall be taught 16865
by a staff member of the Ohio civil rights commission who is 16866
knowledgeable with respect to those subjects. The requirements 16867
of this division do not apply to an applicant who is admitted to 16868
practice before the supreme court. 16869

(iii) Thirty hours of instruction in real estate 16870
appraisal; 16871

(iv) Thirty hours of instruction in real estate finance; 16872

(v) Three quarter hours, or its equivalent in semester 16873
hours, in financial management; 16874

(vi) Three quarter hours, or its equivalent in semester 16875
hours, in human resource or personnel management; 16876

(vii) Three quarter hours, or its equivalent in semester 16877
hours, in applied business economics; 16878

(viii) Three quarter hours, or its equivalent in semester 16879
hours, in business law. 16880

(b) If licensed as a real estate salesperson on or after 16881
August 1, 2001, successfully has completed at an institution of 16882
higher education all of the following credit-eligible courses by 16883
either classroom instruction or distance education: 16884

(i) Forty hours of instruction in real estate practice; 16885

(ii) Forty hours of instruction that includes the subjects 16886
of Ohio real estate law, municipal, state, and federal civil 16887
rights law, new case law on housing discrimination, 16888
desegregation issues, and methods of eliminating the effects of 16889
prior discrimination. If feasible, the instruction in Ohio real 16890
estate law shall be taught by a member of the faculty of an 16891

accredited law school. If feasible, the instruction in 16892
municipal, state, and federal civil rights law, new case law on 16893
housing discrimination, desegregation issues, and methods of 16894
eliminating the effects of prior discrimination shall be taught 16895
by a staff member of the Ohio civil rights commission who is 16896
knowledgeable with respect to those subjects. The requirements 16897
of this division do not apply to an applicant who is admitted to 16898
practice before the supreme court. 16899

(iii) Twenty hours of instruction in real estate 16900
appraisal; 16901

(iv) Twenty hours of instruction in real estate finance; 16902

(v) The training in the amount of hours specified under 16903
divisions (B) (6) (a) (v), (vi), (vii), and (viii) of this section. 16904

(c) Division (B) (6) (a) or (b) of this section does not 16905
apply to any applicant who holds a valid real estate 16906
salesperson's license issued prior to January 2, 1972. Divisions 16907
(B) (6) (a) (v), (vi), (vii), and (viii) or division (B) (6) (b) (v) 16908
of this section do not apply to any applicant who holds a valid 16909
real estate salesperson's license issued prior to January 3, 16910
1984. 16911

(d) Divisions (B) (6) (a) (iii) and (B) (6) (b) (iii) of this 16912
section do not apply to any new applicant who holds a valid Ohio 16913
real estate appraiser license or certificate issued prior to the 16914
date of application for a real estate broker's license. 16915

(e) Successful completion of the instruction required by 16916
division (B) (6) (a) or (b) of this section shall be determined by 16917
the law in effect on the date the instruction was completed. 16918

(7) If licensed as a real estate salesperson on or after 16919
January 3, 1984, satisfactorily has completed a minimum of two 16920

years of post-secondary education, or its equivalent in semester 16921
or quarter hours, at an institution of higher education, and has 16922
fulfilled the requirements of division (B) (6) (a) or (b) of this 16923
section. The requirements of division (B) (6) (a) or (b) of this 16924
section may be included in the two years of post-secondary 16925
education, or its equivalent in semester or quarter hours, that 16926
is required by this division. The post-secondary education 16927
requirement may be satisfied by completing the credit-eligible 16928
courses using either classroom instruction or distance 16929
education. Successful completion of any course required by this 16930
section shall be determined by the law in effect on the date the 16931
course was completed. 16932

(C) Each applicant for a broker's license shall be 16933
examined in the principles of real estate practice, Ohio real 16934
estate law, and financing and appraisal, and as to the duties of 16935
real estate brokers and real estate salespersons, the 16936
applicant's knowledge of real estate transactions and 16937
instruments relating to them, and the canons of business ethics 16938
pertaining to them. The commission from time to time shall 16939
promulgate such canons and cause them to be published in printed 16940
form. 16941

(D) Examinations shall be administered with reasonable 16942
accommodations in accordance with the requirements of the 16943
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 16944
U.S.C. 12101. The contents of an examination shall be consistent 16945
with the requirements of division (B) (6) of this section and 16946
with the other specific requirements of this section. An 16947
applicant who has completed the requirements of division (B) (6) 16948
of this section at the time of application shall be examined no 16949
later than twelve months after the applicant is notified of 16950
admission to the examination. 16951

~~(E) The superintendent may waive one or more of the requirements of this section in the case of an application from a nonresident real estate broker pursuant to a reciprocity agreement with the licensing authority of the state from which the nonresident applicant holds a valid real estate broker license.~~ Notwithstanding any provision of this chapter to the contrary, the superintendent shall issue a real estate broker's license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

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

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in Chapter 4796. of the Revised Code as a real estate broker in a state that does not issue that license.

(F) There shall be no limit placed on the number of times an applicant may retake the examination.

(G) (1) Not earlier than the date of issue of a real estate broker's license to a licensee, but not later than twelve months after the date of issue of a real estate broker's license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of ten hours of instruction that shall be completed in schools, seminars, and educational institutions that are approved by the commission. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code and may be taken through classroom instruction or distance education.

If the required proof of completion is not submitted to the superintendent within twelve months of the date a license is

issued under this section, the license of the real estate broker 16981
is suspended automatically without the taking of any action by 16982
the superintendent. The broker's license shall not be 16983
reactivated by the superintendent until it is established, to 16984
the satisfaction of the superintendent, that the requirements of 16985
this division have been met and that the licensee is in 16986
compliance with this chapter. A licensee's license is revoked 16987
automatically without the taking of any action by the 16988
superintendent if the licensee fails to submit proof of 16989
completion of the education requirements specified under 16990
division (G) (1) of this section within twelve months of the date 16991
the license is suspended. 16992

(2) If the license of a real estate broker is suspended 16993
pursuant to division (G) (1) of this section, the license of a 16994
real estate salesperson associated with that broker 16995
correspondingly is suspended pursuant to division (H) of section 16996
4735.20 of the Revised Code. However, the suspended license of 16997
the associated real estate salesperson shall be reactivated and 16998
no fee shall be charged or collected for that reactivation if 16999
all of the following occur: 17000

(a) That broker subsequently submits satisfactory proof to 17001
the superintendent that the broker has complied with the 17002
requirements of division (G) (1) of this section and requests 17003
that the broker's license as a real estate broker be 17004
reactivated; 17005

(b) The superintendent then reactivates the broker's 17006
license as a real estate broker; 17007

(c) The associated real estate salesperson intends to 17008
continue to be associated with that broker and otherwise is in 17009
compliance with this chapter. 17010

Sec. 4735.08. The superintendent of real estate shall 17011
issue a real estate broker's license when the superintendent is 17012
satisfied that: 17013

(A) An applicant who is not a partnership, association, 17014
limited liability company, limited liability partnership, or 17015
corporation ~~satisfies one of the following:~~ 17016

~~(1) Has~~ has received a passing score on each portion of 17017
the real estate broker's examination as determined by rule by 17018
the real estate commission. 17019

~~(2) Is qualified to be licensed without examination as a~~ 17020
~~nonresident real estate broker, under division (E) of section~~ 17021
~~4735.07 of the Revised Code.~~ 17022

(B) All the members or officers who are authorized to 17023
perform the functions of a real estate broker as the agents of 17024
an applicant that is a partnership, association, limited 17025
liability company, limited liability partnership, or 17026
corporation, are licensed themselves as real estate brokers 17027
under this chapter. 17028

Sec. 4735.09. (A) Application for a license as a real 17029
estate salesperson shall be made to the superintendent of real 17030
estate on forms furnished by the superintendent and signed by 17031
the applicant. The application shall be in the form prescribed 17032
by the superintendent and shall contain such information as is 17033
required by this chapter and the rules of the Ohio real estate 17034
commission. The application shall be accompanied by the 17035
recommendation of the real estate broker with whom the applicant 17036
is associated or with whom the applicant intends to be 17037
associated, certifying that the applicant is honest and 17038
truthful, and has not been finally adjudged by a court to have 17039

violated any municipal, state, or federal civil rights laws 17040
relevant to the protection of purchasers or sellers of real 17041
estate, which conviction or adjudication the applicant has not 17042
disclosed to the superintendent, and recommending that the 17043
applicant be admitted to the real estate salesperson 17044
examination. 17045

(B) A fee of eighty-one dollars shall accompany the 17046
application, which fee includes the fee for the initial year of 17047
the licensing period, if a license is issued. The initial year 17048
of the licensing period commences at the time the license is 17049
issued and ends on the applicant's first birthday thereafter. 17050
The application fee shall be nonrefundable. A fee of eighty-one 17051
dollars shall be charged by the superintendent for each 17052
successive application made by the applicant. One dollar of each 17053
application fee shall be credited to the real estate education 17054
and research fund. 17055

(C) There shall be no limit placed on the number of times 17056
an applicant may retake the examination. 17057

(D) The superintendent, with the consent of the 17058
commission, may enter into an agreement with a recognized 17059
national testing service to administer the real estate 17060
salesperson's examination under the superintendent's supervision 17061
and control, consistent with the requirements of this chapter as 17062
to the contents of the examination. 17063

If the superintendent, with the consent of the commission, 17064
enters into an agreement with a national testing service to 17065
administer the real estate salesperson's examination, the 17066
superintendent may require an applicant to pay the testing 17067
service's examination fee directly to the testing service. If 17068
the superintendent requires the payment of the examination fee 17069

directly to the testing service, each applicant shall submit to 17070
the superintendent a processing fee in an amount determined by 17071
the Ohio real estate commission pursuant to division (A) (1) of 17072
section 4735.10 of the Revised Code. 17073

(E) The superintendent shall issue a real estate 17074
salesperson's license when satisfied that the applicant has 17075
received a passing score on each portion of the salesperson's 17076
examination as determined by rule by the real estate commission, 17077
~~except that the superintendent may waive one or more of the~~ 17078
~~requirements of this section in the case of an applicant who is~~ 17079
~~a licensed real estate salesperson in another state pursuant to~~ 17080
~~a reciprocity agreement with the licensing authority of the~~ 17081
~~state from which the applicant holds a valid real estate~~ 17082
~~salesperson's license.~~ 17083

(F) No applicant for a salesperson's license shall take 17084
the salesperson's examination who has not established to the 17085
satisfaction of the superintendent that the applicant: 17086

(1) Is honest and truthful; 17087

(2) (a) Has not been convicted of a disqualifying offense 17088
as determined in accordance with section 9.79 of the Revised 17089
Code; 17090

(b) Has not been finally adjudged by a court to have 17091
violated any municipal, state, or federal civil rights laws 17092
relevant to the protection of purchasers or sellers of real 17093
estate or, if the applicant has been so adjudged, at least two 17094
years have passed since the court decision and the 17095
superintendent has disregarded the adjudication because the 17096
applicant has proven, by a preponderance of the evidence, that 17097
the applicant is honest and truthful, and there is no basis in 17098

fact for believing that the applicant again will violate the laws involved.

(3) Has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to this chapter, or, if the applicant has violated such provision or rule, has established to the satisfaction of the superintendent that the applicant will not again violate such provision or rule;

(4) Is at least eighteen years of age;

(5) If born after the year 1950, has a high school diploma or a certificate of high school equivalence issued by the department of education;

(6) Has successfully completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:

(a) Forty hours of instruction in real estate practice;

(b) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to

practice before the supreme court. 17128

(c) Twenty hours of instruction in real estate appraisal; 17129

(d) Twenty hours of instruction in real estate finance. 17130

(G) (1) Successful completion of the instruction required 17131
by division (F) (6) of this section shall be determined by the 17132
law in effect on the date the instruction was completed. 17133

(2) Division (F) (6) (c) of this section does not apply to 17134
any new applicant who holds a valid Ohio real estate appraiser 17135
license or certificate issued prior to the date of application 17136
for a real estate salesperson's license. 17137

(H) Only for noncredit course offerings, an institution of 17138
higher education shall obtain approval from the appropriate 17139
state authorizing entity prior to offering a real estate course 17140
that is designed and marketed as satisfying the salesperson 17141
license education requirements of division (F) (6) of this 17142
section. The state authorizing entity may consult with the 17143
superintendent in reviewing the course for compliance with this 17144
section. 17145

(I) Any person who has not been licensed as a real estate 17146
salesperson or broker within a four-year period immediately 17147
preceding the person's current application for the salesperson's 17148
examination shall have successfully completed the prelicensure 17149
instruction required by division (F) (6) of this section within a 17150
ten-year period immediately preceding the person's current 17151
application for the salesperson's examination. 17152

(J) Not earlier than the date of issue of a real estate 17153
salesperson's license to a licensee, but not later than twelve 17154
months after the date of issue of a real estate salesperson 17155
license to a licensee, the licensee shall submit proof 17156

satisfactory to the superintendent, on forms made available by 17157
the superintendent, of the completion of twenty hours of 17158
instruction that shall be completed in schools, seminars, and 17159
educational institutions approved by the commission. The 17160
instruction shall include, but is not limited to, current 17161
practices relating to commercial real estate, property 17162
management, short sales, and land contracts; contract law; 17163
federal and state programs; economic conditions; and fiduciary 17164
responsibility. Approval of the curriculum and providers shall 17165
be granted according to rules adopted pursuant to section 17166
4735.10 of the Revised Code and may be taken through classroom 17167
instruction or distance education. 17168

If proof of completion of the required instruction is not 17169
submitted within twelve months of the date a license is issued 17170
under this section, the licensee's license is suspended 17171
automatically without the taking of any action by the 17172
superintendent. The superintendent immediately shall notify the 17173
broker with whom such salesperson is associated of the 17174
suspension of the salesperson's license. A salesperson whose 17175
license has been suspended under this division shall have twelve 17176
months after the date of the suspension of the salesperson's 17177
license to submit proof of successful completion of the 17178
instruction required under this division. No such license shall 17179
be reactivated by the superintendent until it is established, to 17180
the satisfaction of the superintendent, that the requirements of 17181
this division have been met and that the licensee is in 17182
compliance with this chapter. A licensee's license is revoked 17183
automatically without the taking of any action by the 17184
superintendent when the licensee fails to submit the required 17185
proof of completion of the education requirements under division 17186
(I) of this section within twelve months of the date the license 17187

is suspended. 17188

(K) Examinations shall be administered with reasonable 17189
accommodations in accordance with the requirements of the 17190
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 17191
U.S.C. 12189. The contents of an examination shall be consistent 17192
with the classroom instructional requirements of division (F) (6) 17193
of this section. An applicant who has completed the classroom 17194
instructional requirements of division (F) (6) of this section at 17195
the time of application shall be examined no later than twelve 17196
months after the applicant is notified of the applicant's 17197
admission to the examination. 17198

(L) Notwithstanding any provision of this chapter to the 17199
contrary, the superintendent shall issue a real estate 17200
salesperson's license in accordance with Chapter 4796. of the 17201
Revised Code to an applicant if either of the following applies: 17202

(1) The applicant holds a license in another state. 17203

(2) The applicant has satisfactory work experience, a 17204
government certification, or a private certification as 17205
described in Chapter 4796. of the Revised Code as a real estate 17206
salesperson in a state that does not issue that license. 17207

Sec. 4735.10. (A) (1) The Ohio real estate commission may 17208
adopt reasonable rules in accordance with Chapter 119. of the 17209
Revised Code, necessary for implementing the provisions of this 17210
chapter relating, but not limited to, the following: 17211

(a) The form and manner of filing applications for 17212
licensure; 17213

(b) Times and form of examination for license; 17214

(c) Placing an existing broker's license on deposit or a 17215

salesperson's license on an inactive status for an indefinite 17216
period; 17217

(d) Specifying the process by which a licensee may resign 17218
the licensee's license; 17219

(e) Defining any additional license status that the 17220
commission determines is necessary and that is not otherwise 17221
defined in this chapter and establishing the process by which a 17222
licensee places the licensee's license in a status defined by 17223
the commission in the rules the commission adopts; 17224

(f) Clarification of the activities that require a license 17225
under this chapter; 17226

(g) Permitting a broker to act as principal broker for 17227
more than one brokerage. 17228

(2) The commission shall adopt reasonable rules in 17229
accordance with Chapter 119. of the Revised Code, for 17230
implementing the provisions of this chapter relating to the 17231
following: 17232

(a) The issuance, renewal, suspension, and revocation of 17233
licenses, other sanctions that may be imposed for violations of 17234
this chapter, the conduct of hearings related to these actions, 17235
and the process of reactivating a license; 17236

(b) A three-year license and a three-year license renewal 17237
system; 17238

(c) Standards for the approval of the postlicensure 17239
courses as required by division (G) of section 4735.07 and 17240
division (J) of section 4735.09 of the Revised Code, courses of 17241
study required for licenses, courses offered in preparation for 17242
license examinations, or courses required as continuing 17243

education for licenses.	17244
(d) Guidelines to ensure that continuing education classes are open to all persons licensed under this chapter. The rules shall specify that an organization that sponsors a continuing education class may offer its members a reasonable reduction in the fees charged for the class.	17245 17246 17247 17248 17249
(e) Requirements for trust accounts and property management accounts. The rules shall specify that:	17250 17251
(i) Brokerages engaged in the management of property for another may, pursuant to a written contract with the property owner, exercise signatory authority for withdrawals from property management accounts maintained in the name of the property owner. The exercise of authority for withdrawals does not constitute a violation of any provision of division (A) of section 4735.18 of the Revised Code.	17252 17253 17254 17255 17256 17257 17258
(ii) The interest earned on property management trust accounts maintained in the name of the property owner or the broker shall be payable to the property owner unless otherwise specified in a written contract.	17259 17260 17261 17262
(f) Notice of renewal forms and filing deadlines;	17263
(g) Special assessments under division (A) of section 4735.12 of the Revised Code.	17264 17265
(B) The commission may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and guidelines with which the superintendent of real estate shall comply in the exercise of the following powers:	17266 17267 17268 17269
(1) Appointment and recommendation of ancillary trustees under section 4735.05 of the Revised Code;	17270 17271

(2) Rejection of names proposed to be used by
partnerships, associations, limited liability companies, limited
liability partnerships, and corporations, under division (B) of
section 4735.06 of the Revised Code, including procedures for
the application and approval of more than one trade name for a
brokerage;

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(3) Acceptance and rejection of applications to take the
broker and salesperson examinations and licensure, ~~with~~
~~appropriate waivers pursuant to division (E) of section 4735.07~~
~~and section 4735.09 of the Revised Code;~~

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(4) Approval of applications of brokers to place their
licenses in an inactive status and to become salespersons under
section 4735.13 of the Revised Code;

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(5) Appointment of hearing examiners under section 119.09
of the Revised Code;

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(6) Acceptance and rejection of applications to take the
foreign real estate dealer and salesperson examinations and
licensure, with waiver of examination, under sections 4735.27
and 4735.28 of the Revised Code;

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(7) Qualification of foreign real estate under section
4735.25 of the Revised Code.

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If at any time there is no rule in effect establishing a
guideline or standard required by this division, the
superintendent may adopt a rule in accordance with Chapter 119.
of the Revised Code for such purpose.

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(C) The commission or superintendent may hear testimony in
matters relating to the duties imposed upon them, and the
president of the commission and superintendent may administer
oaths. The commission or superintendent may require other proof

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of the honesty and truthfulness of any person named in an 17301
application for a real estate broker's or real estate 17302
salesperson's license before admitting the applicant to the 17303
examination or issuing a license. 17304

Sec. 4735.27. (A) An application to act as a foreign real 17305
estate dealer shall be in writing and filed with the 17306
superintendent of real estate. It shall be in the form the 17307
superintendent prescribes and shall contain the following 17308
information: 17309

(1) The name and address of the applicant; 17310

(2) A description of the applicant, including, if the 17311
applicant is a partnership, unincorporated association, or any 17312
similar form of business organization, the names and the 17313
residence and business addresses of all partners, officers, 17314
directors, trustees, or managers of the organization, and the 17315
limitation of the liability of any partner or member; and if the 17316
applicant is a corporation, a list of its officers and 17317
directors, and the residence and business addresses of each, 17318
and, if it is a foreign corporation, a copy of its articles of 17319
incorporation in addition; 17320

(3) The location and addresses of the principal office and 17321
all other offices of the applicant; 17322

(4) A general description of the business of the applicant 17323
prior to the application, including a list of states in which 17324
the applicant is a licensed foreign real estate dealer; 17325

(5) The names and addresses of all salespersons of the 17326
applicant at the date of the application; 17327

(6) The nature of the business of the applicant, and its 17328
places of business, for the ten-year period preceding the date 17329

of application. 17330

(B) Every nonresident applicant shall name a person within 17331
this state upon whom process against the applicant may be served 17332
and shall give the complete residence and business address of 17333
the person designated. Every applicant shall file an irrevocable 17334
written consent, executed and acknowledged by an individual duly 17335
authorized to give such consent, that actions growing out of a 17336
fraud committed by the applicant in connection with the sale in 17337
this state of foreign real estate may be commenced against it, 17338
in the proper court of any county in this state in which a cause 17339
of action for such fraud may arise or in which the plaintiff in 17340
such action may reside, by serving on the secretary of state any 17341
proper process or pleading authorized by the laws of this state, 17342
in the event that the applicant if a resident of this state, or 17343
the person designated by the nonresident applicant, cannot be 17344
found at the address given. The consent shall stipulate that the 17345
service of process on the secretary of state shall be taken in 17346
all courts to be as valid and binding as if service had been 17347
made upon the foreign real estate dealer. If the applicant is a 17348
corporation or an unincorporated association, the consent shall 17349
be accompanied by a certified copy of the resolution of the 17350
board of directors, trustees, or managers of the corporation or 17351
association, authorizing such individual to execute the consent. 17352

(C) The superintendent may investigate any applicant for a 17353
dealer's license, and may require any additional information the 17354
superintendent considers necessary to determine the 17355
qualifications of the applicant to act as a foreign real estate 17356
dealer. If the application for a dealer's license involves 17357
investigation outside this state, the superintendent may require 17358
the applicant to advance sufficient funds to pay any of the 17359
actual expenses of the investigation, and an itemized statement 17360

of such expense shall be furnished to the applicant. 17361

(D) Every applicant shall take a written examination, 17362
prescribed and conducted by the superintendent, which covers the 17363
applicant's knowledge of the principles of real estate practice, 17364
real estate law, financing and appraisal, real estate 17365
transactions and instruments relating to them, canons of 17366
business ethics relating to real estate transactions, and the 17367
duties of foreign real estate dealers and salespersons. The fee 17368
for the examination, when administered by the superintendent, is 17369
one hundred one dollars. If the applicant does not appear for 17370
the examination, the fee shall be forfeited and a new 17371
application and fee shall be filed, unless good cause for the 17372
failure to appear is shown to the superintendent. ~~The~~ 17373
~~requirement of an examination may be waived in whole or in part~~ 17374
~~by the superintendent if an applicant is licensed as a real~~ 17375
~~estate broker by any state.~~ 17376

Any applicant who fails the examination twice shall wait 17377
six months before applying to retake the examination. 17378

(E) No person shall take the foreign real estate dealer's 17379
examination who has not established to the satisfaction of the 17380
superintendent that the person: 17381

(1) Has not been convicted of a disqualifying offense as 17382
determined in accordance with section 9.79 of the Revised Code; 17383

(2) Has not been finally adjudged by a court to have 17384
violated any municipal, state, or federal civil rights laws 17385
relevant to the protection of purchasers or sellers of real 17386
estate or, if the applicant has been so adjudged, at least two 17387
years have passed since the court decision and the 17388
superintendent has disregarded the adjudication because the 17389

applicant has proven, by a preponderance of the evidence, that 17390
the applicant's activities and employment record since the 17391
adjudication show that the applicant is honest and truthful, and 17392
there is no basis in fact for believing that the applicant again 17393
will violate the laws involved; 17394

(3) Has not, during any period for which the applicant was 17395
licensed under this chapter or any former section of the Revised 17396
Code applicable to licensed foreign real estate dealers or 17397
salespersons, violated any provision of, or any rule adopted 17398
pursuant to, this chapter or that section, or, if the applicant 17399
has violated any such provision or rule, has established to the 17400
satisfaction of the superintendent that the applicant will not 17401
again violate the provision or rule. 17402

(F) ~~If Except as provided in division (H) of this section,~~ 17403
if the superintendent finds that an applicant for a license as a 17404
foreign real estate dealer, or each named member, manager, or 17405
officer of a partnership, association, or corporate applicant is 17406
at least eighteen years of age, has passed the examination 17407
required under this section ~~or has had the requirement of an~~ 17408
~~examination waived~~, and appears otherwise qualified, the 17409
superintendent shall issue a license to the applicant to engage 17410
in business in this state as a foreign real estate dealer. 17411
Dealers licensed pursuant to this section shall employ as 17412
salespersons of foreign real estate only persons licensed 17413
pursuant to section 4735.28 of the Revised Code. If at any time 17414
such salespersons resign or are discharged or new salespersons 17415
are added, the dealer forthwith shall notify the superintendent 17416
and shall file with the division of real estate the names and 17417
addresses of new salespersons. 17418

(G) If the applicant merely is renewing the applicant's 17419

license for the previous year, the application need contain only 17420
the information required by divisions (A) (2), (3), and (6) of 17421
this section. 17422

(H) The superintendent shall issue a license to engage in 17423
business in this state as a foreign real estate dealer in 17424
accordance with Chapter 4796. of the Revised Code to an 17425
applicant if either of the following applies: 17426

(1) The applicant holds a license in another state. 17427

(2) The applicant has satisfactory work experience, a 17428
government certification, or a private certification as 17429
described in that chapter as a foreign real estate dealer in a 17430
state that does not issue that license. 17431

Sec. 4735.28. (A) An application to act as a foreign real 17432
estate salesperson shall be in writing and filed with the 17433
superintendent of real estate. It shall be in the form the 17434
superintendent prescribes and shall contain the following 17435
information: 17436

(1) The name and complete residence and business addresses 17437
of the applicant; 17438

(2) The name of the foreign real estate dealer who is 17439
employing the applicant or who intends to employ the applicant; 17440

(3) The age and education of the applicant, and the 17441
applicant's experience in the sale of foreign real estate; 17442
whether the applicant has ever been licensed by the 17443
superintendent, and if so, when; whether the applicant has ever 17444
been refused a license by the superintendent; and whether the 17445
applicant has ever been licensed or refused a license or any 17446
similar permit by any division or superintendent of real estate, 17447
by whatsoever name known or designated, anywhere; 17448

(4) The nature of the employment, and the names and 17449
addresses of the employers, of the applicant for the period of 17450
ten years immediately preceding the date of the application. 17451

(B) Every applicant shall take a written examination, 17452
prescribed and conducted by the superintendent, which covers the 17453
applicant's knowledge of the principles of real estate practice, 17454
real estate law, financing and appraisal, real estate 17455
transactions and instruments relating to them, canons of 17456
business ethics relating to real estate transactions, and the 17457
duties of foreign real estate salespersons. The fee for the 17458
examination, when administered by the superintendent, is sixty- 17459
eight dollars. If the applicant does not appear for the 17460
examination, the fee shall be forfeited and a new application 17461
and fee shall be filed, unless good cause for the failure to 17462
appear is shown to the superintendent. ~~The requirement of an 17463
examination may be waived in whole or in part by the 17464
superintendent if an applicant is licensed as a real estate 17465
broker or salesperson by any state.~~ 17466

Any applicant who fails the examination twice shall wait 17467
six months before applying to retake the examination. 17468

(C) No person shall take the foreign real estate 17469
salesperson's examination who has not established to the 17470
satisfaction of the superintendent that the person: 17471

(1) Has not been convicted of a disqualifying offense as 17472
determined in accordance with section 9.79 of the Revised Code; 17473

(2) Has not been finally adjudged by a court to have 17474
violated any municipal, state, or federal civil rights laws 17475
relevant to the protection of purchasers or sellers of real 17476
estate or, if the applicant has been so adjudged, at least two 17477

years have passed since the court decision and the 17478
superintendent has disregarded the adjudication because the 17479
applicant has proven, by a preponderance of the evidence, that 17480
the applicant's activities and employment record since the 17481
adjudication show that the applicant is honest and truthful, and 17482
there is no basis in fact for believing that the applicant will 17483
again violate the laws; 17484

(3) Has not, during any period for which the applicant was 17485
licensed under this chapter or any former section of the Revised 17486
Code applicable to licensed foreign real estate dealers or 17487
salespersons, violated any provision of, or any rule adopted 17488
pursuant to, this chapter or that section, or, if the applicant 17489
has violated any such provision or rule, has established to the 17490
satisfaction of the superintendent that the applicant will not 17491
again violate the provision or rule. 17492

(D) Every salesperson of foreign real estate shall be 17493
licensed by the superintendent of real estate and shall be 17494
employed only by the licensed foreign real estate dealer 17495
specified on the salesperson's license. 17496

(E) If the superintendent finds that the applicant appears 17497
to be qualified to act as a foreign real estate salesperson, and 17498
has fully complied with the provisions of this chapter, and that 17499
the dealer in the application is a licensed foreign real estate 17500
dealer, the superintendent, upon payment of the fees prescribed 17501
by section 4735.15 of the Revised Code, shall issue a license to 17502
the applicant authorizing the applicant to act as a salesperson 17503
for the dealer named in the application. 17504

(F) The superintendent shall issue a license to act as a 17505
salesperson of foreign real estate in accordance with Chapter 17506
4796. of the Revised Code to an applicant if either of the 17507

following applies: 17508

(1) The applicant holds a license in another state. 17509

(2) The applicant has satisfactory work experience, a 17510
government certification, or a private certification as 17511
described in that chapter as acting as a salesperson of foreign 17512
real estate in a state that does not issue that license. 17513

Sec. 4736.10. ~~Any~~ (A) Except as provided in division (B) 17514
of this section, any person who meets the educational 17515
qualifications of division (A), (B), or (C) of section 4736.08 17516
of the Revised Code, but does not meet the experience 17517
requirement of such division may make application to the 17518
director of health on a form prescribed by the director for 17519
registration as an environmental health specialist in training. 17520
The director shall register the person as an environmental 17521
health specialist in training upon payment of the fee required 17522
by section 4736.12 of the Revised Code. 17523

(B) The director shall issue an environmental health 17524
specialist in training registration in accordance with Chapter 17525
4796. of the Revised Code to an applicant if either of the 17526
following applies: 17527

(1) The applicant holds a license or registration in 17528
another state. 17529

(2) The applicant has satisfactory work experience, a 17530
government certification, or a private certification as 17531
described in that chapter as an environmental health specialist 17532
in training in a state that does not issue that license or 17533
registration. 17534

(C) An environmental health specialist in training shall 17535
apply for registration as an environmental health specialist 17536

within three years after registration as an environmental health specialist in training. The director may extend the registration of any environmental health specialist in training who furnishes, in writing, sufficient cause for not applying for registration as an environmental health specialist within the three-year period. However, the director shall not extend the registration more than an additional two years beyond the three-year period.

Sec. 4736.14. ~~The director of health may, upon application and proof of valid registration,~~ shall issue a certificate of registration in accordance with Chapter 4796. of the Revised Code to any a person who if either of the following applies:

(A) The person is or has been registered as an environmental health specialist by any other state, if the requirements of that state at the time of such registration are determined by the director to be at least equivalent to the requirements of this chapter.

(B) The person has satisfactory work experience, a government certification, or a private certification as described in that chapter as an environmental health specialist in a state that does not issue that certificate of registration.

Sec. 4740.08. ~~When a written reciprocity agreement between the states exists, and an individual who is registered, licensed, or certified in another state applies to the appropriate specialty section of the Ohio construction industry licensing board submits a copy of the reciprocity agreement, and pays the licensure fee determined pursuant to section 4740.09 of the Revised Code, the appropriate specialty section of the board shall authorize the administrative section to issue, without examination, a license to that individual if the appropriate~~

~~specialty section of the board determines, pursuant to rules it~~ 17567
~~adopts, that the requirements for registration, licensure, or~~ 17568
~~certification under the laws of the other state are~~ 17569
~~substantially equal to the requirements for licensure in this~~ 17570
~~state and that the other state extends similar reciprocity to~~ 17571
~~persons licensed under this chapter. The appropriate specialty~~ 17572
~~section of the Ohio construction industry licensing board may~~ 17573
~~withdraw its authorization to the administrative section for~~ 17574
~~issuance of a license for good cause prior to the administrative~~ 17575
~~section's issuance of the license shall grant a license in~~ 17576
~~accordance with Chapter 4796. of the Revised Code to an~~ 17577
~~applicant if either of the following applies:~~ 17578

(A) The applicant holds a license in another state. 17579

(B) The applicant has satisfactory work experience, a 17580
government certification, or a private certification as 17581
described in that chapter for performing work in a licensed 17582
trade in a state that does not issue that license. 17583

Sec. 4741.12. (A) The state veterinary medical licensing 17584
board shall issue a license to practice veterinary medicine in 17585
accordance with Chapter 4796. of the Revised Code to an 17586
applicant if either of the following applies: 17587

(1) The applicant holds a license in another state. 17588

(2) The applicant has satisfactory work experience, a 17589
government certification, or a private certification as 17590
described in that chapter in the practice of veterinary medicine 17591
in a state that does not issue that license. 17592

(B) The board may issue a license to practice veterinary 17593
medicine without the examination required pursuant to section 17594
4741.11 of the Revised Code to an applicant from another state, 17595

~~territory, country, or the District of Columbia~~ who furnishes 17596
satisfactory proof to the board that the applicant meets all of 17597
the following criteria: 17598

~~(A)~~ (1) The applicant is a graduate of a veterinary 17599
college accredited by the American veterinary medical 17600
association or holds a certificate issued, on or after May 1, 17601
1987, by the education commission for foreign veterinary 17602
graduates of the American veterinary medical association or 17603
issued by any other nationally recognized certification program 17604
the board approves by rule. 17605

~~(B)~~ (2) The applicant holds a license, which is not under 17606
suspension, revocation, or other disciplinary action, issued by 17607
an agency similar to this board of another ~~state, territory,~~ 17608
~~country, or the District of Columbia,~~ having requirements 17609
equivalent to those of this state, provided the laws of such 17610
~~state, territory, country, or district~~ accord equal rights to 17611
the holder of a license to practice in this state who removes to 17612
such ~~state, territory, country, or district.~~ 17613

~~(C)~~ (3) The applicant is not under investigation for an 17614
act which would constitute a violation of this chapter that 17615
would require the revocation of or refusal to renew a license. 17616

~~(D)~~ (4) The applicant has a thorough knowledge of the laws 17617
and rules governing the practice of veterinary medicine in this 17618
state, as determined by the board. 17619

Sec. 4741.13. The state veterinary medical licensing board 17620
may issue a limited license to practice veterinary medicine to 17621
~~an~~ a nonresident individual whose sole professional capacity is 17622
with a veterinary academic institution or veterinary technology 17623
institution recognized by the board in accordance with rules the 17624

board adopts or with a government diagnostic laboratory. A 17625
person holding a limited license is authorized to engage in the 17626
practice of veterinary medicine only to the extent necessary to 17627
fulfill the person's employment or educational obligations as an 17628
instructor, researcher, diagnostician, intern, resident in a 17629
veterinary specialty, or graduate student. 17630

The board may issue a limited license to ~~an~~ a nonresident 17631
applicant who submits a completed application on a form 17632
prescribed by the board, pays the applicable fee prescribed in 17633
section 4741.17 of the Revised Code, and meets the criteria 17634
established by the board. The board shall not require an 17635
individual issued a limited license under this section to obtain 17636
a license under Chapter 4796. of the Revised Code. 17637

Sec. 4741.14. The state veterinary medical licensing board 17638
may issue, without the examination required pursuant to section 17639
4741.11 of the Revised Code, a temporary permit to practice 17640
veterinary medicine to a nonresident veterinarian holding a 17641
license which is not revoked, suspended, expired, or under any 17642
restrictions and is otherwise in good standing from another 17643
state, territory, or the District of Columbia, provided that a 17644
veterinarian who holds a current license in this state applies 17645
for the temporary permit for the veterinarian. The board shall 17646
not require a veterinarian issued a temporary permit under this 17647
section to obtain a license under Chapter 4796. of the Revised 17648
Code. 17649

A temporary permit issued pursuant to this section only 17650
authorizes the permit holder to act as a veterinary consultant 17651
or to provide veterinary medical services in this state for a 17652
specific animal or animals. When using the services of a 17653
veterinary consultant, the responsibility for the care and 17654

treatment of the patient remains with the veterinarian who holds 17655
a current license in this state and who is providing treatment, 17656
or consultation as to treatment, to the patient. The board shall 17657
determine by rule the specific purposes for which it may issue a 17658
temporary permit and the duration of the permit, not to exceed 17659
six months, under rules it adopts pursuant to Chapter 119. of 17660
the Revised Code. No more than two temporary permits may be 17661
issued pursuant to this section to any one applicant. Any 17662
subsequent applications shall be made pursuant to section 17663
4741.12 of the Revised Code. 17664

Sec. 4741.15. (A) A person who has done both of the 17665
following may submit an application to the state veterinary 17666
medical licensing board for a provisional veterinary graduate 17667
license: 17668

(1) Graduated from a veterinary college approved by the 17669
board; 17670

(2) Applied for and is waiting to take a nationally 17671
recognized examination approved by the board for a license to 17672
practice veterinary medicine. 17673

The application shall be on a form that the board 17674
prescribes and shall contain any information that the board 17675
requires together with a letter or letters of recommendation 17676
from a licensed veterinarian or veterinarians who will be 17677
directly supervising and responsible for the applicant as 17678
provided in division (C) of this section. The applicant shall 17679
include with the application the fee established in section 17680
4741.17 of the Revised Code. 17681

(B) The board may issue a provisional veterinary graduate 17682
license to an applicant who has satisfied the requirements 17683

established in division (A) of this section. The board shall 17684
issue a provisional veterinary graduate license in accordance 17685
with Chapter 4796. of the Revised Code to an applicant if the 17686
applicant holds a license in another state or has satisfactory 17687
work experience, a government certification, or a private 17688
certification as described in that chapter in performing or 17689
assisting in medical treatments, diagnoses, and surgeries under 17690
veterinary supervision in a state that does not issue that 17691
license. A provisional veterinary graduate license is valid for 17692
six months following the date of its issuance and is not 17693
renewable. 17694

(C) A person who holds a provisional veterinary graduate 17695
license may perform or assist in medical treatments, diagnosis, 17696
and surgery on a patient only under the direct veterinary 17697
supervision of the veterinarian or veterinarians who provided 17698
the letter or letters of recommendation accompanying the 17699
person's application under division (A) of this section and may 17700
engage in other duties related to the practice of veterinary 17701
medicine only under veterinary supervision. 17702

(D) No person who holds a provisional veterinary graduate 17703
license shall be represented, explicitly or implicitly, as being 17704
a licensed veterinarian. 17705

(E) The board may revoke a provisional veterinary graduate 17706
license if the person who holds the license violates division 17707
(C) or (D) of this section. 17708

Sec. 4741.19. (A) Unless exempted under this chapter, no 17709
person shall practice veterinary medicine, or any of its 17710
branches, without a license or limited license issued by the 17711
state veterinary medical licensing board pursuant to sections 17712
4741.11 to 4741.13 of the Revised Code, a temporary permit 17713

issued pursuant to section 4741.14 of the Revised Code, or a 17714
registration certificate issued pursuant to division (C) of this 17715
section, or with an inactive, expired, suspended, terminated, or 17716
revoked license, temporary permit, or registration. 17717

(B) No veterinary student shall: 17718

(1) Perform or assist surgery unless under direct 17719
veterinary supervision and unless the student has had the 17720
minimum education and experience prescribed by rule of the 17721
board; 17722

(2) Engage in any other work related to the practice of 17723
veterinary medicine unless under veterinary supervision; 17724

(3) Participate in the operation of a branch office, 17725
clinic, or allied establishment unless a licensed veterinarian 17726
is present on the establishment premises. 17727

(C) No person shall act as a registered veterinary 17728
technician unless the person is registered with the board on a 17729
biennial basis and pays the biennial registration fee. A 17730
registered veterinary technician registration expires biennially 17731
on the first day of March in the odd-numbered years and may be 17732
renewed in accordance with the standard renewal procedures 17733
contained in Chapter 4745. of the Revised Code upon payment of 17734
the biennial registration fee and fulfillment of ten continuing 17735
education hours during the two years immediately preceding 17736
renewal for registration. Each registered veterinary technician 17737
shall notify in writing the executive director of the board of 17738
any change in the registered veterinary technician's office 17739
address or employment within ninety days after the change has 17740
taken place. 17741

(1) A registered veterinary technician operating under 17742

veterinary supervision may perform the following duties:	17743
(a) Prepare or supervise the preparation of patients,	17744
instruments, equipment, and medications for surgery;	17745
(b) Collect or supervise the collection of specimens and	17746
perform laboratory procedures as required by the supervising	17747
veterinarian;	17748
(c) Apply wound dressings, casts, or splints as required	17749
by the supervising veterinarian;	17750
(d) Assist a veterinarian in immunologic, diagnostic,	17751
medical, and surgical procedures;	17752
(e) Suture skin incisions;	17753
(f) Administer or supervise the administration of topical,	17754
oral, or parenteral medication under the direction of the	17755
supervising veterinarian;	17756
(g) Other ancillary veterinary technician functions that	17757
are performed pursuant to the order and control and under the	17758
full responsibility of a licensed veterinarian.	17759
(h) Any additional duties as established by the board in	17760
rule.	17761
(2) A registered veterinary technician operating under	17762
direct veterinary supervision may perform all of the following:	17763
(a) Induce and monitor general anesthesia according to	17764
medically recognized and appropriate methods;	17765
(b) Dental prophylaxis, periodontal care, and extraction	17766
not involving sectioning of teeth or resection of bone or both	17767
of these;	17768
(c) Equine dental procedures, including the floating of	17769

molars, premolars, and canine teeth; removal of deciduous teeth; 17770
and the extraction of first premolars or wolf teeth. 17771

The degree of supervision by a licensed veterinarian over 17772
the functions performed by the registered veterinary technician 17773
shall be consistent with the standards of generally accepted 17774
veterinary medical practices. 17775

(3) The board shall issue a registration to be a 17776
veterinary technician in accordance with Chapter 4796. of the 17777
Revised Code to an applicant if either of the following applies: 17778

(a) The applicant holds a similar registration or license 17779
in another state. 17780

(b) The applicant has satisfactory work experience, a 17781
government certification, or a private certification as 17782
described in that chapter as a veterinary technician in a state 17783
that does not issue that registration or license. 17784

(D) A veterinarian licensed to practice in this state 17785
shall not present the person's self as or state a claim that the 17786
person is a specialist unless the veterinarian has previously 17787
met the requirements for certification by a specialty 17788
organization recognized by the American board of veterinary 17789
specialties for a specialty or such other requirements set by 17790
rule of the board and has paid the fee required by division (A) 17791
(10) of section 4741.17 of the Revised Code. 17792

The board shall issue a certification as a veterinary 17793
specialist in accordance with Chapter 4796. of the Revised Code 17794
to an applicant if the applicant holds a certification as a 17795
specialist in another state or has satisfactory work experience, 17796
a government certification, or a private certification as 17797
described in that chapter as a veterinary specialist in a state 17798

that does not issue that certification. 17799

(E) Notwithstanding division (A) of this section, any 17800
animal owner or the owner's designee may engage in the practice 17801
of embryo transfer on the owner's animal if a licensed 17802
veterinarian directly supervises the owner or the owner's 17803
designee and the means used to perform the embryo transfer are 17804
nonsurgical. 17805

(F) Allied medical support may assist a licensed 17806
veterinarian to the extent to which the law that governs the 17807
individual providing the support permits, if all of the 17808
following apply: 17809

(1) A valid veterinary-client-patient-relationship exists. 17810

(2) The individual acts under direct veterinary 17811
supervision. 17812

(3) The allied medical support individual receives 17813
informed, written, client consent. 17814

(4) The veterinarian maintains responsibility for the 17815
patient and keeps the patient's medical records. 17816

The board may inspect the facilities of an allied medical 17817
support individual in connection with an investigation based on 17818
a complaint received in accordance with section 4741.26 of the 17819
Revised Code involving that individual. 17820

Sec. 4743.04. (A) The renewal of a license or other 17821
authorization to practice a trade or profession issued under 17822
Title XLVII of the Revised Code is subject to the provisions of 17823
section 5903.10 of the Revised Code relating to service in the 17824
armed forces. 17825

(B) Continuing education requirements applicable to the 17826

licensees under Title XLVII of the Revised Code are subject to 17827
the provisions of section 5903.12 of the Revised Code relating 17828
to active duty military service. 17829

~~(C) A department, agency, or office of any political 17830
subdivision of this state that issues a license or certificate 17831
to practice a trade or profession may, pursuant to rules adopted 17832
by the department, agency, or office, issue a temporary license 17833
or certificate to practice the trade or profession to a person 17834
whose spouse is on active military duty in this state. 17835~~

~~(D)~~A department, agency, or office of this state that 17836
issues a license or certificate to practice a trade or 17837
profession shall issue a temporary license or certificate to 17838
practice the trade or profession as provided in section 4743.041 17839
of the Revised Code. 17840

~~(E)~~(D) The issuance of a license or other authorization 17841
to practice a trade or profession issued under Title XLVII of 17842
the Revised Code is subject to the provisions of section 5903.03 17843
of the Revised Code relating to service in the armed forces. 17844

Sec. 4743.041. (A) As used in this section: 17845

"Active guard and reserve" has the meaning defined in 10 17846
U.S.C. 101. 17847

"Military duty" includes service in the uniformed services 17848
on active duty, in the active guard and reserve, and as a 17849
military technician dual status under 10 U.S.C. 10216. 17850

"Uniformed services" has the meaning defined in 10 U.S.C. 17851
101. 17852

(B) Pursuant to division ~~(D)~~(C) of section 4743.04 of the 17853
Revised Code, a department, agency, or office of this state 17854

shall issue a temporary license or certificate to practice a 17855
trade or profession to an individual, provided that all of the 17856
following qualifications are met: 17857

(1) The individual holds a valid license or certificate to 17858
practice the trade or profession issued by any other state or 17859
jurisdiction; 17860

(2) The individual is in good standing in the state or 17861
jurisdiction of licensure or certification; 17862

(3) The individual presents adequate proof to the 17863
department, agency, or office of this state that the individual 17864
or the individual's spouse is on military duty in this state; 17865
and 17866

(4) The individual complies with sections 4776.01 to 17867
4776.04 of the Revised Code if a department, agency, or office 17868
of this state requires an applicant under the law governing the 17869
applicable trade or profession to submit to a criminal records 17870
check to receive a license or certificate. 17871

(C) A department, agency, or office of this state may, 17872
under this section, issue a regular license or certificate in 17873
lieu of issuing a temporary license or certificate, provided 17874
that the applicant meets the requirements of this section, and 17875
provided that the regular license is issued by the deadline 17876
specified in division (D) of this section. 17877

(D) If the department, agency, or office of this state 17878
requires an individual under the law governing the applicable 17879
trade or profession to submit to a criminal records check to 17880
receive a license or certificate, and the individual applies for 17881
a license or certificate under this section, the department, 17882
agency, or office of this state shall, within twenty-four hours 17883

after receiving the report under division (A) of section 4776.04 17884
of the Revised Code, notify the applicant that the department, 17885
agency, or office of this state has received the results of a 17886
criminal records check. A department, agency, or office of this 17887
state shall issue a temporary license or certificate or a 17888
regular license under this section, provided that the applicant 17889
meets the requirements of this section, within thirty days of 17890
having received an application, or, if the applicant is subject 17891
to a criminal records check, within fourteen days of having 17892
received the results of a criminal records check. If the 17893
department, agency, or office of this state finds that the 17894
individual is under investigation by the licensing agency of any 17895
other state or jurisdiction, the department, agency, or office 17896
of this state may postpone issuing the license or certificate 17897
until the investigation is complete and the licensing agency of 17898
the other state or jurisdiction confirms that the individual is 17899
in good standing. The department, agency, or office of this 17900
state shall verify the standing of the license or certificate 17901
issued by another state or jurisdiction when the temporary 17902
license is up for renewal. No temporary license shall be valid 17903
for a period of more than six years. 17904

(E) A department, agency, or office of this state shall, 17905
in accordance with Chapter 119. of the Revised Code, deny an 17906
individual a temporary license or certificate issued under this 17907
section or revoke an individual's temporary license or 17908
certificate issued under this section if any of the following 17909
circumstances occur: 17910

(1) The individual's license or certificate issued by 17911
another state or jurisdiction expires or is revoked, or the 17912
individual is not in good standing; 17913

(2) With respect to an individual who was eligible for a temporary license under this section as the spouse of an individual on military duty, six months have elapsed since the divorce, dissolution, or annulment of the marriage;

(3) The individual is disqualified from obtaining a license in the trade or profession because of a conviction, judicial finding of guilt, or plea of guilty to a disqualifying criminal offense specified on the list the department, agency, or office of this state makes available pursuant to division (C) of section 9.78 of the Revised Code.

(F) An individual with a temporary license or certificate or a regular license issued under this section may practice the trade or profession in this state only within the scope and practice that is permitted under Ohio law and that does not exceed the individual's training.

(G) Notwithstanding any other provision of the Revised Code, a department, agency, or office of this state shall waive all fees associated with the issuance of a temporary license or certificate issued under this section.

(H) Each department, agency, or office of this state that issues a license or certificate to practice a trade or profession shall adopt rules under Chapter 119. of the Revised Code as necessary to implement this section.

(I) Each department, agency, or office of this state that issues a license or certificate to practice a trade or profession, shall, upon the conclusion of the state fiscal year, prepare a report on the number and type of temporary licenses or certificates that were issued during the fiscal year under this section. The report shall be provided to the director of

veterans services not later than thirty days after the end of 17943
the fiscal year. The director shall compile the reports and make 17944
them available to the public. 17945

(J) A license or certificate issued under this section 17946
shall be considered a license issued under the laws regulating 17947
the practice of the applicable occupation or profession in this 17948
state. Provisions of law applicable to a license issued to an 17949
applicant who does not obtain a license under this section apply 17950
in the same manner to licenses issued under this section. 17951

(K) Chapter 4796. of the Revised Code does not apply to a 17952
license or certificate issued under this section. 17953

(L) A department, agency, or office of this state shall 17954
not require an individual who meets the requirements of this 17955
section to apply for the license or certificate under Chapter 17956
4796. of the Revised Code. However, the individual may elect to 17957
apply for the license or certificate under Chapter 4796. of the 17958
Revised Code. 17959

Sec. 4747.04. (A) The state speech and hearing 17960
professionals board shall: 17961

(1) Establish the nature and scope of qualifying 17962
examinations in accordance with section 4747.08 of the Revised 17963
Code; 17964

(2) Determine whether persons holding similar valid 17965
licenses from other ~~states or jurisdictions~~ other than other 17966
states shall be required to take and successfully pass the 17967
appropriate qualifying examination as a condition for licensing 17968
in this state; 17969

(3) Review complaints and conduct investigations in 17970
accordance with section 4747.13 of the Revised Code and hold any 17971

hearings that are necessary to carry out this chapter;	17972
(4) Determine and specify the length of time each license that is suspended or revoked shall remain suspended or revoked;	17973 17974
(5) Deposit all payments collected under this chapter into the state treasury to the credit of the occupational licensing and regulatory fund created in section 4743.05 of the Revised Code;	17975 17976 17977 17978
(6) Establish a list of disqualifying offenses for licensure as a hearing aid dealer or fitter, or for a hearing aid dealer or fitter trainee permit, pursuant to sections 9.79, 4747.05, 4747.10, 4747.12, and 4776.10 of the Revised Code.	17979 17980 17981 17982
(B) The board shall adopt reasonable rules, in accordance with Chapter 119. of the Revised Code, necessary for the administration of this chapter. The board shall include all of the following in those rules:	17983 17984 17985 17986
(1) The amount of any fees required under this chapter;	17987
(2) The information to be included in a hearing aid receipt provided by a licensed hearing aid dealer or fitter to a person under section 4747.09 of the Revised Code;	17988 17989 17990
(3) The amount of time a licensed hearing aid dealer or fitter or trainee permit holder has to provide the notice of a change in address or addresses required under section 4747.11 of the Revised Code and any other requirements relating to the notice;	17991 17992 17993 17994 17995
(4) Any additional conduct for which the board may discipline a licensee or permit holder under section 4747.12 of the Revised Code.	17996 17997 17998
(C) Nothing in this section shall be interpreted as	17999

granting to the board the right to restrict advertising which is 18000
not false or misleading, or to prohibit or in any way restrict a 18001
hearing aid dealer or fitter from renting or leasing space from 18002
any person, firm or corporation in a mercantile establishment 18003
for the purpose of using such space for the lawful sale of 18004
hearing aids or to prohibit a mercantile establishment from 18005
selling hearing aids if the sale would be otherwise lawful under 18006
this chapter. 18007

Sec. 4747.05. (A) (1) The state speech and hearing 18008
professionals board shall issue to each applicant, within sixty 18009
days of receipt of a properly completed application and payment 18010
of an application fee set by the board in rules adopted under 18011
section 4747.04 of the Revised Code, a hearing aid dealer's or 18012
fitter's license if the applicant: 18013

~~(1)~~ (a) In the case of an individual, the individual is at 18014
least eighteen years of age, is free of contagious or infectious 18015
disease, and has successfully passed a qualifying examination 18016
specified and administered by the board. 18017

~~(2)~~ (b) In the case of a firm, partnership, association, 18018
or corporation, the application, in addition to such information 18019
as the board requires, is accompanied by an application for a 18020
license for each person, whether owner or employee, of the firm, 18021
partnership, association, or corporation, who engages in dealing 18022
in or fitting of hearing aids, or contains a statement that such 18023
applications are submitted separately. No firm, partnership, 18024
association, or corporation licensed pursuant to this chapter 18025
shall permit any unlicensed person to sell or fit hearing aids. 18026

(2) The board shall issue a hearing aid dealer's or 18027
fitter's license in accordance with Chapter 4796. of the Revised 18028
Code to an applicant if either of the following applies: 18029

(a) The applicant holds a license in another state. 18030

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a hearing aid dealer or fitter in a state that does not issue that license. 18031
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(B) (1) Subject to division (B) (3) of this section, the board shall not adopt or enforce any rule that precludes an individual from renewing a license issued under this chapter due to any past criminal activity, unless the individual has committed a crime of moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code. The board shall comply with Chapter 119. of the Revised Code when denying an individual a license renewal. 18035
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(2) The board may refuse to issue a license to an applicant because of a conviction of or plea of guilty to an offense if the refusal is in accordance with section 9.79 of the Revised Code. 18043
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(3) In considering a renewal of an individual's license, the board shall not consider any conviction or plea of guilty prior to the initial licensing. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal. 18047
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(4) The board may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed. 18053
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(C) (1) Except as provided in division (C) (2) of this section, each license issued is valid from the date of issuance 18057
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until the thirty-first day of December of the even-numbered year 18059
that follows the date of issuance. 18060

(2) A license issued less than one hundred days before the 18061
thirty-first day of December of an even-numbered year is valid 18062
from the date of issuance until the thirty-first day of December 18063
of the even-numbered year that follows the thirty-first day of 18064
December immediately after the date of issuance. 18065

Sec. 4747.10. (A) (1) Each person currently engaged in 18066
training to become a licensed hearing aid dealer or fitter shall 18067
apply to the state speech and hearing professionals board for a 18068
hearing aid dealer's and fitter's trainee permit. The board 18069
shall issue to each applicant within thirty days of receipt of a 18070
properly completed application and payment of an application fee 18071
set by the board in rules adopted under section 4747.04 of the 18072
Revised Code, a trainee permit if such applicant meets all of 18073
the following criteria: 18074

~~(A)~~ (a) Is at least eighteen years of age; 18075

~~(B)~~ (b) Is the holder of a diploma from an accredited high 18076
school or a certificate of high school equivalence issued by the 18077
department of education; 18078

~~(C)~~ (c) Is free of contagious or infectious disease. 18079

(2) The board shall issue a hearing aid dealer's and 18080
fitter's trainee permit in accordance with Chapter 4796. of the 18081
Revised Code to an applicant if either of the following applies: 18082

(a) The applicant holds a permit or license in another 18083
state. 18084

(b) The applicant has satisfactory work experience, a 18085
government certification, or a private certification as 18086

described in that chapter as a hearing aid dealer and fitter 18087
trainee in a state that does not issue that permit or license. 18088

(B) The board shall not deny a trainee permit issued under 18089
this section to any individual based on the individual's past 18090
criminal history unless the denial is in accordance with section 18091
9.79 of the Revised Code. 18092

In considering a renewal of an individual's trainee 18093
permit, the board shall not consider any conviction or plea of 18094
guilty prior to the issuance of the initial trainee permit. 18095
However, the board may consider a conviction or plea of guilty 18096
if it occurred after the individual was initially granted the 18097
trainee permit, or after the most recent trainee permit renewal. 18098
The board shall comply with Chapter 119. of the Revised Code 18099
when denying an individual for a trainee permit or renewal. 18100
Additionally, the board may grant an individual a conditional 18101
trainee permit that lasts for one year. After the one-year 18102
period has expired, the permit is no longer considered 18103
conditional, and the individual shall be considered to be 18104
granted a full trainee permit. 18105

(C) Each trainee permit issued by the board expires one 18106
year from the date it was first issued, and may be renewed once 18107
if the trainee has not successfully completed the qualifying 18108
requirements for licensing as a hearing aid dealer or fitter 18109
before the expiration date of such permit. The board shall issue 18110
a renewed permit to each applicant upon receipt of a properly 18111
completed application and payment of a renewal fee set by the 18112
board in rules adopted under section 4747.04 of the Revised 18113
Code. No person holding a trainee permit shall engage in the 18114
practice of dealing in or fitting of hearing aids except while 18115
under supervision by a licensed hearing aid dealer or fitter. 18116

Sec. 4749.12. (A) A The director of public safety shall 18117
issue a license as a private investigator, security guard 18118
provider, or as a private investigator and a security guard 18119
provider in accordance with Chapter 4796. of the Revised Code to 18120
a person who is a resident of another state, if either of the 18121
following applies: 18122

(A) The person is licensed as a private investigator, 18123
security guard provider, or as a private investigator and a 18124
security guard provider in another state, and wishes to engage 18125
in the business of private investigation, the business of 18126
security services, or both businesses in this state, shall be 18127
licensed pursuant to section 4749.03 of the Revised Code, but 18128
the director of public safety may waive the examination 18129
requirement of that section and issue a license to a nonresident 18130
under the circumstances described in division (B) of this 18131
section. 18132

(B) If a nonresident The person has satisfactory work 18133
experience, a government certification, or a private 18134
certification as described in that chapter as a private 18135
investigator, security guard provider, or a private investigator 18136
and security guard provider seeking licensure under this chapter 18137
submits with the application and accompanying matter specified 18138
in section 4749.03 of the Revised Code proof of licensure in 18139
another state, and if the requirements of divisions (A) (1) (a), 18140
(b), and (d) and, if applicable, (F) (1) of section 4749.03 of 18141
the Revised Code are satisfied and the nonresident meets all 18142
current requirements of the laws of the other state regulating 18143
the business of private investigation, the business of security 18144
services, or both businesses, the director may waive the 18145
examination requirement and fee of that section. This waiver 18146
authority may be exercised only if the director determines that 18147

~~the other state has a law similar to this division and extends-~~ 18148
~~to residents of this state a similar waiver of examination-~~ 18149
~~privilege in a state that does not issue that license.~~ 18150

Sec. 4751.01. As used in this chapter: 18151

(A) "Health-care licensing agency" means any department, 18152
division, board, section of a board, or other government unit 18153
that is authorized by a statute of this or another state to 18154
issue a license, certificate, permit, card, or other authority 18155
to do either of the following in the context of health care: 18156

(1) Engage in a specific profession, occupation, or 18157
occupational activity; 18158

(2) Have charge of and operate certain specified 18159
equipment, machinery, or premises. 18160

(B) "Licensed health services executive" means an 18161
individual who holds a valid health services executive license. 18162

(C) "Licensed nursing home administrator" means an 18163
individual who holds a valid nursing home administrator license. 18164

(D) "Licensed temporary nursing home administrator" means 18165
an individual who holds a valid temporary nursing home 18166
administrator license. 18167

(E) "Long-term services and supports setting" means any 18168
institutional or community-based setting in which medical, 18169
health, psychosocial, habilitative, rehabilitative, or personal 18170
care services are provided to individuals on a post-acute care 18171
basis. 18172

(F) "Nursing home" means a nursing home as defined by or 18173
under the authority of section 3721.01 of the Revised Code, or a 18174
nursing home operated by a governmental agency. 18175

(G) "Nursing home administration" means planning,	18176
organizing, directing, and managing the operation of a nursing	18177
home.	18178
(H) "Nursing home administrator" means any individual who	18179
engages in the practice of nursing home administration, whether	18180
or not the individual shares the functions and duties of nursing	18181
home administration with one or more other individuals.	18182
(I) "Valid health services executive license" means a	18183
health services executive license to which all of the following	18184
apply:	18185
(1) It was issued by the board of executives of long-term	18186
services and supports under section <u>4751.201</u> , 4751.21, 4751.23,	18187
4751.25, or 4751.33 of the Revised Code;	18188
(2) It was not sold, fraudulently furnished, or	18189
fraudulently obtained in violation of division (F) of section	18190
4751.10 of the Revised Code;	18191
(3) It is current and in good standing.	18192
(J) "Valid nursing home administrator license" means a	18193
nursing home administrator license to which all of the following	18194
apply:	18195
(1) It was issued by the board under section 4751.20,	18196
4751.201, 4751.23, 4751.24, or 4751.33 of the Revised Code;	18197
(2) It was not sold, fraudulently furnished, or	18198
fraudulently obtained in violation of division (F) of section	18199
4751.10 of the Revised Code;	18200
(3) It is current and in good standing.	18201
(K) "Valid temporary nursing home administrator license"	18202

means a temporary nursing home administrator license to which 18203
all of the following apply: 18204

(1) It was issued by the board under section 4751.202, 18205
4751.23, or 4751.33 of the Revised Code; 18206

(2) It was not sold, fraudulently furnished, or 18207
fraudulently obtained in violation of division (F) of section 18208
4751.10 of the Revised Code; 18209

(3) It is current and in good standing. 18210

Sec. 4751.15. The board of executives of long-term 18211
services and supports shall administer, or contract with a 18212
government or private entity to administer, examinations that an 18213
individual must pass to obtain a nursing home administrator 18214
license under section 4751.20 ~~or 4751.201~~ of the Revised Code. 18215
If the board contracts with a government or private entity to 18216
administer the examinations, the contract may authorize the 18217
entity to collect and keep, as all or part of the entity's 18218
compensation under the contract, any fee an individual pays to 18219
take the examination. The entity is not required to deposit the 18220
fee into the state treasury. 18221

To be admitted to an examination administered under this 18222
section, an individual must pay the examination fee charged by 18223
the board or government or private entity. If an individual 18224
fails three times to pass the examination, the individual, 18225
before being admitted to the examination a subsequent time, also 18226
must satisfy any education requirements, experience 18227
requirements, or both, that may be prescribed in rules adopted 18228
under section 4751.04 of the Revised Code in addition to any 18229
education requirements or experience requirements that must be 18230
satisfied to obtain a nursing home administrator license under 18231

section 4751.20 ~~or 4751.201~~ of the Revised Code. 18232

Sec. 4751.20. (A) ~~Subject~~ Except as provided in section 18233
4751.201 of the Revised Code, and subject to section 4751.32 of 18234
the Revised Code, the board of executives of long-term services 18235
and supports shall issue a nursing home administrator license to 18236
an individual under this section if all of the following 18237
requirements are satisfied: 18238

(1) The individual has submitted to the board a completed 18239
application for the license in accordance with rules adopted 18240
under section 4751.04 of the Revised Code. 18241

(2) If the individual is required by rules adopted under 18242
section 4751.04 of the Revised Code to serve as a nursing home 18243
administrator in training, the individual has paid to the board 18244
the administrator in training fee of fifty dollars. 18245

(3) The individual is at least twenty-one years of age. 18246

(4) The individual has successfully completed educational 18247
requirements and work experience specified in rules adopted 18248
under section 4751.04 of the Revised Code, including, if so 18249
required by the rules, experience obtained as a nursing home 18250
administrator in training. 18251

(5) The individual is of good moral character. 18252

(6) The individual has complied with section 4776.02 of 18253
the Revised Code regarding a criminal records check. 18254

(7) The board, in its discretion, has determined that the 18255
results of the criminal records check do not make the individual 18256
ineligible for the license. 18257

(8) The individual has passed the licensing examination 18258
administered under section 4751.15 of the Revised Code. 18259

(9) The individual has paid to the board a license fee of 18260
two hundred fifty dollars. 18261

(10) The individual has satisfied any additional 18262
requirements as may be prescribed in rules adopted under section 18263
4751.04 of the Revised Code. 18264

(B) A nursing home administrator license shall certify 18265
that the individual to whom it was issued has met the applicable 18266
requirements of this chapter and any applicable rules adopted 18267
under section 4751.04 of the Revised Code and is authorized to 18268
practice nursing home administration while the license is valid. 18269

Sec. 4751.201. ~~(A) Subject to section 4751.32 of the~~ 18270
~~Revised Code, Notwithstanding the requirements for a license~~ 18271
~~under this chapter, the board of executives of long-term~~ 18272
~~services and supports may shall issue a nursing home~~ 18273
~~administrator license or a health services executive license in~~ 18274
~~accordance with Chapter 4796. of the Revised Code to an~~ 18275
~~individual under this section if all of the following~~ 18276
~~requirements are satisfied:—~~ 18277

~~(1) The individual is legally authorized to practice~~ 18278
~~nursing home administration in another state.—~~ 18279

~~(2) The individual has submitted to the board a completed~~ 18280
~~application for the license in accordance with rules adopted~~ 18281
~~under section 4751.04 of the Revised Code.—~~ 18282

~~(3) The individual is at least twenty one years of age.—~~ 18283

~~(4) The individual holds at least a bachelor's degree from~~ 18284
~~an accredited educational institution.—~~ 18285

~~(5) The individual is of good moral character.—~~ 18286

~~(6) The individual has complied with section 4776.02 of~~ 18287

~~the Revised Code regarding a criminal records check.~~ 18288

~~(7) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license.~~ 18289
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~~(8) The individual has passed the licensing examination administered under section 4751.15 of the Revised Code.~~ 18292
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~~(9) The individual has paid to the board a license fee of two hundred fifty dollars.~~ 18294
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~~(10) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.~~ 18296
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~~(B) A nursing home administrator license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is authorized to practice nursing home administration while the license is valid.~~ 18299
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applicant if either of the following applies: 18304

(A) The applicant holds a license in another state. 18305

(B) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a nursing home administrator or a health services executive in a state that does not issue that license. 18306
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Sec. 4751.202. (A) Subject to section 4751.32 of the Revised Code, the board of executives of long-term services and supports may issue a temporary nursing home administrator license to an individual if all of the following requirements are satisfied: 18311
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(1) The operator of a nursing home has requested that the board issue a temporary nursing home administrator license to the individual to authorize the individual to temporarily practice nursing home administration at the nursing home because of a vacancy in the position of nursing home administrator at the nursing home resulting from a death, illness, or other unexpected cause.

(2) The individual is at least twenty-one years of age.

(3) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check.

(4) The board, in accordance with section 9.79 of the Revised Code, has determined that the results of the criminal records check do not make the individual ineligible for the license.

(5) The individual has paid to the board a fee for the temporary license of one hundred dollars.

(6) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.

(B) A temporary nursing home administrator license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is authorized to practice nursing home administration while the temporary license is valid.

(C) Except as provided in section 4751.32 of the Revised Code, a temporary nursing home administrator license is valid for a period of time the board shall specify on the temporary license. That period shall not exceed one hundred eighty days.

If that period is less than one hundred eighty days, the 18345
individual holding the temporary license may apply to the board 18346
for renewal of the temporary license in accordance with rules 18347
the board shall adopt under section 4751.04 of the Revised Code. 18348
Except as provided in section 4751.32 of the Revised Code, a 18349
renewed temporary nursing home administrator license is valid 18350
for a period of time the board shall specify on the renewed 18351
temporary license. That period shall not exceed the difference 18352
between one hundred eighty days and the number of days for which 18353
the original temporary license was valid. A renewed temporary 18354
nursing home administrator license shall not be renewed. A 18355
licensed temporary nursing home administrator who intends to 18356
continue to practice nursing home administration after the 18357
temporary license, including, if applicable, the renewed 18358
temporary license, expires must obtain a nursing home 18359
administrator license under section 4751.20 of the Revised Code. 18360

(D) Chapter 4796. of the Revised Code does not apply to a 18361
temporary license issued under this section. 18362

Sec. 4751.21. (A) Subject ~~Except as provided in section~~ 18363
4751.201 of the Revised Code, and subject to section 4751.32 of 18364
the Revised Code, the board of executives of long-term services 18365
and supports shall issue a health services executive license to 18366
an individual if all of the following requirements are 18367
satisfied: 18368

(1) The individual has submitted to the board a completed 18369
application for the license in accordance with rules adopted 18370
under section 4751.04 of the Revised Code. 18371

(2) The individual is a licensed nursing home 18372
administrator. 18373

(3) The individual has obtained the health services executive qualification through the national association of long-term care administrator boards. 18374
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(4) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check. 18377
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(5) The board, in accordance with section 9.79 of the Revised Code, has determined that the results of the criminal records check do not make the individual ineligible for the license. 18379
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(6) The individual has paid to the board a license fee of one hundred dollars. 18383
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(B) A health services executive license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is a licensed health services executive while the license is valid. 18385
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Sec. 4751.32. (A) Except as provided in division (D) of this section, the board of executives of long-term services and supports may take any of the actions authorized by division (B) of this section against an individual who has applied for or holds a nursing home administrator license, temporary nursing home administrator license, or health services executive license if any of the following apply to the individual: 18390
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(1) The individual has failed to satisfy any requirement established by this chapter or the rules adopted under section 4751.04 of the Revised Code that must be satisfied to obtain the license or temporary license. 18397
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(2) The individual has violated, or failed to comply with a requirement of, this chapter or a rule adopted under section 18401
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4751.04 of the Revised Code regarding the practice of nursing 18403
home administration, including the requirements of sections 18404
4751.40 and 4751.41 of the Revised Code. 18405

(3) The individual is unfit or incompetent to practice 18406
nursing home administration, serve in a leadership position at a 18407
long-term services and supports setting, or direct the practices 18408
of others in such a setting by reason of negligence, habits, or 18409
other causes, including the individual's habitual or excessive 18410
use or abuse of drugs, alcohol, or other substances. 18411

(4) The individual has acted in a manner inconsistent with 18412
the health and safety of either of the following: 18413

(a) The residents of the nursing home at which the 18414
individual practices nursing home administration; 18415

(b) The consumers of services and supports provided by a 18416
long-term services and supports setting at which the individual 18417
serves in a leadership position or directs the practices of 18418
others. 18419

(5) The individual has been convicted of, or pleaded 18420
guilty to, either of the following in a court of competent 18421
jurisdiction, either within or without this state: 18422

(a) A felony; 18423

(b) An offense of moral turpitude that constitutes a 18424
misdemeanor in this state. 18425

(6) The individual made a false, fraudulent, deceptive, or 18426
misleading statement in seeking to obtain, or obtaining, a 18427
nursing home administrator license, temporary nursing home 18428
administrator license, or health services executive license. 18429

(7) The individual made a fraudulent misrepresentation in 18430

attempting to obtain, or obtaining, money or anything of value 18431
in the practice of nursing home administration or while serving 18432
in a leadership position at a long-term services and supports 18433
setting or directing the practices of others in such a setting. 18434

(8) The individual has substantially deviated from the 18435
board's code of ethics. 18436

(9) Another health care licensing agency has taken any of 18437
the following actions against the individual for any reason 18438
other than nonpayment of a fee: 18439

(a) Denied, refused to renew or reinstate, limited, 18440
revoked, or suspended, or accepted the surrender of, a license 18441
or other authorization to practice; 18442

(b) Imposed probation; 18443

(c) Issued a censure or other reprimand. 18444

(10) The individual has failed to do any of the following: 18445

(a) Cooperate with an investigation conducted by the board 18446
under section 4751.31 of the Revised Code; 18447

(b) Respond to or comply with a subpoena issued by the 18448
board in an investigation of the individual; 18449

(c) Comply with any disciplinary action the board has 18450
taken against the individual pursuant to this section. 18451

(B) The following are the actions that the board may take 18452
for the purpose of division (A) of this section: 18453

(1) Deny the individual any of the following: 18454

(a) A nursing home administrator license under section 18455
4751.20, 4751.201, 4751.23, or 4751.24 of the Revised Code; 18456

(b) A temporary nursing home administrator license under section 4751.202 or 4751.23 of the Revised Code;	18457 18458
(c) A health services executive license under section <u>4751.201</u> , 4751.21, 4751.23, or 4751.25 of the Revised Code.	18459 18460
(2) Suspend the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license;	18461 18462 18463
(3) Revoke the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license, either permanently or for a period of time the board specifies;	18464 18465 18466 18467
(4) Place a limitation on the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license;	18468 18469 18470
(5) Place the individual on probation;	18471
(6) Issue a written reprimand of the individual;	18472
(7) Impose on the individual a civil penalty, fine, or other sanction specified in rules adopted under section 4751.04 of the Revised Code.	18473 18474 18475
(C) The board shall take actions authorized by division (B) of this section in accordance with Chapter 119. of the Revised Code, except that the board may enter into a consent agreement with an individual to resolve an alleged violation of this chapter or a rule adopted under section 4751.04 of the Revised Code in lieu of making an adjudication regarding the alleged violation. A consent agreement constitutes the board's findings and order with respect to the matter addressed in the consent agreement if the board ratifies the consent agreement.	18476 18477 18478 18479 18480 18481 18482 18483 18484

Any admissions or findings included in a proposed consent 18485
agreement have no force or effect if the board refuses to ratify 18486
the consent agreement. 18487

(D) The board shall not refuse to issue an initial nursing 18488
home administrator license, temporary nursing home administrator 18489
license, or health services executive license, unless the 18490
refusal is in accordance with section 9.79 of the Revised Code. 18491

Sec. 4752.05. (A) The Except as provided in division (D) 18492
of this section, the state board of pharmacy shall issue a 18493
license to provide home medical equipment services to each 18494
applicant under section 4752.04 of the Revised Code that meets 18495
either of the following requirements: 18496

(1) Meets the standards established by the board in rules 18497
adopted under section 4752.17 of the Revised Code; 18498

(2) Is a pharmacy licensed under Chapter 4729. of the 18499
Revised Code that receives total payments of ten thousand 18500
dollars or more per year from selling or renting home medical 18501
equipment. 18502

(B) During the period ending one year after September 16, 18503
2004, an applicant that does not meet either of the requirements 18504
of division (A) of this section shall be granted a provisional 18505
license if for at least twelve months prior to September 16, 18506
2004, the applicant was engaged in the business of providing 18507
home medical equipment services. The provisional license expires 18508
one year following the date on which it is issued and is not 18509
subject to renewal under section 4752.06 of the Revised Code. 18510

(C) The board may conduct a personal interview of an 18511
applicant, or an applicant's representative, to determine the 18512
applicant's qualifications for licensure. 18513

(D) The board shall issue a license to provide home medical equipment services in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 18514
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(1) The applicant holds a license in another state. 18518

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a provider of home medical equipment services in a state that does not issue that license. 18519
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~~(E) A license issued under division (A) of this section to provide home medical equipment services expires at the end of the licensing period for which it is issued and may be renewed in accordance with section 4752.06 of the Revised Code. For purposes of issuing and renewing licenses, the board shall use a biennial licensing period that begins on the first day of July of each even-numbered year and ends on the thirtieth day of June of the next succeeding even-numbered year.~~ 18523
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~~(E)~~(F) Any license issued under this section is valid only for the facility named in the application. 18531
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Sec. 4752.12. (A) The~~Except as provided in division (B) of this section, the~~ state board of pharmacy shall issue a certificate of registration to provide home medical equipment services to each applicant who submits a complete application under section 4752.11 of the Revised Code. For purposes of this division, an application is complete only if the board finds that the applicant holds accreditation from the joint commission on accreditation of healthcare organizations or another national accrediting body recognized by the board, as specified in rules adopted under section 4752.17 of the Revised Code. 18533
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(B) The board shall issue a certificate of registration in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 18543
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(1) The applicant holds a certificate of registration or license in another state. 18546
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a provider of home medical equipment services in a state that does not issue that certificate or license. 18548
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(C) A certificate of registration issued under this section expires at the end of the registration period for which it is issued and may be renewed in accordance with section 4752.13 of the Revised Code. For purposes of renewing certificates of registration, the board shall use a biennial registration period that begins on the first day of July of each even-numbered year and ends on the thirtieth day of June of the next succeeding even-numbered year. 18553
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~~(C)~~ (D) A certificate of registration issued under this section is valid only for the facility named in the application. 18561
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Sec. 4753.07. The state speech and hearing professionals board shall issue under its seal a license or conditional license to every applicant who has passed the appropriate examinations designated by the board and who otherwise complies with the licensure requirements of this chapter. The license or conditional license entitles the holder to practice speech-language pathology or audiology. 18563
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The board shall issue under its seal a license or conditional license to practice speech-language pathology or 18570
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audiology to an applicant in accordance with Chapter 4796. of 18572
the Revised Code if the applicant holds a license or conditional 18573
license in another state or the applicant has satisfactory work 18574
experience, a government certification, or a private 18575
certification as described in that chapter as a speech-language 18576
pathologist or audiologist in a state that does not issue those 18577
licenses. 18578

Each licensee shall display the license or conditional 18579
license or an official duplicate in a conspicuous place where 18580
the licensee practices speech-language pathology or audiology or 18581
both. 18582

Sec. 4753.071. A person who is required to meet the 18583
supervised professional experience requirement of division (F) 18584
of section 4753.06 of the Revised Code shall submit to the state 18585
speech and hearing professionals board an application for a 18586
conditional license. The application shall include a plan for 18587
the content of the supervised professional experience on a form 18588
the board shall prescribe. The board shall issue the conditional 18589
license to the applicant if the applicant meets the requirements 18590
of section 4753.06 of the Revised Code, other than the 18591
requirement to have obtained the supervised professional 18592
experience, and pays to the board the appropriate fee for a 18593
conditional license. The board shall issue a conditional license 18594
in accordance with Chapter 4796. of the Revised Code to an 18595
applicant if the applicant holds a license in another state or 18596
the applicant has satisfactory work experience, a government 18597
certification, or a private certification as described in that 18598
chapter in a state that does not issue a conditional license. An 18599
applicant may not begin employment until the conditional license 18600
has been issued. 18601

A conditional license authorizes an individual to practice speech-language pathology or audiology while completing the supervised professional experience as required by division (F) of section 4753.06 of the Revised Code. A person holding a conditional license may practice speech-language pathology or audiology while working under the supervision of a person fully licensed in accordance with this chapter. A conditional license is valid for eighteen months unless suspended or revoked pursuant to section 3123.47 or 4753.10 of the Revised Code.

A person holding a conditional license may perform services for which payment will be sought under the medicare program or the medicaid program but all requests for payment for such services shall be made by the person who supervises the person performing the services.

Sec. 4753.072. The state speech and hearing professionals board shall establish by rule pursuant to Chapter 119. of the Revised Code the qualifications for persons seeking licensure as a speech-language pathology aide or an audiology aide. The qualifications shall be less than the standards for licensure as a speech-language pathologist or audiologist. An aide shall not act independently and shall work under the direction and supervision of a speech-language pathologist or audiologist licensed by the board. An aide shall not dispense hearing aids. An applicant shall not begin employment until the license has been approved.

The board shall issue a license for a speech-language pathology aide or an audiology aide in accordance with Chapter 4796. of the Revised Code to an applicant who holds a license in another state or has satisfactory work experience, a government certification, or a private certification as described in that

chapter as a speech-language pathology aide or an audiology aide 18632
in a state that does not issue those licenses. 18633

Sec. 4753.073. (A) The state speech and hearing 18634
professionals board shall issue under its seal a speech-language 18635
pathology student permit to any applicant who submits a plan 18636
that has been approved by the applicant's university graduate 18637
program in speech-language pathology and that conforms to 18638
requirements determined by the board by rule and who meets all 18639
of the following requirements: 18640

(1) Is enrolled in a graduate program at an educational 18641
institution located in this state that is accredited by the 18642
council on academic accreditation in audiology and speech- 18643
language pathology of the American speech-language-hearing 18644
association; 18645

(2) Has completed at least one year of postgraduate 18646
training in speech-language pathology, or equivalent coursework 18647
as determined by the board, and any student clinical experience 18648
the board may require by rule. 18649

(B) The board shall issue under its seal a speech-language 18650
pathology student permit in accordance with Chapter 4796. of the 18651
Revised Code to an applicant if either of the following applies: 18652

(1) The applicant holds a permit or license in another 18653
state. 18654

(2) The applicant has satisfactory work experience, a 18655
government certification, or a private certification as 18656
described in that chapter as a speech-language pathology student 18657
in a state that does not issue that permit or license. 18658

(C) The speech-language pathology student permit 18659
authorizes the holder to practice speech-language pathology 18660

within limits determined by the board by rule, which shall 18661
include the following: 18662

(1) The permit holder's caseload shall be limited in a 18663
manner to be determined by the board by rule. 18664

(2) The permit holder's authorized scope of practice shall 18665
be limited in a manner to be determined by the board by rule. 18666
The rule shall consider the coursework and clinical experience 18667
that has been completed by the permit holder and the 18668
recommendation of the applicant's university graduate program in 18669
speech-language pathology. 18670

(3) The permit holder shall practice only when under the 18671
supervision of a speech-language pathologist who is licensed by 18672
the board and acting under the approval and direction of the 18673
applicant's university graduate program in speech-language 18674
pathology. The board shall determine by rule the manner of 18675
supervision. 18676

~~(C)~~ (D) A permit ~~issued under this section~~ shall expire two 18677
years after the date of issuance. Student permits may be renewed 18678
in a manner to be determined by the board by rule. 18679

~~(D)~~ (E) Each permit holder shall display the permit or an 18680
official duplicate in a conspicuous place where the permit 18681
holder practices speech-language pathology. 18682

Sec. 4753.08. The state speech and hearing professionals 18683
board shall waive the examination, educational, and professional 18684
experience requirements for any applicant who meets ~~any either~~ 18685
of the following requirements: 18686

(A) On September 26, 1975, had at least a bachelor's 18687
degree with a major in speech-language pathology or audiology 18688
from an accredited college or university, or was employed as a 18689

speech-language pathologist or audiologist for at least nine 18690
months at any time within the three years prior to September 26, 18691
1975, if an application providing bona fide proof of such degree 18692
or employment was filed with the former board of speech-language 18693
pathology and audiology within one year after that date, and was 18694
accompanied by the application fee as prescribed in division (A) 18695
of section 4753.11 of the Revised Code. 18696

~~(B) Presents proof to the state speech and hearing 18697
professionals board of current certification or licensure in 18698
good standing in the area in which licensure is sought in a 18699
state that has standards at least equal to the standards for 18700
licensure that are in effect in this state at the time the 18701
applicant applies for the license. 18702~~

~~(C) Presents proof to the state speech and hearing 18703
professionals board of both of the following: 18704~~

~~(1) Having current certification or licensure in good 18705
standing in audiology in a state that has standards at least 18706
equal to the standards for licensure as an audiologist that were 18707
in effect in this state on December 31, 2005. 18708~~

~~(2) Having first obtained that certification or licensure 18709
not later than December 31, 2007. 18710~~

~~(D) Presents proof to the state speech and hearing 18711
professionals board of a current certificate of clinical 18712
competence in speech-language pathology or audiology that is in 18713
good standing and received from the American speech-language- 18714
hearing association in the area in which licensure is sought. 18715~~

Sec. 4753.09. Except as provided in this section and in 18716
section 4753.10 of the Revised Code, a license issued by the 18717
state speech and hearing professionals board shall be renewed 18718

biennially in accordance with the standard renewal procedure 18719
contained in Chapter 4745. of the Revised Code. If the 18720
application for renewal is made one year or longer after the 18721
renewal application is due, the person shall apply for licensure 18722
as provided in section 4753.06 or division (B), ~~(C), or (D)~~ of 18723
section 4753.08 of the Revised Code. The board shall not renew a 18724
conditional license; however, the board may grant an applicant a 18725
second conditional license. 18726

The board shall establish by rule adopted pursuant to 18727
Chapter 119. of the Revised Code the qualifications for license 18728
renewal. Applicants shall demonstrate continued competence, 18729
which may include continuing education, examination, self- 18730
evaluation, peer review, performance appraisal, or practical 18731
simulation. The board may establish other requirements as a 18732
condition for license renewal as considered appropriate by the 18733
board. 18734

The board may renew a license which expires while the 18735
license is suspended, but the renewal shall not affect the 18736
suspension. The board shall not renew a license which has been 18737
revoked. If a revoked license is reinstated under section 18738
4753.10 of the Revised Code after it has expired, the licensee, 18739
as a condition of reinstatement, shall pay a reinstatement fee 18740
in the amount equal to the renewal fee in effect on the last 18741
preceding regular renewal date on which it is reinstated, plus 18742
any delinquent fees accrued from the time of the revocation, if 18743
such a fee is prescribed by the board by rule. 18744

Sec. 4753.12. Nothing in this chapter shall be construed 18745
to: 18746

(A) Prohibit a person other than an individual from 18747
engaging in the business of speech-language pathology or 18748

audiology without licensure if it employs a licensed individual 18749
in the direct practice of speech-language pathology and 18750
audiology. Such entity shall file a statement with the state 18751
speech and hearing professionals board, on a form approved by 18752
the board for this purpose, swearing that it submits itself to 18753
the rules of the board and the provisions of this chapter which 18754
the board determines applicable. 18755

(B) Prevent or restrict the practice of a person employed 18756
as a speech-language pathologist or audiologist by any agency of 18757
the federal government. 18758

(C) Restrict the activities and services of a student or 18759
intern in speech-language pathology or audiology from pursuing a 18760
course of study leading to a degree in these areas at a college 18761
or university accredited by a recognized regional or national 18762
accrediting body or in one of its cooperating clinical training 18763
facilities, if these activities and services are supervised by a 18764
person licensed in the area of study or certified by the 18765
American speech-language-hearing association in the area of 18766
study and if the student is designated by a title such as 18767
"speech-language pathology intern," "audiology intern," 18768
"trainee," or other such title clearly indicating the training 18769
status. 18770

(D) Prevent a person from performing speech-language 18771
pathology or audiology services when performing these services 18772
in pursuit of the required supervised professional experience as 18773
prescribed in section 4753.06 of the Revised Code and that 18774
person has been issued a conditional license pursuant to section 18775
4753.071 of the Revised Code. 18776

(E) Restrict a speech-language pathologist or audiologist 18777
who holds the certification of the American speech-language- 18778

hearing association, or who is licensed as a speech-language pathologist or audiologist in another state and who has made application to the board for a license in this state from practicing speech-language pathology or audiology without a valid license pending the disposition of the application. The board shall not require a speech-language pathologist or audiologist who is licensed in another state to obtain a license in accordance with Chapter 4796. of the Revised Code to practice speech-language pathology or audiology in the manner described under this division.

(F) Restrict a person not a resident of this state from offering speech-language pathology or audiology services in this state if such services are performed for not more than one period of thirty consecutive calendar days in any year, if the person is licensed in the state of the person's residence or certified by the American speech-language-hearing association and files a statement as prescribed by the board in advance of providing these services. Such person shall be subject to the rules of the board and the provisions of this chapter. The board shall not require a person not a resident of this state who is licensed in the state of the person's residence to obtain a license in accordance with Chapter 4796. of the Revised Code to offer speech-language pathology or audiology services in the manner described under this division.

(G) Restrict a person licensed under Chapter 4747. of the Revised Code from engaging in the duties as defined in that chapter related to measuring, testing, and counseling for the purpose of identifying or modifying hearing conditions in connection with the fitting, dispensing, or servicing of a hearing aid, or affect the authority of hearing aid dealers to deal in hearing aids or advertise the practice of dealing in

hearing aids in accordance with Chapter 4747. of the Revised Code.	18810 18811
(H) Restrict a physician from engaging in the practice of medicine and surgery or osteopathic medicine and surgery or prevent any individual from carrying out any properly delegated responsibilities within the normal practice of medicine and surgery or osteopathic medicine and surgery.	18812 18813 18814 18815 18816
(I) Restrict a person registered or licensed under Chapter 4723. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of professional or practical nursing as defined in Chapter 4723. of the Revised Code and the ethics of the nursing profession, provided such a person does not claim to the public to be a speech-language pathologist or audiologist.	18817 18818 18819 18820 18821 18822 18823
(J) Restrict an individual licensed as an audiologist under this chapter from fitting, selling, or dispensing hearing aids.	18824 18825 18826
(K) Authorize the practice of medicine and surgery or entitle a person licensed pursuant to this chapter to engage in the practice of medicine or surgery or any of its branches.	18827 18828 18829
(L) Restrict a person licensed pursuant to Chapter 4755. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of occupational therapy or occupational therapy assistant as defined in Chapter 4755. of the Revised Code, provided the person does not claim to the public to be a speech-language pathologist or audiologist.	18830 18831 18832 18833 18834 18835 18836
Sec. 4755.08. The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers	18837 18838

board shall issue a license to every applicant who has passed 18839
the appropriate examination designated by the section and who 18840
otherwise complies with the licensure requirements of sections 18841
4755.04 to 4755.13 of the Revised Code. The license entitles the 18842
holder to practice occupational therapy or to assist in the 18843
practice of occupational therapy. The licensee shall display the 18844
license in a conspicuous place at the licensee's principal place 18845
of business. 18846

The section shall issue a license to practice occupational 18847
therapy or to assist in the practice of occupational therapy in 18848
accordance with Chapter 4796. of the Revised Code to an 18849
applicant if either of the following applies: 18850

(A) The applicant holds a license in another state. 18851

(B) The applicant has satisfactory work experience, a 18852
government certification, or a private certification as 18853
described in that chapter as an occupational therapist or 18854
assistant occupational therapist in a state that does not issue 18855
that license. 18856

The section may issue a limited permit to persons who have 18857
satisfied the requirements of divisions (A) and (B) of section 18858
4755.07 of the Revised Code. The section shall issue a limited 18859
permit in accordance with Chapter 4796. of the Revised Code to 18860
an applicant if the applicant holds a permit or license in 18861
another state or the applicant has satisfactory work experience, 18862
a government certification, or a private certification as 18863
described in that chapter in a state that does not issue that 18864
permit or license. This permit allows the person to practice as 18865
an occupational therapist or occupational therapy assistant 18866
under the supervision of a licensed occupational therapist and 18867
is valid until the date on which the results of the examination 18868

are made public. This limited permit shall not be renewed if the applicant has failed the examination. 18869
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Sec. 4755.09. The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may waive the examination requirement under section 4755.07 of the Revised Code for any applicant for licensure as an occupational therapist or occupational therapy assistant who ~~either has met educational, training, and job experience requirements established by the section, or presents proof of current certification or licensure in another state that requires standards for licensure at least equal to those for licensure in this state.~~ 18871
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The section may waive the educational requirements under section 4755.07 of the Revised Code for any applicant who has met job experience requirements established by the section. 18881
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Sec. 4755.411. The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall adopt rules in accordance with Chapter 119. of the Revised Code pertaining to the following: 18884
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(A) Fees for the verification of a license and license reinstatement, and other fees established by the section; 18888
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(B) Provisions for the section's government and control of its actions and business affairs; 18890
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(C) Minimum curricula for physical therapy education programs that prepare graduates to be licensed in this state as physical therapists and physical therapist assistants; 18892
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(D) Eligibility criteria to take the examinations required under sections 4755.43 and 4755.431 of the Revised Code; 18895
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(E) The form and manner for filing applications for licensure with the section;	18897 18898
(F) For purposes of section 4755.46 of the Revised Code, all of the following:	18899 18900
(1) A schedule regarding when licenses to practice as a physical therapist and physical therapist assistant expire during a biennium;	18901 18902 18903
(2) An additional fee, not to exceed thirty-five dollars, that may be imposed if a licensee files a late application for renewal;	18904 18905 18906
(3) The conditions under which the license of a person who files a late application for renewal will be reinstated.	18907 18908
(G) The issuance, renewal, suspension, and permanent revocation of a license and the conduct of hearings;	18909 18910
(H) Appropriate ethical conduct in the practice of physical therapy;	18911 18912
(I) Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;	18913 18914 18915
(J) Conditions that may be imposed for reinstatement of a license following suspension pursuant to section 4755.47 of the Revised Code;	18916 18917 18918
(K) For purposes of sections 4755.45 and 4755.451 of the Revised Code, both of the following:	18919 18920
(1) Identification of the credentialing organizations from which the section will accept equivalency evaluations for foreign physical therapist education and foreign physical	18921 18922 18923

therapist assistant education. The physical therapy section 18924
shall identify only those credentialing organizations that use a 18925
course evaluation tool or form approved by the physical therapy 18926
section. 18927

(2) Evidence, other than the evaluations described in 18928
division (K)(1) of this section, that the section will consider 18929
for purposes of evaluating whether an applicant's education is 18930
reasonably equivalent to the educational requirements that were 18931
in force for licensure in this state as a physical therapist or 18932
physical therapist assistant on the date of the applicant's 18933
initial licensure or registration in another ~~state or~~ country. 18934

(L) Standards of conduct for physical therapists and 18935
physical therapist assistants, including requirements for 18936
supervision, delegation, and practicing with or without referral 18937
or prescription; 18938

(M) Appropriate display of a license; 18939

(N) Procedures for a licensee to follow in notifying the 18940
section within thirty days of a change in name or address, or 18941
both; 18942

(O) The amount and content of corrective action courses 18943
required by the board under section 4755.47 of the Revised Code. 18944

Sec. 4755.44. If an applicant passes the examination or 18945
examinations required under section 4755.43 of the Revised Code 18946
and pays the fee required by division (B) of section 4755.42 of 18947
the Revised Code, the physical therapy section of the Ohio 18948
occupational therapy, physical therapy, and athletic trainers 18949
board shall issue a license, attested by the seal of the board, 18950
to the applicant to practice as a physical therapist. 18951

The section shall issue a license to practice as a 18952

physical therapist in accordance with Chapter 4796. of the 18953
Revised Code, attested by the seal of the board, to an applicant 18954
if either of the following applies: 18955

(A) The applicant holds a license in another state. 18956

(B) The applicant has satisfactory work experience, a 18957
government certification, or a private certification as 18958
described in that chapter as a physical therapist in a state 18959
that does not issue that license. 18960

Sec. 4755.441. If an applicant passes the examination or 18961
examinations required under section 4755.431 of the Revised Code 18962
and pays the fee required by division (B) of section 4755.421 of 18963
the Revised Code, the physical therapy section of the Ohio 18964
occupational therapy, physical therapy, and athletic trainers 18965
board shall issue a license, attested by the seal of the board, 18966
to the applicant to practice as physical therapist assistant. 18967

The section shall issue a license to practice as a 18968
physical therapist assistant in accordance with Chapter 4796. of 18969
the Revised Code, attested by the seal of the board, to an 18970
applicant if either of the following applies: 18971

(A) The applicant holds a license in another state. 18972

(B) The applicant has satisfactory work experience, a 18973
government certification, or a private certification as 18974
described in that chapter as a physical therapist assistant in a 18975
state that does not issue that license. 18976

Sec. 4755.45. (A) The physical therapy section of the Ohio 18977
occupational therapy, physical therapy, and athletic trainers 18978
board shall issue to an applicant a license to practice as a 18979
physical therapist without requiring the applicant to have 18980
passed the national examination for physical therapists 18981

described in division (A) of section 4755.43 of the Revised Code 18982
within one year of filing an application described in section 18983
4755.42 of the Revised Code if all of the following are true: 18984

(1) The applicant presents evidence satisfactory to the 18985
physical therapy section that the applicant received a score on 18986
the national physical therapy examination described in division 18987
(A) of section 4755.43 of the Revised Code that would have been 18988
a passing score according to the board in the year the applicant 18989
sat for the examination; 18990

(2) The applicant presents evidence satisfactory to the 18991
physical therapy section that the applicant passed the 18992
jurisprudence examination described in division (B) of section 18993
4755.43 of the Revised Code; 18994

(3) The applicant holds a current and valid license or 18995
registration to practice physical therapy in another ~~state or~~ 18996
country; 18997

(4) Subject to division (B) of this section, the applicant 18998
can demonstrate that the applicant's education is reasonably 18999
equivalent to the educational requirements that were in force 19000
for licensure in this state on the date of the applicant's 19001
initial licensure or registration in the other ~~state or~~ country; 19002

(5) The applicant pays the fee described in division (B) 19003
of section 4755.42 of the Revised Code; 19004

(6) The applicant is not in violation of any section of 19005
this chapter or rule adopted under it. 19006

(B) For purposes of division (A)(4) of this section, if, 19007
after receiving the results of an equivalency evaluation from a 19008
credentialing organization identified by the section pursuant to 19009
rules adopted under section 4755.411 of the Revised Code, the 19010

section determines that regardless of the results of the 19011
evaluation the applicant's education is not reasonably 19012
equivalent to the educational requirements that were in force 19013
for licensure in this state on the date of the applicant's 19014
initial licensure or registration in ~~another state or a~~ foreign 19015
country, the section shall send a written notice to the 19016
applicant stating that the section is denying the applicant's 19017
application and stating the specific reason why the section is 19018
denying the applicant's application. The section shall send the 19019
notice to the applicant through certified mail within thirty 19020
days after the section makes that determination. 19021

Sec. 4755.451. (A) The physical therapy section of the 19022
Ohio occupational therapy, physical therapy, and athletic 19023
trainers board shall issue to an applicant a license as a 19024
physical therapist assistant without requiring the applicant to 19025
have passed the national examination for physical therapist 19026
assistants described in division (A) of section 4755.431 of the 19027
Revised Code within one year of filing an application described 19028
in section 4755.421 of the Revised Code if all of the following 19029
are true: 19030

(1) The applicant presents evidence satisfactory to the 19031
physical therapy section that the applicant received a score on 19032
the national physical therapy examination described in division 19033
(A) of section 4755.431 of the Revised Code that would have been 19034
a passing score according to the board in the year the applicant 19035
sat for the examination; 19036

(2) The applicant presents evidence satisfactory to the 19037
physical therapy section that the applicant passed the 19038
jurisprudence examination described in division (B) of section 19039
4755.431 of the Revised Code; 19040

(3) The applicant holds a current and valid license or registration to practice as a physical therapist assistant in another ~~state or~~ country; 19041
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(4) Subject to division (B) of this section, the applicant can demonstrate that the applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in the other ~~state or~~ country; 19044
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(5) The applicant pays the fee described in division (B) of section 4755.421 of the Revised Code; 19049
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(6) The applicant is not in violation of any section of this chapter or rule adopted under it. 19051
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(B) For purposes of division (A)(4) of this section, if, after receiving the results of an equivalency evaluation from a credentialing organization identified by the section pursuant to rules adopted under section 4755.411 of the Revised Code, the section determines that, regardless of the results of the evaluation, the applicant's education is not reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in ~~another state or a~~ foreign country, the section shall send a written notice to the applicant stating that the section is denying the applicant's application and stating the specific reason why the section is denying the applicant's application. The section shall send the notice to the applicant through certified mail within thirty days after the section makes the determination. 19053
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Sec. 4755.48. (A) No person shall employ fraud or deception in applying for or securing a license to practice 19068
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physical therapy or to be a physical therapist assistant. 19070

(B) No person shall practice or in any way imply or claim 19071
to the public by words, actions, or the use of letters as 19072
described in division (C) of this section to be able to practice 19073
physical therapy or to provide physical therapy services, 19074
including practice as a physical therapist assistant, unless the 19075
person holds a valid license under sections 4755.40 to 4755.56 19076
of the Revised Code or except for submission of claims as 19077
provided in section 4755.56 of the Revised Code. 19078

(C) No person shall use the words or letters, physical 19079
therapist, physical therapy, physical therapy services, 19080
physiotherapist, physiotherapy, physiotherapy services, licensed 19081
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 19082
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 19083
therapist assistant, physical therapy technician, licensed 19084
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 19085
letters, words, abbreviations, or insignia, indicating or 19086
implying that the person is a physical therapist or physical 19087
therapist assistant without a valid license under sections 19088
4755.40 to 4755.56 of the Revised Code. 19089

(D) No person who practices physical therapy or assists in 19090
the provision of physical therapy treatments under the 19091
supervision of a physical therapist shall fail to display the 19092
person's current license granted under sections 4755.40 to 19093
4755.56 of the Revised Code in a conspicuous location in the 19094
place where the person spends the major part of the person's 19095
time so engaged. 19096

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 19097
Code shall affect or interfere with the performance of the 19098
duties of any physical therapist or physical therapist assistant 19099

in active service in the army, navy, coast guard, marine corps, 19100
air force, public health service, or marine hospital service of 19101
the United States, while so serving. 19102

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 19103
Code shall prevent or restrict the activities or services of a 19104
person pursuing a course of study leading to a degree in 19105
physical therapy in an accredited or approved educational 19106
program if the activities or services constitute a part of a 19107
supervised course of study and the person is designated by a 19108
title that clearly indicates the person's status as a student. 19109

(G) (1) Subject to division (G) (2) of this section, nothing 19110
in sections 4755.40 to 4755.56 of the Revised Code shall prevent 19111
or restrict the activities or services of any person who holds a 19112
current, unrestricted license to practice physical therapy in 19113
another state when that person, pursuant to contract or 19114
employment with an athletic team located in the state in which 19115
the person holds the license, provides physical therapy to any 19116
of the following while the team is traveling to or from or 19117
participating in a sporting event in this state: 19118

(a) A member of the athletic team; 19119

(b) A member of the athletic team's coaching, 19120
communications, equipment, or sports medicine staff; 19121

(c) A member of a band or cheerleading squad accompanying 19122
the athletic team; 19123

(d) The athletic team's mascot. 19124

(2) In providing physical therapy pursuant to division (G) 19125
(1) of this section, the person shall not do either of the 19126
following: 19127

- (a) Provide physical therapy at a health care facility; 19128
- (b) Provide physical therapy for more than sixty days in a 19129
calendar year. 19130
- (3) The physical therapy section of the occupational 19131
therapy, physical therapy, and athletic trainers board shall not 19132
require a nonresident person who holds a license to practice 19133
physical therapy in another state to obtain a license in 19134
accordance with Chapter 4796. of the Revised Code to provide 19135
physical therapy services in the manner described under division 19136
(G)(1) of this section. 19137
- (H) (1) Except as provided in division (H) (2) of this 19138
section and subject to division (I) of this section, no person 19139
shall practice physical therapy other than on the prescription 19140
of, or the referral of a patient by, a person who is licensed in 19141
this or another state to do at least one of the following: 19142
- (a) Practice medicine and surgery, chiropractic, 19143
dentistry, osteopathic medicine and surgery, podiatric medicine 19144
and surgery; 19145
- (b) Practice as a physician assistant; 19146
- (c) Practice nursing as an advanced practice registered 19147
nurse. 19148
- (2) The prohibition in division (H) (1) of this section on 19149
practicing physical therapy other than on the prescription of, 19150
or the referral of a patient by, any of the persons described in 19151
that division does not apply if either of the following applies 19152
to the person: 19153
- (a) The person holds a master's or doctorate degree from a 19154
professional physical therapy program that is accredited by a 19155

national physical therapy accreditation agency recognized by the 19156
United States department of education. 19157

(b) On or before December 31, 2004, the person has 19158
completed at least two years of practical experience as a 19159
licensed physical therapist. 19160

(I) To be authorized to prescribe physical therapy or 19161
refer a patient to a physical therapist for physical therapy, a 19162
person described in division (H) (1) of this section must be in 19163
good standing with the relevant licensing board in this state or 19164
the state in which the person is licensed and must act only 19165
within the person's scope of practice. 19166

(J) In the prosecution of any person for violation of 19167
division (B) or (C) of this section, it is not necessary to 19168
allege or prove want of a valid license to practice physical 19169
therapy or to practice as a physical therapist assistant, but 19170
such matters shall be a matter of defense to be established by 19171
the accused. 19172

Sec. 4755.482. (A) Except as otherwise provided in 19173
divisions (B) and (C) of this section, a person shall not teach 19174
a physical therapy theory and procedures course in physical 19175
therapy education without obtaining a license as a physical 19176
therapist from the physical therapy section of the Ohio 19177
occupational therapy, physical therapy, and athletic trainers 19178
board. 19179

(B) A nonresident person who is registered or licensed as 19180
a physical therapist under the laws of another state shall not 19181
teach a physical therapy theory and procedures course in 19182
physical therapy education for more than one year without 19183
obtaining a license as a physical therapist from the physical 19184

therapy section, and the section shall not require that person 19185
to obtain a license in accordance with Chapter 4796. of the 19186
Revised Code to teach as described in this division. 19187

(C) A person who is registered or licensed as a physical 19188
therapist under the laws of a foreign country and is not 19189
registered or licensed as a physical therapist in any state who 19190
wishes to teach a physical therapy theory and procedures course 19191
in physical therapy education in this state, or an institution 19192
that wishes the person to teach such a course at the 19193
institution, may apply to the physical therapy section to 19194
request authorization for the person to teach such a course for 19195
a period of not more than one year. Any member of the physical 19196
therapy section may approve the person's or institution's 19197
application. No person described in this division shall teach 19198
such a course for longer than one year without obtaining a 19199
license from the physical therapy section. 19200

(D) The physical therapy section may investigate any 19201
person who allegedly has violated this section. The physical 19202
therapy section has the same powers to investigate an alleged 19203
violation of this section as those powers specified in section 19204
4755.02 of the Revised Code. If, after investigation, the 19205
physical therapy section determines that reasonable evidence 19206
exists that a person has violated this section, within seven 19207
days after that determination, the physical therapy section 19208
shall send a written notice to that person in the same manner as 19209
prescribed in section 119.07 of the Revised Code for licensees, 19210
except that the notice shall specify that a hearing will be held 19211
and specify the date, time, and place of the hearing. 19212

The physical therapy section shall hold a hearing 19213
regarding the alleged violation in the same manner prescribed 19214

for an adjudication hearing under section 119.09 of the Revised Code. If the physical therapy section, after the hearing, determines a violation has occurred, the physical therapy section may discipline the person in the same manner as the physical therapy section disciplines licensees under section 4755.47 of the Revised Code. The physical therapy section's determination is an order that the person may appeal in accordance with section 119.12 of the Revised Code.

If a person who allegedly committed a violation of this section fails to appear for a hearing, the physical therapy section may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the physical therapy section for a hearing. If the physical therapy section assesses a person a civil penalty for a violation of this section and the person fails to pay that civil penalty within the time period prescribed by the physical therapy section, the physical therapy section shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty.

Sec. 4755.62. (A) No person shall claim to the public to be an athletic trainer or imply by words, actions, or letters that the person is an athletic trainer, or otherwise engage in the practice of athletic training, unless the person is licensed as an athletic trainer pursuant to this chapter.

(B) Except as otherwise provided in division (B) of section 4755.65 of the Revised Code, no educational institution, partnership, association, or corporation shall advertise or

otherwise offer to provide or convey the impression that it is 19245
providing athletic training unless an individual licensed as an 19246
athletic trainer pursuant to this chapter is employed by, or 19247
under contract to, the educational institution, partnership, 19248
association, or corporation and will be performing the athletic 19249
training services to which reference is made. 19250

(C) To qualify for an athletic trainers license, a person 19251
shall: 19252

(1) Have satisfactorily completed an application for 19253
licensure in accordance with rules adopted by the athletic 19254
trainers section of the Ohio occupational therapy, physical 19255
therapy, and athletic trainers board under section 4755.61 of 19256
the Revised Code; 19257

(2) Have paid the examination fee required under this 19258
section; 19259

(3) Have shown, to the satisfaction of the athletic 19260
trainers section, that the applicant has received a 19261
baccalaureate or higher degree from an institution of higher 19262
education, approved by the athletic trainers section of the 19263
board and the federal regional accreditation agency and 19264
recognized by the council on postsecondary accreditation, and 19265
has satisfactorily completed the educational course work 19266
requirements established by rule of the athletic trainers 19267
section under section 4755.61 of the Revised Code. 19268

(4) In addition to educational course work requirements, 19269
have obtained supervised clinical experience that meets the 19270
requirements established in rules adopted by the athletic 19271
trainers section under section 4755.61 of the Revised Code; 19272

(5) Have passed an examination adopted by the athletic 19273

trainers section under division (A) (8) of section 4755.61 of the Revised Code. Each applicant for licensure shall pay, at the time of application, the nonrefundable examination fee set by the athletic trainers section.

~~(D) The section may waive the requirements of division (C) of this section for any applicant who presents proof of current licensure shall issue a license to engage in the practice of athletic training in accordance with Chapter 4796. of the Revised Code to an applicant who holds a license in another state whose standards for licensure, as determined by the section, are equal to or greater than those in effect in this state on the date of application or to an applicant who has satisfactory work experience, a government certification, or a private certification as described in that chapter as an athletic trainer in a state that does not issue that license.~~

(E) The section shall issue a license to every applicant who complies with the requirements of division (C) of this section, files the required application form, and pays the fees required by section 4755.61 of the Revised Code. A license issued under this section entitles the holder to engage in the practice of athletic training, claim to the public to be an athletic trainer, or to imply by words or letters that the licensee is an athletic trainer. Each licensee shall display the licensee's license in a conspicuous place at the licensee's principal place of employment.

Sec. 4755.65. (A) Nothing in sections 4755.61 to 4755.64 of the Revised Code shall be construed to prevent or restrict the practice, services, or activities of any person who:

(1) Is an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic

medicine and surgery, or podiatry, a dentist licensed under 19304
Chapter 4715. of the Revised Code, a chiropractor licensed under 19305
Chapter 4734. of the Revised Code, a dietitian licensed under 19306
Chapter 4759. of the Revised Code, a physical therapist licensed 19307
under this chapter, or a qualified member of any other 19308
occupation or profession practicing within the scope of the 19309
person's license or profession and who does not claim to the 19310
public to be an athletic trainer; 19311

(2) Is employed as an athletic trainer by an agency of the 19312
United States government and provides athletic training solely 19313
under the direction or control of the agency by which the person 19314
is employed; 19315

(3) Is a student in an athletic training education program 19316
approved by the athletic trainers section leading to a 19317
baccalaureate or higher degree from an accredited college or 19318
university and is performing duties that are a part of a 19319
supervised course of study; 19320

(4) Is ~~not an a nonresident~~ individual not licensed as an 19321
athletic trainer in this state who practices or offers to 19322
practice athletic training while traveling with a visiting team 19323
or organization from outside the state or an event approved by 19324
the section for the purpose of providing athletic training to 19325
the visiting team, organization, or event; 19326

(5) Provides athletic training only to relatives or in 19327
medical emergencies; 19328

(6) Provides gratuitous care to friends or members of the 19329
person's family; 19330

(7) Provides only self-care. 19331

(B) Nothing in this chapter shall be construed to prevent 19332

any person licensed under Chapter 4723. of the Revised Code and 19333
whose license is in good standing, any person authorized under 19334
Chapter 4731. of the Revised Code to practice medicine and 19335
surgery or osteopathic medicine and surgery and whose 19336
certificate to practice is in good standing, any person 19337
authorized under Chapter 4731. of the Revised Code to practice 19338
podiatry and whose certificate to practice is in good standing, 19339
any person licensed under Chapter 4734. of the Revised Code to 19340
practice chiropractic and whose license is in good standing, any 19341
person licensed as a dietitian under Chapter 4759. of the 19342
Revised Code to practice dietetics and whose license is in good 19343
standing, any person licensed as a physical therapist under this 19344
chapter to practice physical therapy and whose license is in 19345
good standing, or any association, corporation, or partnership 19346
from advertising, describing, or offering to provide athletic 19347
training, or billing for athletic training if the athletic 19348
training services are provided by a person licensed under this 19349
chapter and practicing within the scope of the person's license, 19350
by a person licensed under Chapter 4723. of the Revised Code and 19351
practicing within the scope of the person's license, by a person 19352
authorized under Chapter 4731. of the Revised Code to practice 19353
podiatry, by a person authorized under Chapter 4731. of the 19354
Revised Code to practice medicine and surgery or osteopathic 19355
medicine and surgery, by a person licensed under Chapter 4734. 19356
of the Revised Code to practice chiropractic, or by a person 19357
licensed under Chapter 4759. of the Revised Code to practice 19358
dietetics. 19359

(C) Nothing in this chapter shall be construed as 19360
authorizing a licensed athletic trainer to practice medicine and 19361
surgery, osteopathic medicine and surgery, podiatry, or 19362
chiropractic. 19363

(D) The athletic trainer section of the occupational 19364
therapy, physical therapy, and athletic trainers board shall not 19365
require a nonresident individual licensed as an athletic trainer 19366
in another state to obtain a license in accordance with Chapter 19367
4796. of the Revised Code to practice or offer to practice 19368
athletic training in the manner described under division (A) (4) 19369
of this section. 19370

~~Sec. 4757.18. The counselor, social worker, and marriage~~ 19371
~~and family therapist board may enter into a reciprocal agreement~~ 19372
~~with any state that regulates individuals practicing in the same~~ 19373
~~capacities as those regulated under this chapter if the board~~ 19374
~~finds that the state has requirements substantially equivalent~~ 19375
~~to the requirements this state has for receipt of a license or~~ 19376
~~certificate of registration under this chapter. In a reciprocal~~ 19377
~~agreement, the board agrees to issue the appropriate license or~~ 19378
~~certificate of registration to any resident of the other state~~ 19379
~~whose practice is currently authorized by that state if that~~ 19380
~~state's regulatory body agrees to authorize the appropriate~~ 19381
~~practice of any resident of this state who holds a valid license~~ 19382
~~or certificate of registration issued under this chapter.~~ 19383

~~Subject to section 4757.25 of the Revised Code, the~~ 19384
~~The~~ 19385
~~professional standards committees of the~~ 19386
~~counselor, social~~ 19387
~~worker, and marriage and family therapist board may~~ 19388
~~shall, by~~ 19389
~~endorsement, issue the appropriate license, temporary license,~~ 19390
~~or certificate of registration in accordance with Chapter 4796.~~ 19391
~~of the Revised Code to a resident of a state with which the~~ 19392
~~board does not have a reciprocal agreement, if the person~~ 19393
~~submits proof satisfactory to the committee of currently being~~ 19394
~~licensed, certified, registered, or otherwise authorized to~~
~~practice by that state~~
an applicant if either of the following
applies:

(A) The applicant holds a license or certificate of registration in another state. 19395
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(B) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in a state that does not issue the license, temporary license, or certificate of registration for which the applicant is applying. 19397
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Sec. 4758.25. ~~(A) The chemical dependency professionals board may enter into a reciprocal agreement with any state that regulates individuals practicing in the same capacities as those regulated under this chapter if the board finds that the state has requirements substantially equivalent to the requirements of this state to receive a license or certificate under this chapter.~~ 19402
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~~The board may become a member of a national reciprocity organization that requires its members to have requirements substantially equivalent to the requirements of this state to receive a license or certificate to practice in the same capacities as those regulated under this chapter. If the board becomes a member of such an organization, the board shall consider itself to have a reciprocal agreement with the other states that are also members of the organization.~~ 19409
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~~(B) The board may, by endorsement, shall issue the appropriate a license or, certificate, or endorsement in accordance with Chapter 4796. of the Revised Code to a resident of a an applicant if either of the following applies:~~ 19417
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(1) The applicant holds a license, certificate, or endorsement in another state with which the board does not have a reciprocal agreement if both of the following apply: 19421
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~~(1) The board finds that the state has requirements~~ 19424
~~substantially equivalent to the requirements of this state for~~ 19425
~~receipt of a license or certificate under this chapter.~~ 19426

~~(2) The individual submits proof satisfactory to the board~~ 19427
~~of being currently authorized to practice by that state~~ 19428

(2) The applicant has satisfactory work experience, a 19429
government certification, or a private certification as 19430
described in that chapter in a state that does not issue the 19431
license, certificate, or endorsement for which the applicant is 19432
applying. 19433

~~(C) (B) A license or certificate obtained by reciprocity~~ 19434
~~or endorsement~~ under this section may be renewed or restored 19435
under section 4758.26 of the Revised Code if the individual 19436
holding the license or certificate satisfies the renewal or 19437
restoration requirements established by that section. An 19438
individual holding a license or certificate obtained ~~by~~ 19439
~~reciprocity or endorsement~~ under this section may obtain, under 19440
section 4758.24 of the Revised Code, a different license or 19441
certificate available under this chapter if the individual meets 19442
all of the requirements as specified in that section for the 19443
license or certificate the individual seeks. 19444

Sec. 4759.05. (A) The ~~Except as provided in division (E)~~ 19445
of this section, the state medical board shall adopt, amend, or 19446
rescind rules pursuant to Chapter 119. of the Revised Code to 19447
carry out the provisions of this chapter, including rules 19448
governing the following: 19449

(1) Selection and approval of a dietitian licensure 19450
examination offered by the commission on dietetic registration 19451
or any other examination; 19452

- (2) The examination of applicants for licensure as a dietitian, as required under division (A) of section 4759.06 of the Revised Code; 19453
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- (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; 19456
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- (4) Requirements for a person holding a limited permit under division (G) of section 4759.06 of the Revised Code, including the duration of validity of a limited permit and procedures for renewal; 19460
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- (5) Continuing education requirements for renewal of a license, including rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for license holders who have been disabled by illness or accident or have been absent from the country. Rules adopted under this division shall be consistent with the continuing education requirements adopted by the commission on dietetic registration. 19464
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- (6) Any additional education requirements the board considers necessary, for applicants who have not practiced dietetics within five years of the initial date of application for licensure; 19472
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- (7) Standards of professional responsibility and practice for persons licensed under this chapter that are consistent with those standards of professional responsibility and practice adopted by the academy of nutrition and dietetics; 19476
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- (8) Formulation of an application form for licensure or license renewal; 19480
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(9) Procedures for license renewal;	19482
(10) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.	19483 19484
(B) (1) The board shall investigate evidence that appears to show that a person has violated any provision of this chapter or any rule adopted under it. Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of this chapter or any rule adopted under it. In the absence of bad faith, any person who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable in damages in a civil action as a result of the report or testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board.	19485 19486 19487 19488 19489 19490 19491 19492 19493 19494 19495 19496 19497
(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4759.012 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case.	19498 19499 19500 19501 19502 19503 19504 19505 19506
(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, the board may issue subpoenas, question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, and compel the	19507 19508 19509 19510 19511

attendance of witnesses and the production of books, accounts, 19512
papers, records, documents, and testimony, except that a 19513
subpoena for patient record information shall not be issued 19514
without consultation with the attorney general's office and 19515
approval of the secretary and supervising member of the board. 19516

Before issuance of a subpoena for patient record 19517
information, the secretary and supervising member shall 19518
determine whether there is probable cause to believe that the 19519
complaint filed alleges a violation of this chapter or any rule 19520
adopted under it and that the records sought are relevant to the 19521
alleged violation and material to the investigation. The 19522
subpoena may apply only to records that cover a reasonable 19523
period of time surrounding the alleged violation. 19524

On failure to comply with any subpoena issued by the board 19525
and after reasonable notice to the person being subpoenaed, the 19526
board may move for an order compelling the production of persons 19527
or records pursuant to the Rules of Civil Procedure. 19528

A subpoena issued by the board may be served by a sheriff, 19529
the sheriff's deputy, or a board employee or agent designated by 19530
the board. Service of a subpoena issued by the board may be made 19531
by delivering a copy of the subpoena to the person named 19532
therein, reading it to the person, or leaving it at the person's 19533
usual place of residence, usual place of business, or address on 19534
file with the board. When serving a subpoena to an applicant for 19535
or the holder of a license or limited permit issued under this 19536
chapter, service of the subpoena may be made by certified mail, 19537
return receipt requested, and the subpoena shall be deemed 19538
served on the date delivery is made or the date the person 19539
refuses to accept delivery. If the person being served refuses 19540
to accept the subpoena or is not located, service may be made to 19541

an attorney who notifies the board that the attorney is 19542
representing the person. 19543

A sheriff's deputy who serves a subpoena shall receive the 19544
same fees as a sheriff. Each witness who appears before the 19545
board in obedience to a subpoena shall receive the fees and 19546
mileage provided for under section 119.094 of the Revised Code. 19547

(4) All hearings, investigations, and inspections of the 19548
board shall be considered civil actions for the purposes of 19549
section 2305.252 of the Revised Code. 19550

(5) A report required to be submitted to the board under 19551
this chapter, a complaint, or information received by the board 19552
pursuant to an investigation is confidential and not subject to 19553
discovery in any civil action. 19554

The board shall conduct all investigations or inspections 19555
and proceedings in a manner that protects the confidentiality of 19556
patients and persons who file complaints with the board. The 19557
board shall not make public the names or any other identifying 19558
information about patients or complainants unless proper consent 19559
is given. 19560

The board may share any information it receives pursuant 19561
to an investigation or inspection, including patient records and 19562
patient record information, with law enforcement agencies, other 19563
licensing boards, and other governmental agencies that are 19564
prosecuting, adjudicating, or investigating alleged violations 19565
of statutes or administrative rules. An agency or board that 19566
receives the information shall comply with the same requirements 19567
regarding confidentiality as those with which the state medical 19568
board must comply, notwithstanding any conflicting provision of 19569
the Revised Code or procedure of the agency or board that 19570

applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(6) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(a) The case number assigned to the complaint or alleged violation;

(b) The type of license, if any, held by the individual against whom the complaint is directed;

(c) A description of the allegations contained in the complaint;

(d) The disposition of the case.

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.

(C) The board shall keep records as are necessary to carry out the provisions of this chapter.

(D) The board shall maintain and publish on its internet 19600
web site the board's rules and requirements for licensure 19601
adopted under division (A) of this section. 19602

(E) The board shall issue a license or limited permit to 19603
practice dietetics in accordance with Chapter 4796. of the 19604
Revised Code to an applicant if either of the following apply: 19605

(1) The applicant holds a license or permit in another 19606
state. 19607

(2) The applicant has satisfactory work experience, a 19608
government certification, or a private certification as 19609
described in that chapter as a dietitian in a state that does 19610
not issue that license. 19611

Sec. 4759.06. (A) The ~~Except as provided in section 19612~~
4759.05 of the Revised Code, the state medical board shall issue 19613
a license to practice dietetics to an applicant who meets all of 19614
the following requirements: 19615

(1) Has satisfactorily completed an application for 19616
licensure in accordance with rules adopted under division (A) of 19617
section 4759.05 of the Revised Code; 19618

(2) Has paid the fee required under division (A) of 19619
section 4759.08 of the Revised Code; 19620

(3) Has received a baccalaureate or higher degree from an 19621
institution of higher education that is approved by the board or 19622
a regional accreditation agency that is recognized by the 19623
council on postsecondary accreditation, and has completed a 19624
program consistent with the academic standards for dietitians 19625
established by the academy of nutrition and dietetics; 19626

(4) Has successfully completed a pre-professional dietetic 19627

experience approved by the academy of nutrition and dietetics, 19628
or experience approved by the board under division (A) (3) of 19629
section 4759.05 of the Revised Code; 19630

(5) Has passed the examination approved by the board under 19631
division (A) (1) of section 4759.05 of the Revised Code. 19632

(B) The board shall waive the requirements of divisions 19633
(A) (3), (4), and (5) of this section and any rules adopted under 19634
division (A) (6) of section 4759.05 of the Revised Code if the 19635
applicant presents satisfactory evidence to the board of current 19636
registration as a registered dietitian with the commission on 19637
dietetic registration. 19638

(C) (1) The board shall issue a license to practice 19639
dietetics to an applicant who meets the requirements of division 19640
(A) of this section. A license shall be valid for a two-year 19641
period unless revoked or suspended by the board and shall expire 19642
on the date that is two years after the date of issuance. A 19643
license may be renewed for additional two-year periods. 19644

(2) The board shall renew an applicant's license if the 19645
applicant has paid the license renewal fee specified in section 19646
4759.08 of the Revised Code and certifies to the board that the 19647
applicant has met the continuing education requirements adopted 19648
under division (A) (5) of section 4759.05 of the Revised Code. 19649
The renewal shall be pursuant to the standard renewal procedure 19650
of sections 4745.01 to 4745.03 of the Revised Code. 19651

At least one month before a license expires, the board 19652
shall provide a renewal notice. Failure of any person to receive 19653
a notice of renewal from the board shall not excuse the person 19654
from the requirements contained in this section. Each person 19655
holding a license shall give notice to the board of a change in 19656

the license holder's residence address, business address, or 19657
electronic mail address not later than thirty days after the 19658
change occurs. 19659

(D) Any person licensed to practice dietetics by the 19660
former Ohio board of dietetics before January 21, 2018, may 19661
continue to practice dietetics in this state under that license 19662
if the person continues to meet the requirements to renew a 19663
license under this chapter and renews the license through the 19664
state medical board. 19665

The state medical board may take any of the following 19666
actions, as provided in section 4759.07 of the Revised Code, 19667
against the holder of a license to practice dietetics issued 19668
before January 21, 2018, by the former Ohio board of dietetics: 19669

(1) Limit, revoke, or suspend the holder's license; 19670

(2) Refuse to renew or reinstate the holder's license; 19671

(3) Reprimand the holder or place the holder on probation. 19672

(E) The board may require a random sample of dietitians to 19673
submit materials documenting that the continuing education 19674
requirements adopted under division (A) (5) of section 4759.05 of 19675
the Revised Code have been met. 19676

This division does not limit the board's authority to 19677
conduct investigations pursuant to section 4759.07 of the 19678
Revised Code. 19679

(F) (1) If, through a random sample conducted under 19680
division (E) of this section or any other means, the board finds 19681
that an individual who certified completion of the number of 19682
hours and type of continuing education required to renew, 19683
reinstate, or restore a license to practice did not complete the 19684

requisite continuing education, the board may do either of the following: 19685
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(a) Take disciplinary action against the individual under section 4759.07 of the Revised Code, impose a civil penalty, or both; 19687
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(b) Permit the individual to agree in writing to complete the continuing education and pay a civil penalty. 19690
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(2) The board's finding in any disciplinary action taken under division (F)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 19692
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(3) A civil penalty imposed under division (F)(1)(a) of this section or paid under division (F)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 19696
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(G)(1) ~~The~~ Except as provided in section 4759.05 of the Revised Code, the board may grant a limited permit to a person who has completed the education and pre-professional requirements of divisions (A)(3) and (4) of this section and who presents evidence to the board of having applied to take the examination approved by the board under division (A)(1) of section 4759.05 of the Revised Code. An application for a limited permit shall be made on forms that the board shall furnish and shall be accompanied by the limited permit fee specified in section 4759.08 of the Revised Code. 19701
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(2) If no grounds apply under section 4759.07 of the Revised Code for denying a license to the applicant and the applicant meets the requirements of division (G)(1) of this 19711
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section, the board shall issue a limited permit to the applicant. 19714
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A limited permit expires in accordance with rules adopted under section 4759.05 of the Revised Code. A limited permit may be renewed in accordance with those rules. 19716
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(3) A person holding a limited permit who has failed the examination shall practice only under the direct supervision of a licensed dietitian. 19719
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(4) The board may revoke a limited permit on proof satisfactory to the board that the permit holder has engaged in practice in this state outside the scope of the permit, that the holder has engaged in unethical conduct, or that grounds for action against the holder exist under section 4759.07 of the Revised Code. 19722
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Sec. 4760.03. (A) ~~An~~ Except as provided in division (D) of this section, an individual seeking a license to practice as an anesthesiologist assistant shall file with the state medical board a written application on a form prescribed and supplied by the board. The application shall include all of the following information: 19728
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(1) Evidence satisfactory to the board that the applicant is at least twenty-one years of age; 19734
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(2) Evidence satisfactory to the board that the applicant has successfully completed the training necessary to prepare individuals to practice as anesthesiologist assistants, as specified in section 4760.031 of the Revised Code; 19736
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(3) Evidence satisfactory to the board that the applicant holds current certification from the national commission for certification of anesthesiologist assistants and that the 19740
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requirements for receiving the certification included passage of 19743
an examination to determine the individual's competence to 19744
practice as an anesthesiologist assistant; 19745

(4) Any other information the board considers necessary to 19746
process the application and evaluate the applicant's 19747
qualifications. 19748

(B) (1) At the time of making application for a license 19749
under division (A) of this section, ~~the~~ an applicant shall pay 19750
the board a fee of one hundred dollars, no part of which shall 19751
be returned. 19752

(2) An applicant seeking a license under division (D) of 19753
this section shall pay the fee required under Chapter 4796. of 19754
the Revised Code. 19755

(C) The board shall review all applications received under 19756
this section. Not later than sixty days after receiving a 19757
complete application, the board shall determine whether an 19758
applicant meets the requirements to receive a license. ~~The~~ 19759
Except as provided in division (D) of this section, the board 19760
shall not issue a license to an applicant unless the applicant 19761
is certified by the national commission for certification of 19762
anesthesiologist assistants or a successor organization that is 19763
recognized by the board. 19764

(D) The board shall issue a license to practice as an 19765
anesthesiologist assistant in accordance with Chapter 4796. of 19766
the Revised Code to an applicant if either of the following 19767
applies: 19768

(1) The applicant holds a license in another state. 19769

(2) The applicant has satisfactory work experience, a 19770
government certification, or a private certification as 19771

described in that chapter as an anesthesiologist assistant in a 19772
state that does not issue that license. 19773

Sec. 4760.031. ~~As~~ Except for a license issued under 19774
division (D) of section 4760.03 of the Revised Code, as a 19775
condition of being eligible to receive a license to practice as 19776
an anesthesiologist assistant, an individual must successfully 19777
complete the following training requirements: 19778

(A) A baccalaureate or higher degree program at an 19779
institution of higher education accredited by an organization 19780
recognized by the department of higher education. The program 19781
must have included courses in the following areas of study: 19782

- (1) General biology; 19783
- (2) General chemistry; 19784
- (3) Organic chemistry; 19785
- (4) Physics; 19786
- (5) Calculus. 19787

(B) A training program conducted for the purpose of 19788
preparing individuals to practice as anesthesiologist 19789
assistants. If the program was completed prior to May 31, 2000, 19790
the program must have been completed at case western reserve 19791
university or emory university in Atlanta, Georgia. If the 19792
program is completed on or after May 31, 2000, the program must 19793
be a graduate-level program accredited by the commission on 19794
accreditation of allied health education programs or any of the 19795
commission's successor organizations. In either case, the 19796
training program must have included at least all of the 19797
following components: 19798

- (1) Basic sciences of anesthesia: physiology, 19799

pathophysiology, anatomy, and biochemistry. The courses must be 19800
presented as a continuum of didactic courses designed to teach 19801
students the foundations of human biological existence on which 19802
clinical correlations to anesthesia practice are based. 19803

(2) Pharmacology for the anesthetic sciences. The course 19804
must include instruction in the anesthetic principles of 19805
pharmacology, pharmacodynamics, pharmacokinetics, uptake and 19806
distribution, intravenous anesthetics and narcotics, and 19807
volatile anesthetics. 19808

(3) Physics in anesthesia. 19809

(4) Fundamentals of anesthetic sciences, presented as a 19810
continuum of courses covering a series of topics in basic 19811
medical sciences with special emphasis on the effects of 19812
anesthetics on normal physiology and pathophysiology. 19813

(5) Patient instrumentation and monitoring, presented as a 19814
continuum of courses focusing on the design of, proper 19815
preparation of, and proper methods of resolving problems that 19816
arise with anesthesia equipment. The courses must provide a 19817
balance between the engineering concepts used in anesthesia 19818
instruments and the clinical application of anesthesia 19819
instruments. 19820

(6) Clinically based conferences in which techniques of 19821
anesthetic management, quality assurance issues, and current 19822
professional literature are reviewed from the perspective of 19823
practice improvement. 19824

(7) Clinical experience consisting of at least two 19825
thousand hours of direct patient contact, presented as a 19826
continuum of courses throughout the entirety of the program, 19827
beginning with a gradual introduction of the techniques for the 19828

anesthetic management of patients and culminating in the	19829
assimilation of the graduate of the program into the work force.	19830
Areas of instruction must include the following:	19831
(a) Preoperative patient assessment;	19832
(b) Indwelling vascular catheter placement, including	19833
intravenous and arterial catheters;	19834
(c) Airway management, including mask airway and	19835
orotracheal intubation;	19836
(d) Intraoperative charting;	19837
(e) Administration and maintenance of anesthetic agents,	19838
narcotics, hypnotics, and muscle relaxants;	19839
(f) Administration and maintenance of volatile	19840
anesthetics;	19841
(g) Administration of blood products and fluid therapy;	19842
(h) Patient monitoring;	19843
(i) Postoperative management of patients;	19844
(j) Regional anesthesia techniques;	19845
(k) Administration of vasoactive substances for treatment	19846
of unacceptable patient hemodynamic status;	19847
(l) Specific clinical training in all the subspecialties	19848
of anesthesia, including pediatrics, neurosurgery,	19849
cardiovascular surgery, trauma, obstetrics, orthopedics, and	19850
vascular surgery.	19851
(8) Basic life support that qualifies the individual to	19852
administer cardiopulmonary resuscitation to patients in need.	19853
The course must include the instruction necessary to be	19854

certified in basic life support by the American red cross or the 19855
American heart association. 19856

(9) Advanced cardiac life support that qualifies the 19857
individual to participate in the pharmacologic intervention and 19858
management resuscitation efforts for a patient in full cardiac 19859
arrest. The course must include the instruction necessary to be 19860
certified in advanced cardiac life support by the American red 19861
cross or the American heart association. 19862

Sec. 4761.04. (A) Except as provided in division (B) or 19863
(C) of this section, no person is eligible for licensure as a 19864
respiratory care professional unless the person has shown, to 19865
the satisfaction of the state medical board, all of the 19866
following: 19867

(1) That the person has successfully completed the 19868
requirements of an educational program approved by the board 19869
that includes instruction in the biological and physical 19870
sciences, pharmacology, respiratory care theory, procedures, and 19871
clinical practice, and cardiopulmonary rehabilitation 19872
techniques; 19873

(2) That the person has passed an examination approved 19874
under rules adopted by the board that tests the applicant's 19875
knowledge of the basic and clinical sciences relating to 19876
respiratory care theory and practice, professional skills and 19877
judgment in the utilization of respiratory care techniques, and 19878
such other subjects as the board considers useful in determining 19879
fitness to practice. 19880

(B) Any person licensed to practice respiratory care by 19881
the former Ohio respiratory care board before January 21, 2018, 19882
may continue to practice respiratory care in this state under 19883

that license if the person continues to meet the requirements to 19884
renew a license under this chapter and renews the license 19885
through the state medical board. 19886

The state medical board may take any of the following 19887
actions, as provided in section 4761.09 of the Revised Code, 19888
against the holder of a license to practice respiratory care 19889
issued before January 21, 2018, by the former Ohio respiratory 19890
care board: 19891

(1) Limit, revoke, or suspend the holder's license; 19892

(2) Refuse to renew or reinstate the holder's license; 19893

(3) Reprimand the holder or place the holder on probation. 19894

(C) The board shall issue a license to act as a 19895
respiratory care professional in accordance with Chapter 4796. 19896
of the Revised Code to an applicant if either of the following 19897
apply: 19898

(1) The applicant holds a license in another state. 19899

(2) The applicant has satisfactory work experience, a 19900
government certification, or a private certification as 19901
described in that chapter as a respiratory care professional in 19902
a state that does not issue that license. 19903

Sec. 4761.05. (A) The—Except as provided in division (C) 19904
of section 4761.04 of the Revised Code, the state medical board 19905
shall issue a license to any applicant who complies with the 19906
requirements of section 4761.04 of the Revised Code, files the 19907
prescribed application form, and pays the fee or fees required 19908
under section 4761.07 of the Revised Code. The license entitles 19909
the holder to practice respiratory care. 19910

(B) (1) The—Except as provided in division (D) of this 19911

section, the board shall issue a limited permit to any applicant 19912
who files an application on a form furnished by the board, pays 19913
the fee required under section 4761.07 of the Revised Code, and 19914
meets either of the following requirements: 19915

(a) Is enrolled in and is in good standing in a 19916
respiratory care educational program approved by the board that 19917
meets the requirements of division (A) (1) of section 4761.04 of 19918
the Revised Code leading to a degree or certificate of 19919
completion or is a graduate of the program; 19920

(b) Is employed as a provider of respiratory care in this 19921
state and was employed as a provider of respiratory care in this 19922
state prior to March 14, 1989. 19923

(2) If no grounds apply under section 4761.09 of the 19924
Revised Code for denying a limited permit to the applicant and 19925
the applicant meets the requirements of division (B) of this 19926
section, the board shall issue a limited permit to the 19927
applicant. 19928

The limited permit authorizes the holder to provide 19929
respiratory care under the supervision of a respiratory care 19930
professional. A person issued a limited permit under division 19931
(B) (1) (a) of this section may practice respiratory care under 19932
the limited permit for not more than three years after the date 19933
the limited permit is issued, except that the limited permit 19934
shall cease to be valid one year following the date of receipt 19935
of a certificate of completion from a board-approved respiratory 19936
care education program or immediately if the holder discontinues 19937
participation in the educational program. 19938

The holder shall notify the board as soon as practicable 19939
when the holder completes a board-approved respiratory care 19940

education program or discontinues participation in the 19941
educational program. 19942

This division does not require a student enrolled in an 19943
educational program leading to a degree or certificate of 19944
completion in respiratory care approved by the board to obtain a 19945
limited permit to perform any duties that are part of the 19946
required course of study. 19947

(3) A person issued a limited permit under division (B) (1) 19948
(b) of this section may practice under a limited permit for not 19949
more than three years, except that this restriction does not 19950
apply to a permit holder who, on March 14, 1989, has been 19951
employed as a provider of respiratory care for an average of not 19952
less than twenty-five hours per week for a period of not less 19953
than five years by a hospital. 19954

(4) During the three-year period in which a person may 19955
practice under a limited permit, the person shall apply for 19956
renewal on an annual basis in accordance with section 4761.06 of 19957
the Revised Code. 19958

(5) The board may revoke a limited permit upon proof 19959
satisfactory to the board that the permit holder has engaged in 19960
practice in this state outside the scope of the permit, that the 19961
holder has engaged in unethical conduct, or that there are 19962
grounds for action against the holder under section 4761.09 of 19963
the Revised Code. 19964

(C) The holder of a license or limited permit issued under 19965
this section shall either provide verification of licensure or 19966
permit status from the board's internet web site on request or 19967
prominently display a wall certificate in the license holder's 19968
office or place where the majority of the holder's practice is 19969

conducted. 19970

(D) The board shall issue a limited permit to practice respiratory care in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 19971
19972
19973

(1) The applicant holds a license or permit in another state. 19974
19975

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a provider of respiratory care in a state that does not issue that license or permit. 19976
19977
19978
19979

Sec. 4762.03. (A) An Except as provided in division (D) of this section, an individual seeking a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist shall file with the state medical board a written application on a form prescribed and supplied by the board. 19980
19981
19982
19983
19984

(B) To Except as provided in division (D) of this section, to be eligible for the license, an applicant shall meet all of the following conditions, as applicable: 19985
19986
19987

(1) The applicant shall submit evidence satisfactory to the board that the applicant is at least eighteen years of age. 19988
19989

(2) In the case of an applicant seeking a license to practice as an oriental medicine practitioner, the applicant shall submit evidence satisfactory to the board of both of the following: 19990
19991
19992
19993

(a) That the applicant holds a current and active designation from the national certification commission for acupuncture and oriental medicine as either a diplomate in oriental medicine or diplomate of acupuncture and Chinese 19994
19995
19996
19997

herbology; 19998

(b) That the applicant has successfully completed, in the 19999
two-year period immediately preceding application for the 20000
license to practice, one course approved by the commission on 20001
federal food and drug administration dispensary and compounding 20002
guidelines and procedures. 20003

(3) In the case of an applicant seeking a license to 20004
practice as an acupuncturist, the applicant shall submit 20005
evidence satisfactory to the board that the applicant holds a 20006
current and active designation from the national certification 20007
commission for acupuncture and oriental medicine as a diplomate 20008
in acupuncture. 20009

(4) The applicant shall demonstrate to the board 20010
proficiency in spoken English by satisfying one of the following 20011
requirements: 20012

(a) Passing the examination described in section 4731.142 20013
of the Revised Code; 20014

(b) Submitting evidence satisfactory to the board that the 20015
applicant was required to demonstrate proficiency in spoken 20016
English as a condition of obtaining designation from the 20017
national certification commission for acupuncture and oriental 20018
medicine as a diplomate in oriental medicine, diplomate of 20019
acupuncture and Chinese herbology, or diplomate in acupuncture; 20020

(c) Submitting evidence satisfactory to the board that the 20021
applicant, in seeking a designation from the national 20022
certification commission for acupuncture and oriental medicine 20023
as a diplomate of oriental medicine, diplomate of acupuncture 20024
and Chinese herbology, or diplomate of acupuncture, has 20025
successfully completed in English the examination required for 20026

such a designation by the national certification commission for 20027
acupuncture and oriental medicine; 20028

(d) In the case of an applicant seeking a license to 20029
practice as an oriental medicine practitioner, submitting 20030
evidence satisfactory to the board that the applicant has 20031
previously held a license to practice as an acupuncturist issued 20032
under section 4762.04 of the Revised Code. 20033

(5) The applicant shall submit to the board any other 20034
information the board requires. 20035

(6) The applicant shall pay to the board a fee of one 20036
hundred dollars, no part of which may be returned to the 20037
applicant. 20038

(C) The board shall review all applications received under 20039
this section. The board shall determine whether an applicant 20040
meets the requirements to receive a license not later than sixty 20041
days after receiving a complete application. 20042

(D) The board shall issue a license to practice as an 20043
oriental medicine practitioner or acupuncturist in accordance 20044
with Chapter 4796. of the Revised Code to an applicant if either 20045
of the following applies: 20046

(1) The applicant holds a license in another state. 20047

(2) The applicant has satisfactory work experience, a 20048
government certification, or a private certification as 20049
described in that chapter as an oriental medicine practitioner 20050
or acupuncturist in a state that does not issue that license. 20051

Sec. 4763.05. (A) (1) (a) A person shall make application 20052
for an initial state-certified general real estate appraiser 20053
certificate, an initial state-certified residential real estate 20054

appraiser certificate, an initial state-licensed residential 20055
real estate appraiser license, or an initial state-registered 20056
real estate appraiser assistant registration in writing to the 20057
superintendent of real estate on a form the superintendent 20058
prescribes. The application shall include the address of the 20059
applicant's principal place of business and all other addresses 20060
at which the applicant currently engages in the business of 20061
performing real estate appraisals and the address of the 20062
applicant's current residence. The superintendent shall retain 20063
the applicant's current residence address in a separate record 20064
which does not constitute a public record for purposes of 20065
section 149.43 of the Revised Code. The application shall 20066
indicate whether the applicant seeks certification as a general 20067
real estate appraiser or as a residential real estate appraiser, 20068
licensure as a residential real estate appraiser, or 20069
registration as a real estate appraiser assistant and be 20070
accompanied by the prescribed examination and certification, 20071
registration, or licensure fees set forth in section 4763.09 of 20072
the Revised Code. The application also shall include a pledge, 20073
signed by the applicant, that the applicant will comply with the 20074
standards set forth in this chapter; and a statement that the 20075
applicant understands the types of misconduct for which 20076
disciplinary proceedings may be initiated against the applicant 20077
pursuant to this chapter. 20078

(b) Upon the filing of an application and payment of any 20079
examination and certification, registration, or licensure fees, 20080
the superintendent of real estate shall request the 20081
superintendent of the bureau of criminal identification and 20082
investigation, or a vendor approved by the bureau, to conduct a 20083
criminal records check based on the applicant's fingerprints in 20084
accordance with section 109.572 of the Revised Code. 20085

Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent of real estate shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. Any fee required under division (C) (3) of section 109.572 of the Revised Code shall be paid by the applicant.

(2) For purposes of providing funding for the real estate appraiser recovery fund established by section 4763.16 of the Revised Code, the real estate appraiser board shall levy an assessment against each person issued an initial certificate, registration, or license and against current licensees, registrants, and certificate holders, as required by board rule. The assessment is in addition to the application and examination fees for initial applicants required by division (A) (1) of this section and the renewal fees required for current certificate holders, registrants, and licensees. The superintendent of real estate shall deposit the assessment into the state treasury to the credit of the real estate appraiser recovery fund. The assessment for initial certificate holders, registrants, and licensees shall be paid prior to the issuance of a certificate, registration, or license, and for current certificate holders, registrants, and licensees, at the time of renewal.

(B) An applicant for an initial general real estate appraiser certificate, residential real estate appraiser certificate, or residential real estate appraiser license shall possess experience in real estate appraisal as the board prescribes by rule. In addition to any other information required by the board, the applicant shall furnish, under oath, a detailed listing of the appraisal reports or file memoranda for each year for which experience is claimed and, upon request of the superintendent or the board, shall make available for

examination a sample of the appraisal reports prepared by the 20117
applicant in the course of the applicant's practice. 20118

(C) An applicant for an initial certificate, registration, 20119
or license shall be at least eighteen years of age, honest, and 20120
truthful and shall present satisfactory evidence to the 20121
superintendent that the applicant has successfully completed any 20122
education requirements the board prescribes by rule. 20123

(D) An applicant for an initial general real estate 20124
appraiser or residential real estate appraiser certificate or 20125
residential real estate appraiser license shall take and 20126
successfully complete a written examination in order to qualify 20127
for the certificate or license. 20128

The board shall prescribe the examination requirements by 20129
rule. 20130

(E) (1) ~~A person who has obtained~~ The board shall issue a 20131
residential real estate appraiser license, a residential real 20132
estate appraiser certificate, real estate appraiser assistant 20133
registration, or a general real estate appraiser certificate 20134
~~from another state may apply to obtain a license or certificate~~ 20135
~~issued under this chapter provided the state that issued the~~ 20136
~~license or certificate has requirements that meet or exceed the~~ 20137
~~requirements found in this chapter. The board shall adopt rules~~ 20138
~~relating to this division. The application for obtaining a~~ 20139
~~license or certificate under this division may include any of~~ 20140
~~the following:~~ 20141

~~(a) A pledge, signed by the applicant, that the applicant~~ 20142
~~will comply with the standards set forth in this chapter;~~ 20143

~~(b) A statement that the applicant understands the types~~ 20144
~~of misconduct for which disciplinary proceedings may be~~ 20145

~~initiated against the applicant pursuant to this chapter;~~ 20146

~~(c) A consent to service of process in accordance with~~ 20147
~~Chapter 4796. of the Revised Code to an applicant if either of~~ 20148
~~the following applies:~~ 20149

~~(a) The applicant holds a certificate, license, or~~ 20150
~~registration in another state.~~ 20151

~~(b) The applicant has satisfactory work experience, a~~ 20152
~~government certification, or a private certification as~~ 20153
~~described in that chapter as a residential real estate~~ 20154
~~appraiser, real estate appraiser assistant, or general real~~ 20155
~~estate appraiser in a state that does not issue that~~ 20156
~~certificate, license, or registration.~~ 20157

(2) (a) The board shall recognize on a temporary basis a 20158
certification or license issued in another state and shall 20159
register on a temporary basis an appraiser who is certified or 20160
licensed in another state if all of the following apply: 20161

(i) The temporary registration is to perform an appraisal 20162
assignment that is part of a federally related transaction. 20163

(ii) The appraiser's business in this state is of a 20164
temporary nature. 20165

(iii) The appraiser registers with the board pursuant to 20166
this division. 20167

(b) An appraiser who is certified or licensed in another 20168
state shall register with the board for temporary practice 20169
before performing an appraisal assignment in this state in 20170
connection with a federally related transaction. 20171

(c) The board shall adopt rules relating to registration 20172
for the temporary recognition of certification and licensure of 20173

appraisers from another state. The registration for temporary 20174
recognition of certified or licensed appraisers from another 20175
state shall not authorize completion of more than one appraisal 20176
assignment in this state. The board shall not issue more than 20177
two registrations for temporary practice to any one applicant in 20178
any calendar year. The application for obtaining a registration 20179
under this division may include any of the following: 20180

(i) A pledge, signed by the applicant, that the applicant 20181
will comply with the standards set forth in this chapter; 20182

(ii) A statement that the applicant understands the types 20183
of misconduct for which disciplinary proceedings may be 20184
initiated against the applicant pursuant to this chapter; 20185

(iii) A consent to service of process. 20186

~~(3) The board may enter into reciprocal agreements with-~~ 20187
~~other states. The board shall prescribe reciprocal agreement-~~ 20188
~~requirements by rule.~~ (d) A nonresident appraiser whose 20189
certification or license has been recognized by the board on a 20190
temporary basis and who is acting in accordance with this 20191
section and the board's rules is not required to obtain a 20192
license in accordance with Chapter 4796. of the Revised Code. 20193

(F) The superintendent shall not issue a certificate, 20194
registration, or license to, or recognize on a temporary basis 20195
an appraiser from another state that is a corporation, 20196
partnership, or association. This prohibition shall not be 20197
construed to prevent a certificate holder or licensee from 20198
signing an appraisal report on behalf of a corporation, 20199
partnership, or association. 20200

(G) Every person licensed, registered, or certified under 20201
this chapter shall notify the superintendent, on a form provided 20202

by the superintendent, of a change in the address of the 20203
licensee's, registrant's, or certificate holder's principal 20204
place of business or residence within thirty days of the change. 20205
If a licensee's, registrant's, or certificate holder's license, 20206
registration, or certificate is revoked or not renewed, the 20207
licensee, registrant, or certificate holder immediately shall 20208
return the annual and any renewal certificate, registration, or 20209
license to the superintendent. 20210

(H) (1) The superintendent shall not issue a certificate, 20211
registration, or license to any person, or recognize on a 20212
temporary basis an appraiser from another state, who does not 20213
meet applicable minimum criteria for state certification, 20214
registration, or licensure prescribed by federal law or rule. 20215

(2) The superintendent shall not refuse to issue a general 20216
real estate appraiser certificate, residential real estate 20217
appraiser certificate, residential real estate appraiser 20218
license, or real estate appraiser assistant registration to any 20219
person because of a conviction of or plea of guilty to any 20220
criminal offense unless the refusal is in accordance with 20221
section 9.79 of the Revised Code. 20222

Sec. 4764.10. (A) The superintendent of real estate and 20223
professional licensing may issue a home inspector license to an 20224
applicant who holds a license, registration, or certification as 20225
a home inspector in another jurisdiction other than another 20226
state if that applicant submits an application on a form the 20227
superintendent provides, pays the fee the Ohio home inspector 20228
board prescribes, and satisfies all of the following 20229
requirements: 20230

~~(A)~~ (1) The applicant is licensed, registered, or 20231
certified as a home inspector in a jurisdiction that the board 20232

determines grants the same privileges to persons licensed under 20233
this chapter as this state grants to persons in that 20234
jurisdiction. 20235

~~(B)~~ (2) That other jurisdiction has licensing, 20236
registration, or certification requirements that are 20237
substantially similar to, or exceed, those of this state. 20238

~~(C)~~ (3) The applicant attests that the applicant is 20239
familiar with and will abide by this chapter. 20240

~~(D)~~ (4) The applicant attests to all of the following in a 20241
written statement that the applicant submits to the 20242
superintendent: 20243

~~(1)~~ (a) To provide the superintendent the name and address 20244
of an agent to receive service of process in this state or that 20245
the applicant authorizes the superintendent to act as agent for 20246
that applicant; 20247

~~(2)~~ (b) That service of process in accordance with the 20248
Revised Code is proper and the applicant is subject to the 20249
jurisdiction of the courts of this state; 20250

~~(3)~~ (c) That any cause of action arising out of the 20251
conduct of the applicant's business in this state shall be filed 20252
in the county in which the events that gave rise to that cause 20253
of action occurred. 20254

(B) The board shall issue a home inspector license in 20255
accordance with Chapter 4796. of the Revised Code to an 20256
applicant if either of the following applies: 20257

(1) The applicant holds a license in another state. 20258

(2) The applicant has satisfactory work experience, a 20259
government certification, or a private certification as 20260

described in that chapter as a home inspector in a state that 20261
does not issue that license. 20262

Sec. 4765.10. (A) The state board of emergency medical, 20263
fire, and transportation services shall do all of the following: 20264

(1) Administer and enforce the provisions of this chapter 20265
and the rules adopted under it; 20266

(2) Approve, in accordance with procedures established in 20267
rules adopted under section 4765.11 of the Revised Code, 20268
examinations that demonstrate competence to have a certificate 20269
to practice renewed without completing a continuing education 20270
program; 20271

(3) Advise applicants for state or federal emergency 20272
medical services funds, review and comment on applications for 20273
these funds, and approve the use of all state and federal funds 20274
designated solely for emergency medical service programs unless 20275
federal law requires another state agency to approve the use of 20276
all such federal funds; 20277

(4) Serve as a statewide clearinghouse for discussion, 20278
inquiry, and complaints concerning emergency medical services; 20279

(5) Make recommendations to the general assembly on 20280
legislation to improve the delivery of emergency medical 20281
services; 20282

(6) Maintain a toll-free long distance telephone number 20283
through which it shall respond to questions about emergency 20284
medical services; 20285

(7) Work with appropriate state offices in coordinating 20286
the training of firefighters and emergency medical service 20287
personnel. Other state offices that are involved in the training 20288

of firefighters or emergency medical service personnel shall 20289
cooperate with the board and its committees and subcommittees to 20290
achieve this goal. 20291

(8) Provide a liaison to the state emergency operation 20292
center during those periods when a disaster, as defined in 20293
section 5502.21 of the Revised Code, has occurred in this state 20294
and the governor has declared an emergency as defined in that 20295
section. 20296

(B) The board may do any of the following: 20297

(1) Investigate complaints concerning emergency medical 20298
services and emergency medical service organizations as it 20299
determines necessary; 20300

~~(2) Enter into reciprocal agreements with other states 20301
that have standards for accreditation of emergency medical 20302
services training programs and for certification of first- 20303
responders, EMTs basic, EMTs I, paramedics, firefighters, or 20304
fire safety inspectors that are substantially similar to those 20305
established under this chapter and the rules adopted under it; 20306~~

~~(3) Establish a statewide public information system and 20307
public education programs regarding emergency medical services; 20308~~

~~(4) (3) Establish an injury prevention program. 20309~~

(C) The state board of emergency medical, fire, and 20310
transportation services shall not regulate any profession that 20311
otherwise is regulated by another board, commission, or similar 20312
regulatory entity. 20313

Sec. 4765.11. (A) The state board of emergency medical, 20314
fire, and transportation services shall adopt, and may amend and 20315
rescind, rules in accordance with Chapter 119. of the Revised 20316

Code and division (C) of this section that establish all of the following:	20317 20318
(1) Procedures for its governance and the control of its actions and business affairs;	20319 20320
(2) Standards for the performance of emergency medical services by first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic;	20321 20322 20323 20324
(3) Application fees for certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, which shall be deposited into the trauma and emergency medical services fund created in section 4513.263 of the Revised Code;	20325 20326 20327 20328 20329
(4) Criteria for determining when the application or renewal fee for a certificate to practice may be waived because an applicant cannot afford to pay the fee;	20330 20331 20332
(5) Procedures for issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, including any measures necessary to implement section 9.79 of the Revised Code and any procedures necessary to ensure that adequate notice of renewal is provided in accordance with division (D) <u>(E)</u> of section 4765.30 of the Revised Code;	20333 20334 20335 20336 20337 20338 20339
(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;	20340 20341 20342
(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first	20343 20344 20345

responder, EMT-basic, EMT-I, or paramedic;	20346
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	20347
	20348
(9) Standards for certificates of accreditation and certificates of approval;	20349
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(10) Qualifications for certificates to teach;	20351
(11) Requirements for a certificate to practice;	20352
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;	20353
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	20357
(13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions;	20358
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	20362
(14) Examinations for certificates to practice;	20363
(15) Procedures for administering examinations for certificates to practice;	20364
	20365
(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program;	20366
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	20369
(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;	20370
	20371
(18) Procedures for approving the additional emergency	20372

medical services first responders are authorized by division (C) 20373
of section 4765.35 of the Revised Code to perform, EMTs-basic 20374
are authorized by division (C) of section 4765.37 of the Revised 20375
Code to perform, EMTs-I are authorized by division (B) (5) of 20376
section 4765.38 of the Revised Code to perform, and paramedics 20377
are authorized by division (B) (6) of section 4765.39 of the 20378
Revised Code to perform; 20379

(19) Standards and procedures for implementing the 20380
requirements of section 4765.06 of the Revised Code, including 20381
designations of the persons who are required to report 20382
information to the board and the types of information to be 20383
reported; 20384

(20) Procedures for administering the emergency medical 20385
services grant program established under section 4765.07 of the 20386
Revised Code; 20387

(21) Procedures consistent with Chapter 119. of the 20388
Revised Code for appealing decisions of the board; 20389

(22) Minimum qualifications and peer review and quality 20390
improvement requirements for persons who provide medical 20391
direction to emergency medical service personnel; 20392

(23) The manner in which a patient, or a patient's parent, 20393
guardian, or custodian may consent to the board releasing 20394
identifying information about the patient under division (D) of 20395
section 4765.102 of the Revised Code; 20396

(24) Circumstances under which a training program or 20397
continuing education program, or portion of either type of 20398
program, may be taught by a person who does not hold a 20399
certificate to teach issued under section 4765.23 of the Revised 20400
Code; 20401

(25) Certification cycles for certificates issued under 20402
sections 4765.23 and 4765.30 of the Revised Code and 20403
certificates issued by the executive director of the state board 20404
of emergency medical, fire, and transportation services under 20405
section 4765.55 of the Revised Code that establish a common 20406
expiration date for all certificates. 20407

(B) The board may adopt, and may amend and rescind, rules 20408
in accordance with Chapter 119. of the Revised Code and division 20409
(C) of this section that establish the following: 20410

(1) Specifications of information that may be collected 20411
under the trauma system registry and incidence reporting system 20412
created under section 4765.06 of the Revised Code; 20413

(2) Standards and procedures for implementing any of the 20414
recommendations made by any committees of the board or under 20415
section 4765.04 of the Revised Code; 20416

(3) Requirements that a person must meet to receive a 20417
certificate to practice as a first responder pursuant to 20418
division (A) (2) of section 4765.30 of the Revised Code; 20419

(4) Any other rules necessary to implement this chapter. 20420

(C) In developing and administering rules adopted under 20421
this chapter, the state board of emergency medical, fire, and 20422
transportation services shall consult with regional directors 20423
and regional physician advisory boards created by section 20424
4765.05 of the Revised Code and emphasize the special needs of 20425
pediatric and geriatric patients. 20426

(D) Except as otherwise provided in this division, before 20427
adopting, amending, or rescinding any rule under this chapter, 20428
the board shall submit the proposed rule to the director of 20429
public safety for review. The director may review the proposed 20430

rule for not more than sixty days after the date it is 20431
submitted. If, within this sixty-day period, the director 20432
approves the proposed rule or does not notify the board that the 20433
rule is disapproved, the board may adopt, amend, or rescind the 20434
rule as proposed. If, within this sixty-day period, the director 20435
notifies the board that the proposed rule is disapproved, the 20436
board shall not adopt, amend, or rescind the rule as proposed 20437
unless at least twelve members of the board vote to adopt, 20438
amend, or rescind it. 20439

This division does not apply to an emergency rule adopted 20440
in accordance with section 119.03 of the Revised Code. 20441

(E) Notwithstanding any requirement for a certificate 20442
issued in accordance with rules adopted by the board under this 20443
section, the board, in accordance with Chapter 4796. of the 20444
Revised Code, shall issue a certificate that is a license as 20445
defined in section 4796.01 of the Revised Code to an individual 20446
if either of the following applies: 20447

(1) The individual holds a license or certificate in 20448
another state. 20449

(2) The individual has satisfactory work experience, a 20450
government certification, or a private certification as 20451
described in that chapter as a first responder, emergency 20452
medical technician-basic, emergency medical technician- 20453
intermediate, or emergency medical technician-paramedic in a 20454
state that does not issue that license or certificate. 20455

Sec. 4765.30. (A) (1) The state board of emergency medical, 20456
fire, and transportation services shall issue a certificate to 20457
practice as a first responder to an applicant who meets all of 20458
the following conditions: 20459

(a) Except as provided in division (A) (2) of this section,	20460
is a volunteer for a nonprofit emergency medical service	20461
organization or a nonprofit fire department;	20462
(b) Holds the appropriate certificate of completion issued	20463
in accordance with section 4765.24 of the Revised Code;	20464
(c) Passes the appropriate examination conducted under	20465
section 4765.29 of the Revised Code;	20466
(d) Is not in violation of any provision of this chapter	20467
or the rules adopted under it;	20468
(e) Meets any other certification requirements established	20469
in rules adopted under section 4765.11 of the Revised Code.	20470
(2) The board may waive the requirement to be a volunteer	20471
for a nonprofit entity if the applicant meets other requirements	20472
established in rules adopted under division (B) (3) of section	20473
4765.11 of the Revised Code relative to a person's eligibility	20474
to practice as a first responder.	20475
(B) The state board of emergency medical, fire, and	20476
transportation services shall issue a certificate to practice as	20477
an emergency medical technician-basic to an applicant who meets	20478
all of the following conditions:	20479
(1) Holds a certificate of completion in emergency medical	20480
services training-basic issued in accordance with section	20481
4765.24 of the Revised Code;	20482
(2) Passes the examination for emergency medical	20483
technicians-basic conducted under section 4765.29 of the Revised	20484
Code;	20485
(3) Is not in violation of any provision of this chapter	20486
or the rules adopted under it;	20487

(4) Meets any other certification requirements established	20488
in rules adopted under section 4765.11 of the Revised Code.	20489
(C) The state board of emergency medical, fire, and	20490
transportation services shall issue a certificate to practice as	20491
an emergency medical technician-intermediate or emergency	20492
medical technician-paramedic to an applicant who meets all of	20493
the following conditions:	20494
(1) Holds a certificate to practice as an emergency	20495
medical technician-basic;	20496
(2) Holds the appropriate certificate of completion issued	20497
in accordance with section 4765.24 of the Revised Code;	20498
(3) Passes the appropriate examination conducted under	20499
section 4765.29 of the Revised Code;	20500
(4) Is not in violation of any provision of this chapter	20501
or the rules adopted under it;	20502
(5) Meets any other certification requirements established	20503
in rules adopted under section 4765.11 of the Revised Code.	20504
(D) <u>Notwithstanding any requirement for a certificate to</u>	20505
<u>practice issued under this section, the board shall issue a</u>	20506
<u>certificate in accordance with Chapter 4796. of the Revised Code</u>	20507
<u>to an individual if either of the following applies:</u>	20508
(1) <u>The individual holds a license or certificate in</u>	20509
<u>another state.</u>	20510
(2) <u>The individual has satisfactory work experience, a</u>	20511
<u>government certification, or a private certification as</u>	20512
<u>described in that chapter as a first responder in a state that</u>	20513
<u>does not issue that license or certificate.</u>	20514

(E) A certificate to practice shall have a certification cycle established by the board and may be renewed by the board pursuant to rules adopted under section 4765.11 of the Revised Code. Not later than sixty days prior to the expiration date of an individual's certificate to practice, the board shall notify the individual of the scheduled expiration.

An application for renewal shall be accompanied by the appropriate renewal fee established in rules adopted under section 4765.11 of the Revised Code, unless the board waives the fee on determining pursuant to those rules that the applicant cannot afford to pay the fee. Except as provided in division (B) of section 4765.31 of the Revised Code, the application shall include evidence of either of the following:

(1) That the applicant received a certificate of completion from the appropriate emergency medical services continuing education program pursuant to section 4765.24 of the Revised Code;

(2) That the applicant has successfully passed an examination that demonstrates the competence to have a certificate renewed without completing an emergency medical services continuing education program. The board shall approve such examinations in accordance with rules adopted under section 4765.11 of the Revised Code.

~~(E)~~ (F) The board shall not require an applicant for renewal of a certificate to practice to take an examination as a condition of renewing the certificate. This division does not preclude the use of examinations by operators of approved emergency medical services continuing education programs as a condition for issuance of a certificate of completion in emergency medical services continuing education.

Sec. 4765.55. (A) The executive director of the state 20545
board of emergency medical, fire, and transportation services, 20546
with the advice and counsel of the firefighter and fire safety 20547
inspector training committee of the state board of emergency 20548
medical, fire, and transportation services, shall assist in the 20549
establishment and maintenance by any state agency, or any 20550
county, township, city, village, school district, or educational 20551
service center of a fire service training program for the 20552
training of all persons in positions of any fire training 20553
certification level approved by the executive director, 20554
including full-time paid firefighters, part-time paid 20555
firefighters, volunteer firefighters, and fire safety inspectors 20556
in this state. The executive director, with the advice and 20557
counsel of the committee, shall adopt rules to regulate those 20558
firefighter and fire safety inspector training programs, and 20559
other training programs approved by the executive director. The 20560
rules may include, but need not be limited to, training 20561
curriculum, certification examinations, training schedules, 20562
minimum hours of instruction, attendance requirements, required 20563
equipment and facilities, basic physical requirements, and 20564
methods of training for all persons in positions of any fire 20565
training certification level approved by the executive director, 20566
including full-time paid firefighters, part-time paid 20567
firefighters, volunteer firefighters, and fire safety 20568
inspectors. The rules adopted to regulate training programs for 20569
volunteer firefighters shall not require more than thirty-six 20570
hours of training. 20571

The executive director, with the advice and counsel of the 20572
committee, shall provide for the classification and chartering 20573
of fire service training programs in accordance with rules 20574
adopted under division (B) of this section, and may take action 20575

against any chartered training program or applicant, in 20576
accordance with rules adopted under divisions (B) (4) and (5) of 20577
this section, for failure to meet standards set by the adopted 20578
rules. 20579

(B) The executive director, with the advice and counsel of 20580
the firefighter and fire safety inspector training committee of 20581
the state board of emergency medical, fire, and transportation 20582
services, shall adopt, and may amend or rescind, rules under 20583
Chapter 119. of the Revised Code that establish all of the 20584
following: 20585

(1) Requirements for, and procedures for chartering, the 20586
training programs regulated by this section; 20587

(2) Requirements for, and requirements and procedures for 20588
obtaining and renewing, an instructor certificate to teach the 20589
training programs and continuing education classes regulated by 20590
this section; 20591

(3) Requirements for, and requirements and procedures for 20592
obtaining and renewing, any of the fire training certificates 20593
regulated by this section; 20594

(4) Grounds and procedures for suspending, revoking, 20595
restricting, or refusing to issue or renew any of the 20596
certificates or charters regulated by this section, which 20597
grounds shall be limited to one of the following: 20598

(a) Failure to satisfy the education or training 20599
requirements of this section; 20600

(b) Conviction of a felony offense; 20601

(c) Conviction of a misdemeanor involving moral turpitude; 20602

(d) Conviction of a misdemeanor committed in the course of 20603

practice; 20604

(e) In the case of a chartered training program or 20605
applicant, failure to meet standards set by the rules adopted 20606
under this division. 20607

(5) Grounds and procedures for imposing and collecting 20608
fines, not to exceed one thousand dollars, in relation to 20609
actions taken under division (B) (4) of this section against 20610
persons holding certificates and charters regulated by this 20611
section, the fines to be deposited into the trauma and emergency 20612
medical services fund established under section 4513.263 of the 20613
Revised Code; 20614

(6) Continuing education requirements for certificate 20615
holders, including a requirement that credit shall be granted 20616
for in-service training programs conducted by local entities; 20617

(7) Procedures for considering the granting of an 20618
extension or exemption of fire service continuing education 20619
requirements; 20620

(8) Certification cycles for which the certificates and 20621
charters regulated by this section are valid. 20622

(C) The executive director, with the advice and counsel of 20623
the firefighter and fire safety inspector training committee of 20624
the state board of emergency medical, fire, and transportation 20625
services, shall issue or renew an instructor certificate to 20626
teach the training programs and continuing education classes 20627
regulated by this section to any applicant that the executive 20628
director determines meets the qualifications established in 20629
rules adopted under division (B) of this section, and may take 20630
disciplinary action against an instructor certificate holder or 20631
applicant in accordance with rules adopted under division (B) of 20632

this section. The executive director, with the advice and 20633
counsel of the committee, shall charter or renew the charter of 20634
any training program that the executive director determines 20635
meets the qualifications established in rules adopted under 20636
division (B) of this section, and may take disciplinary action 20637
against the holder of a charter in accordance with rules adopted 20638
under division (B) of this section. 20639

(D) The executive director shall issue or renew a fire 20640
training certificate for a firefighter, a fire safety inspector, 20641
or another position of any fire training certification level 20642
approved by the executive director, to any applicant that the 20643
executive director determines meets the qualifications 20644
established in rules adopted under division (B) of this section 20645
and may take disciplinary actions against a certificate holder 20646
or applicant in accordance with rules adopted under division (B) 20647
of this section. 20648

(E) Certificates issued under this section shall be on a 20649
form prescribed by the executive director, with the advice and 20650
counsel of the firefighter and fire safety inspector training 20651
committee of the state board of emergency medical, fire, and 20652
transportation services. 20653

(F) (1) The executive director, with the advice and counsel 20654
of the firefighter and fire safety inspector training committee 20655
of the state board of emergency medical, fire, and 20656
transportation services, shall establish criteria for evaluating 20657
the standards maintained by ~~other states and~~ the branches of the 20658
United States military for firefighter, fire safety inspector, 20659
and fire instructor training programs, and other training 20660
programs recognized by the executive director, to determine 20661
whether the standards are equivalent to those established under 20662

this section and shall establish requirements and procedures for
issuing a certificate to each person who presents proof to the
executive director of having satisfactorily completed a training
program that meets those standards.

(2) The executive director, with the committee's advice
and counsel, shall adopt rules establishing requirements and
procedures for issuing a fire training certificate in lieu of
completing a chartered training program.

(G) Notwithstanding any requirement for a certificate
issued under this section, the executive director shall issue a
certificate in accordance with Chapter 4796. of the Revised Code
to an individual if either of the following applies:

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

(2) The individual has satisfactory work experience, a
government certification, or a private certification as
described in that chapter as a firefighter or fire safety
inspector in a state that does not issue that license or
certificate.

(H) Nothing in this section invalidates any other section
of the Revised Code relating to the fire training academy.
Section 4765.11 of the Revised Code does not affect any powers
and duties granted to the executive director under this section.

~~(H)~~ (I) Notwithstanding any provision of division (B) (4)
of this section to the contrary, the executive director shall
not adopt rules for refusing to issue any of the certificates or
charters regulated by this section to an applicant because of a
criminal conviction unless the rules establishing grounds and
procedures for refusal are in accordance with section 9.79 of

the Revised Code. 20692

Sec. 4767.031. (A) The owner or the person responsible for 20693
the operation of each cemetery required to register under 20694
section 4767.03 of the Revised Code shall provide the division 20695
of real estate in the department of commerce, on a form 20696
prescribed by the division, at the same time the owner or other 20697
person applies for registration or renewal of registration as 20698
required by section 4767.03 of the Revised Code, a list of the 20699
names and residence addresses of all persons employed or 20700
otherwise engaged by the cemetery to sell interment rights. The 20701
provision of this information constitutes the registration of 20702
these persons to sell interment rights. 20703

In order for an independent contractor to sell interment 20704
rights for a cemetery, the cemetery shall sponsor and register 20705
the independent contractor with the division. More than one 20706
cemetery may sponsor and register the same independent 20707
contractor. The division shall register an independent 20708
contractor in accordance with Chapter 4796. of the Revised Code 20709
if either of the following applies: 20710

(1) The individual is licensed or registered in another 20711
state. 20712

(2) The individual has satisfactory work experience, a 20713
government certification, or a private certification as 20714
described in that chapter as an independent contractor selling 20715
interment rights for a cemetery in a state that does not issue 20716
that license or registration. 20717

(B) The owner or the person responsible for the operation 20718
of each cemetery required to register under section 4767.03 of 20719
the Revised Code shall provide the division with a revised list 20720

of the names and residence addresses of all persons employed or 20721
otherwise engaged by the cemetery to sell interment rights 20722
within the calendar quarter immediately following the date of 20723
the termination of the cemetery's relationship with an existing 20724
salesperson or the commencement of a relationship with a new 20725
salesperson. As used in this division, "calendar quarter" means 20726
the three-month period that commences on the first day of each 20727
January, April, July, and October. 20728

Sec. 4771.08. (A) Upon receipt of all the materials 20729
required for application for registration under section 4771.07 20730
of the Revised Code, the Ohio athletic commission shall evaluate 20731
the information provided and issue a certificate of registration 20732
to the applicant, unless the commission finds that the applicant 20733
or an employee or representative of the applicant has committed 20734
any of the acts described in division (A) of section 4771.18 of 20735
the Revised Code. 20736

Notwithstanding the requirements for a certificate of 20737
registration under this chapter, the commission shall issue a 20738
certificate of registration in accordance with Chapter 4796. of 20739
the Revised Code to an applicant if either of the following 20740
applies: 20741

(1) The applicant is registered in another state. 20742

(2) The applicant has satisfactory work experience, a 20743
government certification, or a private certification as 20744
described in that chapter as an athlete agent in a state that 20745
does not issue that certificate of registration. 20746

(B) The commission may issue a temporary certificate of 20747
registration, effective for a period of up to ninety days after 20748
the issuance of the temporary registration, to ~~an~~ a nonresident 20749

athlete agent who is registered as an athlete agent in another 20750
state, or to a person who has not submitted all the material 20751
required under section 4771.07 of the Revised Code, but who the 20752
commission determines to have submitted sufficient material to 20753
warrant the issuance of a temporary certificate. Chapter 4796. 20754
of the Revised Code does not apply to a temporary certificate of 20755
registration issued under this division. 20756

(C) The registration of an athlete agent with the 20757
commission is valid for a period of two years after the date the 20758
certificate of registration is issued. An athlete agent shall 20759
file an application for the renewal of a registration with the 20760
commission at least thirty days prior to the expiration of the 20761
registration of the athlete agent. An application for renewal 20762
shall be accompanied by a renewal fee in an amount determined by 20763
the commission pursuant to division (F) of section 4771.05 of 20764
the Revised Code. 20765

(D) Each certificate of registration issued by the 20766
commission to an athlete agent shall contain all the following 20767
information: 20768

(1) The name of the athlete agent; 20769

(2) The address of the primary location in which the 20770
athlete agent is authorized to conduct business as an athlete 20771
agent; 20772

(3) A registration number for the athlete agent and the 20773
date of issuance of the registration. 20774

(E) No registration or certificate of registration is 20775
valid for any individual other than the athlete agent to whom it 20776
is issued. 20777

(F) The commission is not liable for the acts of an 20778

athlete agent who is registered with the commission. 20779

Sec. 4773.03. (A) ~~Each~~ Except as provided in division (G)
of this section, each individual seeking a license to practice 20780
as a general x-ray machine operator, radiographer, radiation 20781
therapy technologist, or nuclear medicine technologist shall 20782
apply to the department of health on a form the department shall 20783
prescribe and provide. The application shall be accompanied by 20784
the appropriate license application fee established in rules 20785
adopted under section 4773.08 of the Revised Code. 20786
20787

(B) ~~The~~ Except as provided in division (G) of this
section, the department shall review all applications received 20788
and issue the appropriate general x-ray machine operator, 20789
radiographer, radiation therapy technologist, or nuclear 20790
medicine technologist license to each applicant who meets all of 20791
the following requirements: 20792
20793

(1) Is eighteen years of age or older; 20794

(2) Except as provided in division (C) of this section, 20795
passes the examination administered under section 4773.04 of the 20796
Revised Code for the applicant's area of practice; 20797

(3) Complies with any other licensing standards 20798
established in rules adopted under section 4773.08 of the 20799
Revised Code. 20800

(C) An applicant is not required to take a licensing 20801
examination if one of the following applies to the applicant: 20802

(1) The individual is applying for a license as a general 20803
x-ray machine operator and holds certification in that area of 20804
practice from the American registry of radiologic technologists 20805
or the American chiropractic registry of radiologic 20806
technologists. 20807

(2) The individual is applying for a license as a radiographer and holds certification in that area of practice from the American registry of radiologic technologists.

(3) The individual is applying for a license as a radiation therapy technologist and holds certification in that area of practice from the American registry of radiologic technologists.

(4) The individual is applying for a license as a nuclear medicine technologist and holds certification in that area of practice from the American registry of radiologic technologists or the nuclear medicine technology certification board.

(5) The individual holds a conditional license issued under section 4773.05 of the Revised Code and has completed the continuing education requirements established in rules adopted under section 4773.08 of the Revised Code.

~~(6) The individual holds a license, certificate, or other credential issued by another state that the department determines uses standards for radiologic professions that are at least equal to those established under this chapter.~~

(D) A license issued under this section expires biennially on the license holder's birthday, except for an initial license which expires on the license holder's birthday following two years after it is issued. For an initial license, the fee established in rules adopted under section 4773.08 of the Revised Code may be increased in proportion to the amount of time beyond two years that the license may be valid.

A license may be renewed. To be eligible for renewal, the license holder must complete the continuing education requirements specified in rules adopted by the department under

section 4773.08 of the Revised Code. Applications for license 20837
renewal shall be accompanied by the appropriate renewal fee 20838
established in rules adopted under section 4773.08 of the 20839
Revised Code. Renewals shall be made in accordance with the 20840
standard renewal procedure established under Chapter 4745. of 20841
the Revised Code. 20842

(E) (1) A license that has lapsed or otherwise become 20843
inactive may be reinstated. An individual seeking reinstatement 20844
of a license shall apply to the department on a form the 20845
department shall prescribe and provide. The application shall be 20846
accompanied by the appropriate reinstatement fee established in 20847
rules adopted under section 4773.08 of the Revised Code. 20848

(2) To be eligible for reinstatement, both of the 20849
following apply: 20850

(a) An applicant must continue to meet the conditions for 20851
receiving an initial license, including the examination or 20852
certification requirements specified in division (B) or (C) of 20853
this section. In the case of an applicant seeking reinstatement 20854
based on having passed an examination administered under section 20855
4773.04 of the Revised Code, the length of time that has elapsed 20856
since the examination was passed is not a consideration in 20857
determining whether the applicant is eligible for reinstatement. 20858

(b) The applicant must complete the continuing education 20859
requirements for reinstatement established in rules adopted 20860
under section 4773.08 of the Revised Code. 20861

(F) The department shall refuse to issue, renew, or 20862
reinstate and may suspend or revoke a general x-ray machine 20863
operator, radiographer, radiation therapy technologist, or 20864
nuclear medicine technologist license if the applicant or 20865

license holder does not comply with the applicable requirements 20866
of this chapter or rules adopted under it. 20867

(G) The department shall issue a general x-ray machine 20868
operator, radiographer, radiation therapy technologist, or 20869
nuclear medicine technologist license in accordance with Chapter 20870
4796. of the Revised Code to an applicant if either of the 20871
following applies: 20872

(1) The applicant holds a license in another state. 20873

(2) The applicant has satisfactory work experience, a 20874
government certification, or a private certification as 20875
described in that chapter as a general x-ray machine operator, 20876
radiographer, radiation therapy technologist, or nuclear 20877
medicine technologist in a state that does not issue that 20878
license. 20879

Sec. 4774.03. (A) ~~An~~ Except as provided in division (D) of 20880
this section, an individual seeking a license to practice as a 20881
radiologist assistant shall file with the state medical board a 20882
written application on a form prescribed and supplied by the 20883
board. The application shall include all the information the 20884
board considers necessary to process the application, including 20885
evidence satisfactory to the board that the applicant meets the 20886
requirements specified in division (B) of this section. 20887

At the time an application is submitted, the applicant 20888
shall pay the board the application fee specified by the board 20889
in rules adopted under section 4774.11 of the Revised Code. No 20890
part of the fee shall be returned. 20891

(B) ~~To~~ Except as provided in division (D) of this section, 20892
to be eligible to receive a license to practice as a radiologist 20893
assistant, an applicant shall meet all of the following 20894

requirements:	20895
(1) Be at least eighteen years of age;	20896
(2) Hold a current, valid license as a radiographer under Chapter 4773. of the Revised Code;	20897 20898
(3) Have attained a baccalaureate degree or postbaccalaureate certificate from an advanced academic program encompassing a nationally recognized radiologist assistant curriculum that includes a radiologist-directed clinical preceptorship;	20899 20900 20901 20902 20903
(4) Hold current certification as a registered radiologist assistant from the American registry of radiologic technologists and have attained the certification by meeting the standard certification requirements established by the registry, including the registry's requirements for documenting clinical education in the form of a clinical portfolio and passing an examination to determine competence to practice;	20904 20905 20906 20907 20908 20909 20910
(5) Hold current certification in advanced cardiac life support.	20911 20912
(C) The board shall review all applications received under this section. Not later than sixty days after receiving an application the board considers to be complete, the board shall determine whether the applicant meets the requirements to receive a license to practice as a radiologist assistant.	20913 20914 20915 20916 20917
<u>(D) The board shall issue a license to practice as a radiologist assistant in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:</u>	20918 20919 20920
<u>(1) The applicant holds a license in another state.</u>	20921
<u>(2) The applicant has satisfactory work experience, a</u>	20922

government certification, or a private certification as 20923
described in that chapter as a radiologist assistant in a state 20924
that does not issue that license. 20925

Sec. 4775.07. (A) Any person required to be registered as 20926
a motor vehicle repair operator shall apply to the motor vehicle 20927
repair board upon forms prescribed by the board. The forms shall 20928
contain sufficient information to identify the applicant, 20929
including name, address, state tax identification number, and 20930
any other identifying data prescribed by rule of the board. If 20931
the applicant is a partnership, identifying data as prescribed 20932
by the board may be required for each partner. If the applicant 20933
is a corporation, identifying data may be required for each 20934
officer of the corporation and each person in charge of each 20935
place of the motor vehicle repair operator's business in this 20936
state. The applicant shall affirm the application by oath. The 20937
applicant shall include with the application the initial 20938
registration fee set forth in section 4775.08 of the Revised 20939
Code and proof satisfactory to the board that the applicant has 20940
a current state and federal tax identification number, a valid 20941
vendor's license issued pursuant to section 5739.17 of the 20942
Revised Code, a United States environmental protection agency 20943
identification number issued under the "Resource Conservation 20944
and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 6901, as 20945
amended, and regulations adopted under that act, proof of 20946
possession of all permits required under Chapter 3704. of the 20947
Revised Code, general liability insurance and liability 20948
insurance that protects a person against liability for damage to 20949
motor vehicles in the applicant's care, custody, or control in 20950
an amount and form that conforms to the rules the board adopts 20951
under section 4775.04 of the Revised Code, and coverage under 20952
Chapters 4123. and 4141. of the Revised Code. In addition, the 20953

applicant shall affirm that the applicant is in compliance with 20954
all applicable federal and state statutes and rules and all 20955
local ordinances and resolutions, including all applicable 20956
zoning regulations. 20957

(B) Upon receipt of the completed application form and 20958
fees and after the board determines that the applicant meets the 20959
requirements for registration under division (A) of this 20960
section, the board shall direct the executive director to issue 20961
a registration certificate to the applicant for each place of 20962
business. The motor vehicle repair operator shall display the 20963
registration certificate in a conspicuous place on the premises 20964
of the business for which the registration is obtained. The 20965
board and director shall issue a registration certificate in 20966
accordance with Chapter 4796. of the Revised Code to an 20967
applicant if either of the following applies: 20968

(1) The applicant holds a license or registration 20969
certificate in another state. 20970

(2) The applicant has satisfactory work experience, a 20971
government certification, or a private certification as 20972
described in that chapter as a motor vehicle repair operator in 20973
a state that does not issue that license or registration 20974
certificate. 20975

(C) Each registration certificate issued under this 20976
section expires annually on the date of its original issuance 20977
and may be renewed in accordance with the standard renewal 20978
procedure of Chapter 4745. of the Revised Code. The application 20979
for a renewal of a registration certificate shall be accompanied 20980
by the same information and proof as is required to accompany an 20981
initial application under division (A) of this section. 20982

(D) When a motor vehicle repair operator experiences a 20983
change in any information or data required under division (A) of 20984
this section or by rule of the board for registration as a motor 20985
vehicle repair operator, the motor vehicle repair operator shall 20986
submit written notification of the change to the board within 20987
sixty days after the date that the information becomes obsolete. 20988
If a motor vehicle repair operator fails to submit the written 20989
notification of a change in information or data within sixty 20990
days after the change in information or data, the operator's 20991
registration certificate is automatically suspended, except that 20992
the board may waive the suspension for good cause shown. 20993

(E) Notwithstanding section 5703.21 of the Revised Code, 20994
the department of taxation may disclose to the board any 20995
information necessary for the board to verify the existence of 20996
an applicant's valid vendor's license and current state tax 20997
identification number. 20998

Sec. 4778.03. (A) ~~An~~ Except as provided in division (D) of 20999
this section, an individual seeking a license to practice as a 21000
genetic counselor shall file with the state medical board an 21001
application in a manner prescribed by the board. The application 21002
shall include all the information the board considers necessary 21003
to process the application, including evidence satisfactory to 21004
the board that the applicant meets the requirements specified in 21005
division (B) of this section. 21006

At the time an application is submitted, the applicant 21007
shall pay the board an application fee of two hundred dollars. 21008
No part of the fee shall be returned to the applicant or 21009
transferred for purposes of another application. 21010

(B) ~~To~~ Except as provided in division (D) of this section, 21011
to be eligible to receive a license to practice as a genetic 21012

counselor, an applicant shall demonstrate to the board that the 21013
applicant meets all of the following requirements: 21014

(1) Is at least eighteen years of age; 21015

(2) Has attained a master's degree or higher degree from a 21016
genetic counseling graduate program accredited by the American 21017
board of genetic counseling, inc.; 21018

(3) Is a certified genetic counselor; 21019

(4) Has satisfied any other requirements established by 21020
the board in rules adopted under section 4778.12 of the Revised 21021
Code. 21022

(C) The board shall review all applications received under 21023
this section. Not later than sixty days after receiving an 21024
application it considers complete, the board shall determine 21025
whether the applicant meets the requirements for a license to 21026
practice as a genetic counselor. 21027

(D) The board shall issue a license to practice as a 21028
genetic counselor in accordance with Chapter 4796. of the 21029
Revised Code to an applicant if either of the following applies: 21030

(1) The applicant holds a license in another state. 21031

(2) The applicant has satisfactory work experience, a 21032
government certification, or a private certification as 21033
described in that chapter as a genetic counselor in a state that 21034
does not issue that license. 21035

Sec. 4778.08. (A) The Except as provided in division (C) 21036
of this section, the state medical board may issue to an 21037
applicant under section 4778.03 of the Revised Code a license to 21038
practice as a genetic counselor, designated as a supervised 21039
practice license, if both of the following apply: 21040

(1) The applicant meets the requirements specified in 21041
section 4778.03 of the Revised Code other than being a certified 21042
genetic counselor; 21043

(2) The applicant is in active candidate status with the 21044
American board of genetic counseling. 21045

(B) A supervised practice license authorizes the holder to 21046
engage in the activities authorized by section 4778.11 of the 21047
Revised Code while the holder is under the general supervision 21048
of a genetic counselor licensed under section 4778.05 of the 21049
Revised Code or a physician. General supervision does not 21050
require the supervising licensed genetic counselor or physician 21051
to be present while the holder engages in such activities, but 21052
does require the licensed genetic counselor or physician to have 21053
professional responsibility for the holder and be readily 21054
accessible to the holder for professional consultation and 21055
assistance. 21056

A supervised practice license is valid from the date of 21057
issuance until the earlier of one year from that date or the 21058
date a license is issued under section 4778.05 of the Revised 21059
Code. A supervised practice license may not be renewed. 21060

(C) The board shall issue a supervised practice license to 21061
practice as a genetic counselor in accordance with Chapter 4796. 21062
of the Revised Code to an applicant if either of the following 21063
applies: 21064

(1) The applicant holds a license in another state. 21065

(2) The applicant has satisfactory work experience, a 21066
government certification, or a private certification as 21067
described in that chapter as a supervised practice genetic 21068
counselor in a state that does not issue that license. 21069

Sec. 4778.09. (A) The state medical board may issue a 21070
license to practice as a genetic counselor, designated as a 21071
special activity license, to an individual from another state 21072
seeking to practice in this state genetic counseling associated 21073
with a rare disease. 21074

(B) An applicant for a special activity license shall 21075
submit to the board all of the following information: 21076

(1) Evidence that the applicant holds a current, 21077
unrestricted license to practice genetic counseling issued by 21078
another state or, if the applicant practices genetic counseling 21079
in another state that does not license genetic counselors, 21080
evidence that the applicant is a certified genetic counselor; 21081

(2) Evidence that the applicant has actively practiced 21082
genetic counseling within the two-year period immediately 21083
preceding application; 21084

(3) The name of the applicant's sponsoring institution or 21085
organization, a statement of need for genetic counseling from 21086
the sponsoring institution or organization, and the name of the 21087
rare disease for which the applicant will be practicing genetic 21088
counseling in this state. 21089

(C) At the time an application is submitted, the applicant 21090
shall pay a fee of twenty-five dollars. No part of the fee shall 21091
be returned to the applicant or transferred for purposes of 21092
another application. 21093

(D) The board shall not require the holder of a special 21094
activity license issued under this section to obtain a license 21095
under Chapter 4796. of the Revised Code. A special activity 21096
license is valid for the shorter of thirty days or the duration 21097
of the genetic counseling associated with the rare disease for 21098

which the license was issued. The license may not be renewed. 21099

(E) The holder of a special activity license may practice 21100
genetic counseling only to the extent that it is associated with 21101
the rare disease for which the license was issued. The license 21102
holder shall not bill a patient or any third party payer for 21103
genetic counseling provided in this state. 21104

(F) The board may revoke a special activity license on 21105
receiving proof satisfactory to the board that the holder of the 21106
license has engaged in practice in this state outside the scope 21107
of the license or that there are grounds for action against the 21108
license holder under section 4778.14 of the Revised Code. 21109

Sec. 4779.17. The Ohio occupational therapy, physical 21110
therapy, and athletic trainers board shall issue a license under 21111
section 4779.09 of the Revised Code to practice orthotics, 21112
prosthetics, orthotics and prosthetics, or pedorthics ~~without~~ 21113
~~examination to an applicant who meets all of the following~~ 21114
~~requirements:~~ 21115

~~(A) Applies to the board in accordance with section~~ 21116
~~4779.09 of the Revised Code;~~ 21117

~~(B) Holds a license to practice orthotics, prosthetics,~~ 21118
~~orthotics and prosthetics, or pedorthics issued by the~~ 21119
~~appropriate authority of another state;~~ 21120

~~(C) One of the following applies:~~ 21121

~~(1) In the case of an applicant for a license to practice~~ 21122
~~orthotics, the applicant meets the requirements in divisions (A)~~ 21123
~~(2) and (3) of section 4779.10 of the Revised Code.~~ 21124

~~(2) In the case of an applicant for a license to practice~~ 21125
~~prosthetics, the applicant meets the requirements in divisions~~ 21126

(A) (2) and (3) of section 4779.11 of the Revised Code.	21127
(3) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions (A) (2) and (3) of section 4779.12 of the Revised Code.	21128 21129 21130 21131
(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.	21132 21133 21134
(D) All fees received by the board under this section shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund established in section 4743.05 <u>accordance with Chapter 4796.</u> of the Revised Code <u>to an applicant if either of the following applies:</u>	21135 21136 21137 21138 21139
<u>(A) The applicant holds a license in another state.</u>	21140
<u>(B) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in orthotics, prosthetics, orthotics and prosthetics, or pedorthics in a state that does not issue that license.</u>	21141 21142 21143 21144 21145
Sec. 4779.18. (A) The Ohio occupational therapy, physical therapy, and athletic trainers board shall issue a temporary license to an individual who meets all of the following requirements:	21146 21147 21148 21149
(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;	21150 21151 21152
(2) Is eighteen years of age or older;	21153
(3) One of the following applies:	21154

(a) In the case of an applicant for a license to practice orthotics, the applicant meets the requirements in divisions (A) (2) and (3) of section 4779.10 of the Revised Code. 21155
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(b) In the case of an applicant for a license to practice prosthetics, the applicant meets the requirements in divisions (A) (2) and (3) of section 4779.11 of the Revised Code. 21158
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(c) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions (A) (2) and (3) of section 4779.12 of the Revised Code. 21161
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(d) In the case of an applicant for a license to practice pedorthics, the applicant meets the requirements in divisions (B) and (C) of section 4779.13 of the Revised Code. 21165
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(B) The board shall issue a temporary license in accordance with Chapter 4796. of the Revised Code to an applicant who holds a license in another state, a government certification, or a private certification as described in that chapter in a state that does not issue that license. 21168
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(C) A temporary license issued under this section is valid for one year and may be renewed once in accordance with rules adopted by the board under section 4779.08 of the Revised Code. 21173
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(D) An individual who holds a temporary license may practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics only under the supervision of an individual who holds a license issued under section 4779.09 of the Revised Code in the same area of practice. 21176
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~~(C)~~ (E) All fees received by the board under this section shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund established in 21181
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section 4743.05 of the Revised Code. 21184

Sec. 4781.07. (A) Pursuant to rules the division of 21185
industrial compliance adopts, the division may certify 21186
municipal, township, and county building departments and the 21187
personnel of those departments, or any private third party, to 21188
exercise the division's enforcement authority, accept and 21189
approve plans and specifications for foundations, support 21190
systems and installations, and inspect manufactured housing 21191
foundations, support systems, and manufactured housing 21192
installations. Any certification is effective for three years. 21193

(B) Following an investigation and finding of facts that 21194
support its action, the division of industrial compliance may 21195
revoke or suspend certification. The division may initiate an 21196
investigation on the division's own motion or the petition of a 21197
person affected by the enforcement or approval of plans. 21198

(C) (1) If a township, municipal corporation, or county 21199
does not have a building department that is certified pursuant 21200
to this section, it may designate by resolution or ordinance 21201
another building department that has been certified pursuant to 21202
this section to exercise the commission's enforcement authority, 21203
accept and approve plans and specifications for foundations, 21204
support systems and installations, and inspect manufactured 21205
housing foundations, support systems, and manufactured housing 21206
installations. The designation is effective upon acceptance by 21207
the designee. 21208

(2) An owner of a manufactured home or an operator of a 21209
manufactured home park may request an inspection and obtain an 21210
approval described in division (C) (1) of this section from any 21211
building department certified pursuant to this section 21212
designated by the township, municipal corporation, or county in 21213

which the owner's manufactured home or operator's manufactured home park is located. 21214
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(D) The board shall certify an individual to exercise enforcement authority, to accept and approve plans and specifications, or to make inspections in this state in accordance with Chapter 4796. of the Revised Code if either of the following applies: 21216
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(1) The individual is certified in another state. 21221

(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter in exercising enforcement authority, accepting and approving plans and specifications for foundations, support systems and installations, or inspecting manufactured housing foundations, support systems, and installations, in a state that does not issue that certification. 21222
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Sec. 4781.08. (A) The division of industrial compliance shall issue a manufactured housing installer license to any applicant who is at least eighteen years of age and meets all of the following requirements: 21230
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(1) Submits an application to the division on a form the division prescribes and pays the fee the division requires; 21234
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(2) Completes all training requirements the division prescribes; 21236
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(3) Meets the experience requirements the division prescribes by rule; 21238
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(4) Has at least one year of experience installing manufactured housing under the supervision of a licensed 21240
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manufactured home installer if applying for licensure after January 1, 2006;	21242 21243
(5) Has completed an installation training course the division approves, which may be offered by the Ohio manufactured homes association or other entity;	21244 21245 21246
(6) Receives a passing score on the licensure examination the division administers;	21247 21248
(7) Provides information the division requires to demonstrate compliance with this chapter and the rules the division adopts;	21249 21250 21251
(8) Provides the division with three references from persons who are retailers, manufacturers, or manufactured home park operators familiar with the person's installation work experience and competency, with at least two of the three references provided after January 1, 2006, being from persons who are licensed manufactured housing installers;	21252 21253 21254 21255 21256 21257
(9) Has liability insurance or a surety bond that is issued by an insurance or surety company authorized to transact business in Ohio, in the amount the division specifies, and containing the terms and conditions the division requires;	21258 21259 21260 21261
(10) Is in compliance with section 4123.35 of the Revised Code.	21262 21263
(B) The division of industrial compliance shall not grant a license to any person who the division finds has engaged in actions during the previous two years that constitute a ground for denial, suspension, or revocation of a license or who has had a license revoked or disciplinary action imposed by the licensing or certification board of another state or jurisdiction during the previous two years in connection with	21264 21265 21266 21267 21268 21269 21270

the installation of manufactured housing. 21271

(C) Any person who is licensed, certified, or otherwise 21272
approved under the laws of another state to perform functions 21273
substantially similar to those of a manufactured housing 21274
installer may apply to the division for licensure on a form the 21275
division prescribes. The division shall issue a license ~~if the~~ 21276
~~standards for licensure, certification, or approval in the state~~ 21277
~~in which the applicant is licensed, certified, or approved are~~ 21278
~~substantially similar to or exceed the requirements set forth in~~ 21279
~~this chapter and the rules adopted pursuant to it~~ in accordance 21280
with Chapter 4796. of the Revised Code to an applicant if either 21281
of the following applies: 21282

(1) The applicant holds a license in another state. 21283

(2) The applicant has satisfactory work experience, a 21284
government certification, or a private certification as 21285
described in that chapter as a manufactured housing installer in 21286
a state that does not issue that license. ~~The division may~~ 21287
~~require the applicant to pass the division's licensure~~ 21288
~~examination.~~ 21289

(D) Any license issued pursuant to this section shall bear 21290
the licensee's name and post-office address, the issue date, a 21291
serial number the division designates, and the signature of the 21292
person the division designates pursuant to rules. 21293

(E) A manufactured housing installer license expires two 21294
years after it is issued. The division of industrial compliance 21295
shall renew a license if the applicant does all of the 21296
following: 21297

(1) Meets the requirements of division (A) of this 21298
section; 21299

(2) Demonstrates compliance with the requirements of this chapter and the rules adopted pursuant to it;	21300 21301
(3) Meets the division's continuing education requirements.	21302 21303
(F) No manufactured housing installer license may be transferred to another person.	21304 21305
Sec. 4781.17. (A) Each person applying for a manufactured housing dealer's license or manufactured housing broker's license shall complete and deliver to the department of commerce, division of real estate, before the first day of April, a separate application for license for each county in which the business of selling or brokering manufactured or mobile homes is to be conducted. The application shall be in the form prescribed by the division of real estate and accompanied by the fee established by the division of real estate. The applicant shall sign and swear to the application that shall include all of the following:	21306 21307 21308 21309 21310 21311 21312 21313 21314 21315 21316
(1) Name of applicant and location of principal place of business;	21317 21318
(2) Name or style under which business is to be conducted and, if a corporation, the state of incorporation;	21319 21320
(3) Name and address of each owner or partner and, if a corporation, the names of the officers and directors;	21321 21322
(4) The county in which the business is to be conducted and the address of each place of business therein;	21323 21324
(5) A statement of the previous history, record, and association of the applicant and of each owner, partner, officer, and director, that is sufficient to establish to the	21325 21326 21327

satisfaction of the division of real estate the reputation in 21328
business of the applicant; 21329

(6) A statement showing whether the applicant has 21330
previously applied for a manufactured housing dealer's license, 21331
manufactured housing broker's license, manufactured housing 21332
salesperson's license, or, prior to July 1, 2010, a motor 21333
vehicle dealer's license, manufactured home broker's license, or 21334
motor vehicle salesperson's license, and the result of the 21335
application, and whether the applicant has ever been the holder 21336
of any such license that was revoked or suspended; 21337

(7) If the applicant is a corporation or partnership, a 21338
statement showing whether any partner, employee, officer, or 21339
director has been refused a manufactured housing dealer's 21340
license, manufactured housing broker's license, manufactured 21341
housing salesperson's license, or, prior to July 1, 2010, a 21342
motor vehicle dealer's license, manufactured home broker's 21343
license, or motor vehicle salesperson's license, or has been the 21344
holder of any such license that was revoked or suspended; 21345

(8) Any other information required by the division of real 21346
estate. 21347

(B) Each person applying for a manufactured housing 21348
salesperson's license shall complete and deliver to the division 21349
of real estate before the first day of July an application for 21350
license. The application shall be in the form prescribed by the 21351
division of real estate and shall be accompanied by the fee 21352
established by the division. The applicant shall sign and swear 21353
to the application that shall include all of the following: 21354

(1) Name and post-office address of the applicant; 21355

(2) Name and post-office address of the manufactured 21356

housing dealer or manufactured housing broker for whom the applicant intends to act as salesperson; 21357
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(3) A statement of the applicant's previous history, record, and association, that is sufficient to establish to the satisfaction of the division of real estate the applicant's reputation in business; 21359
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(4) A statement as to whether the applicant intends to engage in any occupation or business other than that of a manufactured housing salesperson; 21363
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(5) A statement as to whether the applicant has ever had any previous application for a manufactured housing salesperson license refused or, prior to July 1, 2010, any application for a motor vehicle salesperson license refused, and whether the applicant has previously had a manufactured housing salesperson or motor vehicle salesperson license revoked or suspended; 21366
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(6) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or manufactured housing broker whose license was suspended or revoked; 21372
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(7) A statement of the manufactured housing dealer or manufactured housing broker named therein, designating the applicant as the dealer's or broker's salesperson; 21376
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(8) Any other information required by the division of real estate. 21379
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(C) Any application for a manufactured housing dealer or manufactured housing broker delivered to the division of real estate under this section also shall be accompanied by a photograph, as prescribed by the division, of each place of business operated, or to be operated, by the applicant. 21381
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(D) The division of real estate shall deposit all license fees into the state treasury to the credit of the manufactured homes regulatory fund. 21386
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(E) Notwithstanding any provision of this chapter to the contrary, the division shall issue a manufactured housing dealer's license or manufactured housing broker's license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 21389
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(1) The applicant holds a license in another state. 21394

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a manufactured housing dealer or manufactured housing broker in a state that does not issue that license. 21395
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Sec. 4783.04. (A) An individual seeking a certificate to practice as a certified Ohio behavior analyst shall file with the state board of psychology a written application on a form prescribed and supplied by the board. To be eligible for a certificate, the individual shall do all of the following: 21400
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(1) Demonstrate that the applicant conducts the applicant's professional activities in accordance with accepted professional and ethical standards; 21405
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(2) Comply with sections 4776.01 to 4776.04 of the Revised Code; 21408
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(3) Demonstrate an understanding of the law regarding behavioral health practice; 21410
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(4) Demonstrate current certification as a board certified behavior analyst by the behavior analyst certification board or 21412
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its successor organization or demonstrate completion of 21414
equivalent requirements and passage of a psychometrically valid 21415
examination administered by a nationally accredited 21416
credentialing organization; 21417

(5) Pay the fee established by the state board of 21418
psychology. 21419

(B) The state board of psychology shall review all 21420
applications received under this section. The state board of 21421
psychology shall not grant a certificate to an applicant for an 21422
initial certificate unless the applicant complies with sections 21423
4776.01 to 4776.04 of the Revised Code. If the state board of 21424
psychology determines that an applicant satisfies the 21425
requirements for a certificate to practice as a certified Ohio 21426
behavior analyst, the state board of psychology shall issue the 21427
applicant a certificate. 21428

(C) The board shall issue a certificate to practice as a 21429
certified Ohio behavior analyst in accordance with Chapter 4796. 21430
of the Revised Code to an applicant if either of the following 21431
applies: 21432

(1) The applicant holds a certificate or license in 21433
another state. 21434

(2) The applicant has satisfactory work experience, a 21435
government certification, or a private certification as 21436
described in that chapter as a behavior analyst in a state that 21437
does not issue that certificate or license. 21438

Sec. 5123.161. A person or government entity that seeks to 21439
provide supported living shall apply to the director of 21440
developmental disabilities for a supported living certificate. 21441

Except as provided in sections 5123.166 and 5123.169 of 21442

the Revised Code, the director shall issue to the person or 21443
government entity a supported living certificate if the person 21444
or government entity follows the application process established 21445
in rules adopted under section 5123.1611 of the Revised Code, 21446
meets the applicable certification standards established in 21447
those rules, and pays the certification fee established in those 21448
rules. The director shall issue a supported living certificate 21449
in accordance with Chapter 4796. of the Revised Code to a person 21450
if either of the following applies: 21451

(A) The person holds a supported living certificate issued 21452
by another state. 21453

(B) The person has satisfactory work experience, a 21454
government certification, or a private certification as 21455
described in that chapter as a person providing supported living 21456
in a state that does not issue that certificate. 21457

Sec. 5123.45. (A) The department of developmental 21458
disabilities shall establish a program under which the 21459
department issues certificates to the following: 21460

(1) Developmental disabilities personnel, for purposes of 21461
meeting the requirement of division (D) (1) of section 5123.42 of 21462
the Revised Code to obtain a certificate or certificates to 21463
administer medications and perform health-related activities 21464
pursuant to the authority granted under division (C) of that 21465
section; 21466

(2) Registered nurses, for purposes of meeting the 21467
requirement of division (B) of section 5123.441 of the Revised 21468
Code to obtain a certificate or certificates to provide the 21469
developmental disabilities personnel training courses developed 21470
under section 5123.43 of the Revised Code. 21471

(B) To receive a certificate issued under this section, developmental disabilities personnel and registered nurses shall successfully complete the applicable training course or courses and meet all other applicable requirements established in rules adopted pursuant to this section. The department shall issue the appropriate certificate or certificates to developmental disabilities personnel and registered nurses who meet the requirements for the certificate or certificates. The department shall issue the appropriate certificate or certificates in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a certificate or certificates issued by another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as developmental disabilities personnel in a state that does not issue that certificate.

(C) Certificates issued to developmental disabilities personnel are valid for one year and may be renewed. Certificates issued to registered nurses are valid for two years and may be renewed.

To be eligible for renewal, developmental disabilities personnel and registered nurses shall meet the applicable continued competency requirements and continuing education requirements specified in rules adopted under division (D) of this section. In the case of registered nurses, continuing nursing education completed in compliance with the license renewal requirements established under Chapter 4723. of the Revised Code may be counted toward meeting the continuing education requirements established in the rules adopted under

division (D) of this section. 21502

(D) In accordance with section 5123.46 of the Revised 21503
Code, the department shall adopt rules that establish all of the 21504
following: 21505

(1) Requirements that developmental disabilities personnel 21506
and registered nurses must meet to be eligible to take a 21507
training course, including having sufficient written and oral 21508
English skills to communicate effectively and reliably with 21509
patients, their families, and other medical professionals; 21510

(2) Standards that must be met to receive a certificate, 21511
including requirements pertaining to an applicant's criminal 21512
background; 21513

(3) Procedures to be followed in applying for a 21514
certificate and issuing a certificate; 21515

(4) Standards and procedures for renewing a certificate, 21516
including requirements for continuing education and, in the case 21517
of developmental disabilities personnel who administer 21518
prescribed medications, standards that require successful 21519
demonstration of proficiency in administering prescribed 21520
medications; 21521

(5) Any other standards or procedures the department 21522
considers necessary to administer the certification program. 21523

Sec. 5126.25. (A) The director of developmental 21524
disabilities shall adopt rules under division (C) of this 21525
section establishing uniform standards and procedures for the 21526
certification and registration of persons, other than the 21527
persons described in division (I) of this section, who are 21528
seeking employment with or are employed by either of the 21529
following: 21530

- (1) A county board of developmental disabilities; 21531
- (2) An entity that contracts with a county board to 21532
operate programs and services for individuals with developmental 21533
disabilities. 21534
- (B) No person shall be employed in a position for which 21535
certification or registration is required pursuant to the rules 21536
adopted under this section without the certification or 21537
registration that is required for that position. The person 21538
shall not be employed or shall not continue to be employed if 21539
the required certification or registration is denied, revoked, 21540
or not renewed. 21541
- (C) The director shall adopt rules in accordance with 21542
Chapter 119. of the Revised Code as the director considers 21543
necessary to implement and administer this section, including 21544
rules establishing all of the following: 21545
- (1) Positions of employment that are subject to this 21546
section and, for each position, whether a person must receive 21547
certification or receive registration to be employed in that 21548
position; 21549
- (2) Requirements that must be met to receive the 21550
certification or registration required to be employed in a 21551
particular position, including standards regarding education, 21552
specialized training, and experience, taking into account the 21553
needs of individuals with developmental disabilities and the 21554
specialized techniques needed to serve them, except that the 21555
rules shall not require a person designated as a service 21556
employee under section 5126.22 of the Revised Code to have or 21557
obtain a bachelor's or higher degree; 21558
- (3) Procedures to be followed in applying for initial 21559

certification or registration and for renewing the certification 21560
or registration. 21561

(4) Requirements that must be met for renewal of 21562
certification or registration, which may include continuing 21563
education and professional training requirements; 21564

(5) Subject to section 5126.23 of the Revised Code, 21565
grounds for which certification or registration may be denied, 21566
suspended, or revoked and procedures for appealing the denial, 21567
suspension, or revocation. 21568

(D) Each person seeking certification or registration for 21569
employment shall apply in the manner established in rules 21570
adopted under this section. 21571

(E) (1) Except as provided in division (E) (2) of this 21572
section, the superintendent of each county board is responsible 21573
for taking all actions regarding certification and registration 21574
of employees, other than the position of superintendent, early 21575
intervention supervisor, early intervention specialist, or 21576
investigative agent. For the position of superintendent, early 21577
intervention supervisor, early intervention specialist, or 21578
investigative agent, the director of developmental disabilities 21579
is responsible for taking all such actions. 21580

Actions that may be taken by the superintendent or 21581
director include issuing, renewing, denying, suspending, and 21582
revoking certification and registration. All actions shall be 21583
taken in accordance with the rules adopted under this section. 21584

The superintendent may charge a fee to persons applying 21585
for certification or registration. The superintendent shall 21586
establish the amount of the fee according to the costs the 21587
county board incurs in administering its program for 21588

certification and registration of employees. 21589

A person subject to the denial, suspension, or revocation 21590
of certification or registration may appeal the decision. The 21591
appeal shall be made in accordance with the rules adopted under 21592
this section. 21593

(2) Pursuant to division (C) of section 5126.05 of the 21594
Revised Code, the superintendent may enter into a contract with 21595
any other entity under which the entity is given authority to 21596
carry out all or part of the superintendent's responsibilities 21597
under division (E) (1) of this section. 21598

(F) A person with valid certification or registration 21599
under this section on the effective date of any rules adopted 21600
under this section that increase the standards applicable to the 21601
certification or registration shall have such period as the 21602
rules prescribe, but not less than one year after the effective 21603
date of the rules, to meet the new certification or registration 21604
standards. 21605

(G) A person with valid certification or registration is 21606
qualified to be employed according to that certification or 21607
registration by any county board or entity contracting with a 21608
county board. 21609

(H) The director shall monitor county boards to ensure 21610
that their employees and the employees of their contracting 21611
entities have the applicable certification or registration 21612
required under this section and that the employees are 21613
performing only those functions they are authorized to perform 21614
under the certification or registration. The superintendent of 21615
each county board or the superintendent's designee shall 21616
maintain in appropriate personnel files evidence acceptable to 21617

the director that the employees have met the requirements. On 21618
request, representatives of the department of developmental 21619
disabilities shall be given access to the evidence. 21620

(I) The certification and registration requirements of 21621
this section and the rules adopted under it do not apply to 21622
either of the following: 21623

(1) A person who holds a valid license issued or 21624
certificate issued under Chapter 3319. of the Revised Code and 21625
performs no duties other than teaching or supervision of a 21626
teaching program; 21627

(2) A person who holds a valid license or certificate 21628
issued under Title XLVII of the Revised Code and performs only 21629
those duties governed by the license or certificate. 21630

(J) The director shall issue a certification or 21631
registration in accordance with Chapter 4796. of the Revised 21632
Code to a person if either of the following applies: 21633

(1) The person holds a license, certification, or 21634
registration in another state. 21635

(2) The person has satisfactory work experience, a 21636
government certification, or a private certification as 21637
described in that chapter in a state that does not issue that 21638
license, certification, or registration. 21639

Sec. 5902.02. The duties of the director of veterans 21640
services shall include the following: 21641

(A) Furnishing the veterans service commissions of all 21642
counties of the state copies of the state laws, rules, and 21643
legislation relating to the operation of the commissions and 21644
their offices; 21645

(B) Upon application, assisting the general public in 21646
obtaining records of vital statistics pertaining to veterans or 21647
their dependents; 21648

(C) Adopting rules pursuant to Chapter 119. of the Revised 21649
Code pertaining to minimum qualifications for hiring, 21650
certifying, and accrediting county veterans service officers, 21651
pertaining to their required duties, and pertaining to 21652
revocation of the certification of county veterans service 21653
officers; 21654

(D) Adopting rules pursuant to Chapter 119. of the Revised 21655
Code for the education, training, certification, and duties of 21656
veterans service commissioners and for the revocation of the 21657
certification of a veterans service commissioner; 21658

(E) Developing and monitoring programs and agreements 21659
enhancing employment and training for veterans in single or 21660
multiple county areas; 21661

(F) Developing and monitoring programs and agreements to 21662
enable county veterans service commissions to address 21663
homelessness, indigency, and other veteran-related issues 21664
individually or jointly; 21665

(G) Developing and monitoring programs and agreements to 21666
enable state agencies, individually or jointly, that provide 21667
services to veterans, including the veterans' homes operated 21668
under Chapter 5907. of the Revised Code and the director of job 21669
and family services, to address homelessness, indigency, 21670
employment, and other veteran-related issues; 21671

(H) Establishing and providing statistical reporting 21672
formats and procedures for county veterans service commissions; 21673

(I) Publishing electronically a listing of county veterans 21674

service offices and county veterans service commissioners. The 21675
listing shall include the expiration dates of commission 21676
members' terms of office and the organizations they represent; 21677
the names, addresses, and telephone numbers of county veterans 21678
service offices; and the addresses and telephone numbers of the 21679
Ohio offices and headquarters of state and national veterans 21680
service organizations. 21681

(J) Establishing a veterans advisory committee to advise 21682
and assist the department of veterans services in its duties. 21683
Members shall include a member of the national guard association 21684
of the United States who is a resident of this state, a member 21685
of the military officers association of America who is a 21686
resident of this state, a state representative of 21687
congressionally chartered veterans organizations referred to in 21688
section 5901.02 of the Revised Code, a representative of any 21689
other congressionally chartered state veterans organization that 21690
has at least one veterans service commissioner in the state, 21691
three representatives of the Ohio state association of county 21692
veterans service commissioners, who shall have a combined vote 21693
of one, three representatives of the state association of county 21694
veterans service officers, who shall have a combined vote of 21695
one, one representative of the county commissioners association 21696
of Ohio, who shall be a county commissioner not from the same 21697
county as any of the other county representatives, a 21698
representative of the advisory committee on women veterans, a 21699
representative of a labor organization, and a representative of 21700
the office of the attorney general. The department of veterans 21701
services shall submit to the advisory committee proposed rules 21702
for the committee's operation. The committee may review and 21703
revise these proposed rules prior to submitting them to the 21704
joint committee on agency rule review. 21705

(K) Adopting, with the advice and assistance of the veterans advisory committee, policy and procedural guidelines that the veterans service commissions shall adhere to in the development and implementation of rules, policies, procedures, and guidelines for the administration of Chapter 5901. of the Revised Code. The department of veterans services shall adopt no guidelines or rules regulating the purposes, scope, duration, or amounts of financial assistance provided to applicants pursuant to sections 5901.01 to 5901.15 of the Revised Code. The director of veterans services may obtain opinions from the office of the attorney general regarding rules, policies, procedures, and guidelines of the veterans service commissions and may enforce compliance with Chapter 5901. of the Revised Code.

(L) Receiving copies of form DD214 filed in accordance with the director's guidelines adopted under division (L) of this section from members of veterans service commissions appointed under section 5901.02 and from county veterans service officers employed under section 5901.07 of the Revised Code;

(M) Developing and maintaining and improving a resource, such as a telephone answering point or a web site, by means of which veterans and their dependents, through a single portal, can access multiple sources of information and interaction with regard to the rights of, and the benefits available to, veterans and their dependents. The director of veterans services may enter into agreements with state and federal agencies, with agencies of political subdivisions, with state and local instrumentalities, and with private entities as necessary to make the resource as complete as is possible.

(N) Planning, organizing, advertising, and conducting outreach efforts, such as conferences and fairs, at which

veterans and their dependents may meet, learn about the organization and operation of the department of veterans services and of veterans service commissions, and obtain information about the rights of, and the benefits and services available to, veterans and their dependents;

(O) Advertising, in print, on radio and television, and otherwise, the rights of, and the benefits and services available to, veterans and their dependents;

(P) Developing and advocating improved benefits and services for, and improved delivery of benefits and services to, veterans and their dependents;

(Q) Searching for, identifying, and reviewing statutory and administrative policies that relate to veterans and their dependents and reporting to the general assembly statutory and administrative policies that should be consolidated in whole or in part within the organization of the department of veterans services to unify funding, delivery, and accounting of statutory and administrative policy expressions that relate particularly to veterans and their dependents;

(R) Encouraging veterans service commissions to innovate and otherwise to improve efficiency in delivering benefits and services to veterans and their dependents and to report successful innovations and efficiencies to the director of veterans services;

(S) Publishing and encouraging adoption of successful innovations and efficiencies veterans service commissions have achieved in delivering benefits and services to veterans and their dependents;

(T) Establishing advisory committees, in addition to the

veterans advisory committee established under division (K) of	21765
this section, on veterans issues;	21766
(U) Developing and maintaining a relationship with the	21767
United States department of veterans affairs, seeking optimal	21768
federal benefits and services for Ohio veterans and their	21769
dependents, and encouraging veterans service commissions to	21770
maximize the federal benefits and services to which veterans and	21771
their dependents are entitled;	21772
(V) Developing and maintaining relationships with the	21773
several veterans organizations, encouraging the organizations in	21774
their efforts at assisting veterans and their dependents, and	21775
advocating for adequate state subsidization of the	21776
organizations;	21777
(W) Requiring the several veterans organizations that	21778
receive funding from the state annually, not later than the	21779
thirtieth day of July, to report to the director of veterans	21780
services and prescribing the form and content of the report;	21781
(X) Reviewing the reports submitted to the director under	21782
division (W) of this section within thirty days of receipt and	21783
informing the veterans organization of any deficiencies that	21784
exist in the organization's report and that funding will not be	21785
released until the deficiencies have been corrected and a	21786
satisfactory report submitted;	21787
(Y) Releasing funds and processing payments to veterans	21788
organizations when a report submitted to the director under	21789
division (W) of this section has been reviewed and determined to	21790
be satisfactory;	21791
(Z) Furnishing copies of all reports that the director of	21792
veterans services has determined have been submitted	21793

satisfactorily under division (W) of this section to the chairperson of the finance committees of the general assembly; 21794
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(AA) Investigating complaints against county veterans services commissioners and county veterans service officers if the director reasonably believes the investigation to be appropriate and necessary; 21796
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(BB) Developing and maintaining a web site that is accessible by veterans and their dependents and provides a link to the web site of each state agency that issues a license, certificate, or other authorization permitting an individual to engage in an occupation or occupational activity; 21800
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(CC) Encouraging state agencies to conduct outreach efforts through which veterans and their dependents can learn about available job and education benefits; 21805
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(DD) Informing state agencies about changes in statutes and rules that affect veterans and their dependents; 21808
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(EE) Assisting licensing agencies in adopting rules under section 5903.03 of the Revised Code; 21810
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(FF) Administering the provision of grants from the military injury relief fund under section 5902.05 of the Revised Code; 21812
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(GG) Issuing a county veterans service officer certification or county veterans service commissioner certification in accordance with Chapter 4796. of the Revised Code to an applicant if the applicant holds a license or certification in another state or the applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a county veterans service officer or county veterans service commissioner, or in a 21815
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position that is the equivalent to county veterans service 21823
officer or county veterans service commissioner, in a state that 21824
does not issue that license or certification; 21825

(HH) Taking any other actions required by this chapter. 21826

Sec. 5903.04. Each licensing agency shall adopt rules 21827
under Chapter 119. of the Revised Code to establish and 21828
implement all of the following: 21829

(A) A process to obtain from each applicant documentation 21830
and additional information necessary to determine if the 21831
applicant is a service member or veteran, or the spouse or 21832
surviving spouse of a service member or veteran; 21833

(B) A process to record, track, and monitor applications 21834
that have been received from a service member, veteran, or the 21835
spouse or surviving spouse of a service member or veteran; and 21836

(C) A process to prioritize and expedite certification or 21837
licensing for each applicant who is a service member, veteran, 21838
or the spouse or a surviving spouse of a service member or 21839
veteran. 21840

In establishing these processes, the licensing agency 21841
shall include any special accommodations that may be appropriate 21842
for applicants facing imminent deployment, and for applicants 21843
for a temporary license or certificate under division ~~(D)~~(C) of 21844
section 4743.04 of the Revised Code. 21845

Sec. 6109.04. (A) The director of environmental protection 21846
shall administer and enforce this chapter and rules adopted 21847
under it. 21848

(B) The director shall adopt, amend, and rescind such 21849
rules in accordance with Chapter 119. of the Revised Code as may 21850

- be necessary or desirable to do both of the following: 21851
- (1) Govern public water systems in order to protect the 21852
public health; 21853
- (2) Govern public water systems to protect the public 21854
welfare, including rules governing contaminants in water that 21855
may adversely affect the suitability of the water for its 21856
intended uses or that may otherwise adversely affect the public 21857
health or welfare. 21858
- (C) The director may do any or all of the following: 21859
- (1) Adopt, amend, and rescind such rules in accordance 21860
with Chapter 119. of the Revised Code as may be necessary or 21861
desirable to do any or all of the following: 21862
- (a) Govern the granting of variances and exemptions from 21863
rules adopted under this chapter, subject to requirements of the 21864
Safe Drinking Water Act; 21865
- (b) Govern the certification of operators of public water 21866
systems, including establishment of qualifications according to 21867
a classification of public water systems and of provisions for 21868
examination, grounds for revocation, ~~reciprocity with other~~ 21869
~~states,~~ renewal of certification, and other provisions necessary 21870
or desirable for assurance of proper operation of water systems; 21871
- (c) Carry out the powers and duties of the director under 21872
this chapter. 21873
- (2) Provide a program for the general supervision of 21874
operation and maintenance of public water systems; 21875
- (3) Maintain an inventory of public water systems; 21876
- (4) Adopt and implement a program for conducting sanitary 21877

surveys of public water systems;	21878
(5) Establish and maintain a system of record keeping and reporting of activities of the environmental protection agency under this chapter;	21879 21880 21881
(6) Establish and maintain a program for the certification of laboratories conducting analyses of drinking water;	21882 21883
(7) Issue, modify, and revoke orders as necessary to carry out the director's powers and duties under this chapter and primary enforcement responsibility for public water systems under the "Safe Drinking Water Act." Orders issued under this chapter are subject to Chapter 119. of the Revised Code.	21884 21885 21886 21887 21888
(D) Before adopting, amending, or rescinding a rule authorized by this chapter, the director shall do all of the following:	21889 21890 21891
(1) Mail notice to each statewide organization that the director determines represents persons who would be affected by the proposed rule, amendment, or rescission at least thirty-five days before any public hearing thereon;	21892 21893 21894 21895
(2) Mail a copy of each proposed rule, amendment, or rescission to any person who requests a copy, within five days after receipt of the request;	21896 21897 21898
(3) Consult with appropriate state and local government agencies or their representatives, including statewide organizations of local government officials, industrial representatives, and other interested persons.	21899 21900 21901 21902
Although the director is expected to discharge these duties diligently, failure to mail any such notice or copy or to consult with any person does not invalidate any proceeding or	21903 21904 21905

action of the director. 21906

(E) The director shall issue a certification as an operator of a public water system in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 21907
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(1) The applicant holds a certification or license in another state. 21911
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an operator of a public water system in a state that does not issue that certification or license. 21913
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Sec. 6111.46. (A) The environmental protection agency shall exercise general supervision of the treatment and disposal of sewage and industrial wastes and the operation and maintenance of works or means installed for the collection, treatment, and disposal of sewage and industrial wastes. Such general supervision shall apply to all features of construction, operation, and maintenance of the works or means that do or may affect the proper treatment and disposal of sewage and industrial wastes. 21918
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(B) (1) The agency shall investigate the works or means employed in the collection, treatment, and disposal of sewage and industrial wastes whenever considered necessary or whenever requested to do so by local health officials and may issue and enforce orders and shall adopt rules governing the operation and maintenance of the works or means of treatment and disposal of such sewage and industrial wastes. In adopting rules under this section, the agency shall establish standards governing the 21927
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construction, operation, and maintenance of the works or means 21935
of collection, treatment, and disposal of sewage that is 21936
generated at recreational vehicle parks, recreation camps, 21937
combined park-camps, and temporary park-camps that are separate 21938
from such standards relative to manufactured home parks. 21939

(2) As used in division (B) (1) of this section: 21940

(a) "Manufactured home parks" has the same meaning as in 21941
section 4781.01 of the Revised Code. 21942

(b) "Recreational vehicle parks," "recreation camps," 21943
"combined park-camps," and "temporary park-camps" have the same 21944
meanings as in section 3729.01 of the Revised Code. 21945

(C) The agency may require the submission of records and 21946
data of construction, operation, and maintenance, including 21947
plans and descriptions of existing works or means of treatment 21948
and disposal of such sewage and industrial wastes. When the 21949
agency requires the submission of such records or information, 21950
the public officials or person, firm, or corporation having the 21951
works in charge shall comply promptly with that order. 21952

(D) If the agency issues a license pursuant to the 21953
authority granted under this section, the agency shall issue the 21954
license in accordance with Chapter 4796. of the Revised Code to 21955
an applicant if either of the following applies: 21956

(1) The applicant holds a license in another state. 21957

(2) The applicant has satisfactory work experience, a 21958
government certification, or a private certification as 21959
described in that chapter in a state that does not issue that 21960
license. 21961

Section 3. That existing sections 109.73, 109.77, 109.771, 21962

109.78, 109.804, 147.01, 147.63, 169.16, 173.21, 173.391,	21963
173.422, 503.41, 715.27, 903.07, 905.321, 917.09, 917.091,	21964
921.06, 921.11, 921.12, 921.24, 921.26, 926.30, 928.02, 943.09,	21965
956.05, 956.06, 1315.04, 1315.13, 1315.23, 1321.04, 1321.37,	21966
1321.53, 1321.64, 1321.74, 1322.07, 1322.10, 1322.21, 1513.07,	21967
1513.161, 1514.12, 1514.47, 1531.40, 1533.051, 1533.51, 1561.14,	21968
1561.15, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21,	21969
1561.22, 1565.06, 1565.15, 1707.15, 1707.151, 1707.16, 1707.161,	21970
1707.163, 1707.165, 1717.06, 3101.10, 3301.071, 3301.074,	21971
3319.088, 3319.22, 3319.226, 3319.229, 3319.26, 3319.261,	21972
3319.262, 3319.27, 3319.28, 3319.301, 3319.303, 3319.361,	21973
3327.10, 3703.01, 3703.21, 3704.14, 3713.05, 3717.09, 3723.03,	21974
3723.06, 3737.83, 3737.881, 3742.05, 3743.03, 3743.16, 3743.40,	21975
3743.51, 3748.07, 3748.12, 3769.03, 3770.05, 3772.13, 3772.131,	21976
3773.36, 3773.421, 3774.02, 3781.10, 3781.102, 3781.105,	21977
3905.041, 3905.062, 3905.063, 3905.07, 3905.071, 3905.072,	21978
3905.08, 3905.09, 3905.30, 3905.471, 3905.72, 3905.81, 3905.85,	21979
3916.03, 3951.03, 3951.05, 3951.09, 4104.07, 4104.101, 4104.19,	21980
4105.02, 4169.03, 4301.10, 4508.03, 4508.04, 4508.08, 4511.763,	21981
4701.06, 4701.07, 4701.10, 4703.08, 4703.10, 4703.33, 4703.35,	21982
4703.37, 4707.07, 4707.072, 4707.09, 4709.07, 4709.08, 4709.10,	21983
4712.02, 4713.10, 4713.28, 4713.30, 4713.31, 4713.34, 4713.37,	21984
4713.69, 4715.03, 4715.09, 4715.10, 4715.16, 4715.27, 4715.362,	21985
4715.363, 4715.39, 4715.42, 4715.421, 4715.43, 4715.53, 4715.62,	21986
4717.05, 4717.051, 4717.10, 4723.08, 4723.09, 4723.26, 4723.32,	21987
4723.41, 4723.651, 4723.75, 4723.76, 4723.85, 4725.13, 4725.18,	21988
4725.26, 4725.48, 4725.52, 4725.57, 4725.591, 4727.03, 4728.03,	21989
4729.09, 4729.11, 4729.15, 4729.901, 4729.921, 4730.10,	21990
4731.151, 4731.19, 4731.291, 4731.293, 4731.294, 4731.295,	21991
4731.297, 4731.299, 4731.30, 4731.52, 4731.572, 4731.573,	21992
4732.10, 4732.12, 4732.22, 4733.18, 4733.19, 4734.23, 4734.27,	21993
4734.283, 4735.023, 4735.07, 4735.08, 4735.09, 4735.10, 4735.27,	21994

4735.28, 4736.10, 4736.14, 4740.08, 4741.12, 4741.13, 4741.14, 21995
4741.15, 4741.19, 4743.04, 4743.041, 4747.04, 4747.05, 4747.10, 21996
4749.12, 4751.01, 4751.15, 4751.20, 4751.201, 4751.202, 4751.21, 21997
4751.32, 4752.05, 4752.12, 4753.07, 4753.071, 4753.072, 21998
4753.073, 4753.08, 4753.09, 4753.12, 4755.08, 4755.09, 4755.411, 21999
4755.44, 4755.441, 4755.45, 4755.451, 4755.48, 4755.482, 22000
4755.62, 4755.65, 4757.18, 4758.25, 4759.05, 4759.06, 4760.03, 22001
4760.031, 4761.04, 4761.05, 4762.03, 4763.05, 4764.10, 4765.10, 22002
4765.11, 4765.30, 4765.55, 4767.031, 4771.08, 4773.03, 4774.03, 22003
4775.07, 4778.03, 4778.08, 4778.09, 4779.17, 4779.18, 4781.07, 22004
4781.08, 4781.17, 4783.04, 5123.161, 5123.45, 5126.25, 5902.02, 22005
5903.04, 6109.04, and 6111.46 of the Revised Code are hereby 22006
repealed. 22007

Section 4. That sections 921.08, 1322.24, 3905.081, 22008
4707.12, and 4757.25 of the Revised Code are hereby repealed. 22009

Section 5. Sections 147.01, 169.16, 1315.04, 1315.23, 22010
1321.04, 1321.37, 1321.53, 1321.64, 1321.74, 1322.10, 1322.21, 22011
3319.088, 3327.10, 3743.03, 3743.16, 3770.05, 3905.062, 3905.07, 22012
3905.72, 3905.85, 4104.19, 4508.03, 4508.04, 4701.06, 4701.07, 22013
4703.10, 4707.07, 4707.09, 4709.07, 4709.08, 4709.10, 4713.28, 22014
4713.30, 4713.31, 4713.34, 4713.69, 4717.05, 4717.051, 4723.09, 22015
4723.651, 4723.75, 4723.76, 4725.18, 4725.48, 4725.52, 4727.03, 22016
4728.03, 4729.09, 4730.10, 4731.19, 4731.291, 4731.299, 4731.52, 22017
4731.573, 4732.10, 4734.23, 4734.27, 4735.07, 4735.09, 4735.10, 22018
4735.27, 4735.28, 4741.12, 4747.04, 4747.05, 4747.10, 4751.202, 22019
4751.21, 4751.32, 4755.08, 4755.62, 4759.06, 4760.03, 4761.04, 22020
4761.05, 4762.03, 4763.05, 4765.11, 4765.55, 4773.03, 4774.03, 22021
4778.03, 4779.18, 4783.04 of the Revised Code as presented in 22022
this act take effect on the later of October 9, 2021, or the 22023
effective date of this section. (October 9, 2021, is the 22024
effective date of an earlier amendment to those sections by H.B. 22025

263 of the 133rd General Assembly.) 22026

Section 6. That the version of section 1322.24 of the 22027
Revised Code that is scheduled to take effect on October 9, 22028
2021, is hereby repealed. 22029

Section 7. That the version of section 3319.22 of the 22030
Revised Code that is scheduled to take effect April 12, 2023, be 22031
amended to read as follows: 22032

Sec. 3319.22. (A) (1) The state board of education shall 22033
issue the following educator licenses: 22034

(a) A resident educator license, which shall be valid for 22035
two years and shall be renewable for reasons specified by rules 22036
adopted by the state board pursuant to division (A) (3) of this 22037
section. The state board, on a case-by-case basis, may extend 22038
the license's duration as necessary to enable the license holder 22039
to complete the Ohio teacher residency program established under 22040
section 3319.223 of the Revised Code; 22041

(b) A professional educator license, which shall be valid 22042
for five years and shall be renewable; 22043

(c) A senior professional educator license, which shall be 22044
valid for five years and shall be renewable; 22045

(d) A lead professional educator license, which shall be 22046
valid for five years and shall be renewable. 22047

Licenses issued under division (A) (1) of this section on 22048
and after November 2, 2018, shall specify whether the educator 22049
is licensed to teach grades pre-kindergarten through five, 22050
grades four through nine, or grades seven through twelve. The 22051
changes to the grade band specifications under this amendment 22052
shall not apply to a person who holds a license under division 22053

(A) (1) of this section prior to November 2, 2018. Further, the changes to the grade band specifications under this amendment shall not apply to any license issued to teach in the area of computer information science, bilingual education, dance, drama or theater, world language, health, library or media, music, physical education, teaching English to speakers of other languages, career-technical education, or visual arts or to any license issued to an intervention specialist, including a gifted intervention specialist, or to any other license that does not align to the grade band specifications.

(2) The state board may issue any additional educator licenses of categories, types, and levels the board elects to provide.

(3) ~~The~~ Except as provided in division (I) of this section, the state board shall adopt rules establishing the standards and requirements for obtaining each educator license issued under this section. The rules shall also include the reasons for which a resident educator license may be renewed under division (A) (1) (a) of this section.

(B) ~~The~~ Except as provided in division (I) of this section, the rules adopted under this section shall require at least the following standards and qualifications for the educator licenses described in division (A) (1) of this section:

(1) An applicant for a resident educator license shall hold at least a bachelor's degree from an accredited teacher preparation program or be a participant in the teach for America program and meet the qualifications required under section 3319.227 of the Revised Code.

(2) An applicant for a professional educator license

shall:	22083
(a) Hold at least a bachelor's degree from an institution	22084
of higher education accredited by a regional accrediting	22085
organization;	22086
(b) Have successfully completed the Ohio teacher residency	22087
program established under section 3319.223 of the Revised Code,	22088
if the applicant's current or most recently issued license is a	22089
resident educator license issued under this section or an	22090
alternative resident educator license issued under section	22091
3319.26 of the Revised Code.	22092
(3) An applicant for a senior professional educator	22093
license shall:	22094
(a) Hold at least a master's degree from an institution of	22095
higher education accredited by a regional accrediting	22096
organization;	22097
(b) Have previously held a professional educator license	22098
issued under this section or section 3319.222 or under former	22099
section 3319.22 of the Revised Code;	22100
(c) Meet the criteria for the accomplished or	22101
distinguished level of performance, as described in the	22102
standards for teachers adopted by the state board under section	22103
3319.61 of the Revised Code.	22104
(4) An applicant for a lead professional educator license	22105
shall:	22106
(a) Hold at least a master's degree from an institution of	22107
higher education accredited by a regional accrediting	22108
organization;	22109
(b) Have previously held a professional educator license	22110

or a senior professional educator license issued under this 22111
section or a professional educator license issued under section 22112
3319.222 or former section 3319.22 of the Revised Code; 22113

(c) Meet the criteria for the distinguished level of 22114
performance, as described in the standards for teachers adopted 22115
by the state board under section 3319.61 of the Revised Code; 22116

(d) Either hold a valid certificate issued by the national 22117
board for professional teaching standards or meet the criteria 22118
for a master teacher or other criteria for a lead teacher 22119
adopted by the educator standards board under division (F) (4) or 22120
(5) of section 3319.61 of the Revised Code. 22121

(C) The state board shall align the standards and 22122
qualifications for obtaining a principal license with the 22123
standards for principals adopted by the state board under 22124
section 3319.61 of the Revised Code. 22125

(D) If the state board requires any examinations for 22126
educator licensure, the department of education shall provide 22127
the results of such examinations received by the department to 22128
the chancellor of higher education, in the manner and to the 22129
extent permitted by state and federal law. 22130

(E) Any rules the state board of education adopts, amends, 22131
or rescinds for educator licenses under this section, division 22132
(D) of section 3301.07 of the Revised Code, or any other law 22133
shall be adopted, amended, or rescinded under Chapter 119. of 22134
the Revised Code except as follows: 22135

(1) Notwithstanding division (E) of section 119.03 and 22136
division (A) (1) of section 119.04 of the Revised Code, in the 22137
case of the adoption of any rule or the amendment or rescission 22138
of any rule that necessitates institutions' offering preparation 22139

programs for educators and other school personnel that are 22140
approved by the chancellor of higher education under section 22141
3333.048 of the Revised Code to revise the curriculum of those 22142
programs, the effective date shall not be as prescribed in 22143
division (E) of section 119.03 and division (A)(1) of section 22144
119.04 of the Revised Code. Instead, the effective date of such 22145
rules, or the amendment or rescission of such rules, shall be 22146
the date prescribed by section 3333.048 of the Revised Code. 22147

(2) Notwithstanding the authority to adopt, amend, or 22148
rescind emergency rules in division (G) of section 119.03 of the 22149
Revised Code, this authority shall not apply to the state board 22150
of education with regard to rules for educator licenses. 22151

(F)(1) The rules adopted under this section establishing 22152
standards requiring additional coursework for the renewal of any 22153
educator license shall require a school district and a chartered 22154
nonpublic school to establish local professional development 22155
committees. In a nonpublic school, the chief administrative 22156
officer shall establish the committees in any manner acceptable 22157
to such officer. The committees established under this division 22158
shall determine whether coursework that a district or chartered 22159
nonpublic school teacher proposes to complete meets the 22160
requirement of the rules. The department of education shall 22161
provide technical assistance and support to committees as the 22162
committees incorporate the professional development standards 22163
adopted by the state board of education pursuant to section 22164
3319.61 of the Revised Code into their review of coursework that 22165
is appropriate for license renewal. The rules shall establish a 22166
procedure by which a teacher may appeal the decision of a local 22167
professional development committee. 22168

(2) In any school district in which there is no exclusive 22169

representative established under Chapter 4117. of the Revised 22170
Code, the professional development committees shall be 22171
established as described in division (F) (2) of this section. 22172

Not later than the effective date of the rules adopted 22173
under this section, the board of education of each school 22174
district shall establish the structure for one or more local 22175
professional development committees to be operated by such 22176
school district. The committee structure so established by a 22177
district board shall remain in effect unless within thirty days 22178
prior to an anniversary of the date upon which the current 22179
committee structure was established, the board provides notice 22180
to all affected district employees that the committee structure 22181
is to be modified. Professional development committees may have 22182
a district-level or building-level scope of operations, and may 22183
be established with regard to particular grade or age levels for 22184
which an educator license is designated. 22185

Each professional development committee shall consist of 22186
at least three classroom teachers employed by the district, one 22187
principal employed by the district, and one other employee of 22188
the district appointed by the district superintendent. For 22189
committees with a building-level scope, the teacher and 22190
principal members shall be assigned to that building, and the 22191
teacher members shall be elected by majority vote of the 22192
classroom teachers assigned to that building. For committees 22193
with a district-level scope, the teacher members shall be 22194
elected by majority vote of the classroom teachers of the 22195
district, and the principal member shall be elected by a 22196
majority vote of the principals of the district, unless there 22197
are two or fewer principals employed by the district, in which 22198
case the one or two principals employed shall serve on the 22199
committee. If a committee has a particular grade or age level 22200

scope, the teacher members shall be licensed to teach such grade 22201
or age levels, and shall be elected by majority vote of the 22202
classroom teachers holding such a license and the principal 22203
shall be elected by all principals serving in buildings where 22204
any such teachers serve. The district superintendent shall 22205
appoint a replacement to fill any vacancy that occurs on a 22206
professional development committee, except in the case of 22207
vacancies among the elected classroom teacher members, which 22208
shall be filled by vote of the remaining members of the 22209
committee so selected. 22210

Terms of office on professional development committees 22211
shall be prescribed by the district board establishing the 22212
committees. The conduct of elections for members of professional 22213
development committees shall be prescribed by the district board 22214
establishing the committees. A professional development 22215
committee may include additional members, except that the 22216
majority of members on each such committee shall be classroom 22217
teachers employed by the district. Any member appointed to fill 22218
a vacancy occurring prior to the expiration date of the term for 22219
which a predecessor was appointed shall hold office as a member 22220
for the remainder of that term. 22221

The initial meeting of any professional development 22222
committee, upon election and appointment of all committee 22223
members, shall be called by a member designated by the district 22224
superintendent. At this initial meeting, the committee shall 22225
select a chairperson and such other officers the committee deems 22226
necessary, and shall adopt rules for the conduct of its 22227
meetings. Thereafter, the committee shall meet at the call of 22228
the chairperson or upon the filing of a petition with the 22229
district superintendent signed by a majority of the committee 22230
members calling for the committee to meet. 22231

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

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

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

(4) Whenever an administrator's coursework plan is being

discussed or voted upon, the local professional development 22262
committee shall, at the request of one of its administrative 22263
members, cause a majority of the committee to consist of 22264
administrative members by reducing the number of teacher members 22265
voting on the plan. 22266

(G) (1) The department of education, educational service 22267
centers, county boards of developmental disabilities, college 22268
and university departments of education, head start programs, 22269
and the Ohio education computer network may establish local 22270
professional development committees to determine whether the 22271
coursework proposed by their employees who are licensed or 22272
certificated under this section or section 3319.222 of the 22273
Revised Code, or under the former version of either section as 22274
it existed prior to October 16, 2009, meet the requirements of 22275
the rules adopted under this section. They may establish local 22276
professional development committees on their own or in 22277
collaboration with a school district or other agency having 22278
authority to establish them. 22279

Local professional development committees established by 22280
county boards of developmental disabilities shall be structured 22281
in a manner comparable to the structures prescribed for school 22282
districts in divisions (F) (2) and (3) of this section, as shall 22283
the committees established by any other entity specified in 22284
division (G) (1) of this section that provides educational 22285
services by employing or contracting for services of classroom 22286
teachers licensed or certificated under this section or section 22287
3319.222 of the Revised Code, or under the former version of 22288
either section as it existed prior to October 16, 2009. All 22289
other entities specified in division (G) (1) of this section 22290
shall structure their committees in accordance with guidelines 22291
which shall be issued by the state board. 22292

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

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

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

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

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

(3) Any public agency that is not specified in division (G) (1) or (2) of this section but provides educational services and employs or contracts for services of classroom teachers licensed or certificated under this section or section 3319.222 of the Revised Code, or under the former version of either section as it existed prior to October 16, 2009, may establish a

local professional development committee, subject to the 22322
approval of the department of education. The committee shall be 22323
structured in accordance with guidelines issued by the state 22324
board. 22325

(H) Not later than July 1, 2016, the state board, in 22326
accordance with Chapter 119. of the Revised Code, shall adopt 22327
rules pursuant to division (A) (3) of this section that do both 22328
of the following: 22329

(1) Exempt consistently high-performing teachers from the 22330
requirement to complete any additional coursework for the 22331
renewal of an educator license issued under this section or 22332
section 3319.26 of the Revised Code. The rules also shall 22333
specify that such teachers are exempt from any requirements 22334
prescribed by professional development committees established 22335
under divisions (F) and (G) of this section. 22336

(2) For purposes of division (H) (1) of this section, the 22337
state board shall define the term "consistently high-performing 22338
teacher." 22339

(I) The state board shall issue a resident educator 22340
license, professional educator license, senior professional 22341
educator license, lead professional educator license, or any 22342
other educator license in accordance with Chapter 4796. of the 22343
Revised Code to an applicant if either of the following applies: 22344

(1) The applicant holds a license in another state. 22345

(2) The applicant has satisfactory work experience, a 22346
government certification, or a private certification as 22347
described in that chapter as a resident educator, professional 22348
educator, senior professional educator, lead professional 22349
educator, or any other type of educator in a state that does not 22350

<u>issue one or more of those licenses.</u>	22351
Section 8. That the existing version of section 3319.22 of the Revised Code that is scheduled to take effect April 12, 2023, is hereby repealed.	22352 22353 22354
Section 9. Sections 1, 2, 3, 4, 5, and 6 of this act, except for the enactment of section 4796.18 of the Revised Code in Section 1 of this act, take effect ninety days after the effective date of this section.	22355 22356 22357 22358
Sections 7 and 8 of this act take effect April 12, 2023.	22359
Section 10. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the section in effect prior to the effective date of the sections as presented in this act:	22360 22361 22362 22363 22364 22365 22366 22367
Section 109.73 of the Revised Code as amended by both H.B. 24 and S.B. 68 of the 133rd General Assembly.	22368 22369
Section 3319.22 of the Revised Code as amended by both H.B. 438 and S.B. 216 of the 132nd General Assembly.	22370 22371
Section 3905.85 of the Revised Code as amended by both H.B. 263 and H.B. 339 of the 133rd General Assembly.	22372 22373
Section 4701.06 of the Revised Code as amended by both H.B. 263 and H.B. 442 of the 133rd General Assembly.	22374 22375
Section 4715.09 of the Revised Code as amended by both H.B. 541 and S.B. 259 of the 132nd General Assembly.	22376 22377

Section 4731.19 of the Revised Code as amended by both H.B. 263 and H.B. 442 of the 133rd General Assembly.	22378 22379
Section 4779.18 of the Revised Code as amended by both H.B. 263 and S.B. 68 of the 133rd General Assembly.	22380 22381
Section 5123.45 of the Revised Code as amended by both H.B. 158 and H.B. 483 of the 131st General Assembly.	22382 22383