

# As Passed by the House

124th General Assembly

Regular Session

2001-2002

Sub. S. B. No. 245

**SENATORS** Wachtmann, Prentiss, Fingerhut, Jacobson, Hagan, Armbruster,  
Blessing, Brady, DiDonato, Harris, Oelslager, Spada

**REPRESENTATIVES** D. Miller, Aslanides, Kilbane, Seitz, Gilb, Fessler,  
McGregor, Sullivan, Raga, Kearns, Jolivette, Schuring, Patton, Hollister,  
Setzer, Buehrer, Hagan, Reidelbach, Damschroder, Perry, Manning, Flowers,  
Redfern, Coates, Latell, DeBose, Key, Peterson, Rhine, Woodard, Schneider,  
Carano, Otterman, Sferra, Womer Benjamin, Schaffer

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## A BILL

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 physician assistants, 10  
clinical nurse specialists, certified nurse 11  
practitioners, and certified nurse-midwives and to 12  
amend the versions of sections 3327.10, 4506.10, 13  
and 4507.20 of the Revised Code that are scheduled 14  
to take effect January 1, 2004, to continue the 15  
provisions of this act on and after that effective 16  
date. 17

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

**Section 1.** That sections 124.32, 124.41, 124.42, 124.50, 18  
503.45, 503.47, 505.38, 709.012, 737.15, 737.16, 737.22, 911.11, 19  
1561.26, 2151.53, 2743.62, 2907.29, 3107.02, 3111.91, 3319.13, 20  
3327.10, 3331.02, 3331.06, 3331.07, 3773.41, 3773.42, 3773.45, 21  
3919.29, 4506.10, 4507.20, 4715.30, 4933.122, 5104.011, and 22  
5503.08 be amended and sections 1.64 and 5103.0327 of the Revised 23  
Code be enacted to read as follows: 24

**Sec. 1.64.** As used in the Revised Code: 25

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

(B) "Certified nurse practitioner" means a registered nurse 31  
who holds a valid certificate of authority issued under Chapter 32  
4723. of the Revised Code that authorizes the practice of nursing 33  
as a certified nurse practitioner in accordance with section 34  
4723.43 of the Revised Code and rules adopted by the board of 35  
nursing. 36

(C) "Clinical nurse specialist" means a registered nurse who 37  
holds a valid certificate of authority issued under Chapter 4723. 38  
of the Revised Code that authorizes the practice of nursing as a 39  
clinical nurse specialist in accordance with section 4723.43 of 40  
the Revised Code and rules adopted by the board of nursing. 41

(D) "Physician assistant" means an individual who holds a 42  
valid certificate of authority issued under Chapter 4730. of the 43  
Revised Code authorizing the individual to provide services as a 44

physician assistant to patients under the supervision and  
direction of one or more physicians.

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**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.

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(B) Any person holding an office or position under the  
classified service who has been separated from the service without  
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~~  
physician assistant, 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

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eligibility retirement. The physician, physician assistant, 77  
clinical nurse specialist, certified nurse practitioner, or 78  
certified nurse-midwife shall be designated by the appointing 79  
authority and shall complete any written documentation of the 80  
physical examination. 81

**Sec. 124.41.** No person shall be eligible to receive an 82  
original appointment to a police department, as a police officer, 83  
subject to the civil service laws of this state, unless the person 84  
has reached the age of twenty-one and has, not more than one 85  
hundred twenty days prior to the date of such appointment, passed 86  
a physical examination, given by a licensed physician, a physician 87  
assistant, a clinical nurse specialist, a certified nurse 88  
practitioner, or a certified nurse-midwife, certifying that the 89  
applicant is free of cardiovascular and pulmonary diseases, and 90  
showing that the applicant meets the physical requirements 91  
necessary to perform the duties of a police officer as established 92  
by the civil service commission having jurisdiction over the 93  
appointment. The appointing authority shall, prior to making any 94  
such appointment, file with the Ohio police and fire pension fund 95  
a copy of the report or findings of the licensed physician, 96  
physician assistant, clinical nurse specialist, certified nurse 97  
practitioner, or certified nurse-midwife. The professional fee for 98  
such physical examination shall be paid by the civil service 99  
commission. Except as otherwise provided in this section, no 100  
person is eligible to receive an original appointment when the 101  
person is thirty-five years of age or older, and no person can be 102  
declared disqualified as over age prior to that time. The maximum 103  
age limitation established by this section does not apply to a 104  
city in which an ordinance establishes a different maximum age 105  
limitation for an original appointment to the police department or 106  
to a civil service township in which a resolution adopted by the 107  
board of trustees of the township establishes a different maximum 108

age limitation for an original appointment to the police 109  
department. 110

Nothing in this section shall prevent a municipal corporation 111  
or a civil service township from establishing a police cadet 112  
program and employing persons as police cadets at age eighteen for 113  
the purposes of training persons to become police officers. The 114  
board of trustees of a civil service township may establish by 115  
resolution such a cadet program. A person participating in a 116  
municipal or township police cadet program shall not be permitted 117  
to carry or use any firearm in the performance of the person's 118  
duties, except that the person may be taught the proper use of 119  
firearms as part of the person's training. 120

**Sec. 124.42.** No person shall be eligible to receive an 121  
original appointment as a firefighter in a fire department, 122  
subject to the civil service laws of this state, unless the person 123  
has reached the age of eighteen and has, not more than one hundred 124  
twenty days prior to receiving such appointment, passed a physical 125  
examination, given by a licensed physician, a physician assistant, 126  
a clinical nurse specialist, a certified nurse practitioner, or a 127  
certified nurse-midwife, certifying that the applicant is free of 128  
cardiovascular and pulmonary diseases, and showing that the person 129  
meets the physical requirements necessary to perform the duties of 130  
a firefighter as established by the civil service commission 131  
having jurisdiction over the appointment. The appointing authority 132  
shall, prior to making any such appointment, file with the Ohio 133  
police and fire pension fund a copy of the report or findings of 134  
said licensed physician, physician assistant, clinical nurse 135  
specialist, certified nurse practitioner, or certified 136  
nurse-midwife. The professional fee for such physical examination 137  
shall be paid by the civil service commission. No person shall be 138  
eligible to receive an original appointment on and after the 139  
person's thirty-first birthday. 140

Notwithstanding this section, a municipal council may enact 141  
an ordinance providing that a person between the age of eighteen 142  
and thirty-six may receive an original appointment to the fire 143  
department, or the board of trustees of a civil service township 144  
may do so by resolution. Nothing in this section shall prevent a 145  
municipal corporation or civil service township from establishing 146  
a fire cadet program and employing persons as fire cadets at age 147  
eighteen for the purpose of training persons to become 148  
firefighters. The board of trustees of a civil service township 149  
may establish by resolution such a cadet program. A person 150  
participating in a municipal or township fire cadet program shall 151  
not be permitted to carry or use any firearm in the performance of 152  
the person's duties. 153

**Sec. 124.50.** Any person holding an office or position under 154  
the classified service in a fire department or a police department 155  
who is separated therefrom due to injury or physical disability 156  
incurred in the performance of duty shall be reinstated 157  
immediately, or one suffering injury or physical disability 158  
incurred other than in the performance of duty may be reinstated, 159  
upon filing with the chief of the fire department or the chief of 160  
the police department, a written application for reinstatement, to 161  
the office or position ~~he~~ held at the time of such separation, 162  
after passing a physical examination showing that ~~he~~ the person 163  
has recovered from the injury or other physical disability. The 164  
physical examination shall be made by a licensed physician 165  
~~designated by the firemen's pension board or the policemen's~~ 166  
~~pension board, a physician assistant, a clinical nurse specialist,~~ 167  
a certified nurse practitioner, or a certified nurse-midwife 168  
within two weeks after application for reinstatement has been 169  
made, provided such application for reinstatement is filed within 170  
five years from the date of separation from the department, and 171  
further provided that such application shall not be filed after 172

the date of service eligibility retirement. The physician, 173  
physician assistant, clinical nurse specialist, certified nurse 174  
practitioner, or certified nurse-midwife shall be designated by 175  
the firefighters' pension board or the police officers' pension 176  
board and shall complete any written documentation of the physical 177  
examination. 178

Any person holding an office or position under the classified 179  
service in a fire department or a police department, who resigns 180  
therefrom, may be reinstated to the rank of ~~fireman~~ firefighter or 181  
~~policeman~~ police officer, upon the filing of a written application 182  
for reinstatement with the municipal or civil service township 183  
civil service commission and a copy thereof with the chief of the 184  
fire department or chief of the police department, and upon 185  
passing a physical examination disclosing that the person is 186  
physically fit to perform the duties of the office of ~~fireman~~ 187  
firefighter or ~~policeman~~ police officer, the application for 188  
reinstatement shall be filed within one year from the date of 189  
resignation. Any person reinstated pursuant to the authority of 190  
this paragraph shall not receive credit for seniority earned prior 191  
to resignation and reinstatement, and shall not be entitled to 192  
reinstatement to a position above the rank of ~~fireman~~ regular 193  
firefighter or ~~patrolman~~ patrol officer, regardless of the 194  
position the person may have held at the time of ~~his~~ resignation. 195

**Sec. 503.45.** If a board of township trustees has adopted a 196  
resolution under section 503.41 of the Revised Code, the 197  
application for a license as a ~~masseur or masseuse~~ massager shall 198  
be made to the board and shall include the following: 199

(A) An initial, nonrefundable filing fee of one hundred 200  
dollars and an annual nonrefundable renewal fee of fifty dollars; 201

(B) The results of a physical examination performed by a 202  
licensed physician, a physician assistant, a clinical nurse 203

specialist, a certified nurse practitioner, or a certified 204  
nurse-midwife within thirty days of the application certifying 205  
that the applicant is free from communicable diseases; 206

(C) The full name, date of birth, address, and social 207  
security number of the applicant; 208

(D) The results of an investigation by appropriate police 209  
agencies into the criminal record of the applicant, including a 210  
photograph taken no later than thirty days prior to the 211  
application, fingerprints, and background investigation; 212

(E) Any other information determined by the board to be 213  
necessary. 214

A license issued under this section to a ~~masseur or masseuse~~ 215  
massager shall expire one year after the date of issuance, except 216  
that no ~~masseur or masseuse~~ massager shall be required to 217  
discontinue performing massages because of the failure of the 218  
board to act on a renewal application filed in a timely manner and 219  
pending before the board on the expiration date of the person's 220  
license. Each license shall contain the full name of the 221  
applicant, a color photograph and a brief description of the 222  
person, and the expiration date of the license. 223

**Sec. 503.47.** If a board of township trustees has adopted a 224  
resolution under section 503.41 of the Revised Code, the 225  
regulations adopted for that purpose may require any of the 226  
following: 227

(A) A massage establishment to display its current permit in 228  
an area open to the public; 229

(B) Each ~~masseur or masseuse~~ massager to display his or her 230  
the massager's license at all times in the areas where the 231  
licensee is providing massages; 232

(C) Massage establishments to undergo periodic health and 233



safety inspections to determine continual compliance with 234  
applicable health and safety codes; 235

(D) ~~Masseurs and masseuses~~ Massagers to undergo periodic 236  
physical examinations performed by a licensed physician, a 237  
physician assistant, a clinical nurse specialist, a certified 238  
nurse practitioner, or a certified nurse-midwife certifying that 239  
the ~~masseur or masseuse~~ massager continues to be free from 240  
communicable diseases; 241

(E) Any other requirement reasonably thought necessary by the 242  
board. 243

**Sec. 505.38.** (A) In each township or fire district that has a 244  
fire department, the head of the department shall be a fire chief, 245  
appointed by the board of township trustees, except that, in a 246  
joint fire district, the fire chief shall be appointed by the 247  
board of fire district trustees. Neither this section nor any 248  
other section of the Revised Code requires, or shall be construed 249  
to require, that the fire chief be a resident of the township or 250  
fire district. 251

The board shall provide for the employment of firefighters as 252  
it considers best and shall fix their compensation. No person 253  
shall be appointed as a permanent full-time paid member, whose 254  
duties include fire fighting, of the fire department of any 255  
township or fire district unless that person has received a 256  
certificate issued under former section 3303.07 or section 4765.55 257  
of the Revised Code evidencing satisfactory completion of a 258  
firefighter training program. Those appointees shall continue in 259  
office until removed from office as provided by sections 733.35 to 260  
733.39 of the Revised Code. To initiate removal proceedings, and 261  
for that purpose, the board shall designate the fire chief or a 262  
private citizen to investigate the conduct and prepare the 263  
necessary charges in conformity with sections 733.35 to 733.39 of 264

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  
the case of a volunteer firefighter, unless the person has, not  
more than sixty days prior to receiving the appointment, passed a  
physical examination, given by a licensed physician, a physician  
assistant, 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 appointed as  
established by the board of township trustees having jurisdiction

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over the appointment. The appointing authority shall, prior to 296  
making an appointment, file with the Ohio police and fire pension 297  
fund or the local volunteer fire fighters' dependents fund board a 298  
copy of the report or findings of that licensed physician, 299  
physician assistant, clinical nurse specialist, certified nurse 300  
practitioner, or certified nurse-midwife. The professional fee for 301  
the physical examination shall be paid for by the board of 302  
township trustees. 303

(B) In each township not having a fire department, the board 304  
of township trustees shall appoint a fire prevention officer who 305  
shall exercise all of the duties of a fire chief except those 306  
involving the maintenance and operation of fire apparatus. The 307  
board of township trustees may appoint one or more deputy fire 308  
prevention officers who shall exercise the duties assigned by the 309  
fire prevention officer. 310

The board of township trustees may fix the compensation for 311  
the fire prevention officer and the fire prevention officer's 312  
deputies as it considers best. The board of township trustees 313  
shall appoint each fire prevention officer and deputy for a 314  
one-year term. An appointee may be reappointed at the end of a 315  
term to another one-year term. Any appointee may be removed from 316  
office during a term as provided by sections 733.35 to 733.39 of 317  
the Revised Code. Section 505.45 of the Revised Code extends to 318  
those officers. 319

(C) Division (A) of this section shall not apply to any 320  
township that has a population of ten thousand or more persons 321  
residing within the township and outside of any municipal 322  
corporation, that has its own fire department employing ten or 323  
more full-time paid employees, and that has a civil service 324  
commission established under division (B) of section 124.40 of the 325  
Revised Code. The township shall comply with the procedures for 326  
the employment, promotion, and discharge of firefighters provided 327

by Chapter 124. of the Revised Code, except that the board of township trustees of the township may appoint the fire chief, and any person so appointed shall be in the unclassified service under section 124.11 of the Revised Code and shall serve at the pleasure of the board. Neither this section nor any other section of the Revised Code requires, or shall be construed to require, that the fire chief be a resident of the township. A person who is appointed fire chief under these conditions and who is removed by the board or resigns from the position is entitled to return to the classified service in the township fire department in the position held just prior to the appointment as fire chief. The board of township trustees shall determine the number of personnel required and establish salary schedules and conditions of employment not in conflict with Chapter 124. of the Revised Code. No person shall receive an original appointment as a permanent full-time paid member of the fire department of the township unless the person has received a certificate issued under former section 3303.07 or section 4765.55 of the Revised Code evidencing the satisfactory completion of a firefighter training program. Persons employed as firefighters in the township on the date a civil service commission is appointed pursuant to division (B) of section 124.40 of the Revised Code shall, without being required to pass a competitive examination or a firefighter training program, retain their employment and any rank previously granted them by action of the board of township trustees or otherwise, but 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

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dismissed first. The annexing municipal corporation shall offer 360  
employment in the inverse order of dismissal by the township to 361  
such firefighters if a vacancy exists in the municipal fire 362  
department and if they: 363

(A) Were full-time paid active members of the township or 364  
joint township firefighting force for at least six months prior to 365  
dismissal and have made application to the municipal corporation 366  
within sixty days after the effective date of dismissal; 367

(B) Have passed a physical examination as prescribed by the 368  
physician of the annexing municipal corporation and meet the 369  
requirements necessary to perform firefighting duties; 370

(C) Meet minimum standards of the municipal corporation with 371  
respect to moral character, literacy, and ability to understand 372  
oral and written instructions as determined by an interview 373  
conducted by the fire department of the municipal corporation. The 374  
applicant shall be at least twenty-one years of age on the date of 375  
application. 376

(D) Are able to qualify for membership in the Ohio police and 377  
fire pension fund. 378

A physical examination required by division (B) of this 379  
section may be conducted by any individual authorized by the 380  
Revised Code to conduct physical examinations, including a 381  
physician assistant, a clinical nurse specialist, a certified 382  
nurse practitioner, or a certified nurse-midwife. Any written 383  
documentation of the physical examination shall be completed by 384  
the individual who administered the examination. 385

If no vacancy exists in the municipal fire department at the 386  
time of the application referred to in division (A) of this 387  
section, the application shall be held until a vacancy occurs. 388  
When such a vacancy occurs, the applicant shall be entitled to 389  
employment in accordance with the requirements of divisions (A), 390

(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 chief of police, appointed by the mayor with the advice and consent of the legislative authority of the village, who need not be a resident of the village at the time of appointment but shall become a resident thereof within six months after appointment by the mayor and confirmation by the legislative authority unless

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such residence requirement is waived by ordinance, and who shall 422  
continue in office until removed therefrom as provided by section 423  
737.171 of the Revised Code. 424

No person shall receive an appointment under this section 425  
after January 1, 1970, unless, not more than sixty days prior to 426  
receiving such appointment, the person has passed a physical 427  
examination, given by a licensed physician, a physician assistant, 428  
a clinical nurse specialist, a certified nurse practitioner, or a 429  
certified nurse-midwife, showing that the person meets the 430  
physical requirements necessary to perform the duties of village 431  
marshal as established by the legislative authority of the 432  
village. The appointing authority shall, prior to making any such 433  
appointment, file with the Ohio police and fire pension fund a 434  
copy of the report or findings of said licensed physician, 435  
physician assistant, clinical nurse specialist, certified nurse 436  
practitioner, or certified nurse-midwife. The professional fee for 437  
such physical examination shall be paid for by such legislative 438  
authority. 439

**Sec. 737.16.** The mayor shall, when provided for by the 440  
legislative authority of a village, and subject to its 441  
confirmation, appoint all deputy marshals, police officers, night 442  
guards, and special police officers. All such officers shall 443  
continue in office until removed therefrom for the cause and in 444  
the manner provided by section 737.19 of the Revised Code. 445

No person shall receive an appointment under this section 446  
after January 1, 1970, unless the person has, not more than sixty 447  
days prior to receiving such appointment, passed a physical 448  
examination, given by a licensed physician, a physician assistant, 449  
a clinical nurse specialist, a certified nurse practitioner, or a 450  
certified nurse-midwife, showing that the person meets the 451  
physical requirements necessary to perform the duties of the 452  
position to which the person is to be appointed as established by 453

the legislative authority of the village. The appointing authority 454  
shall, prior to making any such appointment, file with the Ohio 455  
police and fire pension fund a copy of the report or findings of 456  
said licensed physician, physician assistant, clinical nurse 457  
specialist, certified nurse practitioner, or certified 458  
nurse-midwife. The professional fee for such physical examination 459  
shall be paid for by the legislative authority. 460

**Sec. 737.22.** (A) Each village establishing a fire department 461  
shall have a fire chief as the department's head, appointed by the 462  
mayor with the advice and consent of the legislative authority of 463  
the village, who shall continue in office until removed from 464  
office as provided by sections 733.35 to 733.39 of the Revised 465  
Code. Neither this section nor any other section of the Revised 466  
Code requires, or shall be construed to require, that the fire 467  
chief be a resident of the village. 468

In each village not having a fire department, the mayor 469  
shall, with the advice and consent of the legislative authority of 470  
the village, appoint a fire prevention officer who shall exercise 471  
all of the duties of a fire chief except those involving the 472  
maintenance and operation of fire apparatus. 473

The legislative authority of the village may fix the 474  
compensation it considers best. The appointee shall continue in 475  
office until removed from office as provided by sections 733.35 to 476  
733.39 of the Revised Code. Section 737.23 of the Revised Code 477  
shall extend to the officer. 478

(B) The legislative authority of the village may provide for 479  
the appointment of permanent full-time paid firefighters as it 480  
considers best and fix their compensation, or for the services of 481  
volunteer firefighters, who shall be appointed by the mayor with 482  
the advice and consent of the legislative authority, and shall 483  
continue in office until removed from office. 484



(1) No person shall be appointed as a permanent full-time 485  
paid firefighter of a village fire department, unless either of 486  
the following applies: 487

(a) The person has received a certificate issued under former 488  
section 3303.07 of the Revised Code or division (C)(1) or (2) of 489  
section 4765.55 of the Revised Code evidencing satisfactory 490  
completion of a firefighter training program. 491

(b) The person began serving as a permanent full-time paid 492  
firefighter with the fire department of a city or other village 493  
prior to July 2, 1970, and receives a certificate issued under 494  
division (C)(3) of section 4765.55 of the Revised Code. 495

(2) No person who is appointed as a volunteer firefighter of 496  
a village fire department shall remain in that position, unless 497  
either of the following applies: 498

(a) Within one year of the appointment, the person has 499  
received a certificate issued under former section 3303.07 or 500  
section 4765.55 of the Revised Code evidencing satisfactory 501  
completion of a firefighter training program. 502

(b) The person has served as a permanent full-time paid 503  
firefighter with the fire department of a city or other village 504  
prior to July 2, 1970, or as a volunteer firefighter with the fire 505  
department of a city, township, fire district, or other village 506  
prior to July 2, 1979, and receives a certificate issued under 507  
division (C)(3) of section 4765.55 of the Revised Code. 508

(3) No person shall receive an appointment under this section 509  
unless the person has, not more than sixty days prior to receiving 510  
the appointment, passed a physical examination, given by a 511  
licensed physician, a physician assistant, a clinical nurse 512  
specialist, a certified nurse practitioner, or a certified 513  
nurse-midwife, showing that the person meets the physical 514  
requirements necessary to perform the duties of the position to 515

which the person is to be appointed as established by the 516  
legislative authority of the village. The appointing authority 517  
shall, prior to making an appointment, file with the Ohio police 518  
and fire pension fund or the local volunteer fire fighters' 519  
dependents fund board a copy of the report or findings of that 520  
licensed physician, physician assistant, clinical nurse 521  
specialist, certified nurse practitioner, or certified 522  
nurse-midwife. The professional fee for the physical examination 523  
shall be paid for by the legislative authority of the village. 524

**Sec. 911.11.** The director of agriculture may require any 525  
person intending to work or working in a bakery to submit to a 526  
thorough examination for the purpose of ascertaining whether the 527  
person is afflicted with any contagious, infectious, or other 528  
disease or physical ailment, which may render employment 529  
detrimental to the public health. All such examinations shall be 530  
made by a qualified physician certified under section 4731.14 of 531  
the Revised Code, by a physician assistant, by a clinical nurse 532  
specialist, by a certified nurse practitioner, or by a certified 533  
nurse-midwife. Any written documentation of the examination shall 534  
be completed by the individual who did the examination. 535

**Sec. 1561.26.** (A) As used in this section, "EMT-basic," 536  
"EMT-I," and "paramedic" have the same meanings as in section 537  
4765.01 of the Revised Code. 538

(B) The superintendent of rescue stations, with the approval 539  
of the chief of the division of mineral resources management, 540  
shall, at each rescue station provided for in section 1561.25 of 541  
the Revised Code, train and employ rescue crews of six members 542  
each, one of whom shall hold a mine foreperson or fire boss 543  
certificate and be designated captain, and train and employ any 544  
number of such rescue crews as the superintendent believes 545  
necessary. One member of a rescue crew shall be certified as an 546

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.

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.

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 physician assistant, 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 member from further duty. The fee charged  
by the ~~doctor~~ examiner for the examination shall be paid in the  
same manner as fees are paid to doctors employed by the industrial

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commission for special medical examinations. 579

The chief may remove any member of a rescue crew for any 580  
reason. Such crews shall be subject to the orders of the chief, 581  
the superintendent, and the deputy mine inspectors when engaged in 582  
actual mine rescue work. Mine rescue crews shall, in case of death 583  
or injury when engaged in rescue work, wherever the same may 584  
occur, be paid compensation, or their dependents shall be paid 585  
death benefits, from the workers' compensation fund, in the same 586  
manner as other employees of the state. 587

(C) In addition to the training of rescue crews, each 588  
assistant superintendent of rescue stations, with the approval of 589  
the superintendent, shall provide for and conduct safety, first 590  
aid, and rescue classes at any mine or for any group of miners who 591  
make application for the conducting of such classes. The chief may 592  
assess a fee for safety and first aid classes for the purpose of 593  
covering the costs associated with providing those classes. The 594  
chief shall establish a fee schedule for safety and first aid 595  
classes by rule adopted in accordance with Chapter 119. of the 596  
Revised Code. Fees collected under this section shall be deposited 597  
in the surface mining fund created in section 1514.06 of the 598  
Revised Code. 599

The superintendent shall prescribe and provide for a uniform 600  
schedule of conducting such safety and rescue classes as will 601  
provide a competent knowledge of modern safety and rescue methods 602  
in, at, and about mines. 603

**Sec. 2151.53.** Any person coming within sections 2151.01 to 604  
2151.54, ~~inclusive~~, of the Revised Code, may be subjected to a 605  
physical ~~and mental~~ examination by competent physicians, physician 606  
assistants, clinical nurse specialists, and certified nurse 607  
practitioners, and a mental examination by competent 608  
psychologists, ~~and~~ psychiatrists, and clinical nurse specialists 609

that practice the specialty of mental health or psychiatric mental 610  
health to be appointed by the juvenile court. Whenever any child 611  
is committed to any institution by virtue of such sections, a 612  
record of such examinations shall be sent with the commitment to 613  
such institution. The compensation of such physicians, physician 614  
assistants, clinical nurse specialists, certified nurse 615  
practitioners, psychologists, and psychiatrists and the expenses 616  
of such examinations shall be paid by the county treasurer upon 617  
specifically itemized vouchers, certified by the juvenile judge. 618

**Sec. 2743.62.** (A)(1) Subject to division (A)(2) of this 619  
section, there is no privilege, except the privileges arising from 620  
the attorney-client relationship, as to communications or records 621  
that are relevant to the physical, mental, or emotional condition 622  
of the claimant or victim in a proceeding under sections 2743.51 623  
to 2743.72 of the Revised Code in which that condition is an 624  
element. 625

(2)(a) Except as specified in division (A)(2)(b) of this 626  
section, any record or report that a judge of the court of claims, 627  
a court of claims panel of commissioners, or the attorney general 628  
has obtained prior to, or obtains on or after, June 30, 1998, 629  
under the provisions of sections 2743.51 to 2743.72 of the Revised 630  
Code and that is confidential or otherwise exempt from public 631  
disclosure under section 149.43 of the Revised Code while in the 632  
possession of the creator of the record or report shall remain 633  
confidential or exempt from public disclosure under section 149.43 634  
of the Revised Code while in the possession of the court of claims 635  
or the attorney general. 636

(b) Notwithstanding division (A)(2)(a) of this section, a 637  
judge of the court of claims, a panel of commissioners, a 638  
claimant, a claimant's attorney, or the attorney general may 639  
disclose or refer to records or reports described in that division 640  
in any hearing conducted under sections 2743.51 to 2743.72 of the 641

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

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

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

(D) The attorney general, a panel of commissioners, or a  
judge of the court of claims may require the claimant to  
supplement the application for an award of reparations with any

reasonably available medical or psychological reports relating to  
the injury for which the award of reparations is claimed.

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

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

Each reported victim shall be informed of available venereal

disease, pregnancy, medical, and psychiatric services.

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

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

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

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

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

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

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

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(D) Any physical examination of the individual to be adopted as part of or in contemplation of a petition to adopt may be

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conducted by any health professional authorized by the Revised Code to perform physical examinations, including a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife. Any written documentation of the physical examination shall be completed by the healthcare professional who conducted the examination.

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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, physician assistant, 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 physician assistant, 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 physician assistant, 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, physician assistant, 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 765  
or blood of the donor was the subject of laboratory studies that 766  
the physician involved in the non-spousal artificial insemination 767  
considers appropriate. The laboratory studies may include, but are 768  
not limited to, venereal disease research laboratories, 769  
karotyping, GC culture, cytomegalo, hepatitis, kem-zyme, 770  
Tay-Sachs, sickle-cell, ureaplasma, HLTV-III, and chlamydia. 771

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(c) The physician involved in the non-spousal artificial 773  
insemination determines that the results of the laboratory studies 774  
are acceptable results. 775

(3) Any written documentation of a physical examination 776  
conducted pursuant to division (B)(1)(b) of this section shall be 777  
completed by the individual who conducted the examination. 778

**Sec. 3319.13.** Upon the written request of a teacher or a 779  
regular nonteaching school employee, a board of education may 780  
grant a leave of absence for a period of not more than two 781  
consecutive school years for educational, professional, or other 782  
purposes, and shall grant such leave where illness or other 783  
disability is the reason for the request. Upon subsequent request, 784  
such leave may be renewed by the board. Without request, a board 785  
may grant similar leave of absence and renewals thereof to any 786  
teacher or regular nonteaching school employee because of physical 787  
or mental disability, but such teacher may have a hearing on such 788  
unrequested leave of absence or its renewals in accordance with 789  
section 3319.16 of the Revised Code, and such nonteaching school 790  
employee may have a hearing on such unrequested leave of absence 791  
or its renewals in accordance with division (C) of section 792  
3319.081 of the Revised Code. Upon the return to service of a 793  
teacher or a nonteaching school employee at the expiration of a 794  
leave of absence, the teacher or nonteaching school employee shall 795

resume the contract status that the teacher or nonteaching school 796  
employee held prior to the leave of absence. Any teacher who 797  
leaves a teaching position for service in the uniformed services 798  
and who returns from service in the uniformed services that is 799  
terminated in a manner other than as described in section 4304 of 800  
Title 38 of the United States Code, "Uniformed Services Employment 801  
and Reemployment Rights Act of 1994," 108 Stat. 3149, 38 U.S.C.A. 802  
4304, shall resume the contract status held prior to entering the 803  
uniformed services, subject to passing a physical examination by 804  
an individual authorized by the Revised Code to conduct physical 805  
examinations, including a physician assistant, a clinical nurse 806  
specialist, a certified nurse practitioner, or a certified 807  
nurse-midwife. Any written documentation of the physical 808  
examination shall be completed by the individual who conducted the 809  
examination. Such contract status shall be resumed at the first of 810  
the school semester or the beginning of the school year following 811  
return from the uniformed services. For purposes of this section 812  
and section 3319.14 of the Revised Code, "uniformed services" and 813  
"service in the uniformed services" have the same meanings as 814  
defined in section 5903.01 of the Revised Code. 815

Upon the return of a nonteaching school employee from a leave 816  
of absence, the board may terminate the employment of a person 817  
hired exclusively for the purpose of replacing the returning 818  
employee while the returning employee was on leave. If, after the 819  
return of a nonteaching employee from leave, the person employed 820  
exclusively for the purpose of replacing an employee while the 821  
employee was on leave is continued in employment as a regular 822  
nonteaching school employee or if the person is hired by the board 823  
as a regular nonteaching school employee within a year after 824  
employment as a replacement is terminated, the person shall, for 825  
purposes of section 3319.081 of the Revised Code, receive credit 826  
for the person's length of service with the school district during 827  
such replacement period in the following manner: 828

(A) If employed as a replacement for less than twelve months, 829  
the person shall be employed under a contract valid for a period 830  
equal to twelve months less the number of months employed as a 831  
replacement. At the end of such contract period, if the person is 832  
reemployed it shall be under a two-year contract. Subsequent 833  
reemployment shall be pursuant to division (B) of section 3319.081 834  
of the Revised Code. 835

(B) If employed as a replacement for twelve months or more 836  
but less than twenty-four months, the person shall be employed 837  
under a contract valid for a period equal to twenty-four months 838  
less the number of months employed as a replacement. Subsequent 839  
reemployment shall be pursuant to division (B) of section 3319.081 840  
of the Revised Code. 841

(C) If employed as a replacement for more than twenty-four 842  
months, the person shall be employed pursuant to division (B) of 843  
section 3319.081 of the Revised Code. 844

For purposes of this section, employment during any part of a 845  
month shall count as employment during the entire month. 846

**Sec. 3327.10.** (A) No person shall be employed as driver of a 847  
school bus or motor van, owned and operated by any school district 848  
or educational service center or privately owned and operated 849  
under contract with any school district or service center in this 850  
state, who has not received a certificate from the educational 851  
service center governing board in case such person is employed by 852  
a service center or by a local school district under the 853  
supervision of the service center governing board, or by the 854  
superintendent of schools, in case such person is employed by the 855  
board of a city or exempted village school district, certifying 856  
that such person is at least eighteen years of age and is of good 857  
moral character and is qualified physically and otherwise for such 858  
position. The service center governing board or the 859

superintendent, as the case may be, shall provide for an annual 860  
physical examination that conforms with rules adopted by the state 861  
board of education of each driver to ascertain the driver's 862  
physical fitness for such employment. Any certificate may be 863  
revoked by the authority granting the same on proof that the 864  
holder has been guilty of failing to comply with division (D)(1) 865  
of this section, or upon a conviction or a guilty plea for a 866  
violation, or any other action, that results in a loss or 867  
suspension of driving rights. Failure to comply with such division 868  
may be cause for disciplinary action or termination of employment 869  
under division (C) of section 3319.081, or section 124.34 of the 870  
Revised Code. 871

(B) No person shall be employed as driver of a school bus or 872  
motor van not subject to the rules of the department of education 873  
pursuant to division (A) of this section who has not received a 874  
certificate from the school administrator or contractor certifying 875  
that such person is at least eighteen years of age, is of good 876  
moral character, and is qualified physically and otherwise for 877  
such position. Each driver shall have an annual physical 878  
examination which conforms to the state highway patrol rules, 879  
ascertaining the driver's physical fitness for such employment. 880  
The examination shall be performed by one of the following: 881

(1) A person licensed under Chapter 4731. of the Revised Code 882  
or by another state to practice medicine and surgery or 883  
osteopathic medicine and surgery; 884

(2) ~~A registered nurse who holds a certificate of authority 885  
issued under Chapter 4723. of the Revised Code to practice as 886  
physician assistant, a certified nurse practitioner or, a clinical 887  
nurse specialist and is practicing pursuant to a standard care 888  
arrangement with a collaborating physician, or a certified 889  
nurse-midwife.~~ 890

Any written documentation of the physical examination shall 891

be completed by the individual who performed the examination. 892

Any certificate may be revoked by the authority granting the 893  
same on proof that the holder has been guilty of failing to comply 894  
with division (D)(2) of this section. 895

(C) Any person who drives a school bus or motor van must give 896  
satisfactory and sufficient bond except a driver who is an 897  
employee of a school district and who drives a bus or motor van 898  
owned by the school district. 899

(D) No person employed as driver of a school bus or motor van 900  
under this section who is convicted of a traffic violation or who 901  
has had the person's commercial driver's license suspended or 902  
revoked shall drive a school bus or motor van until such person 903  
has filed a written notice of such conviction, suspension, or 904  
revocation as follows: 905

(1) If the person is employed under division (A) of this 906  
section, such notice shall be filed with the superintendent, or a 907  
person designated by the superintendent, of the school district 908  
for which such person drives a school bus or motor van as an 909  
employee or drives a privately owned and operated school bus or 910  
motor van under contract. 911

(2) If employed under division (B) of this section, such 912  
notice shall be filed with the employing school administrator or 913  
contractor, or a person designated by the administrator or 914  
contractor. 915

(E) In addition to resulting in possible revocation of a 916  
certificate as authorized by divisions (A) and (B) of this 917  
section, violation of division (D) of this section is a minor 918  
misdemeanor. 919

**Sec. 3331.02.** (A) The superintendent of schools or the chief 920  
administrative officer, as appropriate pursuant to section 3331.01 921

of the Revised Code, shall not issue an age and schooling 922  
certificate until the superintendent or chief administrative 923  
officer has received, examined, approved, and filed the following 924  
papers duly executed: 925

(1) The written pledge or promise of the person, partnership, 926  
or corporation to legally employ the child, and for this purpose 927  
work performed by a minor, directly and exclusively for the 928  
benefit of such minor's parent, in the farm home or on the farm of 929  
such parent is legal employment, irrespective of any contract of 930  
employment, or the absence thereof, to permit the child to attend 931  
school as provided in section 3321.08 of the Revised Code, and 932  
give notice of the nonuse of an age and schooling certificate 933  
within five days from the date of the child's withdrawal or 934  
dismissal from the service of that person, partnership, or 935  
corporation, giving the reasons for such withdrawal or dismissal; 936  
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(2) The child's school record or notification. As used in 938  
this division, a "school record" means documents properly filled 939  
out and signed by the person in charge of the school which the 940  
child last attended, giving the recorded age of the child, the 941  
child's address, standing in studies, rating in conduct, and 942  
attendance in days during the school year of the child's last 943  
attendance; "notification" means the information submitted to the 944  
superintendent by the parent of a child excused from attendance at 945  
school pursuant to division (A)(2) of section 3321.04 of the 946  
Revised Code, as the notification is required by rules adopted by 947  
the department of education. 948

(3) Evidence of the age of the child as follows: 949

(a) A certified copy of an original birth record or a 950  
certification of birth, issued in accordance with Chapter 3705. of 951  
the Revised Code, or by an officer charged with the duty of 952  
recording births in another state or country, shall be conclusive 953

evidence of the age of the child;

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

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(c) In case none of the above proofs of age can be produced, other documentary evidence, except the affidavit of the parent, guardian, or custodian, satisfactory to the superintendent or chief administrative officer may be accepted in lieu thereof;

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(d) In case no documentary proof of age can be procured, the superintendent or chief administrative officer may receive and file an application signed by the parent, guardian, or custodian of the child that a ~~physician's~~ medical certificate be secured to establish the sufficiency of the age of the child, which application shall state the alleged age of the child, the place and date of birth, the child's present residence, and such further facts as may be of assistance in determining the age of the child, and shall certify that the person signing the application is unable to obtain any of the documentary proofs specified in divisions (A)(3)(a), (b), and (c) of this section; and if the superintendent or chief administrative officer is satisfied that a reasonable effort to procure such documentary proof has been without success such application shall be granted and the certificate of the school physician or if there be none, of a physician, a physician assistant, a clinical nurse specialist, or a certified nurse practitioner employed by the board of education, that said physician, physician assistant, clinical nurse specialist, or certified nurse practitioner is satisfied that the child is above the age required for an age and schooling

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certificate as stated in section 3331.01 of the Revised Code, 986  
shall be accepted as sufficient evidence of age; 987

(4) A certificate, including an athletic certificate of 988  
examination, from a physician licensed pursuant to Chapter 4731. 989  
of the Revised Code ~~or, a~~ physician assistant licensed pursuant to 990  
Chapter 4730. of the Revised Code, a physician assistant, a 991  
clinical nurse specialist, or a certified nurse practitioner, or 992  
from the district health commissioner, showing after a thorough 993  
examination that the child is physically fit to be employed in 994  
such occupations as are not prohibited by law for a boy or girl, 995  
as the case may be, under eighteen years of age; but a certificate 996  
with "limited" written, printed, marked, or stamped thereon may be 997  
furnished by such physician ~~or, physician assistant, clinical~~ 998  
nurse specialist, or certified nurse practitioner and accepted by 999  
the superintendent or chief administrative officer in issuing a 1000  
"limited" age and schooling certificate provided in section 1001  
3331.06 of the Revised Code, showing that the child is physically 1002  
fit to be employed in some particular occupation not prohibited by 1003  
law for a boy or girl of such child's age, as the case may be, 1004  
even if the child's complete physical ability to engage in such 1005  
occupation cannot be vouched for. 1006

(B)(1) Except as provided in division (B)(2) of this section, 1007  
a physical fitness certificate described in division (A)(4) of 1008  
this section is valid for purposes of that division while the 1009  
child remains employed in job duties of a similar nature as the 1010  
job duties for which the child last was issued an age and 1011  
schooling certificate. The superintendent or chief administrative 1012  
officer who issues an age and schooling certificate shall 1013  
determine whether job duties are similar for purposes of this 1014  
division. 1015

(2) A "limited" physical fitness certificate described in 1016  
division (A)(4) of this section is valid for one year. 1017

(C) The superintendent of schools or the chief administrative officer shall require a child who resides out of this state to file all the information required under division (A) of this section. The superintendent of schools or the chief administrative officer shall evaluate the information filed and determine whether to issue the age and schooling certificate using the same standards as those the superintendent or officer uses for in-state children.

**Sec. 3331.06.** The age and schooling certificate provided in sections 3331.01 to 3331.04 of the Revised Code, shall be issued only with the word "limited" printed, marked, or stamped thereon if the medical certificate of ~~the physician~~ provided in section 3331.02 or 3331.07 of the Revised Code, is a limited certificate, and in that case, the particular employment to which it is limited shall be stated in the certificate, and the certificate cannot serve as the legal age and schooling certificate for employment in another occupation.

**Sec. 3331.07.** When an age and schooling certificate is reissued, the pledge of the new employer shall be secured and filed. A physical fitness certificate from a physician ~~or~~ physician assistant, clinical nurse specialist, or certified nurse practitioner as described in division (A)(4) of section 3331.02 of the Revised Code shall also be secured and filed if the physical fitness certificate used in the issuing of the previously issued age and schooling certificate is no longer valid, as determined pursuant to division (B) of section 3331.02 of the Revised Code.

**Sec. 3773.41.** Any person who desires to participate in a public boxing match or exhibition as a referee, judge, matchmaker, timekeeper, or contestant, or as a manager, trainer, or second of a contestant, shall apply for a license from the Ohio athletic

commission. The application shall be on forms provided by the 1048  
commission. Each application shall be accompanied by the 1049  
application fee prescribed in section 3773.43 of the Revised Code. 1050  
The applicant shall verify the application under oath. 1051

The commission shall prescribe the form of the application 1052  
for a participant's license. The application shall include the 1053  
correct and ring or assumed name, if any, of the applicant, the 1054  
applicant's address, the applicant's date and place of birth, the 1055  
applicant's occupation, and a copy of the applicant's win and loss 1056  
record as a contestant, if applicable. 1057

An application for a contestant's license shall also include 1058  
a certified copy of the results of a physical examination of the 1059  
applicant that a licensed physician, physician assistant, clinical 1060  
nurse specialist, certified nurse practitioner, or certified 1061  
nurse-midwife conducted not more than sixty days prior to the 1062  
filing of the application. 1063

**Sec. 3773.42.** Upon the proper filing of an application for a 1064  
referee's, judge's, matchmaker's, timekeeper's, manager's, 1065  
trainer's, contestant's, or second's license and payment of the 1066  
applicable application fee, the Ohio athletic commission shall 1067  
issue the license to the applicant if it determines that the 1068  
applicant is of good moral character, is not likely to engage in 1069  
acts detrimental to the fair and honest conduct of public boxing 1070  
matches or exhibitions, and is qualified to hold such a license by 1071  
reason of the applicant's knowledge and experience. 1072

A person shall not be determined to possess the knowledge and 1073  
experience necessary to qualify that person to hold a referee's 1074  
license unless all of the following conditions are met: 1075

(A) The person has completed such referee training 1076  
requirements as the commission prescribes by rule; 1077

(B) The person possesses such experience requirements as the 1078

commission prescribes by rule; 1079

(C) The person has obtained a passing grade on an examination 1080  
administered by the commission and designed to test the examinee's 1081  
knowledge of the rules of the particular sport that the person 1082  
seeks to referee, the commission's rules applicable to the conduct 1083  
of matches and exhibitions in the particular sport that the person 1084  
seeks to referee, and such other aspects of officiating as the 1085  
commission determines appropriate to its determination as to 1086  
whether the applicant possesses the qualifications and 1087  
capabilities to act as a referee. 1088

The commission shall issue a referee's license to each person 1089  
who meets the requirements of divisions (A) to (C) of this 1090  
section. 1091

If upon the proper filing of an application for a 1092  
contestant's license the commission determines that the applicant 1093  
is of good moral character, is not likely to engage in acts 1094  
detrimental to the conduct of public boxing matches or 1095  
exhibitions, and possesses sufficient knowledge and experience 1096  
and, in the opinion of the licensed physician, physician 1097  
assistant, clinical nurse specialist, certified nurse 1098  
practitioner, or certified nurse-midwife who examined the 1099  
applicant pursuant to section 3773.41 of the Revised Code, is 1100  
physically fit to engage in public boxing matches or exhibitions, 1101  
the commission shall issue the license to the applicant. 1102

Each license issued pursuant to this section shall bear the 1103  
correct name and ring or assumed name, if any, of the licensee, 1104  
the address of the licensee, the date of issue, a serial number 1105  
designated by the commission, the seal of the commission, and the 1106  
signature of the commission chairperson. 1107

A license issued pursuant to this section shall expire twelve 1108  
months after its date of issue unless renewed. Upon application 1109

for renewal and payment of the renewal fee prescribed in section 1110  
3773.43 of the Revised Code, the commission shall renew the 1111  
license unless it denies the application for one or more reasons 1112  
stated in section 3123.47 or 3773.53 of the Revised Code. If the 1113  
application is for renewal of a contestant's license, the 1114  
commission shall also require the applicant to submit the results 1115  
of a physical examination that a licensed physician, physician 1116  
assistant, clinical nurse specialist, certified nurse 1117  
practitioner, or certified nurse-midwife conducted not more than 1118  
sixty days prior to the date of the application. 1119

**Sec. 3773.45.** (A) Each contestant in a public boxing match or 1120  
exhibition shall be examined not more than twenty-four hours 1121  
before entering the ring by a licensed physician, a physician 1122  
assistant, a clinical nurse specialist, a certified nurse 1123  
practitioner, or a certified nurse-midwife. Each contestant who 1124  
has had a previous match or exhibition on or after July 27, 1981, 1125  
and was knocked out at that match or exhibition shall present to 1126  
the ~~examining physician~~ examiner a record of the physical 1127  
examination performed at the conclusion of that match or 1128  
exhibition. If, after reviewing such record and performing a 1129  
physical examination of the contestant, the ~~physician~~ examiner 1130  
determines that the contestant is physically fit to compete, the 1131  
physician shall certify that fact on the contestant's physical 1132  
examination form. No physician, physician assistant, clinical 1133  
nurse specialist, certified nurse practitioner, or certified 1134  
nurse-midwife shall certify a contestant as physically fit to 1135  
compete if the physician, physician assistant, clinical nurse 1136  
specialist, certified nurse practitioner, or certified 1137  
nurse-midwife determines that the contestant was knocked out in a 1138  
contest that took place within the preceding thirty days. No 1139  
contestant shall compete in a public boxing match or exhibition 1140  
unless the contestant has been certified as physically fit in 1141

accordance with this section. 1142

Immediately after the end of a match or exhibition, the 1143  
~~physician~~ examiner shall examine each contestant who was knocked 1144  
out in the match or exhibition, and record the outcome of the 1145  
match or exhibition and any physical injuries sustained by the 1146  
contestant on the contestant's physical examination form. 1147

Within twenty-four hours after the match or exhibition, the 1148  
~~physician~~ examiner shall mail one copy of the examination report 1149  
to the Ohio athletic commission and one copy to the contestant. 1150  
The commission shall furnish blank copies of the examination 1151  
report to the ~~physician~~ examiner. The ~~physician~~ examiner shall 1152  
answer all questions on the form. The person conducting the match 1153  
or exhibition shall compensate the ~~physician~~ examiner. No person 1154  
shall conduct such a match or exhibition unless a ~~physician~~ an 1155  
examiner appointed by the commission is in attendance. 1156

(B) No holder of a promoter's license shall conduct a boxing 1157  
match or exhibition that exceeds twelve rounds. Each round shall 1158  
be not more than three minutes in length. A period of at least one 1159  
minute, during which no boxing or sparring takes place, shall 1160  
occur between rounds. 1161

No holder of a promoter's license or a permit issued under 1162  
section 3773.39 of the Revised Code shall allow a professional 1163  
boxer to participate in more than twelve rounds of boxing within a 1164  
period of seventy-two consecutive hours. For any match or 1165  
exhibition or for a class of contestants, the commission may limit 1166  
the number of rounds within the maximum of twelve rounds. 1167

(C) No person shall conduct a boxing match or exhibition 1168  
unless a licensed referee appointed by the commission and paid by 1169  
the person is present. The referee shall direct and control the 1170  
match or exhibition. Before each match or exhibition the referee 1171  
shall obtain from each contestant the name of the contestant's 1172  
chief second and shall hold the chief second responsible for the 1173

conduct of any assistant seconds during the match or exhibition. 1174  
The referee may declare a prize, remuneration, or purse or any 1175  
part thereof to which a contestant is otherwise entitled withheld 1176  
if, in the referee's judgment, the contestant is not competing or 1177  
did not compete honestly. A contestant may appeal the referee's 1178  
decision in a hearing before the commission conducted in 1179  
accordance with section 3773.52 of the Revised Code. 1180

(D) No person shall hold or conduct a boxing match or 1181  
exhibition unless three licensed judges appointed by the 1182  
commission and paid by the person are present. Each judge shall 1183  
render a decision at the end of each match or exhibition. The 1184  
judges shall determine the outcome of the match or exhibition, and 1185  
their decision shall be final. 1186

(E) Each contestant in a boxing match or exhibition shall 1187  
wear gloves weighing not less than six ounces during the boxing 1188  
match or exhibition. 1189

**Sec. 3919.29.** No corporation, company, or association 1190  
organized under section 3919.01 of the Revised Code shall issue a 1191  
certificate or policy to any person, until such person has first 1192  
been subjected to a thorough medical examination by a physician, a 1193  
physician assistant, a clinical nurse specialist, a certified 1194  
nurse practitioner, or a certified nurse-midwife and found to be a 1195  
good risk, nor shall it issue a certificate or policy to any 1196  
person above the age of sixty-five years or under the age of 1197  
fifteen years. Any written documentation of the physical 1198  
examination shall be completed by the individual who conducted the 1199  
examination. 1200

This section, in respect to the age and medical examination 1201  
of persons to whom certificates or policies may issue, does not 1202  
apply to such corporations, companies, or associations doing 1203  
purely accident business. 1204

Sec. 4506.10. (A) No person who holds a valid commercial 1205  
driver's license shall drive a commercial motor vehicle unless the 1206  
person is physically qualified to do so. Each person who drives or 1207  
expects to drive a commercial motor vehicle in interstate or 1208  
foreign commerce or is otherwise subject to 49 C.F.R. 391, et 1209  
seq., as amended, shall certify to the registrar of motor vehicles 1210  
at the time of application for a commercial driver's license that 1211  
the person is in compliance with these standards. Any person who 1212  
is not subject to 49 C.F.R. 391, et seq., as amended, also shall 1213  
certify at the time of application that the person is not subject 1214  
to these standards. 1215

(B) A person is qualified to drive a class B commercial motor 1216  
vehicle with a school bus endorsement, if the person has been 1217  
certified as medically qualified in accordance with rules adopted 1218  
by the department of education. 1219

(C)(1) Except as provided in division (C)(2) of this section, 1220  
any medical examination required by this section shall be 1221  
performed only by one of the following: 1222

(a) A person licensed under Chapter 4731. of the Revised Code 1223  
to practice medicine or surgery or osteopathic medicine and 1224  
surgery in this state, or licensed under any similar law of 1225  
another state; 1226

(b) ~~A person licensed as a physician assistant under Chapter~~ 1227  
~~4730. of the Revised Code who practices under the supervision and~~ 1228  
~~direction of a physician as required under that chapter and who is~~ 1229  
authorized by the supervising physician to perform such a medical 1230  
examination; 1231

(c) ~~A person who is a certified nurse practitioner or, a~~ 1232  
~~clinical nurse specialist licensed under Chapter 4723. of the~~ 1233  
~~Revised Code who is practicing in accordance with a standard care~~ 1234  
~~arrangement pursuant to section 4723.431 of the Revised Code, or a~~ 1235



certified nurse-widwife. 1236

(2) Any part of an examination required by this section that 1237  
pertains to visual acuity, field of vision, and the ability to 1238  
recognize colors may be performed by a person licensed under 1239  
Chapter 4725. of the Revised Code to practice optometry in this 1240  
state, or licensed under any similar law of another state. 1241

(3) Any written documentation of a physical examination 1242  
conducted pursuant to this section shall be completed by the 1243  
individual who performed the examination. 1244

(D) Whenever good cause appears, the registrar, upon issuing 1245  
a commercial driver's license under this chapter, may impose 1246  
restrictions suitable to the licensee's driving ability with 1247  
respect to the type of motor vehicle or special mechanical control 1248  
devices required on a motor vehicle that the licensee may operate, 1249  
or such other restrictions applicable to the licensee as the 1250  
registrar determines to be necessary. 1251

The registrar may either issue a special restricted license 1252  
or may set forth the restrictions upon the usual license form. 1253

The registrar, upon receiving satisfactory evidence of any 1254  
violation of the restrictions of the license, may suspend or 1255  
revoke it. 1256

The registrar, upon receiving satisfactory evidence that an 1257  
applicant or holder of a commercial driver's license has violated 1258  
division (A)(4) of section 4506.04 of the Revised Code and 1259  
knowingly given false information in any application or 1260  
certification required by section 4506.07 of the Revised Code, 1261  
shall cancel the commercial driver's license of the person or any 1262  
pending application from the person for a commercial driver's 1263  
license or class D driver's license for a period of at least sixty 1264  
days, during which time no application for a commercial driver's 1265  
license or class D driver's license shall be received from the 1266

person.

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**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. Upon The physical examination may be  
conducted by any individual authorized by the Revised Code to do  
so, including a physician assistant, a clinical nurse specialist,  
a certified nurse practitioner, or a certified nurse midwife. Any  
written documentation of the physical examination shall be  
completed by the individual who conducted the examination.

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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.

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

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

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(2) Obtaining or attempting to obtain money or anything of  
value by intentional misrepresentation or material deception in

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the course of practice;	1297
(3) Advertising services in a false or misleading manner or violating the board's rules governing time, place, and manner of advertising;	1298 1299 1300
(4) Conviction of a misdemeanor committed in the course of practice or of any felony;	1301 1302
(5) Engaging in lewd or immoral conduct in connection with the provision of dental services;	1303 1304
(6) Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes, or conviction of violating any law of this state or the federal government regulating the possession, distribution, or use of any drug;	1305 1306 1307 1308 1309
(7) Providing or allowing dental hygienists or other practitioners of auxiliary dental occupations working under the certificate or license holder's supervision, or a dentist holding a temporary limited continuing education license under division (C) of section 4715.16 of the Revised Code working under the certificate or license holder's direct supervision, to provide dental care that departs from or fails to conform to accepted standards for the profession, whether or not injury to a patient results;	1310 1311 1312 1313 1314 1315 1316 1317 1318
(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;	1319 1320 1321 1322
(9) Violation of any provision of this chapter or any rule adopted thereunder;	1323 1324
(10) Failure to use universal blood and body fluid precautions established by rules adopted under section 4715.03 of	1325 1326

the Revised Code; 1327

(11) Waiving the payment of all or any part of a deductible 1328  
or copayment that a patient, pursuant to a health insurance or 1329  
health care policy, contract, or plan that covers dental services, 1330  
would otherwise be required to pay if the waiver is used as an 1331  
enticement to a patient or group of patients to receive health 1332  
care services from that provider. 1333

(12) Advertising that the certificate or license holder will 1334  
waive the payment of all or any part of a deductible or copayment 1335  
that a patient, pursuant to a health insurance or health care 1336  
policy, contract, or plan that covers dental services, would 1337  
otherwise be required to pay. 1338

(B) A manager, proprietor, operator, or conductor of a dental 1339  
facility shall be subject to disciplinary action if any dentist, 1340  
dental hygienist, or qualified personnel providing services in the 1341  
facility is found to have committed a violation listed in division 1342  
(A) of this section and the manager, proprietor, operator, or 1343  
conductor knew of the violation and permitted it to occur on a 1344  
recurring basis. 1345

(C) Subject to Chapter 119. of the Revised Code, the board 1346  
may take one or more of the following disciplinary actions if one 1347  
or more of the grounds for discipline listed in divisions (A) and 1348  
(B) of this section exist: 1349

(1) Censure the license or certificate holder; 1350

(2) Place the license or certificate on probationary status 1351  
for such period of time the board determines necessary and require 1352  
the holder to: 1353

(a) Report regularly to the board upon the matters which are 1354  
the basis of probation; 1355

(b) Limit practice to those areas specified by the board; 1356

(c) Continue or renew professional education until a satisfactory degree of knowledge or clinical competency has been attained in specified areas.

(3) Suspend the certificate or license;

(4) Revoke the certificate or license.

Where the board places a holder of a license or certificate on probationary status pursuant to division (C)(2) of this section, the board may subsequently suspend or revoke the license or certificate if it determines that the holder has not met the requirements of the probation or continues to engage in activities that constitute grounds for discipline pursuant to division (A) or (B) of this section.

Any order suspending a license or certificate shall state the conditions under which the license or certificate will be restored, which may include a conditional restoration during which time the holder is in a probationary status pursuant to division (C)(2) of this section. The board shall restore the license or certificate unconditionally when such conditions are met.

(D) If the physical or mental condition of a license or certificate holder is at issue in a disciplinary proceeding, the board may order the license or certificate holder to submit to reasonable examinations by ~~a physician~~ an individual designated or approved by the board and at the board's expense. ~~Failure~~ The physical examination may be conducted by any individual authorized by the Revised Code to do so, including a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife. Any written documentation of the physical examination shall be completed by the individual who conducted the examination.

Failure to comply with an order for an examination shall be grounds for summary suspension of a license or certificate under

division (E) of this section. 1388

(E) If the board has reason to believe that the holder 1389  
represents a clear and immediate danger to the public health and 1390  
safety if the holder is allowed to continue to practice, or if the 1391  
holder has failed to comply with an order under division (D) of 1392  
this section, the board may apply to the court of common pleas of 1393  
the county in which the holder resides for an order temporarily 1394  
suspending the holder's license or certificate, without a prior 1395  
hearing being afforded by the board, until the board conducts an 1396  
adjudication hearing pursuant to Chapter 119. of the Revised Code. 1397  
If the court temporarily suspends a holder's license or 1398  
certificate, the board shall give written notice of the suspension 1399  
personally or by certified mail to the license or certificate 1400  
holder. Such notice shall include specific facts and reasons for 1401  
finding a clear and immediate danger to the public health and 1402  
safety and shall inform the license or certificate holder of the 1403  
right to a hearing pursuant to Chapter 119. of the Revised Code. 1404

(F) Any holder of a certificate or license issued under this 1405  
chapter who has pleaded guilty to, has been convicted of, or has 1406  
had a judicial finding of eligibility for intervention in lieu of 1407  
conviction entered against the holder in this state for aggravated 1408  
murder, murder, voluntary manslaughter, felonious assault, 1409  
kidnapping, rape, sexual battery, gross sexual imposition, 1410  
aggravated arson, aggravated robbery, or aggravated burglary, or 1411  
who has pleaded guilty to, has been convicted of, or has had a 1412  
judicial finding of eligibility for treatment or intervention in 1413  
lieu of conviction entered against the holder in another 1414  
jurisdiction for any substantially equivalent criminal offense, is 1415  
automatically suspended from practice under this chapter in this 1416  
state and any certificate or license issued to the holder under 1417  
this chapter is automatically suspended, as of the date of the 1418  
guilty plea, conviction, or judicial finding, whether the 1419

proceedings are brought in this state or another jurisdiction. 1420  
Continued practice by an individual after the suspension of the 1421  
individual's certificate or license under this division shall be 1422  
considered practicing without a certificate or license. The board 1423  
shall notify the suspended individual of the suspension of the 1424  
individual's certificate or license under this division by 1425  
certified mail or in person in accordance with section 119.07 of 1426  
the Revised Code. If an individual whose certificate or license is 1427  
suspended under this division fails to make a timely request for 1428  
an adjudicatory hearing, the board shall enter a final order 1429  
revoking the individual's certificate or license. 1430

(G) Notwithstanding divisions (A)(11) and (12) of this 1431  
section, sanctions shall not be imposed against any licensee who 1432  
waives deductibles and copayments: 1433

(1) In compliance with the health benefit plan that expressly 1434  
allows such a practice. Waiver of the deductibles or copays shall 1435  
be made only with the full knowledge and consent of the plan 1436  
purchaser, payer, and third-party administrator. Such consent 1437  
shall be made available to the board upon request. 1438

(2) For professional services rendered to any other person 1439  
licensed pursuant to this chapter to the extent allowed by this 1440  
chapter and the rules of the board. 1441

**Sec. 4933.122.** No natural gas, gas, or electric light company 1442  
shall terminate service, except for safety reasons or upon the 1443  
request of the customer, at any time to a residential consumer, 1444  
except pursuant to procedures that provide for all of the 1445  
following: 1446

(A) Reasonable prior notice is given to such consumer, 1447  
including notice of rights and remedies, and no due date shall be 1448  
established, after which a customer's account is considered to be 1449  
in arrears if unpaid, that is less than fourteen days after the 1450

mailing of the billing. This limitation does not apply to charges 1451  
to customers that receive service pursuant to an arrangement 1452  
authorized by section 4905.31 of the Revised Code, nor to electric 1453  
light companies operated not for profit or public utilities that 1454  
are owned or operated by a municipal corporation. 1455

(B) A reasonable opportunity is given to dispute the reasons 1456  
for such termination; 1457

(C) In circumstances in which termination of service to a 1458  
consumer would be especially dangerous to health, as determined by 1459  
the public utilities commission, or make the operation of 1460  
necessary medical or life-supporting equipment impossible or 1461  
impractical, and such consumer establishes that ~~he~~ the consumer is 1462  
unable to pay for such service in accordance with the requirements 1463  
of the utility's billing except under an extended payment plan. 1464

Such procedures shall take into account the need to include 1465  
reasonable provisions for elderly and handicapped consumers. 1466

The commission shall hold hearings and adopt rules to carry 1467  
out this section. 1468

To the extent that any rules adopted for the purpose of 1469  
division (C) of this section require a health care professional to 1470  
validate the health of a consumer or the necessity of operation of 1471  
a consumer's medical or life-supporting equipment, the rules shall 1472  
include as a health care professional a physician assistant, a 1473  
clinical nurse specialist, a certified nurse practitioner, or a 1474  
certified nurse-midwife. 1475

Sec. 5103.0327. Any physical examination required in the 1476  
determination of foster home placement may be conducted by any 1477  
individual authorized by the Revised Code to conduct physical 1478  
examinations, including a physician assistant, a clinical nurse 1479  
specialist, a certified nurse practitioner, or a certified 1480



nurse-midwife. Any written documentation of the physical 1481  
examination shall be completed by the individual who conducted the 1482  
examination. 1483

**Sec. 5104.011.** (A) The director of job and family services 1484  
shall adopt rules pursuant to Chapter 119. of the Revised Code 1485  
governing the operation of child day-care centers, including, but 1486  
not limited to, parent cooperative centers, part-time centers, 1487  
drop-in centers, and school child centers, which rules shall 1488  
reflect the various forms of child day-care and the needs of 1489  
children receiving child day-care or publicly funded child 1490  
day-care and, no later than January 1, 1992, shall include 1491  
specific rules for school child day-care centers that are 1492  
developed in consultation with the department of education. The 1493  
rules shall not require an existing school facility that is in 1494  
compliance with applicable building codes to undergo an additional 1495  
building code inspection or to have structural modifications. The 1496  
rules shall include the following: 1497

(1) Submission of a site plan and descriptive plan of 1498  
operation to demonstrate how the center proposes to meet the 1499  
requirements of this chapter and rules adopted pursuant to this 1500  
chapter for the initial license application; 1501

(2) Standards for ensuring that the physical surroundings of 1502  
the center are safe and sanitary including, but not limited to, 1503  
the physical environment, the physical plant, and the equipment of 1504  
the center; 1505

(3) Standards for the supervision, care, and discipline of 1506  
children receiving child day-care or publicly funded child 1507  
day-care in the center; 1508

(4) Standards for a program of activities, and for play 1509  
equipment, materials, and supplies, to enhance the development of 1510  
each child; however, any educational curricula, philosophies, and 1511

methodologies that are developmentally appropriate and that 1512  
enhance the social, emotional, intellectual, and physical 1513  
development of each child shall be permissible. As used in this 1514  
division, "program" does not include instruction in religious or 1515  
moral doctrines, beliefs, or values that is conducted at child 1516  
day-care centers owned and operated by churches and does include 1517  
methods of disciplining children at child day-care centers. 1518

(5) Admissions policies and procedures, health care policies 1519  
and procedures, including, but not limited to, procedures for the 1520  
isolation of children with communicable diseases, first aid and 1521  
emergency procedures, procedures for discipline and supervision of 1522  
children, standards for the provision of nutritious meals and 1523  
snacks, and procedures for screening children and employees, 1524  
including, but not limited to, any necessary physical examinations 1525  
and immunizations; 1526

(6) Methods for encouraging parental participation in the 1527  
center and methods for ensuring that the rights of children, 1528  
parents, and employees are protected and that responsibilities of 1529  
parents and employees are met; 1530

(7) Procedures for ensuring the safety and adequate 1531  
supervision of children traveling off the premises of the center 1532  
while under the care of a center employee; 1533

(8) Procedures for record keeping, organization, and 1534  
administration; 1535

(9) Procedures for issuing, renewing, denying, and revoking a 1536  
license that are not otherwise provided for in Chapter 119. of the 1537  
Revised Code; 1538

(10) Inspection procedures; 1539

(11) Procedures and standards for setting initial and renewal 1540  
license application fees; 1541

(12) Procedures for receiving, recording, and responding to complaints about centers;	1542 1543
(13) Procedures for enforcing section 5104.04 of the Revised Code;	1544 1545
(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;	1546 1547 1548 1549 1550 1551
(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.	1552 1553 1554 1555 1556 1557
(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;	1558 1559 1560 1561
(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;	1562 1563 1564 1565
(18) Any other procedures and standards necessary to carry out this chapter.	1566 1567
(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	1568 1569 1570 1571 1572

rules adopted by the board of building standards. The minimum of 1573  
thirty-five square feet of usable indoor floor space shall not 1574  
include hallways, kitchens, storage areas, or any other areas that 1575  
are not available for the care of children, as determined by the 1576  
director, in meeting the space requirement of this division, and 1577  
bathrooms shall be counted in determining square footage only if 1578  
they are used exclusively by children enrolled in the center, 1579  
except that the exclusion of hallways, kitchens, storage areas, 1580  
bathrooms not used exclusively by children enrolled in the center, 1581  
and any other areas not available for the care of children from 1582  
the minimum of thirty-five square feet of usable indoor floor 1583  
space shall not apply to: 1584

(a) Centers licensed prior to or on September 1, 1986, that 1585  
continue under licensure after that date; 1586

(b) Centers licensed prior to or on September 1, 1986, that 1587  
are issued a new license after that date solely due to a change of 1588  
ownership of the center. 1589

(2) The child day-care center shall have on the site a safe 1590  
outdoor play space which is enclosed by a fence or otherwise 1591  
protected from traffic or other hazards. The play space shall 1592  
contain not less than sixty square feet per child using such space 1593  
at any one time, and shall provide an opportunity for supervised 1594  
outdoor play each day in suitable weather. The director may exempt 1595  
a center from the requirement of this division, if an outdoor play 1596  
space is not available and if all of the following are met: 1597

(a) The center provides an indoor recreation area that has 1598  
not less than sixty square feet per child using the space at any 1599  
one time, that has a minimum of one thousand four hundred forty 1600  
square feet of space, and that is separate from the indoor space 1601  
required under division (B)(1) of this section. 1602  
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(b) The director has determined that there is regularly available and scheduled for use a conveniently accessible and safe park, playground, or similar outdoor play area for play or recreation.

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

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

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

	Maximum Number of		
	Children Per	Maximum	
Age Category	Child-Care	Group	
of Children	Staff Member	Size	
			1632
			1633
			1634
			1635

(a) Infants:			1636
(i) Less than twelve months old			1637
	5:1, or		1638
	12:2 if two		1639
	child-care		1640
	staff members		1641
	are in the room	12	1642
(ii) At least twelve months old, but less than eighteen months old			1643
			1644
			1645
	6:1	12	1646
(b) Toddlers:			1647
(i) At least eighteen months old, but less than thirty months old			1648
			1649
			1650
	7:1	14	1651
(ii) At least thirty months old, but less than three years old			1652
			1653
	8:1	16	1654
(c) Preschool children:			1655
			1656
(i) Three years old	12:1	24	1657
(ii) Four years old and five years old who are not school children			1658
			1659
			1660
	14:1	28	1661
(d) School children:			1662
(i) A child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above, but			1663
			1664
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			1667
			1668

is less than			1669
eleven years old	18:1	36	1670
(ii) Eleven through fourteen			1671
years old	20:1	40	1672

Except as otherwise provided in division (E) of this section, 1673  
the maximum number of children per child-care staff member and 1674  
maximum group size requirements of the younger age group shall 1675  
apply when age groups are combined. 1676

(4)(a) The child day-care center administrator shall show the 1677  
director both of the following: 1678

(i) Evidence of at least high school graduation or 1679  
certification of high school equivalency by the state board of 1680  
education or the appropriate agency of another state; 1681

(ii) Evidence of having completed at least two years of 1682  
training in an accredited college, university, or technical 1683  
college, including courses in child development or early childhood 1684  
education, or at least two years of experience in supervising and 1685  
giving daily care to children attending an organized group 1686  
program. 1687

(b) In addition to the requirements of division (B)(4)(a) of 1688  
this section, any administrator employed or designated on or after 1689  
September 1, 1986, shall show evidence of, and any administrator 1690  
employed or designated prior to September 1, 1986, shall show 1691  
evidence within six years after such date of, at least one of the 1692  
following: 1693

(i) Two years of experience working as a child-care staff 1694  
member in a center and at least four courses in child development 1695  
or early childhood education from an accredited college, 1696  
university, or technical college, except that a person who has two 1697  
years of experience working as a child-care staff member in a 1698  
particular center and who has been promoted to or designated as 1699

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 1731  
high school, and meets all other requirements of this chapter and 1732  
rules adopted pursuant to this chapter. 1733

(b) A child-care staff member shall be exempt from the 1734  
educational requirements of this division if the staff member: 1735

(i) Prior to January 1, 1972, was employed or designated by a 1736  
child day-care center and has been continuously employed since 1737  
either by the same child day-care center employer or at the same 1738  
child day-care center; or 1739

(ii) Is a student enrolled in the second year of a vocational 1740  
child-care training program approved by the state board of 1741  
education which leads to high school graduation, provided that the 1742  
student performs the student's duties in the child day-care center 1743  
under the continuous supervision of an experienced child-care 1744  
staff member, receives periodic supervision from the vocational 1745  
child-care training program teacher-coordinator in the student's 1746  
high school, and meets all other requirements of this chapter and 1747  
rules adopted pursuant to this chapter. 1748

(6) Every child day-care staff member of a child day-care 1749  
center annually shall complete fifteen hours of inservice training 1750  
in child development or early childhood education, child abuse 1751  
recognition and prevention, first aid, and in prevention, 1752  
recognition, and management of communicable diseases, until a 1753  
total of forty-five hours of training has been completed, unless 1754  
the staff member furnishes one of the following to the director: 1755

(a) Evidence of an associate or higher degree in child 1756  
development or early childhood education from an accredited 1757  
college, university, or technical college; 1758

(b) A license designated for teaching in an associate 1759  
teaching position in a preschool setting issued by the state board 1760  
of education; 1761

(c) Evidence of a child development associate credential; 1762

(d) Evidence of a preprimary credential from the American 1763  
Montessori society or the association Montessori international. 1764  
For the purposes of division (B)(6) of this section, "hour" means 1765  
sixty minutes. 1766

(7) The administrator of each child day-care center shall 1767  
prepare at least once annually and for each group of children at 1768  
the center a roster of names and telephone numbers of parents, 1769  
custodians, or guardians of each group of children attending the 1770  
center and upon request shall furnish the roster for each group to 1771  
the parents, custodians, or guardians of the children in that 1772  
group. The administrator may prepare a roster of names and 1773  
telephone numbers of all parents, custodians, or guardians of 1774  
children attending the center and upon request shall furnish the 1775  
roster to the parents, custodians, or guardians of the children 1776  
who attend the center. The administrator shall not include in any 1777  
roster the name or telephone number of any parent, custodian, or 1778  
guardian who requests the administrator not to include the 1779  
parent's, custodian's, or guardian's name or number and shall not 1780  
furnish any roster to any person other than a parent, custodian, 1781  
or guardian of a child who attends the center. 1782

(C)(1) Each child day-care center shall have on the center 1783  
premises and readily available at all times at least one 1784  
child-care staff member who has completed a course in first aid 1785  
and in prevention, recognition, and management of communicable 1786  
diseases which is approved by the state department of health and a 1787  
staff member who has completed a course in child abuse recognition 1788  
and prevention training which is approved by the department of job 1789  
and family services. 1790

(2) The administrator of each child day-care center shall 1791  
maintain enrollment, health, and attendance records for all 1792  
children attending the center and health and employment records 1793

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

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

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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 1858  
under division (B)(6) of this section; or the requirement for at 1859  
least annual preparation of a roster for each group of children of 1860  
names and telephone numbers of parents, custodians, or guardians 1861  
of each group of children attending the center that must be 1862  
furnished upon request to any parent, custodian, or guardian of 1863  
any child in that group required under division (B)(7) of this 1864  
section; however, the rules shall provide procedures for 1865  
determining compliance with those requirements. 1866

(E)(1) When age groups are combined, the maximum number of 1867  
children per child-care staff member shall be determined by the 1868  
age of the youngest child in the group, except that when no more 1869  
than one child thirty months of age or older receives services in 1870  
a group in which all the other children are in the next older age 1871  
group, the maximum number of children per child-care staff member 1872  
and maximum group size requirements of the older age group 1873  
established under division (B)(3) of this section shall apply. 1874

(2) The maximum number of toddlers or preschool children per 1875  
child-care staff member in a room where children are napping shall 1876  
be twice the maximum number of children per child-care staff 1877  
member established under division (B)(3) of this section if all 1878  
the following criteria are met: 1879

(a) At least one child-care staff member is present in the 1880  
room. 1881

(b) Sufficient child-care staff members are on the child 1882  
day-care center premises to meet the maximum number of children 1883  
per child-care staff member requirements established under 1884  
division (B)(3) of this section. 1885

(c) Naptime preparations are complete and all napping 1886  
children are resting or sleeping on cots. 1887

(d) The maximum number established under division (E)(2) of 1888

this section is in effect for no more than one and one-half hours 1889  
during a twenty-four-hour day. 1890

(F) The director of job and family services shall adopt rules 1891  
pursuant to Chapter 119. of the Revised Code governing the 1892  
operation of type A family day-care homes, including, but not 1893  
limited to, parent cooperative type A homes, part-time type A 1894  
homes, drop-in type A homes, and school child type A homes, which 1895  
shall reflect the various forms of child day-care and the needs of 1896  
children receiving child day-care. The rules shall include the 1897  
following: 1898

(1) Submission of a site plan and descriptive plan of 1899  
operation to demonstrate how the type A home proposes to meet the 1900  
requirements of this chapter and rules adopted pursuant to this 1901  
chapter for the initial license application; 1902

(2) Standards for ensuring that the physical surroundings of 1903  
the type A home are safe and sanitary, including, but not limited 1904  
to, the physical environment, the physical plant, and the 1905  
equipment of the type A home; 1906

(3) Standards for the supervision, care, and discipline of 1907  
children receiving child day-care or publicly funded child 1908  
day-care in the type A home; 1909

(4) Standards for a program of activities, and for play 1910  
equipment, materials, and supplies, to enhance the development of 1911  
each child; however, any educational curricula, philosophies, and 1912  
methodologies that are developmentally appropriate and that 1913  
enhance the social, emotional, intellectual, and physical 1914  
development of each child shall be permissible; 1915

(5) Admissions policies and procedures, health care policies 1916  
and procedures, including, but not limited to, procedures for the 1917  
isolation of children with communicable diseases, first aid and 1918  
emergency procedures, procedures for discipline and supervision of 1919

children, standards for the provision of nutritious meals and	1920
snacks, and procedures for screening children and employees,	1921
including, but not limited to, any necessary physical examinations	1922
and immunizations;	1923
(6) Methods for encouraging parental participation in the	1924
type A home and methods for ensuring that the rights of children,	1925
parents, and employees are protected and that the responsibilities	1926
of parents and employees are met;	1927
(7) Procedures for ensuring the safety and adequate	1928
supervision of children traveling off the premises of the type A	1929
home while under the care of a type A home employee;	1930
(8) Procedures for record keeping, organization, and	1931
administration;	1932
(9) Procedures for issuing, renewing, denying, and revoking a	1933
license that are not otherwise provided for in Chapter 119. of the	1934
Revised Code;	1935
(10) Inspection procedures;	1936
(11) Procedures and standards for setting initial and renewal	1937
license application fees;	1938
(12) Procedures for receiving, recording, and responding to	1939
complaints about type A homes;	1940
(13) Procedures for enforcing section 5104.04 of the Revised	1941
Code;	1942
(14) A standard requiring the inclusion, on or after July 1,	1943
1987, of a current department of job and family services toll-free	1944
telephone number on each type A home provisional license or	1945
license which any person may use to report a suspected violation	1946
by the type A home of this chapter or rules adopted pursuant this	1947
chapter;	1948
(15) Requirements for the training of administrators and	1949

child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	1950 1951 1952
(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;	1953 1954 1955 1956
(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;	1957 1958 1959 1960
(18) Standards for the maximum number of children per child-care staff member;	1961 1962
(19) Requirements for the amount of usable indoor floor space for each child;	1963 1964
(20) Requirements for safe outdoor play space;	1965
(21) Qualifications and training requirements for administrators and for child-care staff members;	1966 1967
(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;	1968 1969 1970
(23) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	1971 1972
(24) Any other procedures and standards necessary to carry out this chapter.	1973 1974
(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.	1975 1976 1977
(1) The rules shall include procedures, standards, and other	1978



necessary provisions for granting limited certification to type B family day-care homes that are operated by the following adult providers: 1979  
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(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; 1982  
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(b) Persons who provide child day-care for eligible children all of whom are the children of the same caretaker parent. 1987  
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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. 1989  
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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 2008  
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the caretaker parent may verify in writing to the county  
department of job and family services that minimum health and  
safety requirements are being met in the home. If such  
verification is provided, the county shall waive any inspection  
and any criminal records check required by this chapter and grant  
limited certification to the provider.

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

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

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

(c) 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;

(d) Admission policies and procedures, 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  
authorized providers, including, but not limited to, any necessary  
physical examinations and immunizations;

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

providers are protected and the responsibilities of parents and	2042
authorized providers are met;	2043
(f) Standards for the safe transport of children when under	2044
the care of authorized providers;	2045
(g) Procedures for issuing, renewing, denying, refusing to	2046
renew, or revoking certificates;	2047
(h) Procedures for the inspection of type B family day-care	2048
homes that require, at a minimum, that each type B family day-care	2049
home be inspected prior to certification to ensure that the home	2050
is safe and sanitary;	2051
(i) Procedures for record keeping and evaluation;	2052
(j) Procedures for receiving, recording, and responding to	2053
complaints;	2054
(k) Standards providing for the special needs of children who	2055
are handicapped or who receive treatment for health conditions	2056
while the child is receiving child day-care or publicly funded	2057
child day-care in the type B home;	2058
(l) Requirements for the amount of usable indoor floor space	2059
for each child;	2060
(m) Requirements for safe outdoor play space;	2061
(n) Qualification and training requirements for authorized	2062
providers;	2063
(o) Procedures for granting a parent who is the residential	2064
parent and legal custodian, or a custodian or guardian access to	2065
the type B home during its hours of operation;	2066
(p) Any other procedures and standards necessary to carry out	2067
this chapter.	2068
(H) The director shall adopt rules pursuant to Chapter 119.	2069
of the Revised Code governing the certification of in-home aides.	2070

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	2103
ensuring that the rights of children, parents, and in-home aides	2104
are protected and the responsibilities of parents and in-home	2105
aides are met;	2106
(6) Standards for the safe transport of children when under	2107
the care of in-home aides;	2108
(7) Procedures for issuing, renewing, denying, refusing to	2109
renew, or revoking certificates;	2110
(8) Procedures for inspection of homes of children receiving	2111
publicly funded child day-care in their own homes;	2112
(9) Procedures for record keeping and evaluation;	2113
(10) Procedures for receiving, recording, and responding to	2114
complaints;	2115
(11) Qualifications and training requirements for in-home	2116
aides;	2117
(12) Standards providing for the special needs of children	2118
who are handicapped or who receive treatment for health conditions	2119
while the child is receiving publicly funded child day-care in the	2120
child's own home;	2121
(13) Any other procedures and standards necessary to carry	2122
out this chapter.	2123
(I) <u>To the extent that any rules adopted for the purposes of</u>	2124
<u>this section require a health care professional to perform a</u>	2125
<u>physical examination, the rules shall include as a health care</u>	2126
<u>professional a physician assistant, a clinical nurse specialist, a</u>	2127
<u>certified nurse practitioner, or a certified nurse-midwife.</u>	2128
(J) The director of job and family services shall send copies	2129
of proposed rules to each licensee and each county director of job	2130
and family services and shall give public notice of hearings	2131
regarding the rules to each licensee and each county director of	2132

job and family services at least thirty days prior to the date of 2133  
the public hearing, in accordance with section 119.03 of the 2134  
Revised Code. Prior to the effective date of a rule, the director 2135  
of job and family services shall provide copies of the adopted 2136  
rule to each licensee and each county director of job and family 2137  
services. 2138

The county director of job and family services shall send 2139  
copies of proposed rules to each authorized provider and in-home 2140  
aide and shall give public notice of hearings regarding the rules 2141  
to each authorized provider and in-home aide at least thirty days 2142  
prior to the date of the public hearing, in accordance with 2143  
section 119.03 of the Revised Code. Prior to the effective date of 2144  
a rule, the county director of job and family services shall 2145  
provide copies of the adopted rule to each authorized provider and 2146  
in-home aide. 2147

Additional copies of proposed and adopted rules shall be made 2148  
available by the director of job and family services to the public 2149  
on request at no charge. 2150

~~(J)~~(K) The director of job and family services shall review 2151  
all rules adopted pursuant to this chapter at least once every 2152  
seven years. 2153

~~(K)~~(L) Notwithstanding any provision of the Revised Code, the 2154  
director of job and family services shall not regulate in any way 2155  
under this chapter or rules adopted pursuant to this chapter, 2156  
instruction in religious or moral doctrines, beliefs, or values. 2157

**Sec. 5503.08.** Each state highway patrol officer shall, in 2158  
addition to the sick leave benefits provided in section 124.38 of 2159  
the Revised Code, be entitled to occupational injury leave. 2160  
Occupational injury leave of one thousand five hundred hours with 2161  
pay may, with the approval of the superintendent of the state 2162  
highway patrol, be used for absence resulting from each 2163

independent injury incurred in the line of duty, except that 2164  
occupational injury leave is not available for injuries incurred 2165  
during those times when the patrol officer is actually engaged in 2166  
administrative or clerical duties at a patrol facility, when a 2167  
patrol officer is on a meal or rest period, or when the patrol 2168  
officer is engaged in any personal business. The superintendent of 2169  
the state highway patrol shall, by rule, define those 2170  
administrative and clerical duties and those situations where the 2171  
occurrence of an injury does not entitle the patrol officer to 2172  
occupational injury leave. Each injury incurred in the line of 2173  
duty which aggravates a previously existing injury, whether the 2174  
previously existing injury was so incurred or not, shall be 2175  
considered an independent injury. When its use is authorized under 2176  
this section, all occupational injury leave shall be exhausted 2177  
before any credit is deducted from unused sick leave accumulated 2178  
under section 124.38 of the Revised Code, except that, unless 2179  
otherwise provided by the superintendent of the state highway 2180  
patrol, occupational injury leave shall not be used for absence 2181  
occurring within seven calendar days of the injury. During that 2182  
seven calendar day period, unused sick leave may be used for such 2183  
an absence. 2184

When occupational injury leave is used, it shall be deducted 2185  
from the unused balance of the patrol officer's occupational 2186  
injury leave for that injury on the basis of one hour for every 2187  
one hour of absence from previously scheduled work. 2188

Before a patrol ~~office~~ officer may use occupational injury 2189  
leave, ~~he~~ the patrol officer shall: 2190

(A) Apply to the superintendent for permission to use 2191  
occupational injury leave on a form that requires the patrol 2192  
officer to explain the nature of ~~his~~ the patrol officer's 2193  
independent injury and the circumstances under which it occurred; 2194  
and 2195

(B) Submit to a medical examination ~~conducted by a physician~~ 2196  
~~selected by the superintendent.~~ The physician individual who 2197  
conducts the examination shall report to the superintendent the 2198  
results of the examination and whether or not the independent 2199  
injury prevents the patrol officer from attending work. 2200

The superintendent shall, by rule, provide for periodic 2201  
medical examinations, ~~by a physician he selects,~~ of patrol 2202  
officers who are using occupational injury leave. ~~A physician~~ The 2203  
individual selected to conduct the medical examinations shall 2204  
report to the superintendent the results of each such examination, 2205  
including a description of the progress made by the patrol officer 2206  
in recovering from the independent injury, and whether or not the 2207  
independent injury continues to prevent the patrol officer from 2208  
attending work. 2209

The superintendent shall appoint to conduct medical 2210  
examinations under this division individuals authorized by the 2211  
Revised Code to do so, including any physician assistant, clinical 2212  
nurse specialist, certified nurse practitioner, or certified 2213  
nurse-midwife. 2214

A patrol officer is not entitled to use or continue to use 2215  
occupational injury leave ~~if he refuses~~ after refusing to submit 2216  
to a medical examination or ~~if~~ the physician individual examining 2217  
~~him~~ the patrol officer reports that the independent injury does 2218  
not prevent ~~him~~ the patrol officer from attending work. 2219

A patrol officer who falsifies an application for permission 2220  
to use occupational injury leave or a ~~physician's~~ medical 2221  
examination report is subject to disciplinary action, including 2222  
dismissal. 2223

The superintendent shall, by rule, prescribe forms for the 2224  
application and ~~physician's~~ medical examination report. 2225

Occupational injury leave pay made according to this section 2226



is in lieu of such workers' compensation benefits as would have 2227  
been payable directly to a patrol officer pursuant to sections 2228  
4123.56 and 4123.58 of the Revised Code, but all other 2229  
compensation and benefits pursuant to Chapter 4123. of the Revised 2230  
Code are payable as in any other case. If at the close of the 2231  
period, the patrol officer remains disabled, ~~he~~ the patrol officer 2232  
is entitled to all compensation and benefits, without a waiting 2233  
period pursuant to section 4123.55 of the Revised Code based upon 2234  
the injury received, for which ~~he~~ the patrol officer qualifies 2235  
pursuant to Chapter 4123. of the Revised Code. Compensation shall 2236  
be paid from the date that the patrol officer ceases to receive 2237  
~~his~~ the patrol officer's regular rate of pay pursuant to this 2238  
section. 2239

Occupational injury leave shall not be credited to or, upon 2240  
use, deducted from, a patrol officer's sick leave. 2241

**Section 2.** That existing sections 124.32, 124.41, 124.42, 2242  
124.50, 503.45, 503.47, 505.38, 709.012, 737.15, 737.16, 737.22, 2243  
911.11, 1561.26, 2151.53, 2743.62, 2907.29, 3107.02, 3111.91, 2244  
3319.13, 3327.10, 3331.02, 3331.06, 3331.07, 3773.41, 3773.42, 2245  
3773.45, 3919.29, 4506.10, 4507.20, 4715.30, 4933.122, 5104.011, 2246  
and 5503.08 of the Revised Code are hereby repealed. 2247

**Section 3.** That the versions of sections 3327.10, 4506.10, 2248  
and 4507.20 that are scheduled to take effect January 1, 2004, be 2249  
amended to read as follows: 2250

**Sec. 3327.10.** (A) No person shall be employed as driver of a 2251  
school bus or motor van, owned and operated by any school district 2252  
or educational service center or privately owned and operated 2253  
under contract with any school district or service center in this 2254  
state, who has not received a certificate from the educational 2255  
service center governing board in case such person is employed by 2256

a service center or by a local school district under the 2257  
supervision of the service center governing board, or by the 2258  
superintendent of schools, in case such person is employed by the 2259  
board of a city or exempted village school district, certifying 2260  
that such person is at least eighteen years of age and is of good 2261  
moral character and is qualified physically and otherwise for such 2262  
position. The service center governing board or the 2263  
superintendent, as the case may be, shall provide for an annual 2264  
physical examination that conforms with rules adopted by the state 2265  
board of education of each driver to ascertain the driver's 2266  
physical fitness for such employment. Any certificate may be 2267  
revoked by the authority granting the same on proof that the 2268  
holder has been guilty of failing to comply with division (D)(1) 2269  
of this section, or upon a conviction or a guilty plea for a 2270  
violation, or any other action, that results in a loss or 2271  
suspension of driving rights. Failure to comply with such division 2272  
may be cause for disciplinary action or termination of employment 2273  
under division (C) of section 3319.081, or section 124.34 of the 2274  
Revised Code. 2275

(B) No person shall be employed as driver of a school bus or 2276  
motor van not subject to the rules of the department of education 2277  
pursuant to division (A) of this section who has not received a 2278  
certificate from the school administrator or contractor certifying 2279  
that such person is at least eighteen years of age, is of good 2280  
moral character, and is qualified physically and otherwise for 2281  
such position. Each driver shall have an annual physical 2282  
examination which conforms to the state highway patrol rules, 2283  
ascertaining the driver's physical fitness for such employment. 2284  
The examination shall be performed by one of the following: 2285

(1) A person licensed under Chapter 4731. of the Revised Code 2286  
or by another state to practice medicine and surgery or 2287  
osteopathic medicine and surgery; 2288

(2) A ~~registered nurse who holds a certificate of authority~~ 2289  
~~issued under Chapter 4723. of the Revised Code to practice as~~ 2290  
~~physician assistant,~~ a certified nurse practitioner ~~or, a~~ clinical 2291  
nurse specialist and is practicing pursuant to a standard care 2292  
arrangement with a collaborating physician, or a certified 2293  
nurse-midwife. 2294

Any written documentation of the physical examination shall 2295  
be completed by the individual who performed the examination. 2296

Any certificate may be revoked by the authority granting the 2297  
same on proof that the holder has been guilty of failing to comply 2298  
with division (D)(2) of this section. 2299

(C) Any person who drives a school bus or motor van must give 2300  
satisfactory and sufficient bond except a driver who is an 2301  
employee of a school district and who drives a bus or motor van 2302  
owned by the school district. 2303

(D) No person employed as driver of a school bus or motor van 2304  
under this section who is convicted of a traffic violation or who 2305  
has had the person's commercial driver's license suspended shall 2306  
drive a school bus or motor van until the person has filed a 2307  
written notice of the conviction or suspension, as follows: 2308

(1) If the person is employed under division (A) of this 2309  
section, the person shall file the notice with the superintendent, 2310  
or a person designated by the superintendent, of the school 2311  
district for which the person drives a school bus or motor van as 2312  
an employee or drives a privately owned and operated school bus or 2313  
motor van under contract. 2314

(2) If employed under division (B) of this section, the 2315  
person shall file the notice with the employing school 2316  
administrator or contractor, or a person designated by the 2317  
administrator or contractor. 2318

(E) In addition to resulting in possible revocation of a 2319

certificate as authorized by divisions (A) and (B) of this 2320  
section, violation of division (D) of this section is a minor 2321  
misdemeanor. 2322

**Sec. 4506.10.** (A) No person who holds a valid commercial 2323  
driver's license shall drive a commercial motor vehicle unless the 2324  
person is physically qualified to do so. Each person who drives or 2325  
expects to drive a commercial motor vehicle in interstate or 2326  
foreign commerce or is otherwise subject to 49 C.F.R. 391, et 2327  
seq., as amended, shall certify to the registrar of motor vehicles 2328  
at the time of application for a commercial driver's license that 2329  
the person is in compliance with these standards. Any person who 2330  
is not subject to 49 C.F.R. 391, et seq., as amended, also shall 2331  
certify at the time of application that the person is not subject 2332  
to these standards. 2333

(B) A person is qualified to drive a class B commercial motor 2334  
vehicle with a school bus endorsement, if the person has been 2335  
certified as medically qualified in accordance with rules adopted 2336  
by the department of education. 2337

(C)(1) Except as provided in division (C)(2) of this section, 2338  
any medical examination required by this section shall be 2339  
performed only by one of the following: 2340

(a) A person licensed under Chapter 4731. of the Revised Code 2341  
to practice medicine or surgery or osteopathic medicine and 2342  
surgery in this state, or licensed under any similar law of 2343  
another state; 2344

(b) ~~A person licensed as a physician assistant under Chapter~~ 2345  
~~4730. of the Revised Code who practices under the supervision and~~ 2346  
~~direction of a physician as required under that chapter and who is~~ 2347  
authorized by the supervising physician to perform such a medical 2348  
examination; 2349

(c) ~~A person who is a certified nurse practitioner or, a clinical nurse specialist licensed under Chapter 4723. of the Revised Code who is practicing in accordance with a standard care arrangement pursuant to section 4723.431 of the Revised Code, or a certified nurse-midwife.~~ 2350  
2351  
2352  
2353  
2354

(2) Any part of an examination required by this section that 2355  
pertains to visual acuity, field of vision, and the ability to 2356  
recognize colors may be performed by a person licensed under 2357  
Chapter 4725. of the Revised Code to practice optometry in this 2358  
state, or licensed under any similar law of another state. 2359

(3) Any written documentation of a physical examination 2360  
conducted pursuant to this section shall be completed by the 2361  
individual who performed the examination. 2362

(D) Whenever good cause appears, the registrar, upon issuing 2363  
a commercial driver's license under this chapter, may impose 2364  
restrictions suitable to the licensee's driving ability with 2365  
respect to the type of motor vehicle or special mechanical control 2366  
devices required on a motor vehicle that the licensee may operate, 2367  
or such other restrictions applicable to the licensee as the 2368  
registrar determines to be necessary. 2369

The registrar may either issue a special restricted license 2370  
or may set forth upon the usual license form the restrictions 2371  
imposed. 2372

The registrar, upon receiving satisfactory evidence of any 2373  
violation of the restrictions of the license, may impose a class D 2374  
license suspension of the license for the period of time specified 2375  
in division (B)(4) of section 4510.02 of the Revised Code. 2376

The registrar, upon receiving satisfactory evidence that an 2378  
applicant or holder of a commercial driver's license has violated 2379  
division (A)(4) of section 4506.04 of the Revised Code and 2380

knowingly given false information in any application or 2381  
certification required by section 4506.07 of the Revised Code, 2382  
shall cancel the commercial driver's license of the person or any 2383  
pending application from the person for a commercial driver's 2384  
license or class D driver's license for a period of at least sixty 2385  
days, during which time no application for a commercial driver's 2386  
license or class D driver's license shall be received from the 2387  
person. 2388

(E) Whoever violates this section is guilty of a misdemeanor 2389  
of the first degree. 2390

**Sec. 4507.20.** The registrar of motor vehicles, when the 2391  
registrar has good cause to believe that the holder of a driver's 2392  
or commercial driver's license is incompetent or otherwise not 2393  
qualified to be licensed, shall upon written notice of at least 2394  
thirty days sent to the licensee's last known address, require the 2395  
licensee to submit to a driver's license examination, a physical 2396  
examination, or both, or a commercial driver's license 2397  
examination. Upon The physical examination may be conducted by any 2398  
individual authorized by the Revised Code to do so, including a 2399  
physician assistant, a clinical nurse specialist, a certified 2400  
nurse practitioner, or a certified nurse-midwife. Any written 2401  
documentation of the physical examination shall be completed by 2402  
the individual who conducted the examination. 2403

Upon the conclusion of the examination, the registrar may 2404  
suspend the license of the person, may permit the licensee to 2405  
retain the license, or may issue the licensee a restricted 2406  
license. Refusal or neglect of the licensee to submit to the 2407  
examination is ground for suspension of the licensee's license. 2408

**Section 4.** That the existing versions of sections 3327.10, 2409  
4506.10, and 4507.20 that are scheduled to take effect January 1, 2410

2004, are hereby repealed. 2411

**Section 5.** Sections 3 and 4 of this act take effect January 2412  
1, 2004. 2413