

As Introduced

**124th General Assembly
Regular Session
2001-2002**

S. B. No. 245

SENATOR Wachtmann

A B I L L

To amend sections 124.32, 124.41, 124.42, 124.50, 1
503.45, 503.47, 505.38, 709.012, 737.15, 737.16, 2
737.22, 911.11, 1561.26, 2151.53, 2743.62, 2907.29, 3
3107.02, 3111.91, 3319.13, 3327.10, 3331.02, 4
3331.06, 3331.07, 3773.41, 3773.42, 3773.45, 5
3919.29, 4506.10, 4507.20, 4715.30, 4933.122, 6
5104.011, and 5503.08 and to enact sections 1.64 7
and 5103.0327 of the Revised Code to provide that 8
certain medical physical examinations required by 9
statute may be performed by clinical nurse 10
specialists, certified nurse practitioners, and 11
certified nurse-midwives. 12

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

Section 1. That sections 124.32, 124.41, 124.42, 124.50, 13
503.45, 503.47, 505.38, 709.012, 737.15, 737.16, 737.22, 911.11, 14
1561.26, 2151.53, 2743.62, 2907.29, 3107.02, 3111.91, 3319.13, 15
3327.10, 3331.02, 3331.06, 3331.07, 3773.41, 3773.42, 3773.45, 16
3919.29, 4506.10, 4507.20, 4715.30, 4933.122, 5104.011, and 17
5503.08 be amended and sections 1.64 and 5103.0327 of the Revised 18
Code be enacted to read as follows: 19

Sec. 1.64. As used in the Revised Code: 20

(A) "Certified nurse-midwife" means a registered nurse who holds a valid certificate of authority issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a certified nurse-midwife in accordance with section 4723.43 of the Revised Code and rules adopted by the board of nursing. 21 22 23 24 25

(B) "Certified nurse practitioner" means a registered nurse who holds a valid certificate of authority issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a certified nurse practitioner in accordance with section 4723.43 of the Revised Code and rules adopted by the board of nursing. 26 27 28 29 30 31

(C) "Clinical nurse specialist" means a registered nurse who holds a valid certificate of authority issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a clinical nurse specialist in accordance with section 4723.43 of the Revised Code and rules adopted by the board of nursing. 32 33 34 35 36

Sec. 124.32. (A) With the consent of the director of administrative services, a person holding an office or position in the classified service may be transferred to a similar position in another office, department, or institution having the same pay and similar duties; but no transfer shall be made from an office or position in one class to an office or position in another class, nor shall a person be transferred to an office or position for original entrance to which there is required by sections 124.01 to 124.64 of the Revised Code, or the rules adopted pursuant to such sections, an examination involving essential tests or qualifications or carrying a salary different from or higher than those required for original entrance to an office or position held by such person. 38 39 40 41 42 43 44 45 46 47 48 49 50

(B) Any person holding an office or position under the classified service who has been separated from the service without 51 52

delinquency or misconduct on the person's part may, with the
consent of the director, be reinstated within one year from the
date of such separation to a vacancy in the same or similar office
or position in the same department; provided, if such separation
is due to injury or physical disability, such person shall be
reinstated to the same office or similar position held at the time
of separation, within thirty days after written application for
reinstatement and after passing a physical examination made by a
licensed physician ~~designated by the appointing authority, a~~
clinical nurse specialist, a certified nurse practitioner, or a
certified nurse-midwife showing that the person has recovered from
such disability, provided further that such application for
reinstatement be filed within three years from the date of
separation, and further provided that such application shall not
be filed after the date of service eligibility retirement. The
physician, clinical nurse specialist, certified nurse
practitioner, or certified nurse-midwife shall be designated by
the appointing authority.

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Sec. 124.41. No person shall be eligible to receive an
original appointment to a police department, as a police officer,
subject to the civil service laws of this state, unless the person
has reached the age of twenty-one and has, not more than one
hundred twenty days prior to the date of such appointment, passed
a physical examination, given by a licensed physician, a clinical
nurse specialist, a certified nurse practitioner, or a certified
nurse-midwife, certifying that the applicant is free of
cardiovascular and pulmonary diseases, and showing that the
applicant meets the physical requirements necessary to perform the
duties of a police officer as established by the civil service
commission having jurisdiction over the appointment. The
appointing authority shall, prior to making any such appointment,
file with the Ohio police and fire pension fund a copy of the

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report or findings of the licensed physician, clinical nurse 85
specialist, certified nurse practitioner, or certified 86
nurse-midwife. The professional fee for such physical examination 87
shall be paid by the civil service commission. Except as otherwise 88
provided in this section, no person is eligible to receive an 89
original appointment when the person is thirty-five years of age 90
or older, and no person can be declared disqualified as over age 91
prior to that time. The maximum age limitation established by this 92
section does not apply to a city in which an ordinance establishes 93
a different maximum age limitation for an original appointment to 94
the police department or to a civil service township in which a 95
resolution adopted by the board of trustees of the township 96
establishes a different maximum age limitation for an original 97
appointment to the police department. 98

Nothing in this section shall prevent a municipal corporation 99
or a civil service township from establishing a police cadet 100
program and employing persons as police cadets at age eighteen for 101
the purposes of training persons to become police officers. The 102
board of trustees of a civil service township may establish by 103
resolution such a cadet program. A person participating in a 104
municipal or township police cadet program shall not be permitted 105
to carry or use any firearm in the performance of the person's 106
duties, except that the person may be taught the proper use of 107
firearms as part of the person's training. 108

Sec. 124.42. No person shall be eligible to receive an 109
original appointment as a firefighter in a fire department, 110
subject to the civil service laws of this state, unless the person 111
has reached the age of eighteen and has, not more than one hundred 112
twenty days prior to receiving such appointment, passed a physical 113
examination, given by a licensed physician, a clinical nurse 114
specialist, a certified nurse practitioner, or a certified 115
nurse-midwife, certifying that the applicant is free of 116

cardiovascular and pulmonary diseases, and showing that the person 117
meets the physical requirements necessary to perform the duties of 118
a firefighter as established by the civil service commission 119
having jurisdiction over the appointment. The appointing authority 120
shall, prior to making any such appointment, file with the Ohio 121
police and fire pension fund a copy of the report or findings of 122
said licensed physician, clinical nurse specialist, certified 123
nurse practitioner, or certified nurse-midwife. The professional 124
fee for such physical examination shall be paid by the civil 125
service commission. No person shall be eligible to receive an 126
original appointment on and after the person's thirty-first 127
birthday. 128

Notwithstanding this section, a municipal council may enact 129
an ordinance providing that a person between the age of eighteen 130
and thirty-six may receive an original appointment to the fire 131
department, or the board of trustees of a civil service township 132
may do so by resolution. Nothing in this section shall prevent a 133
municipal corporation or civil service township from establishing 134
a fire cadet program and employing persons as fire cadets at age 135
eighteen for the purpose of training persons to become 136
firefighters. The board of trustees of a civil service township 137
may establish by resolution such a cadet program. A person 138
participating in a municipal or township fire cadet program shall 139
not be permitted to carry or use any firearm in the performance of 140
the person's duties. 141

Sec. 124.50. Any person holding an office or position under 142
the classified service in a fire department or a police department 143
who is separated therefrom due to injury or physical disability 144
incurred in the performance of duty shall be reinstated 145
immediately, or one suffering injury or physical disability 146
incurred other than in the performance of duty may be reinstated, 147
upon filing with the chief of the fire department or the chief of 148

the police department, a written application for reinstatement, to 149
the office or position ~~he~~ held at the time of such separation, 150
after passing a physical examination showing that ~~he~~ the person 151
has recovered from the injury or other physical disability. The 152
physical examination shall be made by a licensed physician 153
~~designated by the firemen's pension board or the policemen's~~ 154
~~pension board, a clinical nurse specialist, a certified nurse~~ 155
~~practitioner, or a certified nurse-midwife~~ within two weeks after 156
application for reinstatement has been made, provided such 157
application for reinstatement is filed within five years from the 158
date of separation from the department, and further provided that 159
such application shall not be filed after the date of service 160
eligibility retirement. The physician, clinical nurse specialist, 161
certified nurse practitioner, or certified nurse-midwife shall be 162
designated by the firefighters' pension board or the police 163
officers' pension board. 164

Any person holding an office or position under the classified 165
service in a fire department or a police department, who resigns 166
therefrom, may be reinstated to the rank of ~~fireman~~ firefighter or 167
~~policeman~~ police officer, upon the filing of a written application 168
for reinstatement with the municipal or civil service township 169
civil service commission and a copy thereof with the chief of the 170
fire department or chief of the police department, and upon 171
passing a physical examination disclosing that the person is 172
physically fit to perform the duties of the office of ~~fireman~~ 173
firefighter or ~~policeman~~ police officer, the application for 174
reinstatement shall be filed within one year from the date of 175
resignation. Any person reinstated pursuant to the authority of 176
this paragraph shall not receive credit for seniority earned prior 177
to resignation and reinstatement, and shall not be entitled to 178
reinstatement to a position above the rank of ~~fireman~~ regular 179
firefighter or ~~patrolman~~ patrol officer, regardless of the 180
position the person may have held at the time of ~~his~~ resignation. 181

Sec. 503.45. If a board of township trustees has adopted a resolution under section 503.41 of the Revised Code, the application for a license as a ~~masseur or masseuse~~ massager shall be made to the board and shall include the following:

(A) An initial, nonrefundable filing fee of one hundred dollars and an annual nonrefundable renewal fee of fifty dollars;

(B) The results of a physical examination performed by a licensed physician, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife within thirty days of the application certifying that the applicant is free from communicable diseases;

(C) The full name, date of birth, address, and social security number of the applicant;

(D) The results of an investigation by appropriate police agencies into the criminal record of the applicant, including a photograph taken no later than thirty days prior to the application, fingerprints, and background investigation;

(E) Any other information determined by the board to be necessary.

A license issued under this section to a ~~masseur or masseuse~~ massager shall expire one year after the date of issuance, except that no ~~masseur or masseuse~~ massager shall be required to discontinue performing massages because of the failure of the board to act on a renewal application filed in a timely manner and pending before the board on the expiration date of the person's license. Each license shall contain the full name of the applicant, a color photograph and a brief description of the person, and the expiration date of the license.

Sec. 503.47. If a board of township trustees has adopted a

resolution under section 503.41 of the Revised Code, the 211
regulations adopted for that purpose may require any of the 212
following: 213

(A) A massage establishment to display its current permit in 214
an area open to the public; 215

(B) Each ~~masseur or masseuse~~ massager to display ~~his or her~~ 216
the massager's license at all times in the areas where the 217
licensee is providing massages; 218

(C) Massage establishments to undergo periodic health and 219
safety inspections to determine continual compliance with 220
applicable health and safety codes; 221

(D) ~~Masseurs and masseuses~~ Massagers to undergo periodic 222
physical examinations performed by a licensed physician, a 223
clinical nurse specialist, a certified nurse practitioner, or a 224
certified nurse-midwife certifying that the ~~masseur or masseuse~~ 225
massager continues to be free from communicable diseases; 226

(E) Any other requirement reasonably thought necessary by the 227
board. 228

Sec. 505.38. (A) In each township or fire district that has a 229
fire department, the head of the department shall be a fire chief, 230
appointed by the board of township trustees, except that, in a 231
joint fire district, the fire chief shall be appointed by the 232
board of fire district trustees. Neither this section nor any 233
other section of the Revised Code requires, or shall be construed 234
to require, that the fire chief be a resident of the township or 235
fire district. 236

The board shall provide for the employment of firefighters as 237
it considers best and shall fix their compensation. No person 238
shall be appointed as a permanent full-time paid member, whose 239
duties include fire fighting, of the fire department of any 240

township or fire district unless that person has received a
certificate issued under former section 3303.07 or section 4765.55
of the Revised Code evidencing satisfactory completion of a
firefighter training program. Those appointees shall continue in
office until removed from office as provided by sections 733.35 to
733.39 of the Revised Code. To initiate removal proceedings, and
for that purpose, the board shall designate the fire chief or a
private citizen to investigate the conduct and prepare the
necessary charges in conformity with sections 733.35 to 733.39 of
the Revised Code.

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In case of the removal of a fire chief or any member of the
fire department of a township or fire district, an appeal may be
had from the decision of the board to the court of common pleas of
the county in which the township or fire district fire department
is situated to determine the sufficiency of the cause of removal.
The appeal from the findings of the board shall be taken within
ten days.

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No person who is appointed as a volunteer firefighter of the
fire department of any township or fire district shall remain in
that position unless either of the following applies:

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(1) Within one year of the appointment, the person has
received a certificate issued under former section 3303.07 of the
Revised Code or division (C)(1) or (2) of section 4765.55 of the
Revised Code evidencing satisfactory completion of a firefighter
training program.

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(2) The person began serving as a permanent full-time paid
firefighter with the fire department of a city or village prior to
July 2, 1970, or as a volunteer firefighter with the fire
department of a city, village, or other township or fire district
prior to July 2, 1979, and receives a certificate issued under
division (C)(3) of section 4765.55 of the Revised Code.

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No person shall receive an appointment under this section, in 272
the case of a volunteer firefighter, unless the person has, not 273
more than sixty days prior to receiving the appointment, passed a 274
physical examination, given by a licensed physician, a clinical 275
nurse specialist, a certified nurse practitioner, or a certified 276
nurse-midwife, showing that the person meets the physical 277
requirements necessary to perform the duties of the position to 278
which the person is appointed as established by the board of 279
township trustees having jurisdiction over the appointment. The 280
appointing authority shall, prior to making an appointment, file 281
with the Ohio police and fire pension fund or the local volunteer 282
fire fighters' dependents fund board a copy of the report or 283
findings of that licensed physician, clinical nurse specialist, 284
certified nurse practitioner, or certified nurse-midwife. The 285
professional fee for the physical examination shall be paid for by 286
the board of township trustees. 287

(B) In each township not having a fire department, the board 288
of township trustees shall appoint a fire prevention officer who 289
shall exercise all of the duties of a fire chief except those 290
involving the maintenance and operation of fire apparatus. The 291
board of township trustees may appoint one or more deputy fire 292
prevention officers who shall exercise the duties assigned by the 293
fire prevention officer. 294

The board of township trustees may fix the compensation for 295
the fire prevention officer and the fire prevention officer's 296
deputies as it considers best. The board of township trustees 297
shall appoint each fire prevention officer and deputy for a 298
one-year term. An appointee may be reappointed at the end of a 299
term to another one-year term. Any appointee may be removed from 300
office during a term as provided by sections 733.35 to 733.39 of 301
the Revised Code. Section 505.45 of the Revised Code extends to 302
those officers. 303

(C) Division (A) of this section shall not apply to any 304
township that has a population of ten thousand or more persons 305
residing within the township and outside of any municipal 306
corporation, that has its own fire department employing ten or 307
more full-time paid employees, and that has a civil service 308
commission established under division (B) of section 124.40 of the 309
Revised Code. The township shall comply with the procedures for 310
the employment, promotion, and discharge of firefighters provided 311
by Chapter 124. of the Revised Code, except that the board of 312
township trustees of the township may appoint the fire chief, and 313
any person so appointed shall be in the unclassified service under 314
section 124.11 of the Revised Code and shall serve at the pleasure 315
of the board. Neither this section nor any other section of the 316
Revised Code requires, or shall be construed to require, that the 317
fire chief be a resident of the township. A person who is 318
appointed fire chief under these conditions and who is removed by 319
the board or resigns from the position is entitled to return to 320
the classified service in the township fire department in the 321
position held just prior to the appointment as fire chief. The 322
board of township trustees shall determine the number of personnel 323
required and establish salary schedules and conditions of 324
employment not in conflict with Chapter 124. of the Revised Code. 325
No person shall receive an original appointment as a permanent 326
full-time paid member of the fire department of the township 327
unless the person has received a certificate issued under former 328
section 3303.07 or section 4765.55 of the Revised Code evidencing 329
the satisfactory completion of a firefighter training program. 330
Persons employed as firefighters in the township on the date a 331
civil service commission is appointed pursuant to division (B) of 332
section 124.40 of the Revised Code shall, without being required 333
to pass a competitive examination or a firefighter training 334
program, retain their employment and any rank previously granted 335
them by action of the board of township trustees or otherwise, but 336

those persons are eligible for promotion only by compliance with
Chapter 124. of the Revised Code.

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Sec. 709.012. When a municipal corporation annexes township
territory which results in a reduction of the firefighting force
of the township or joint township fire district, the reduction
shall be made by dismissal of firefighters in the inverse order of
seniority, with the employee with least time of service being
dismissed first. The annexing municipal corporation shall offer
employment in the inverse order of dismissal by the township to
such firefighters if a vacancy exists in the municipal fire
department and if they:

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(A) Were full-time paid active members of the township or
joint township firefighting force for at least six months prior to
dismissal and have made application to the municipal corporation
within sixty days after the effective date of dismissal;

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(B) Have passed a physical examination as prescribed by the
physician of the annexing municipal corporation and meet the
requirements necessary to perform firefighting duties;

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(C) Meet minimum standards of the municipal corporation with
respect to moral character, literacy, and ability to understand
oral and written instructions as determined by an interview
conducted by the fire department of the municipal corporation. The
applicant shall be at least twenty-one years of age on the date of
application.

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(D) Are able to qualify for membership in the Ohio police and
fire pension fund.

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A physical examination required by division (B) of this
section may be conducted by any individual authorized by the
Revised Code to conduct physical examinations, including a
clinical nurse specialist, a certified nurse practitioner, or a

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certified nurse-midwife.

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If no vacancy exists in the municipal fire department at the
time of the application referred to in division (A) of this
section, the application shall be held until a vacancy occurs.
When such a vacancy occurs, the applicant shall be entitled to
employment in accordance with the requirements of divisions (A),
(B), (C), and (D) of this section. So long as any application for
employment has been made and is being held under this section, the
municipal corporation shall not fill any vacancy in its fire
department by original appointment. If there are individuals who
are entitled to reinstatement in the municipal fire department and
the vacancies therein are insufficient to permit both such
reinstatements and employment of all those applying for employment
under division (A) of this section, the persons having the
greatest length of service, whether with the municipal or township
fire department, shall be entitled to fill the vacancies as they
occur.

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A person employed under this section, upon acceptance into
the municipal fire department, shall be given the rank of
"firefighter" and entitled to full seniority credit for prior
service in the township or joint township fire district. The
person shall be entitled to the same salary, future benefits,
vacations, earned time, sick leave, and other rights and
privileges as the municipal fire department extends to other
employees with the same amount of prior service. The person may
take promotional examinations only after completion of one year of
service with the municipal fire department and after meeting any
applicable civil service requirements for such examination.

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Compliance with this section is in lieu of compliance with
section 124.42 of the Revised Code or any other requirements for
original appointment to a municipal fire district.

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Sec. 737.15. Each village shall have a marshal, designated 398
chief of police, appointed by the mayor with the advice and 399
consent of the legislative authority of the village, who need not 400
be a resident of the village at the time of appointment but shall 401
become a resident thereof within six months after appointment by 402
the mayor and confirmation by the legislative authority unless 403
such residence requirement is waived by ordinance, and who shall 404
continue in office until removed therefrom as provided by section 405
737.171 of the Revised Code. 406

No person shall receive an appointment under this section 407
after January 1, 1970, unless, not more than sixty days prior to 408
receiving such appointment, the person has passed a physical 409
examination, given by a licensed physician, a clinical nurse 410
specialist, a certified nurse practitioner, or a certified 411
nurse-midwife, showing that the person meets the physical 412
requirements necessary to perform the duties of village marshal as 413
established by the legislative authority of the village. The 414
appointing authority shall, prior to making any such appointment, 415
file with the Ohio police and fire pension fund a copy of the 416
report or findings of said licensed physician, clinical nurse 417
specialist, certified nurse practitioner, or certified 418
nurse-midwife. The professional fee for such physical examination 419
shall be paid for by such legislative authority. 420

Sec. 737.16. The mayor shall, when provided for by the 421
legislative authority of a village, and subject to its 422
confirmation, appoint all deputy marshals, police officers, night 423
guards, and special police officers. All such officers shall 424
continue in office until removed therefrom for the cause and in 425
the manner provided by section 737.19 of the Revised Code. 426

No person shall receive an appointment under this section 427
after January 1, 1970, unless the person has, not more than sixty 428

days prior to receiving such appointment, passed a physical 429
examination, given by a licensed physician, a clinical nurse 430
specialist, a certified nurse practitioner, or a certified 431
nurse-midwife, showing that the person meets the physical 432
requirements necessary to perform the duties of the position to 433
which the person is to be appointed as established by the 434
legislative authority of the village. The appointing authority 435
shall, prior to making any such appointment, file with the Ohio 436
police and fire pension fund a copy of the report or findings of 437
said licensed physician, clinical nurse specialist, certified 438
nurse practitioner, or certified nurse-midwife. The professional 439
fee for such physical examination shall be paid for by the 440
legislative authority. 441

Sec. 737.22. (A) Each village establishing a fire department 442
shall have a fire chief as the department's head, appointed by the 443
mayor with the advice and consent of the legislative authority of 444
the village, who shall continue in office until removed from 445
office as provided by sections 733.35 to 733.39 of the Revised 446
Code. Neither this section nor any other section of the Revised 447
Code requires, or shall be construed to require, that the fire 448
chief be a resident of the village. 449

In each village not having a fire department, the mayor 450
shall, with the advice and consent of the legislative authority of 451
the village, appoint a fire prevention officer who shall exercise 452
all of the duties of a fire chief except those involving the 453
maintenance and operation of fire apparatus. 454

The legislative authority of the village may fix the 455
compensation it considers best. The appointee shall continue in 456
office until removed from office as provided by sections 733.35 to 457
733.39 of the Revised Code. Section 737.23 of the Revised Code 458
shall extend to the officer. 459

(B) The legislative authority of the village may provide for the appointment of permanent full-time paid firefighters as it considers best and fix their compensation, or for the services of volunteer firefighters, who shall be appointed by the mayor with the advice and consent of the legislative authority, and shall continue in office until removed from office.

(1) No person shall be appointed as a permanent full-time paid firefighter of a village fire department, unless either of the following applies:

(a) The person has received a certificate issued under former section 3303.07 of the Revised Code or division (C)(1) or (2) of section 4765.55 of the Revised Code evidencing satisfactory completion of a firefighter training program.

(b) The person began serving as a permanent full-time paid firefighter with the fire department of a city or other village prior to July 2, 1970, and receives a certificate issued under division (C)(3) of section 4765.55 of the Revised Code.

(2) No person who is appointed as a volunteer firefighter of a village fire department shall remain in that position, unless either of the following applies:

(a) Within one year of the appointment, the person has received a certificate issued under former section 3303.07 or section 4765.55 of the Revised Code evidencing satisfactory completion of a firefighter training program.

(b) The person has served as a permanent full-time paid firefighter with the fire department of a city or other village prior to July 2, 1970, or as a volunteer firefighter with the fire department of a city, township, fire district, or other village prior to July 2, 1979, and receives a certificate issued under division (C)(3) of section 4765.55 of the Revised Code.

(3) No person shall receive an appointment under this section

unless the person has, not more than sixty days prior to receiving
the appointment, passed a physical examination, given by a
licensed physician, a clinical nurse specialist, a certified nurse
practitioner, or a certified nurse-midwife, showing that the
person meets the physical requirements necessary to perform the
duties of the position to which the person is to be appointed as
established by the legislative authority of the village. The
appointing authority shall, prior to making an appointment, file
with the Ohio police and fire pension fund or the local volunteer
fire fighters' dependents fund board a copy of the report or
findings of that licensed physician, clinical nurse specialist,
certified nurse practitioner, or certified nurse-midwife. The
professional fee for the physical examination shall be paid for by
the legislative authority of the village.

Sec. 911.11. The director of agriculture may require any
person intending to work or working in a bakery to submit to a
thorough examination for the purpose of ascertaining whether the
person is afflicted with any contagious, infectious, or other
disease or physical ailment, which may render employment
detrimental to the public health. All such examinations shall be
made by a qualified physician certified under section 4731.14 of
the Revised Code, by a clinical nurse specialist, by a certified
nurse practitioner, or by a certified nurse-midwife.

Sec. 1561.26. (A) As used in this section, "EMT-basic,"
"EMT-I," and "paramedic" have the same meanings as in section
4765.01 of the Revised Code.

(B) The superintendent of rescue stations, with the approval
of the chief of the division of mineral resources management,
shall, at each rescue station provided for in section 1561.25 of
the Revised Code, train and employ rescue crews of six members
each, one of whom shall hold a mine foreperson or fire boss

certificate and be designated captain, and train and employ any
number of such rescue crews as the superintendent believes
necessary. One member of a rescue crew shall be certified as an
EMT-basic, EMT-I, or paramedic. Each member of a rescue crew shall
devote the time specified by the chief each month for training
purposes and shall be available at all times to assist in rescue
work at explosions, mine fires, and other emergencies.

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A captain of mine rescue crews shall receive for service as
captain the sum of twenty-four dollars per month, and each member
shall receive the sum of twenty dollars per month, all payable on
requisition approved by the chief. When engaged in rescue work at
explosions, mine fires, or other emergencies away from their
station, the members of the rescue crews and captains of the same
shall be paid the sum of six dollars per hour for work on the
surface, which includes the time consumed by those members in
traveling to and from the scene of the emergency when the scene is
away from the station of the members, and the sum of seven dollars
per hour for all work underground at the emergency, and in
addition thereto, the necessary living expenses of the members
when the emergency is away from their home station, all payable on
requisition approved by the chief.

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Each member of a mine rescue crew shall undergo an annual
medical examination ~~by a doctor designated by the~~. The chief may
designate to perform an examination any individual authorized by
the Revised Code to do so, including a clinical nurse specialist,
a certified nurse practitioner, or a certified nurse-midwife. In
designating the ~~doctor~~ individual to perform a medical
examination, the chief shall choose one near the station of the
member of the rescue crews. The ~~doctor~~ examiner shall report the
~~doctor's findings~~ examination results to the chief and if, in the
opinion of the chief, the report indicates that the member is
physically unfit for further services, the chief shall relieve the

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member from further duty. The fee charged by the ~~doctor~~ examiner 554
for the examination shall be paid in the same manner as fees are 555
paid to doctors employed by the industrial commission for special 556
medical examinations. 557

The chief may remove any member of a rescue crew for any 558
reason. Such crews shall be subject to the orders of the chief, 559
the superintendent, and the deputy mine inspectors when engaged in 560
actual mine rescue work. Mine rescue crews shall, in case of death 561
or injury when engaged in rescue work, wherever the same may 562
occur, be paid compensation, or their dependents shall be paid 563
death benefits, from the workers' compensation fund, in the same 564
manner as other employees of the state. 565

(C) In addition to the training of rescue crews, each 566
assistant superintendent of rescue stations, with the approval of 567
the superintendent, shall provide for and conduct safety, first 568
aid, and rescue classes at any mine or for any group of miners who 569
make application for the conducting of such classes. The chief may 570
assess a fee for safety and first aid classes for the purpose of 571
covering the costs associated with providing those classes. The 572
chief shall establish a fee schedule for safety and first aid 573
classes by rule adopted in accordance with Chapter 119. of the 574
Revised Code. Fees collected under this section shall be deposited 575
in the surface mining fund created in section 1514.06 of the 576
Revised Code. 577

The superintendent shall prescribe and provide for a uniform 578
schedule of conducting such safety and rescue classes as will 579
provide a competent knowledge of modern safety and rescue methods 580
in, at, and about mines. 581

Sec. 2151.53. Any person coming within sections 2151.01 to 582
2151.54, ~~inclusive,~~ of the Revised Code, may be subjected to a 583
physical and mental examination by competent physicians, clinical 584

nurse specialists, certified nurse practitioners, psychologists, 585
and psychiatrists to be appointed by the juvenile court. Whenever 586
any child is committed to any institution by virtue of such 587
sections, a record of such examinations shall be sent with the 588
commitment to such institution. The compensation of such 589
physicians, clinical nurse specialists, certified nurse 590
practitioners, psychologists, and psychiatrists and the expenses 591
of such examinations shall be paid by the county treasurer upon 592
specifically itemized vouchers, certified by the juvenile judge. 593

Sec. 2743.62. (A)(1) Subject to division (A)(2) of this 594
section, there is no privilege, except the privileges arising from 595
the attorney-client relationship, as to communications or records 596
that are relevant to the physical, mental, or emotional condition 597
of the claimant or victim in a proceeding under sections 2743.51 598
to 2743.72 of the Revised Code in which that condition is an 599
element. 600

(2)(a) Except as specified in division (A)(2)(b) of this 601
section, any record or report that a judge of the court of claims, 602
a court of claims panel of commissioners, or the attorney general 603
has obtained prior to, or obtains on or after, June 30, 1998, 604
under the provisions of sections 2743.51 to 2743.72 of the Revised 605
Code and that is confidential or otherwise exempt from public 606
disclosure under section 149.43 of the Revised Code while in the 607
possession of the creator of the record or report shall remain 608
confidential or exempt from public disclosure under section 149.43 609
of the Revised Code while in the possession of the court of claims 610
or the attorney general. 611

(b) Notwithstanding division (A)(2)(a) of this section, a 612
judge of the court of claims, a panel of commissioners, a 613
claimant, a claimant's attorney, or the attorney general may 614
disclose or refer to records or reports described in that division 615
in any hearing conducted under sections 2743.51 to 2743.72 of the 616

Revised Code or in the judge's, panel of commissioners', 617
claimant's, or attorney general's written pleadings, findings, 618
recommendations, and decisions. 619

(B) If the mental, physical, or emotional condition of a 620
victim or claimant is material to a claim for an award of 621
reparations, the attorney general, a panel of commissioners, or a 622
judge of the court of claims may order the victim or claimant to 623
submit to a mental or physical examination ~~by a physician or~~ 624
~~psychologist~~ and may order an autopsy of a deceased victim. The 625
order may be made for good cause shown and upon notice to the 626
person to be examined and to the claimant. The order shall specify 627
the time, place, manner, conditions, and scope of the examination 628
or autopsy and the person by whom it is to be made ~~and. In the~~ 629
case of a mental examination, the person specified may be a 630
physician or psychologist. In the case of a physical examination, 631
the person specified may be a physician, a clinical nurse 632
specialist, a certified nurse practitioner, or a certified 633
nurse-midwife. In the case of an autopsy, the person specified 634
must be a physician. The order shall require the person who 635
performs the examination or autopsy to file with the attorney 636
general a detailed written report of the examination or autopsy. 637
The report shall set out the findings, including the results of 638
all tests made, diagnoses, prognoses, and other conclusions and 639
reports of earlier examinations of the same conditions. 640

(C) On request of the person examined, the attorney general 641
shall furnish the person a copy of the report. If the victim is 642
deceased, the attorney general, on request, shall furnish the 643
claimant a copy of the report. 644

(D) The attorney general, a panel of commissioners, or a 645
judge of the court of claims may require the claimant to 646
supplement the application for an award of reparations with any 647
reasonably available medical or psychological reports relating to 648

the injury for which the award of reparations is claimed. 649

(E) The attorney general, a panel of commissioners, or a 650
judge of the court of claims, in a claim arising out of a 651
violation of any provision of sections 2907.02 to 2907.07 of the 652
Revised Code, shall not request the victim or the claimant to 653
supply, or permit any person to supply, any evidence of specific 654
instances of the victim's sexual activity, opinion evidence of the 655
victim's sexual activity, or reputation evidence of the victim's 656
sexual activity unless it involves evidence of the origin of 657
semen, pregnancy, or disease or evidence of the victim's past 658
sexual activity with the offender and only to the extent that the 659
judge, the panel of commissioners, or the attorney general finds 660
that the evidence is relevant to a fact at issue in the claim. 661

Sec. 2907.29. Every hospital of this state that offers 662
organized emergency services shall provide that a physician, a 663
clinical nurse specialist, a certified nurse practitioner, or a 664
certified nurse-midwife is available on call twenty-four hours 665
each day for the examination of persons reported to any law 666
enforcement agency to be victims of sexual offenses cognizable as 667
violations of any provision of sections 2907.02 to 2907.06 of the 668
Revised Code. The physician, clinical nurse specialist, certified 669
nurse practitioner, or certified nurse-midwife, upon the request 670
of any peace officer or prosecuting attorney and with the consent 671
of the reported victim or upon the request of the reported victim, 672
shall examine the person for the purposes of gathering physical 673
evidence. The public health council shall establish procedures for 674
gathering evidence under this section. 675

Each reported victim shall be informed of available venereal 676
disease, pregnancy, medical, and psychiatric services. 677

Notwithstanding any other provision of law, a minor may 678
consent to examination under this section. The consent is not 679

subject to disaffirmance because of minority, and consent of the
parent, parents, or guardian of the minor is not required for an
examination under this section. However, the hospital shall give
written notice to the parent, parents, or guardian of a minor that
an examination under this section has taken place. The parent,
parents, or guardian of a minor giving consent under this section
are not liable for payment for any services provided under this
section without their consent.

Sec. 3107.02. (A) Any minor may be adopted. 688

(B) An adult may be adopted under any of the following 689
conditions: 690

(1) If the adult is totally and permanently disabled; 691

(2) If the adult is determined to be a mentally retarded 692
person as defined in section 5123.01 of the Revised Code; 693

(3) If the adult had established a child-foster caregiver or 694
child-stepparent relationship with the petitioners as a minor, and 695
the adult consents to the adoption. 696

(C) When proceedings to adopt a minor are initiated by the 697
filing of a petition, and the eighteenth birthday of the minor 698
occurs prior to the decision of the court, the court shall require 699
the person who is to be adopted to submit a written statement of 700
consent or objection to the adoption. If an objection is 701
submitted, the petition shall be dismissed, and if a consent is 702
submitted, the court shall proceed with the case, and may issue an 703
interlocutory order or final decree of adoption. 704

(D) Any physical examination of the individual to be adopted 705
as part of or in contemplation of a petition to adopt may be 706
conducted by any health professional authorized by the Revised 707
Code to perform physical examinations, including a clinical nurse 708
specialist, a certified nurse practitioner, or a certified 709

nurse-midwife.

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Sec. 3111.91. (A) In a non-spousal artificial insemination,
fresh or frozen semen may be used, provided that the requirements
of division (B) of this section are satisfied.

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(B)(1) A physician, clinical nurse specialist, certified
nurse practitioner, certified nurse-midwife, or person under the
supervision and control of a physician may use fresh semen for
purposes of a non-spousal artificial insemination, only if within
one year prior to the supplying of the semen, a all of the
following occurred:

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(a) A complete medical history of the donor, including, but
not limited to, any available genetic history of the donor, was
obtained by a physician, ~~the~~ a clinical nurse specialist, or a
certified nurse practitioner.

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(b) The donor had a physical examination by a physician, ~~and~~
the a clinical nurse specialist, or a certified nurse
practitioner.

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(c) The donor was tested for blood type and RH factor.

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(2) A physician, clinical nurse specialist, certified nurse
practitioner, certified nurse-midwife, or person under the
supervision and control of a physician may use frozen semen for
purposes of a non-spousal artificial insemination only if all the
following apply:

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(a) The requirements set forth in division (B)(1) of this
section are satisfied;

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(b) In conjunction with the supplying of the semen, the semen
or blood of the donor was the subject of laboratory studies that
the physician involved in the non-spousal artificial insemination
considers appropriate. The laboratory studies may include, but are
not limited to, venereal disease research laboratories,

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karotyping, GC culture, cytomegalo, hepatitis, kem-zyme, 740
Tay-Sachs, sickle-cell, ureaplasma, HLTV-III, and chlamydia. 741
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(c) The physician involved in the non-spousal artificial 743
insemination determines that the results of the laboratory studies 744
are acceptable results. 745

Sec. 3319.13. Upon the written request of a teacher or a 746
regular nonteaching school employee, a board of education may 747
grant a leave of absence for a period of not more than two 748
consecutive school years for educational, professional, or other 749
purposes, and shall grant such leave where illness or other 750
disability is the reason for the request. Upon subsequent request, 751
such leave may be renewed by the board. Without request, a board 752
may grant similar leave of absence and renewals thereof to any 753
teacher or regular nonteaching school employee because of physical 754
or mental disability, but such teacher may have a hearing on such 755
unrequested leave of absence or its renewals in accordance with 756
section 3319.16 of the Revised Code, and such nonteaching school 757
employee may have a hearing on such unrequested leave of absence 758
or its renewals in accordance with division (C) of section 759
3319.081 of the Revised Code. Upon the return to service of a 760
teacher or a nonteaching school employee at the expiration of a 761
leave of absence, the teacher or nonteaching school employee shall 762
resume the contract status that the teacher or nonteaching school 763
employee held prior to the leave of absence. Any teacher who 764
leaves a teaching position for service in the uniformed services 765
and who returns from service in the uniformed services that is 766
terminated in a manner other than as described in section 4304 of 767
Title 38 of the United States Code, "Uniformed Services Employment 768
and Reemployment Rights Act of 1994," 108 Stat. 3149, 38 U.S.C.A. 769
4304, shall resume the contract status held prior to entering the 770
uniformed services, subject to passing a physical examination by 771

an individual authorized by the Revised Code to conduct physical 772
examinations, including a clinical nurse specialist, a certified 773
nurse practitioner, or a certified nurse-midwife. Such contract 774
status shall be resumed at the first of the school semester or the 775
beginning of the school year following return from the uniformed 776
services. For purposes of this section and section 3319.14 of the 777
Revised Code, "uniformed services" and "service in the uniformed 778
services" have the same meanings as defined in section 5903.01 of 779
the Revised Code. 780

Upon the return of a nonteaching school employee from a leave 781
of absence, the board may terminate the employment of a person 782
hired exclusively for the purpose of replacing the returning 783
employee while the returning employee was on leave. If, after the 784
return of a nonteaching employee from leave, the person employed 785
exclusively for the purpose of replacing an employee while the 786
employee was on leave is continued in employment as a regular 787
nonteaching school employee or if the person is hired by the board 788
as a regular nonteaching school employee within a year after 789
employment as a replacement is terminated, the person shall, for 790
purposes of section 3319.081 of the Revised Code, receive credit 791
for the person's length of service with the school district during 792
such replacement period in the following manner: 793

(A) If employed as a replacement for less than twelve months, 794
the person shall be employed under a contract valid for a period 795
equal to twelve months less the number of months employed as a 796
replacement. At the end of such contract period, if the person is 797
reemployed it shall be under a two-year contract. Subsequent 798
reemployment shall be pursuant to division (B) of section 3319.081 799
of the Revised Code. 800

(B) If employed as a replacement for twelve months or more 801
but less than twenty-four months, the person shall be employed 802
under a contract valid for a period equal to twenty-four months 803

less the number of months employed as a replacement. Subsequent
reemployment shall be pursuant to division (B) of section 3319.081
of the Revised Code.

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(C) If employed as a replacement for more than twenty-four
months, the person shall be employed pursuant to division (B) of
section 3319.081 of the Revised Code.

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For purposes of this section, employment during any part of a
month shall count as employment during the entire month.

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Sec. 3327.10. (A) 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 the educational
service center governing board in case such person is employed by
a service center or by a local school district under the
supervision of the service center governing board, or by the
superintendent of schools, in case such person is employed by the
board of a city or exempted village school district, certifying
that such person is at least eighteen years of age and is of good
moral character and is qualified physically and otherwise for such
position. The service center governing board or the
superintendent, as the case may be, shall provide for an annual
physical examination that conforms with rules adopted by the state
board of education of each driver to ascertain the driver's
physical fitness for such employment. Any certificate may be
revoked by the authority granting the same on proof that the
holder has been guilty of failing to comply with division (D)(1)
of this section, or upon a conviction or a guilty plea for a
violation, or any other action, that results in a loss or
suspension of driving rights. Failure to comply with such division
may be cause for disciplinary action or termination of employment

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under division (C) of section 3319.081, or section 124.34 of the Revised Code. 835
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(B) No person shall be employed as driver of a school bus or motor van not subject to the rules of the department of education pursuant to division (A) of this section who has not received a certificate from the school administrator or contractor certifying that such person is at least eighteen years of age, is of good moral character, and is qualified physically and otherwise for such position. Each driver shall have an annual physical examination which conforms to the state highway patrol rules, ascertaining the driver's physical fitness for such employment. The examination shall be performed by one of the following: 837
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(1) A person licensed under Chapter 4731. of the Revised Code or by another state to practice medicine and surgery or osteopathic medicine and surgery; 847
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~~(2) A registered nurse who holds a certificate of authority issued under Chapter 4723. of the Revised Code to practice as a certified nurse practitioner or, clinical nurse specialist and is practicing pursuant to a standard care arrangement with a collaborating physician, or a certified nurse-midwife.~~ 850
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Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(2) of this section. 855
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(C) Any person who drives a school bus or motor van must give satisfactory and sufficient bond except a driver who is an employee of a school district and who drives a bus or motor van owned by the school district. 858
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(D) No person employed as driver of a school bus or motor van under this section who is convicted of a traffic violation or who has had the person's commercial driver's license suspended or revoked shall drive a school bus or motor van until such person 862
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has filed a written notice of such conviction, suspension, or
revocation as follows:

(1) If the person is employed under division (A) of this
section, such notice shall be filed with the superintendent, or a
person designated by the superintendent, of the school district
for which such person drives a school bus or motor van as an
employee or drives a privately owned and operated school bus or
motor van under contract.

(2) If employed under division (B) of this section, such
notice shall be filed with the employing school administrator or
contractor, or a person designated by the administrator or
contractor.

(E) In addition to resulting in possible revocation of a
certificate as authorized by divisions (A) and (B) of this
section, violation of division (D) of this section is a minor
misdemeanor.

Sec. 3331.02. The superintendent of schools shall not issue
an age and schooling certificate until ~~he~~ the superintendent has
received, examined, approved, and filed the following papers duly
executed:

(A) The written pledge or promise of the person, partnership,
or corporation to legally employ the child, and for this purpose
work performed by a minor, directly and exclusively for the
benefit of such minor's parent, in the farm home or on the farm of
such parent is legal employment, irrespective of any contract of
employment, or the absence thereof, to permit ~~him~~ the child to
attend school as provided in section 3321.08 of the Revised Code,
and to return to the superintendent the age and schooling
certificate of the child or give notice of the nonuse thereof
within two days from the date of the child's withdrawal or
dismissal from the service of that person, partnership, or

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corporation, giving the reasons for such withdrawal or dismissal; 897

(B) The school record of the child, properly filled out and 898
signed by the person in charge of the school which the child last 899
attended; giving the recorded age of the child, ~~his~~ the child's 900
address, standing in studies, rating in conduct, and attendance in 901
days during the school year of ~~his~~ the child's last attendance, 902
and if that was not a full year, during the preceding school year; 903

(C) Evidence of the age of the child as follows: 904

(1) A certified copy of an original birth record or a 905
certification of birth, issued in accordance with Chapter 3705. of 906
the Revised Code, or by an officer charged with the duty of 907
recording births in another state or country, shall be conclusive 908
evidence of the age of the child; 909

(2) In the absence of such birth record or certification of 910
birth, a passport, or duly attested transcript thereof, showing 911
the date and place of birth of the child, filed with a register of 912
passports at a port of entry of the United States; or an attested 913
transcript of the certificate of birth or baptism or other 914
religious record, showing the date and place of birth of the 915
child, shall be conclusive evidence of the age of the child; 916

(3) In case none of the above proofs of age can be produced, 917
other documentary evidence, except the affidavit of the parent, 918
guardian, or custodian, satisfactory to the superintendent may be 919
accepted in lieu thereof; 920

(4) In case no documentary proof of age can be procured, the 921
superintendent may receive and file an application signed by the 922
parent, guardian, or custodian of the child that a ~~physician's~~ 923
medical certificate be secured to establish the sufficiency of the 924
age of the child, which application shall state the alleged age of 925
the child, the place and date of birth, ~~his~~ the child's present 926
residence, and such further facts as may be of assistance in 927

determining the age of the child, and shall certify that the 928
person signing the application is unable to obtain any of the 929
documentary proofs specified in divisions (C) (1), (2), and (3) of 930
this section; and if the superintendent is satisfied that a 931
reasonable effort to procure such documentary proof has been 932
without success such application shall be granted and the 933
certificate of the school physician or if there be none, of a 934
physician, a clinical nurse specialist, or a certified nurse 935
practitioner employed by the board of education, that said 936
physician, clinical nurse specialist, or certified nurse 937
practitioner is satisfied that the child is above the age required 938
for an age and schooling certificate as stated in section 3331.01 939
of the Revised Code, shall be accepted as sufficient evidence of 940
age; 941

(D) A certificate from the school physician or physician, 942
clinical nurse specialist, or certified nurse practitioner 943
designated by ~~him~~ the school physician, or if there is no school 944
physician, a certificate from the district health ~~commissioner,~~ 945
commissioner or physician, clinical nurse specialist, or certified 946
nurse practitioner designated by ~~him~~ the district health 947
commissioner, showing after a thorough examination that the child 948
is physically fit to be employed in such occupations as are not 949
prohibited by law for a boy or girl, as the case may be, under 950
eighteen years of age; but a certificate with "limited" written, 951
printed, or stamped diagonally across its face may be furnished by 952
~~such physician~~ the examiner and accepted by the superintendent in 953
issuing a "limited" age and schooling certificate provided in 954
section 3331.06 of the Revised Code, showing that the child is 955
physically fit to be employed in some particular occupation not 956
prohibited by law for a boy or girl of such child's age, as the 957
case may be, even if the child's complete physical ability to 958
engage in such occupation cannot be vouched for. 959

Sec. 3331.06. The age and schooling certificate provided in 960
sections 3331.01 to 3331.05, inclusive, of the Revised Code, shall 961
be issued only with the word "limited" printed or stamped 962
diagonally across its face if the medical certificate ~~of the~~ 963
~~physician~~ provided in section 3331.02 or 3331.07 of the Revised 964
Code, is a limited certificate and in that case the particular 965
employment to which it is limited shall be stated in the 966
certificate, and the certificate cannot serve as the legal age and 967
schooling certificate for employment in another occupation. 968

Sec. 3331.07. When an age and schooling certificate, returned 969
according to section 3331.02 of the Revised Code, is reissued, the 970
pledge of the new employer and medical certificate from the school 971
physician or other person ~~in his stead~~ shall be secured and filed. 972
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Sec. 3773.41. Any person who desires to participate in a 974
public boxing match or exhibition as a referee, judge, matchmaker, 975
timekeeper, or contestant, or as a manager, trainer, or second of 976
a contestant, shall apply for a license from the Ohio athletic 977
commission. The application shall be on forms provided by the 978
commission. Each application shall be accompanied by the 979
application fee prescribed in section 3773.43 of the Revised Code. 980
The applicant shall verify the application under oath. 981

The commission shall prescribe the form of the application 982
for a participant's license. The application shall include the 983
correct and ring or assumed name, if any, of the applicant, the 984
applicant's address, the applicant's date and place of birth, the 985
applicant's occupation, and a copy of the applicant's win and loss 986
record as a contestant, if applicable. 987

An application for a contestant's license shall also include 988
a certified copy of the results of a physical examination of the 989

applicant that a licensed physician, clinical nurse specialist, 990
certified nurse practitioner, or certified nurse-midwife conducted 991
not more than sixty days prior to the filing of the application. 992

Sec. 3773.42. Upon the proper filing of an application for a 993
referee's, judge's, matchmaker's, timekeeper's, manager's, 994
trainer's, contestant's, or second's license and payment of the 995
applicable application fee, the Ohio athletic commission shall 996
issue the license to the applicant if it determines that the 997
applicant is of good moral character, is not likely to engage in 998
acts detrimental to the fair and honest conduct of public boxing 999
matches or exhibitions, and is qualified to hold such a license by 1000
reason of the applicant's knowledge and experience. 1001

A person shall not be determined to possess the knowledge and 1002
experience necessary to qualify that person to hold a referee's 1003
license unless all of the following conditions are met: 1004

(A) The person has completed such referee training 1005
requirements as the commission prescribes by rule; 1006

(B) The person possesses such experience requirements as the 1007
commission prescribes by rule; 1008

(C) The person has obtained a passing grade on an examination 1009
administered by the commission and designed to test the examinee's 1010
knowledge of the rules of the particular sport that the person 1011
seeks to referee, the commission's rules applicable to the conduct 1012
of matches and exhibitions in the particular sport that the person 1013
seeks to referee, and such other aspects of officiating as the 1014
commission determines appropriate to its determination as to 1015
whether the applicant possesses the qualifications and 1016
capabilities to act as a referee. 1017

The commission shall issue a referee's license to each person 1018
who meets the requirements of divisions (A) to (C) of this 1019

section. 1020

If upon the proper filing of an application for a 1021
contestant's license the commission determines that the applicant 1022
is of good moral character, is not likely to engage in acts 1023
detrimental to the conduct of public boxing matches or 1024
exhibitions, and possesses sufficient knowledge and experience 1025
and, in the opinion of the licensed physician, clinical nurse 1026
specialist, certified nurse practitioner, or certified 1027
nurse-midwife who examined the applicant pursuant to section 1028
3773.41 of the Revised Code, is physically fit to engage in public 1029
boxing matches or exhibitions, the commission shall issue the 1030
license to the applicant. 1031

Each license issued pursuant to this section shall bear the 1032
correct name and ring or assumed name, if any, of the licensee, 1033
the address of the licensee, the date of issue, a serial number 1034
designated by the commission, the seal of the commission, and the 1035
signature of the commission chairperson. 1036

A license issued pursuant to this section shall expire twelve 1037
months after its date of issue unless renewed. Upon application 1038
for renewal and payment of the renewal fee prescribed in section 1039
3773.43 of the Revised Code, the commission shall renew the 1040
license unless it denies the application for one or more reasons 1041
stated in section 3123.47 or 3773.53 of the Revised Code. If the 1042
application is for renewal of a contestant's license, the 1043
commission shall also require the applicant to submit the results 1044
of a physical examination that a licensed physician, clinical 1045
nurse specialist, certified nurse practitioner, or certified 1046
nurse-midwife conducted not more than sixty days prior to the date 1047
of the application. 1048

Sec. 3773.45. (A) Each contestant in a public boxing match or 1049
exhibition shall be examined not more than twenty-four hours 1050

before entering the ring by a licensed physician, a clinical nurse 1051
specialist, a certified nurse practitioner, or a certified 1052
nurse-midwife. Each contestant who has had a previous match or 1053
exhibition on or after July 27, 1981, and was knocked out at that 1054
match or exhibition shall present to the ~~examining physician~~ 1055
examiner a record of the physical examination performed at the 1056
conclusion of that match or exhibition. If, after reviewing such 1057
record and performing a physical examination of the contestant, 1058
the ~~physician~~ examiner determines that the contestant is 1059
physically fit to compete, the physician shall certify that fact 1060
on the contestant's physical examination form. No physician, 1061
clinical nurse specialist, certified nurse practitioner, or 1062
certified nurse-midwife shall certify a contestant as physically 1063
fit to compete if the physician, clinical nurse specialist, 1064
certified nurse practitioner, or certified nurse-midwife 1065
determines that the contestant was knocked out in a contest that 1066
took place within the preceding thirty days. No contestant shall 1067
compete in a public boxing match or exhibition unless the 1068
contestant has been certified as physically fit in accordance with 1069
this section. 1070

Immediately after the end of a match or exhibition, the 1071
~~physician~~ examiner shall examine each contestant who was knocked 1072
out in the match or exhibition, and record the outcome of the 1073
match or exhibition and any physical injuries sustained by the 1074
contestant on the contestant's physical examination form. 1075

Within twenty-four hours after the match or exhibition, the 1076
~~physician~~ examiner shall mail one copy of the examination report 1077
to the Ohio athletic commission and one copy to the contestant. 1078
The commission shall furnish blank copies of the examination 1079
report to the ~~physician~~ examiner. The ~~physician~~ examiner shall 1080
answer all questions on the form. The person conducting the match 1081
or exhibition shall compensate the ~~physician~~ examiner. No person 1082

shall conduct such a match or exhibition unless a ~~physician~~ an 1083
examiner appointed by the commission is in attendance. 1084

(B) No holder of a promoter's license shall conduct a boxing 1085
match or exhibition that exceeds twelve rounds. Each round shall 1086
be not more than three minutes in length. A period of at least one 1087
minute, during which no boxing or sparring takes place, shall 1088
occur between rounds. 1089

No holder of a promoter's license or a permit issued under 1090
section 3773.39 of the Revised Code shall allow a professional 1091
boxer to participate in more than twelve rounds of boxing within a 1092
period of seventy-two consecutive hours. For any match or 1093
exhibition or for a class of contestants, the commission may limit 1094
the number of rounds within the maximum of twelve rounds. 1095

(C) No person shall conduct a boxing match or exhibition 1096
unless a licensed referee appointed by the commission and paid by 1097
the person is present. The referee shall direct and control the 1098
match or exhibition. Before each match or exhibition the referee 1099
shall obtain from each contestant the name of the contestant's 1100
chief second and shall hold the chief second responsible for the 1101
conduct of any assistant seconds during the match or exhibition. 1102
The referee may declare a prize, remuneration, or purse or any 1103
part thereof to which a contestant is otherwise entitled withheld 1104
if, in the referee's judgment, the contestant is not competing or 1105
did not compete honestly. A contestant may appeal the referee's 1106
decision in a hearing before the commission conducted in 1107
accordance with section 3773.52 of the Revised Code. 1108

(D) No person shall hold or conduct a boxing match or 1109
exhibition unless three licensed judges appointed by the 1110
commission and paid by the person are present. Each judge shall 1111
render a decision at the end of each match or exhibition. The 1112
judges shall determine the outcome of the match or exhibition, and 1113
their decision shall be final. 1114

(E) Each contestant in a boxing match or exhibition shall 1115
wear gloves weighing not less than six ounces during the boxing 1116
match or exhibition. 1117

Sec. 3919.29. No corporation, company, or association 1118
organized under section 3919.01 of the Revised Code shall issue a 1119
certificate or policy to any person, until such person has first 1120
been subjected to a thorough medical examination by a physician, a 1121
clinical nurse specialist, a certified nurse practitioner, or a 1122
certified nurse-midwife and found to be a good risk, nor shall it 1123
issue a certificate or policy to any person above the age of 1124
sixty-five years or under the age of fifteen years. 1125

This section, in respect to the age and medical examination 1126
of persons to whom certificates or policies may issue, does not 1127
apply to such corporations, companies, or associations doing 1128
purely accident business. 1129

Sec. 4506.10. (A) No person who holds a valid commercial 1130
driver's license shall drive a commercial motor vehicle unless the 1131
person is physically qualified to do so. Each person who drives or 1132
expects to drive a commercial motor vehicle in interstate or 1133
foreign commerce or is otherwise subject to 49 C.F.R. 391, et 1134
seq., as amended, shall certify to the registrar of motor vehicles 1135
at the time of application for a commercial driver's license that 1136
the person is in compliance with these standards. Any person who 1137
is not subject to 49 C.F.R. 391, et seq., as amended, also shall 1138
certify at the time of application that the person is not subject 1139
to these standards. 1140

(B) A person is qualified to drive a class B commercial motor 1141
vehicle with a school bus endorsement, if the person has been 1142
certified as medically qualified in accordance with rules adopted 1143
by the department of education. 1144

(C)(1) Except as provided in division (C)(2) of this section, 1145
any medical examination required by this section shall be 1146
performed only by one of the following: 1147

(a) A person licensed under Chapter 4731. of the Revised Code 1148
to practice medicine or surgery or osteopathic medicine and 1149
surgery in this state, or licensed under any similar law of 1150
another state; 1151

(b) A person licensed as a physician assistant under Chapter 1152
4730. of the Revised Code who practices under the supervision and 1153
direction of a physician as required under that chapter and who is 1154
authorized by the supervising physician to perform such a medical 1155
examination; 1156

(c) ~~A person who is a certified nurse practitioner or, a 1157
clinical nurse specialist licensed under Chapter 4723. of the 1158
Revised Code who is practicing in accordance with a standard care 1159
arrangement pursuant to section 4723.431 of the Revised Code, or a 1160
certified nurse-midwife. 1161~~

(2) Any part of an examination required by this section that 1162
pertains to visual acuity, field of vision, and the ability to 1163
recognize colors may be performed by a person licensed under 1164
Chapter 4725. of the Revised Code to practice optometry in this 1165
state, or licensed under any similar law of another state. 1166

(D) Whenever good cause appears, the registrar, upon issuing 1167
a commercial driver's license under this chapter, may impose 1168
restrictions suitable to the licensee's driving ability with 1169
respect to the type of motor vehicle or special mechanical control 1170
devices required on a motor vehicle that the licensee may operate, 1171
or such other restrictions applicable to the licensee as the 1172
registrar determines to be necessary. 1173

The registrar may either issue a special restricted license 1174
or may set forth the restrictions upon the usual license form. 1175

The registrar, upon receiving satisfactory evidence of any violation of the restrictions of the license, may suspend or revoke it.

The registrar, upon receiving satisfactory evidence that an applicant or holder of a commercial driver's license has violated division (A)(4) of section 4506.04 of the Revised Code and knowingly given false information in any application or certification required by section 4506.07 of the Revised Code, shall cancel the commercial driver's license of the person or any pending application from the person for a commercial driver's license or class D driver's license for a period of at least sixty days, during which time no application for a commercial driver's license or class D driver's license shall be received from the person.

Sec. 4507.20. The registrar of motor vehicles, upon determination that any person has more than seven points charged against ~~him~~ the person under section 4507.021 of the Revised Code, and is not subject to the provisions of section 4507.022 of the Revised Code, or, having good cause to believe that the holder of a driver's or commercial driver's license is incompetent or otherwise not qualified to be licensed, shall upon written notice of at least five days sent to the licensee's last known address, require ~~him~~ the licensee to submit to a driver's license examination or a physical examination, or both, or a commercial driver's license examination. The physical examination may be conducted by any individual authorized by the Revised Code to do so, including a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife. Upon the conclusion of the examination the registrar may suspend or revoke the license of the person, or may permit ~~him~~ the licensee to retain the license, or may issue ~~him~~ the licensee a restricted license. Refusal or neglect of the licensee to submit to the examination is ground for

suspension or revocation of ~~his~~ the licensee's license. 1208

Sec. 4715.30. (A) The holder of a certificate or license 1209
issued under this chapter is subject to disciplinary action by the 1210
state dental board for any of the following reasons: 1211

(1) Employing or cooperating in fraud or material deception 1212
in applying for or obtaining a license or certificate; 1213

(2) Obtaining or attempting to obtain money or anything of 1214
value by intentional misrepresentation or material deception in 1215
the course of practice; 1216

(3) Advertising services in a false or misleading manner or 1217
violating the board's rules governing time, place, and manner of 1218
advertising; 1219

(4) Conviction of a misdemeanor committed in the course of 1220
practice or of any felony; 1221

(5) Engaging in lewd or immoral conduct in connection with 1222
the provision of dental services; 1223

(6) Selling, prescribing, giving away, or administering drugs 1224
for other than legal and legitimate therapeutic purposes, or 1225
conviction of violating any law of this state or the federal 1226
government regulating the possession, distribution, or use of any 1227
drug; 1228

(7) Providing or allowing dental hygienists or other 1229
practitioners of auxiliary dental occupations working under the 1230
certificate or license holder's supervision, or a dentist holding 1231
a temporary limited continuing education license under division 1232
(C) of section 4715.16 of the Revised Code working under the 1233
certificate or license holder's direct supervision, to provide 1234
dental care that departs from or fails to conform to accepted 1235
standards for the profession, whether or not injury to a patient 1236
results; 1237

(8) Inability to practice under accepted standards of the profession because of physical or mental disability, dependence on alcohol or other drugs, or excessive use of alcohol or other drugs;	1238 1239 1240 1241
(9) Violation of any provision of this chapter or any rule adopted thereunder;	1242 1243
(10) Failure to use universal blood and body fluid precautions established by rules adopted under section 4715.03 of the Revised Code;	1244 1245 1246
(11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider.	1247 1248 1249 1250 1251 1252
(12) Advertising that the certificate or license holder will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay.	1253 1254 1255 1256 1257
(B) A manager, proprietor, operator, or conductor of a dental facility shall be subject to disciplinary action if any dentist, dental hygienist, or qualified personnel providing services in the facility is found to have committed a violation listed in division (A) of this section and the manager, proprietor, operator, or conductor knew of the violation and permitted it to occur on a recurring basis.	1258 1259 1260 1261 1262 1263 1264
(C) Subject to Chapter 119. of the Revised Code, the board may take one or more of the following disciplinary actions if one or more of the grounds for discipline listed in divisions (A) and (B) of this section exist:	1265 1266 1267 1268

(1) Censure the license or certificate holder;	1269
(2) Place the license or certificate on probationary status	1270
for such period of time the board determines necessary and require	1271
the holder to:	1272
(a) Report regularly to the board upon the matters which are	1273
the basis of probation;	1274
(b) Limit practice to those areas specified by the board;	1275
(c) Continue or renew professional education until a	1276
satisfactory degree of knowledge or clinical competency has been	1277
attained in specified areas.	1278
(3) Suspend the certificate or license;	1279
(4) Revoke the certificate or license.	1280
Where the board places a holder of a license or certificate	1281
on probationary status pursuant to division (C)(2) of this	1282
section, the board may subsequently suspend or revoke the license	1283
or certificate if it determines that the holder has not met the	1284
requirements of the probation or continues to engage in activities	1285
that constitute grounds for discipline pursuant to division (A) or	1286
(B) of this section.	1287
Any order suspending a license or certificate shall state the	1288
conditions under which the license or certificate will be	1289
restored, which may include a conditional restoration during which	1290
time the holder is in a probationary status pursuant to division	1291
(C)(2) of this section. The board shall restore the license or	1292
certificate unconditionally when such conditions are met.	1293
(D) If the physical or mental condition of a license or	1294
certificate holder is at issue in a disciplinary proceeding, the	1295
board may order the license or certificate holder to submit to	1296
reasonable examinations by a physician <u>an individual</u> designated or	1297
approved by the board and at the board's expense. <u>The physical</u>	1298

examination may be conducted by any individual authorized by the 1299
Revised Code to do so, including a clinical nurse specialist, a 1300
certified nurse practitioner, or a certified nurse-midwife. 1301

Failure to comply with an order for an examination shall be 1302
grounds for summary suspension of a license or certificate under 1303
division (E) of this section. 1304

(E) If the board has reason to believe that the holder 1305
represents a clear and immediate danger to the public health and 1306
safety if the holder is allowed to continue to practice, or if the 1307
holder has failed to comply with an order under division (D) of 1308
this section, the board may apply to the court of common pleas of 1309
the county in which the holder resides for an order temporarily 1310
suspending the holder's license or certificate, without a prior 1311
hearing being afforded by the board, until the board conducts an 1312
adjudication hearing pursuant to Chapter 119. of the Revised Code. 1313
If the court temporarily suspends a holder's license or 1314
certificate, the board shall give written notice of the suspension 1315
personally or by certified mail to the license or certificate 1316
holder. Such notice shall include specific facts and reasons for 1317
finding a clear and immediate danger to the public health and 1318
safety and shall inform the license or certificate holder of the 1319
right to a hearing pursuant to Chapter 119. of the Revised Code. 1320

(F) Any holder of a certificate or license issued under this 1321
chapter who has pleaded guilty to, has been convicted of, or has 1322
had a judicial finding of eligibility for intervention in lieu of 1323
conviction entered against the holder in this state for aggravated 1324
murder, murder, voluntary manslaughter, felonious assault, 1325
kidnapping, rape, sexual battery, gross sexual imposition, 1326
aggravated arson, aggravated robbery, or aggravated burglary, or 1327
who has pleaded guilty to, has been convicted of, or has had a 1328
judicial finding of eligibility for treatment or intervention in 1329
lieu of conviction entered against the holder in another 1330

jurisdiction for any substantially equivalent criminal offense, is 1331
automatically suspended from practice under this chapter in this 1332
state and any certificate or license issued to the holder under 1333
this chapter is automatically suspended, as of the date of the 1334
guilty plea, conviction, or judicial finding, whether the 1335
proceedings are brought in this state or another jurisdiction. 1336
Continued practice by an individual after the suspension of the 1337
individual's certificate or license under this division shall be 1338
considered practicing without a certificate or license. The board 1339
shall notify the suspended individual of the suspension of the 1340
individual's certificate or license under this division by 1341
certified mail or in person in accordance with section 119.07 of 1342
the Revised Code. If an individual whose certificate or license is 1343
suspended under this division fails to make a timely request for 1344
an adjudicatory hearing, the board shall enter a final order 1345
revoking the individual's certificate or license. 1346

(G) Notwithstanding divisions (A)(11) and (12) of this 1347
section, sanctions shall not be imposed against any licensee who 1348
waives deductibles and copayments: 1349

(1) In compliance with the health benefit plan that expressly 1350
allows such a practice. Waiver of the deductibles or copays shall 1351
be made only with the full knowledge and consent of the plan 1352
purchaser, payer, and third-party administrator. Such consent 1353
shall be made available to the board upon request. 1354

(2) For professional services rendered to any other person 1355
licensed pursuant to this chapter to the extent allowed by this 1356
chapter and the rules of the board. 1357

Sec. 4933.122. No natural gas, gas, or electric light company 1358
shall terminate service, except for safety reasons or upon the 1359
request of the customer, at any time to a residential consumer, 1360
except pursuant to procedures that provide for all of the 1361

following: 1362

(A) Reasonable prior notice is given to such consumer, 1363
including notice of rights and remedies, and no due date shall be 1364
established, after which a customer's account is considered to be 1365
in arrears if unpaid, that is less than fourteen days after the 1366
mailing of the billing. This limitation does not apply to charges 1367
to customers that receive service pursuant to an arrangement 1368
authorized by section 4905.31 of the Revised Code, nor to electric 1369
light companies operated not for profit or public utilities that 1370
are owned or operated by a municipal corporation. 1371

(B) A reasonable opportunity is given to dispute the reasons 1372
for such termination; 1373

(C) In circumstances in which termination of service to a 1374
consumer would be especially dangerous to health, as determined by 1375
the public utilities commission, or make the operation of 1376
necessary medical or life-supporting equipment impossible or 1377
impractical, and such consumer establishes that ~~he~~ the consumer is 1378
unable to pay for such service in accordance with the requirements 1379
of the utility's billing except under an extended payment plan. 1380

Such procedures shall take into account the need to include 1381
reasonable provisions for elderly and handicapped consumers. 1382

The commission shall hold hearings and adopt rules to carry 1383
out this section. 1384

To the extent that any rules adopted for the purpose of 1385
division (C) of this section require a health care professional to 1386
validate the health of a consumer or the necessity of operation of 1387
a consumer's medical or life-supporting equipment, the rules shall 1388
include as a health care professional a clinical nurse specialist, 1389
a certified nurse practitioner, or a certified nurse-midwife. 1390

Sec. 5103.0327. Any physical examination required in the 1391

determination of foster home placement may be conducted by any 1392
individual authorized by the Revised Code to conduct physical 1393
examinations, including a clinical nurse specialist, a certified 1394
nurse practitioner, or a certified nurse-midwife. 1395

Sec. 5104.011. (A) The director of job and family services 1396
shall adopt rules pursuant to Chapter 119. of the Revised Code 1397
governing the operation of child day-care centers, including, but 1398
not limited to, parent cooperative centers, part-time centers, 1399
drop-in centers, and school child centers, which rules shall 1400
reflect the various forms of child day-care and the needs of 1401
children receiving child day-care or publicly funded child 1402
day-care and, no later than January 1, 1992, shall include 1403
specific rules for school child day-care centers that are 1404
developed in consultation with the department of education. The 1405
rules shall not require an existing school facility that is in 1406
compliance with applicable building codes to undergo an additional 1407
building code inspection or to have structural modifications. The 1408
rules shall include the following: 1409

(1) Submission of a site plan and descriptive plan of 1410
operation to demonstrate how the center proposes to meet the 1411
requirements of this chapter and rules adopted pursuant to this 1412
chapter for the initial license application; 1413

(2) Standards for ensuring that the physical surroundings of 1414
the center are safe and sanitary including, but not limited to, 1415
the physical environment, the physical plant, and the equipment of 1416
the center; 1417

(3) Standards for the supervision, care, and discipline of 1418
children receiving child day-care or publicly funded child 1419
day-care in the center; 1420

(4) Standards for a program of activities, and for play 1421
equipment, materials, and supplies, to enhance the development of 1422

each child; however, any educational curricula, philosophies, and
methodologies that are developmentally appropriate and that
enhance the social, emotional, intellectual, and physical
development of each child shall be permissible. As used in this
division, "program" does not include instruction in religious or
moral doctrines, beliefs, or values that is conducted at child
day-care centers owned and operated by churches and does include
methods of disciplining children at child day-care centers.

(5) Admissions policies and procedures, health care policies
and procedures, including, but not limited to, procedures for the
isolation of children with communicable diseases, first aid and
emergency procedures, procedures for discipline and supervision of
children, standards for the provision of nutritious meals and
snacks, and procedures for screening children and employees,
including, but not limited to, any necessary physical examinations
and immunizations;

(6) Methods for encouraging parental participation in the
center and methods for ensuring that the rights of children,
parents, and employees are protected and that responsibilities of
parents and employees are met;

(7) Procedures for ensuring the safety and adequate
supervision of children traveling off the premises of the center
while under the care of a center employee;

(8) Procedures for record keeping, organization, and
administration;

(9) Procedures for issuing, renewing, denying, and revoking a
license that are not otherwise provided for in Chapter 119. of the
Revised Code;

(10) Inspection procedures;

(11) Procedures and standards for setting initial and renewal
license application fees;

(12) Procedures for receiving, recording, and responding to complaints about centers;	1454 1455
(13) Procedures for enforcing section 5104.04 of the Revised Code;	1456 1457
(14) A standard requiring the inclusion, on and after July 1, 1987, of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;	1458 1459 1460 1461 1462 1463
(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. Training requirements for child day-care centers adopted under this division shall be consistent with divisions (B)(6) and (C)(1) of this section.	1464 1465 1466 1467 1468 1469
(16) Procedures to be used by licensees for checking the references of potential employees of centers and procedures to be used by the director for checking the references of applicants for licenses to operate centers;	1470 1471 1472 1473
(17) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child day-care or publicly funded child day-care in the center;	1474 1475 1476 1477
(18) Any other procedures and standards necessary to carry out this chapter.	1478 1479
(B)(1) The child day-care center shall have, for each child for whom the center is licensed, at least thirty-five square feet of usable indoor floor space wall-to-wall regularly available for the child day-care operation exclusive of any parts of the structure in which the care of children is prohibited by law or by	1480 1481 1482 1483 1484

rules adopted by the board of building standards. The minimum of 1485
thirty-five square feet of usable indoor floor space shall not 1486
include hallways, kitchens, storage areas, or any other areas that 1487
are not available for the care of children, as determined by the 1488
director, in meeting the space requirement of this division, and 1489
bathrooms shall be counted in determining square footage only if 1490
they are used exclusively by children enrolled in the center, 1491
except that the exclusion of hallways, kitchens, storage areas, 1492
bathrooms not used exclusively by children enrolled in the center, 1493
and any other areas not available for the care of children from 1494
the minimum of thirty-five square feet of usable indoor floor 1495
space shall not apply to: 1496

(a) Centers licensed prior to or on September 1, 1986, that 1497
continue under licensure after that date; 1498

(b) Centers licensed prior to or on September 1, 1986, that 1499
are issued a new license after that date solely due to a change of 1500
ownership of the center. 1501

(2) The child day-care center shall have on the site a safe 1502
outdoor play space which is enclosed by a fence or otherwise 1503
protected from traffic or other hazards. The play space shall 1504
contain not less than sixty square feet per child using such space 1505
at any one time, and shall provide an opportunity for supervised 1506
outdoor play each day in suitable weather. The director may exempt 1507
a center from the requirement of this division, if an outdoor play 1508
space is not available and if all of the following are met: 1509

(a) The center provides an indoor recreation area that has 1511
not less than sixty square feet per child using the space at any 1512
one time, that has a minimum of one thousand four hundred forty 1513
square feet of space, and that is separate from the indoor space 1514
required under division (B)(1) of this section. 1515

(b) The director has determined that there is regularly 1516
available and scheduled for use a conveniently accessible and safe 1517
park, playground, or similar outdoor play area for play or 1518
recreation. 1519

(c) The children are closely supervised during play and while 1520
traveling to and from the area. 1521

The director also shall exempt from the requirement of this 1522
division a child day-care center that was licensed prior to 1523
September 1, 1986, if the center received approval from the 1524
director prior to September 1, 1986, to use a park, playground, or 1525
similar area, not connected with the center, for play or 1526
recreation in lieu of the outdoor space requirements of this 1527
section and if the children are closely supervised both during 1528
play and while traveling to and from the area and except if the 1529
director determines upon investigation and inspection pursuant to 1530
section 5104.04 of the Revised Code and rules adopted pursuant to 1531
that section that the park, playground, or similar area, as well 1532
as access to and from the area, is unsafe for the children. 1533

(3) The child day-care center shall have at least two 1534
responsible adults available on the premises at all times when 1535
seven or more children are in the center. The center shall 1536
organize the children in the center in small groups, shall provide 1537
child-care staff to give continuity of care and supervision to the 1538
children on a day-by-day basis, and shall ensure that no child is 1539
left alone or unsupervised. Except as otherwise provided in 1540
division (E) of this section, the maximum number of children per 1541
child-care staff member and maximum group size, by age category of 1542
children, are as follows: 1543

	Maximum Number of		
	Children Per	Maximum	
Age Category	Child-Care	Group	
of Children	Staff Member	Size	
			1544
			1545
			1546
			1547

(a) Infants:			1548
(i) Less than twelve months old			1549
	5:1, or		1550
	12:2 if two		1551
	child-care		1552
	staff members		1553
	are in the room	12	1554
(ii) At least twelve months old, but less than eighteen months old			1555
			1556
			1557
	6:1	12	1558
(b) Toddlers:			1559
(i) At least eighteen months old, but less than thirty months old			1560
			1561
			1562
	7:1	14	1563
(ii) At least thirty months old, but less than three years old			1564
			1565
	8:1	16	1566
(c) Preschool children:			1567
			1568
(i) Three years old	12:1	24	1569
(ii) Four years old and five years old who are not school children			1570
			1571
			1572
	14:1	28	1573
(d) School children:			1574
(i) A child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above, but			1575
			1576
			1577
			1578
			1579
			1580

is less than			1581
eleven years old	18:1	36	1582
(ii) Eleven through fourteen			1583
years old	20:1	40	1584

Except as otherwise provided in division (E) of this section, 1585
the maximum number of children per child-care staff member and 1586
maximum group size requirements of the younger age group shall 1587
apply when age groups are combined. 1588

(4)(a) The child day-care center administrator shall show the 1589
director both of the following: 1590

(i) Evidence of at least high school graduation or 1591
certification of high school equivalency by the state board of 1592
education or the appropriate agency of another state; 1593

(ii) Evidence of having completed at least two years of 1594
training in an accredited college, university, or technical 1595
college, including courses in child development or early childhood 1596
education, or at least two years of experience in supervising and 1597
giving daily care to children attending an organized group 1598
program. 1599

(b) In addition to the requirements of division (B)(4)(a) of 1600
this section, any administrator employed or designated on or after 1601
September 1, 1986, shall show evidence of, and any administrator 1602
employed or designated prior to September 1, 1986, shall show 1603
evidence within six years after such date of, at least one of the 1604
following: 1605

(i) Two years of experience working as a child-care staff 1606
member in a center and at least four courses in child development 1607
or early childhood education from an accredited college, 1608
university, or technical college, except that a person who has two 1609
years of experience working as a child-care staff member in a 1610
particular center and who has been promoted to or designated as 1611

administrator of that center shall have one year from the time the
person was promoted to or designated as administrator to complete
the required four courses;

(ii) Two years of training, including at least four courses
in child development or early childhood education from an
accredited college, university, or technical college;

(iii) A child development associate credential issued by the
national child development associate credentialing commission;

(iv) An associate or higher degree in child development or
early childhood education from an accredited college, technical
college, or university, or a license designated for teaching in an
associate teaching position in a preschool setting issued by the
state board of education.

(5) All child-care staff members of a child day-care center
shall be at least eighteen years of age, and shall furnish the
director evidence of at least high school graduation or
certification of high school equivalency by the state board of
education or the appropriate agency of another state or evidence
of completion of a training program approved by the department of
job and family services or state board of education, except as
follows:

(a) A child-care staff member may be less than eighteen years
of age if the staff member is either of the following:

(i) A graduate of a two-year vocational child-care training
program approved by the state board of education;

(ii) A student enrolled in the second year of a vocational
child-care training program approved by the state board of
education which leads to high school graduation, provided that the
student performs the student's duties in the child day-care center
under the continuous supervision of an experienced child-care
staff member, receives periodic supervision from the vocational

child-care training program teacher-coordinator in the student's 1643
high school, and meets all other requirements of this chapter and 1644
rules adopted pursuant to this chapter. 1645

(b) A child-care staff member shall be exempt from the 1646
educational requirements of this division if the staff member: 1647

(i) Prior to January 1, 1972, was employed or designated by a 1648
child day-care center and has been continuously employed since 1649
either by the same child day-care center employer or at the same 1650
child day-care center; or 1651

(ii) Is a student enrolled in the second year of a vocational 1652
child-care training program approved by the state board of 1653
education which leads to high school graduation, provided that the 1654
student performs the student's duties in the child day-care center 1655
under the continuous supervision of an experienced child-care 1656
staff member, receives periodic supervision from the vocational 1657
child-care training program teacher-coordinator in the student's 1658
high school, and meets all other requirements of this chapter and 1659
rules adopted pursuant to this chapter. 1660

(6) Every child day-care staff member of a child day-care 1661
center annually shall complete fifteen hours of inservice training 1662
in child development or early childhood education, child abuse 1663
recognition and prevention, first aid, and in prevention, 1664
recognition, and management of communicable diseases, until a 1665
total of forty-five hours of training has been completed, unless 1666
the staff member furnishes one of the following to the director: 1667

(a) Evidence of an associate or higher degree in child 1668
development or early childhood education from an accredited 1669
college, university, or technical college; 1670

(b) A license designated for teaching in an associate 1671
teaching position in a preschool setting issued by the state board 1672
of education; 1673

(c) Evidence of a child development associate credential; 1674

(d) Evidence of a preprimary credential from the American 1675
Montessori society or the association Montessori international. 1676
For the purposes of division (B)(6) of this section, "hour" means 1677
sixty minutes. 1678

(7) The administrator of each child day-care center shall 1679
prepare at least once annually and for each group of children at 1680
the center a roster of names and telephone numbers of parents, 1681
custodians, or guardians of each group of children attending the 1682
center and upon request shall furnish the roster for each group to 1683
the parents, custodians, or guardians of the children in that 1684
group. The administrator may prepare a roster of names and 1685
telephone numbers of all parents, custodians, or guardians of 1686
children attending the center and upon request shall furnish the 1687
roster to the parents, custodians, or guardians of the children 1688
who attend the center. The administrator shall not include in any 1689
roster the name or telephone number of any parent, custodian, or 1690
guardian who requests the administrator not to include the 1691
parent's, custodian's, or guardian's name or number and shall not 1692
furnish any roster to any person other than a parent, custodian, 1693
or guardian of a child who attends the center. 1694

(C)(1) Each child day-care center shall have on the center 1695
premises and readily available at all times at least one 1696
child-care staff member who has completed a course in first aid 1697
and in prevention, recognition, and management of communicable 1698
diseases which is approved by the state department of health and a 1699
staff member who has completed a course in child abuse recognition 1700
and prevention training which is approved by the department of job 1701
and family services. 1702

(2) The administrator of each child day-care center shall 1703
maintain enrollment, health, and attendance records for all 1704
children attending the center and health and employment records 1705

for all center employees. The records shall be confidential, 1706
except as otherwise provided in division (B)(7) of this section 1707
and except that they shall be disclosed by the administrator to 1708
the director upon request for the purpose of administering and 1709
enforcing this chapter and rules adopted pursuant to this chapter. 1710
Neither the center nor the licensee, administrator, or employees 1711
of the center shall be civilly or criminally liable in damages or 1712
otherwise for records disclosed to the director by the 1713
administrator pursuant to this division. It shall be a defense to 1714
any civil or criminal charge based upon records disclosed by the 1715
administrator to the director that the records were disclosed 1716
pursuant to this division. 1717

(3)(a) Any parent who is the residential parent and legal 1718
custodian of a child enrolled in a child day-care center and any 1719
custodian or guardian of such a child shall be permitted unlimited 1720
access to the center during its hours of operation for the 1721
purposes of contacting their children, evaluating the care 1722
provided by the center, evaluating the premises of the center, or 1723
for other purposes approved by the director. A parent of a child 1724
enrolled in a child day-care center who is not the child's 1725
residential parent shall be permitted unlimited access to the 1726
center during its hours of operation for those purposes under the 1727
same terms and conditions under which the residential parent of 1728
that child is permitted access to the center for those purposes. 1729
However, the access of the parent who is not the residential 1730
parent is subject to any agreement between the parents and, to the 1731
extent described in division (C)(3)(b) of this section, is subject 1732
to any terms and conditions limiting the right of access of the 1733
parent who is not the residential parent, as described in division 1734
(I) of section 3109.051 of the Revised Code, that are contained in 1735
a parenting time order or decree issued under that section, 1736
section 3109.12 of the Revised Code, or any other provision of the 1737

Revised Code.

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(b) If a parent who is the residential parent of a child has presented the administrator or the administrator's designee with a copy of a parenting time order that limits the terms and conditions under which the parent who is not the residential parent is to have access to the center, as described in division (I) of section 3109.051 of the Revised Code, the parent who is not the residential parent shall be provided access to the center only to the extent authorized in the order. If the residential parent has presented such an order, the parent who is not the residential parent shall be permitted access to the center only in accordance with the most recent order that has been presented to the administrator or the administrator's designee by the residential parent or the parent who is not the residential parent.

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(c) Upon entering the premises pursuant to division (C)(3)(a) or (b) of this section, the parent who is the residential parent and legal custodian, the parent who is not the residential parent, or the custodian or guardian shall notify the administrator or the administrator's designee of the parent's, custodian's, or guardian's presence.

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(D) The director of job and family services, in addition to the rules adopted under division (A) of this section, shall adopt rules establishing minimum requirements for child day-care centers. The rules shall include, but not be limited to, the requirements set forth in divisions (B) and (C) of this section. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of division (B)(1) or (2) of this section; the maximum number of children per child-care staff member and maximum group size requirements of division (B)(3) of this section; the educational and experience requirements of division (B)(4) of this section; the age, educational, and experience requirements of division (B)(5) of

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this section; the number of inservice training hours required 1770
under division (B)(6) of this section; or the requirement for at 1771
least annual preparation of a roster for each group of children of 1772
names and telephone numbers of parents, custodians, or guardians 1773
of each group of children attending the center that must be 1774
furnished upon request to any parent, custodian, or guardian of 1775
any child in that group required under division (B)(7) of this 1776
section; however, the rules shall provide procedures for 1777
determining compliance with those requirements. 1778

(E)(1) When age groups are combined, the maximum number of 1779
children per child-care staff member shall be determined by the 1780
age of the youngest child in the group, except that when no more 1781
than one child thirty months of age or older receives services in 1782
a group in which all the other children are in the next older age 1783
group, the maximum number of children per child-care staff member 1784
and maximum group size requirements of the older age group 1785
established under division (B)(3) of this section shall apply. 1786

(2) The maximum number of toddlers or preschool children per 1787
child-care staff member in a room where children are napping shall 1788
be twice the maximum number of children per child-care staff 1789
member established under division (B)(3) of this section if all 1790
the following criteria are met: 1791

(a) At least one child-care staff member is present in the 1792
room. 1793

(b) Sufficient child-care staff members are on the child 1794
day-care center premises to meet the maximum number of children 1795
per child-care staff member requirements established under 1796
division (B)(3) of this section. 1797

(c) Naptime preparations are complete and all napping 1798
children are resting or sleeping on cots. 1799

(d) The maximum number established under division (E)(2) of 1800

this section is in effect for no more than one and one-half hours 1801
during a twenty-four-hour day. 1802

(F) The director of job and family services shall adopt rules 1803
pursuant to Chapter 119. of the Revised Code governing the 1804
operation of type A family day-care homes, including, but not 1805
limited to, parent cooperative type A homes, part-time type A 1806
homes, drop-in type A homes, and school child type A homes, which 1807
shall reflect the various forms of child day-care and the needs of 1808
children receiving child day-care. The rules shall include the 1809
following: 1810

(1) Submission of a site plan and descriptive plan of 1811
operation to demonstrate how the type A home proposes to meet the 1812
requirements of this chapter and rules adopted pursuant to this 1813
chapter for the initial license application; 1814

(2) Standards for ensuring that the physical surroundings of 1815
the type A home are safe and sanitary, including, but not limited 1816
to, the physical environment, the physical plant, and the 1817
equipment of the type A home; 1818

(3) Standards for the supervision, care, and discipline of 1819
children receiving child day-care or publicly funded child 1820
day-care in the type A home; 1821

(4) Standards for a program of activities, and for play 1822
equipment, materials, and supplies, to enhance the development of 1823
each child; however, any educational curricula, philosophies, and 1824
methodologies that are developmentally appropriate and that 1825
enhance the social, emotional, intellectual, and physical 1826
development of each child shall be permissible; 1827

(5) Admissions policies and procedures, health care policies 1828
and procedures, including, but not limited to, procedures for the 1829
isolation of children with communicable diseases, first aid and 1830
emergency procedures, procedures for discipline and supervision of 1831

children, standards for the provision of nutritious meals and	1832
snacks, and procedures for screening children and employees,	1833
including, but not limited to, any necessary physical examinations	1834
and immunizations;	1835
(6) Methods for encouraging parental participation in the	1836
type A home and methods for ensuring that the rights of children,	1837
parents, and employees are protected and that the responsibilities	1838
of parents and employees are met;	1839
(7) Procedures for ensuring the safety and adequate	1840
supervision of children traveling off the premises of the type A	1841
home while under the care of a type A home employee;	1842
(8) Procedures for record keeping, organization, and	1843
administration;	1844
(9) Procedures for issuing, renewing, denying, and revoking a	1845
license that are not otherwise provided for in Chapter 119. of the	1846
Revised Code;	1847
(10) Inspection procedures;	1848
(11) Procedures and standards for setting initial and renewal	1849
license application fees;	1850
(12) Procedures for receiving, recording, and responding to	1851
complaints about type A homes;	1852
(13) Procedures for enforcing section 5104.04 of the Revised	1853
Code;	1854
(14) A standard requiring the inclusion, on or after July 1,	1855
1987, of a current department of job and family services toll-free	1856
telephone number on each type A home provisional license or	1857
license which any person may use to report a suspected violation	1858
by the type A home of this chapter or rules adopted pursuant this	1859
chapter;	1860
(15) Requirements for the training of administrators and	1861

child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	1862 1863 1864
(16) Procedures to be used by licensees for checking the references of potential employees of type A homes and procedures to be used by the director for checking the references of applicants for licenses to operate type A homes;	1865 1866 1867 1868
(17) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child day-care or publicly funded child day-care in the type A home;	1869 1870 1871 1872
(18) Standards for the maximum number of children per child-care staff member;	1873 1874
(19) Requirements for the amount of usable indoor floor space for each child;	1875 1876
(20) Requirements for safe outdoor play space;	1877
(21) Qualifications and training requirements for administrators and for child-care staff members;	1878 1879
(22) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	1880 1881 1882
(23) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	1883 1884
(24) Any other procedures and standards necessary to carry out this chapter.	1885 1886
(G) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of type B family day-care homes.	1887 1888 1889
(1) The rules shall include procedures, standards, and other	1890

necessary provisions for granting limited certification to type B family day-care homes that are operated by the following adult providers:

(a) Persons who provide child day-care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the provider or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the provider;

(b) Persons who provide child day-care for eligible children all of whom are the children of the same caretaker parent.

The rules shall require, and shall include procedures for the director to ensure, that type B family day-care homes that receive a limited certification provide child day-care to children in a safe and sanitary manner. With regard to providers who apply for limited certification, a provider shall be granted a provisional limited certification on signing a declaration under oath attesting that the provider meets the standards for limited certification. Such provisional limited certifications shall remain in effect for no more than sixty calendar days and shall entitle the provider to offer publicly funded child day-care during the provisional period. Except as otherwise provided in division (G)(1) of this section, prior to the expiration of the provisional limited certificate, a county department of job and family services shall inspect the home and shall grant limited certification to the provider if the provider meets the requirements of this division. Limited certificates remain valid for two years unless earlier revoked. Except as otherwise provided in division (G)(1) of this section, providers operating under limited certification shall be inspected annually.

If a provider is a person described in division (G)(1)(a) of this section or a person described in division (G)(1)(b) of this section who is a friend of the caretaker parent, the provider and

the caretaker parent may verify in writing to the county 1923
department of job and family services that minimum health and 1924
safety requirements are being met in the home. If such 1925
verification is provided, the county shall waive any inspection 1926
and any criminal records check required by this chapter and grant 1927
limited certification to the provider. 1928

(2) The rules shall provide for safeguarding the health, 1929
safety, and welfare of children receiving child day-care or 1930
publicly funded child day-care in a certified type B home and 1931
shall include the following: 1932

(a) Standards for ensuring that the type B home and the 1933
physical surroundings of the type B home are safe and sanitary, 1934
including, but not limited to, physical environment, physical 1935
plant, and equipment; 1936

(b) Standards for the supervision, care, and discipline of 1937
children receiving child day-care or publicly funded child 1938
day-care in the home; 1939

(c) Standards for a program of activities, and for play 1940
equipment, materials, and supplies to enhance the development of 1941
each child; however, any educational curricula, philosophies, and 1942
methodologies that are developmentally appropriate and that 1943
enhance the social, emotional, intellectual, and physical 1944
development of each child shall be permissible; 1945

(d) Admission policies and procedures, health care, first aid 1946
and emergency procedures, procedures for the care of sick 1947
children, procedures for discipline and supervision of children, 1948
nutritional standards, and procedures for screening children and 1949
authorized providers, including, but not limited to, any necessary 1950
physical examinations and immunizations; 1951

(e) Methods of encouraging parental participation and 1952
ensuring that the rights of children, parents, and authorized 1953

providers are protected and the responsibilities of parents and	1954
authorized providers are met;	1955
(f) Standards for the safe transport of children when under	1956
the care of authorized providers;	1957
(g) Procedures for issuing, renewing, denying, refusing to	1958
renew, or revoking certificates;	1959
(h) Procedures for the inspection of type B family day-care	1960
homes that require, at a minimum, that each type B family day-care	1961
home be inspected prior to certification to ensure that the home	1962
is safe and sanitary;	1963
(i) Procedures for record keeping and evaluation;	1964
(j) Procedures for receiving, recording, and responding to	1965
complaints;	1966
(k) Standards providing for the special needs of children who	1967
are handicapped or who receive treatment for health conditions	1968
while the child is receiving child day-care or publicly funded	1969
child day-care in the type B home;	1970
(l) Requirements for the amount of usable indoor floor space	1971
for each child;	1972
(m) Requirements for safe outdoor play space;	1973
(n) Qualification and training requirements for authorized	1974
providers;	1975
(o) Procedures for granting a parent who is the residential	1976
parent and legal custodian, or a custodian or guardian access to	1977
the type B home during its hours of operation;	1978
(p) Any other procedures and standards necessary to carry out	1979
this chapter.	1980
(H) The director shall adopt rules pursuant to Chapter 119.	1981
of the Revised Code governing the certification of in-home aides.	1982

The rules shall include procedures, standards, and other necessary provisions for granting limited certification to in-home aides who provide child day-care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the in-home aide or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the in-home aide. The rules shall require, and shall include procedures for the director to ensure, that in-home aides that receive a limited certification provide child day-care to children in a safe and sanitary manner. The rules shall provide for safeguarding the health, safety, and welfare of children receiving publicly funded child day-care in their own home and shall include the following:

(1) Standards for ensuring that the child's home and the physical surroundings of the child's home are safe and sanitary, including, but not limited to, physical environment, physical plant, and equipment;

(2) Standards for the supervision, care, and discipline of children receiving publicly funded child day-care in their own home;

(3) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;

(4) Health care, first aid, and emergency procedures, procedures for the care of sick children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and in-home aides, including, but not limited to, any necessary physical examinations and immunizations;

(5) Methods of encouraging parental participation and ensuring that the rights of children, parents, and in-home aides are protected and the responsibilities of parents and in-home aides are met;	2015 2016 2017 2018
(6) Standards for the safe transport of children when under the care of in-home aides;	2019 2020
(7) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	2021 2022
(8) Procedures for inspection of homes of children receiving publicly funded child day-care in their own homes;	2023 2024
(9) Procedures for record keeping and evaluation;	2025
(10) Procedures for receiving, recording, and responding to complaints;	2026 2027
(11) Qualifications and training requirements for in-home aides;	2028 2029
(12) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving publicly funded child day-care in the child's own home;	2030 2031 2032 2033
(13) Any other procedures and standards necessary to carry out this chapter.	2034 2035
(I) <u>To the extent that any rules adopted for the purposes of this section require a health care professional to perform a physical examination, the rules shall include as a health care professional a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife.</u>	2036 2037 2038 2039 2040
(J) The director of job and family services shall send copies of proposed rules to each licensee and each county director of job and family services and shall give public notice of hearings regarding the rules to each licensee and each county director of	2041 2042 2043 2044

job and family services at least thirty days prior to the date of 2045
the public hearing, in accordance with section 119.03 of the 2046
Revised Code. Prior to the effective date of a rule, the director 2047
of job and family services shall provide copies of the adopted 2048
rule to each licensee and each county director of job and family 2049
services. 2050

The county director of job and family services shall send 2051
copies of proposed rules to each authorized provider and in-home 2052
aide and shall give public notice of hearings regarding the rules 2053
to each authorized provider and in-home aide at least thirty days 2054
prior to the date of the public hearing, in accordance with 2055
section 119.03 of the Revised Code. Prior to the effective date of 2056
a rule, the county director of job and family services shall 2057
provide copies of the adopted rule to each authorized provider and 2058
in-home aide. 2059

Additional copies of proposed and adopted rules shall be made 2060
available by the director of job and family services to the public 2061
on request at no charge. 2062

~~(J)~~(K) The director of job and family services shall review 2063
all rules adopted pursuant to this chapter at least once every 2064
seven years. 2065

~~(K)~~(L) Notwithstanding any provision of the Revised Code, the 2066
director of job and family services shall not regulate in any way 2067
under this chapter or rules adopted pursuant to this chapter, 2068
instruction in religious or moral doctrines, beliefs, or values. 2069

Sec. 5503.08. Each state highway patrol officer shall, in 2070
addition to the sick leave benefits provided in section 124.38 of 2071
the Revised Code, be entitled to occupational injury leave. 2072
Occupational injury leave of one thousand five hundred hours with 2073
pay may, with the approval of the superintendent of the state 2074
highway patrol, be used for absence resulting from each 2075

independent injury incurred in the line of duty, except that 2076
occupational injury leave is not available for injuries incurred 2077
during those times when the patrol officer is actually engaged in 2078
administrative or clerical duties at a patrol facility, when a 2079
patrol officer is on a meal or rest period, or when the patrol 2080
officer is engaged in any personal business. The superintendent of 2081
the state highway patrol shall, by rule, define those 2082
administrative and clerical duties and those situations where the 2083
occurrence of an injury does not entitle the patrol officer to 2084
occupational injury leave. Each injury incurred in the line of 2085
duty which aggravates a previously existing injury, whether the 2086
previously existing injury was so incurred or not, shall be 2087
considered an independent injury. When its use is authorized under 2088
this section, all occupational injury leave shall be exhausted 2089
before any credit is deducted from unused sick leave accumulated 2090
under section 124.38 of the Revised Code, except that, unless 2091
otherwise provided by the superintendent of the state highway 2092
patrol, occupational injury leave shall not be used for absence 2093
occurring within seven calendar days of the injury. During that 2094
seven calendar day period, unused sick leave may be used for such 2095
an absence. 2096

When occupational injury leave is used, it shall be deducted 2097
from the unused balance of the patrol officer's occupational 2098
injury leave for that injury on the basis of one hour for every 2099
one hour of absence from previously scheduled work. 2100

Before a patrol ~~office~~ officer may use occupational injury 2101
leave, ~~he~~ the patrol officer shall: 2102

(A) Apply to the superintendent for permission to use 2103
occupational injury leave on a form that requires the patrol 2104
officer to explain the nature of ~~his~~ the patrol officer's 2105
independent injury and the circumstances under which it occurred; 2106
and 2107

(B) Submit to a medical examination ~~conducted by a physician~~ 2108
~~selected by the superintendent.~~ The physician individual who 2109
conducts the examination shall report to the superintendent the 2110
results of the examination and whether or not the independent 2111
injury prevents the patrol officer from attending work. 2112

The superintendent shall, by rule, provide for periodic 2113
medical examinations, ~~by a physician he selects,~~ of patrol 2114
officers who are using occupational injury leave. ~~A physician~~ The 2115
individual selected to conduct the medical examinations shall 2116
report to the superintendent the results of each such examination, 2117
including a description of the progress made by the patrol officer 2118
in recovering from the independent injury, and whether or not the 2119
independent injury continues to prevent the patrol officer from 2120
attending work. 2121

The superintendent shall appoint to conduct medical 2122
examinations under this division individuals authorized by the 2123
Revised Code to do so, including any clinical nurse specialist, 2124
certified nurse practitioner, or certified nurse-midwife. 2125

A patrol officer is not entitled to use or continue to use 2126
occupational injury leave ~~if he refuses~~ after refusing to submit 2127
to a medical examination or if the physician individual examining 2128
~~him~~ the patrol officer reports that the independent injury does 2129
not prevent ~~him~~ the patrol officer from attending work. 2130

A patrol officer who falsifies an application for permission 2131
to use occupational injury leave or a ~~physician's~~ medical 2132
examination report is subject to disciplinary action, including 2133
dismissal. 2134

The superintendent shall, by rule, prescribe forms for the 2135
application and ~~physician's~~ medical examination report. 2136

Occupational injury leave pay made according to this section 2137
is in lieu of such workers' compensation benefits as would have 2138

been payable directly to a patrol officer pursuant to sections 2139
4123.56 and 4123.58 of the Revised Code, but all other 2140
compensation and benefits pursuant to Chapter 4123. of the Revised 2141
Code are payable as in any other case. If at the close of the 2142
period, the patrol officer remains disabled, ~~he~~ the patrol officer 2143
is entitled to all compensation and benefits, without a waiting 2144
period pursuant to section 4123.55 of the Revised Code based upon 2145
the injury received, for which ~~he~~ the patrol officer qualifies 2146
pursuant to Chapter 4123. of the Revised Code. Compensation shall 2147
be paid from the date that the patrol officer ceases to receive 2148
~~his~~ the patrol officer's regular rate of pay pursuant to this 2149
section. 2150

Occupational injury leave shall not be credited to or, upon 2151
use, deducted from, a patrol officer's sick leave. 2152

Section 2. That existing sections 124.32, 124.41, 124.42, 2153
124.50, 503.45, 503.47, 505.38, 709.012, 737.15, 737.16, 737.22, 2154
911.11, 1561.26, 2151.53, 2743.62, 2907.29, 3107.02, 3111.91, 2155
3319.13, 3327.10, 3331.02, 3331.06, 3331.07, 3773.41, 3773.42, 2156
3773.45, 3919.29, 4506.10, 4507.20, 4715.30, 4933.122, 5104.011, 2157
and 5503.08 of the Revised Code are hereby repealed. 2158