

As Reported by the House Health and Family Services Committee

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

A B I L L

To amend sections 124.32, 124.41, 124.42, 124.50, 1
503.45, 503.47, 505.38, 709.012, 737.15, 737.16, 2
737.22, 911.11, 1561.26, 2151.53, 2743.62, 2907.29, 3
3107.02, 3111.91, 3319.13, 3327.10, 3331.02, 4
3331.06, 3331.07, 3773.41, 3773.42, 3773.45, 5
3919.29, 4506.10, 4507.20, 4715.30, 4933.122, 6
5104.011, and 5503.08 and to enact sections 1.64 7
and 5103.0327 of the Revised Code to provide that 8
certain medical physical examinations required by 9
statute may be performed by 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 45
direction of one or more physicians. 46

Sec. 124.32. (A) With the consent of the director of 47

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administrative services, a person holding an office or position in 48
the classified service may be transferred to a similar position in 49
another office, department, or institution having the same pay and 50
similar duties; but no transfer shall be made from an office or 51
position in one class to an office or position in another class, 52
nor shall a person be transferred to an office or position for 53
original entrance to which there is required by sections 124.01 to 54
124.64 of the Revised Code, or the rules adopted pursuant to such 55
sections, an examination involving essential tests or 56
qualifications or carrying a salary different from or higher than 57
those required for original entrance to an office or position held 58
by such person. 59

(B) Any person holding an office or position under the 60
classified service who has been separated from the service without 61
delinquency or misconduct on the person's part may, with the 62
consent of the director, be reinstated within one year from the 63
date of such separation to a vacancy in the same or similar office 64
or position in the same department; provided, if such separation 65
is due to injury or physical disability, such person shall be 66
reinstated to the same office or similar position held at the time 67
of separation, within thirty days after written application for 68
reinstatement and after passing a physical examination made by a 69
licensed physician ~~designated by the appointing authority, a~~ 70
physician assistant, a clinical nurse specialist, a certified 71
nurse practitioner, or a certified nurse-midwife showing that the 72
person has recovered from such disability, provided further that 73
such application for reinstatement be filed within three years 74
from the date of separation, and further provided that such 75
application shall not be filed after the date of service 76
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
the purposes of training persons to become police officers. The
board of trustees of a civil service township may establish by
resolution such a cadet program. A person participating in a
municipal or township police cadet program shall not be permitted
to carry or use any firearm in the performance of the person's
duties, except that the person may be taught the proper use of
firearms as part of the person's training.

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

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Notwithstanding this section, a municipal council may enact
an ordinance providing that a person between the age of eighteen
and thirty-six may receive an original appointment to the fire
department, or the board of trustees of a civil service township

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may do so by resolution. Nothing in this section shall prevent a
municipal corporation or civil service township from establishing
a fire cadet program and employing persons as fire cadets at age
eighteen for the purpose of training persons to become
firefighters. The board of trustees of a civil service township
may establish by resolution such a cadet program. A person
participating in a municipal or township fire cadet program shall
not be permitted to carry or use any firearm in the performance of
the person's duties.

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

board and shall complete any written documentation of the physical examination. 177
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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. 265

In case of the removal of a fire chief or any member of the 266
fire department of a township or fire district, an appeal may be 267
had from the decision of the board to the court of common pleas of 268

the county in which the township or fire district fire department 269
is situated to determine the sufficiency of the cause of removal. 270
The appeal from the findings of the board shall be taken within 271
ten days. 272

No person who is appointed as a volunteer firefighter of the 273
fire department of any township or fire district shall remain in 274
that position unless either of the following applies: 275

(1) Within one year of the appointment, the person has 276
received a certificate issued under former section 3303.07 of the 277
Revised Code or division (C)(1) or (2) of section 4765.55 of the 278
Revised Code evidencing satisfactory completion of a firefighter 279
training program. 280

(2) The person began serving as a permanent full-time paid 281
firefighter with the fire department of a city or village prior to 282
July 2, 1970, or as a volunteer firefighter with the fire 283
department of a city, village, or other township or fire district 284
prior to July 2, 1979, and receives a certificate issued under 285
division (C)(3) of section 4765.55 of the Revised Code. 286

No person shall receive an appointment under this section, in 287
the case of a volunteer firefighter, unless the person has, not 288
more than sixty days prior to receiving the appointment, passed a 289
physical examination, given by a licensed physician, a physician 290
assistant, a clinical nurse specialist, a certified nurse 291
practitioner, or a certified nurse-midwife, showing that the 292
person meets the physical requirements necessary to perform the 293
duties of the position to which the person is appointed as 294
established by the board of township trustees having jurisdiction 295
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 328
township trustees of the township may appoint the fire chief, and 329
any person so appointed shall be in the unclassified service under 330
section 124.11 of the Revised Code and shall serve at the pleasure 331
of the board. Neither this section nor any other section of the 332

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

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(A) Were full-time paid active members of the township or

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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 391
employment has been made and is being held under this section, the 392
municipal corporation shall not fill any vacancy in its fire 393
department by original appointment. If there are individuals who 394
are entitled to reinstatement in the municipal fire department and 395

the vacancies therein are insufficient to permit both such 396
reinstatements and employment of all those applying for employment 397
under division (A) of this section, the persons having the 398
greatest length of service, whether with the municipal or township 399
fire department, shall be entitled to fill the vacancies as they 400
occur. 401

A person employed under this section, upon acceptance into 402
the municipal fire department, shall be given the rank of 403
"firefighter" and entitled to full seniority credit for prior 404
service in the township or joint township fire district. The 405
person shall be entitled to the same salary, future benefits, 406
vacations, earned time, sick leave, and other rights and 407
privileges as the municipal fire department extends to other 408
employees with the same amount of prior service. The person may 409
take promotional examinations only after completion of one year of 410
service with the municipal fire department and after meeting any 411
applicable civil service requirements for such examination. 412

Compliance with this section is in lieu of compliance with 413
section 124.42 of the Revised Code or any other requirements for 414
original appointment to a municipal fire district. 415

Sec. 737.15. Each village shall have a marshal, designated 416
chief of police, appointed by the mayor with the advice and 417
consent of the legislative authority of the village, who need not 418
be a resident of the village at the time of appointment but shall 419
become a resident thereof within six months after appointment by 420
the mayor and confirmation by the legislative authority unless 421
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
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 village
marshal as established by the legislative authority of the
village. The appointing authority shall, prior to making any such
appointment, file with the Ohio police and fire pension fund a
copy of the report or findings of said licensed physician,
physician assistant, clinical nurse specialist, certified nurse
practitioner, or certified nurse-midwife. The professional fee for
such physical examination shall be paid for by such legislative
authority.

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

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No person shall receive an appointment under this section
after January 1, 1970, unless the person has, not more than sixty
days prior to receiving such 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 to be appointed as established by
the legislative authority of the village. The appointing authority
shall, prior to making any such appointment, file with the Ohio
police and fire pension fund a copy of the report or findings of
said licensed physician, physician assistant, clinical nurse
specialist, certified nurse practitioner, or certified

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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 547
devote the time specified by the chief each month for training 548
purposes and shall be available at all times to assist in rescue 549
work at explosions, mine fires, and other emergencies. 550

A captain of mine rescue crews shall receive for service as 551

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

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Each member of a mine rescue crew shall undergo an annual medical examination ~~by a doctor designated by the~~. The chief may designate to perform an examination any individual authorized by the Revised Code to do so, including a 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 commission for special medical examinations.

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The chief may remove any member of a rescue crew for any reason. Such crews shall be subject to the orders of the chief, the superintendent, and the deputy mine inspectors when engaged in actual mine rescue work. Mine rescue crews shall, in case of death

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or injury when engaged in rescue work, wherever the same may
occur, be paid compensation, or their dependents shall be paid
death benefits, from the workers' compensation fund, in the same
manner as other employees of the state.

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

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

Sec. 2151.53. Any person coming within sections 2151.01 to
2151.54, ~~inclusive,~~ of the Revised Code, may be subjected to a
physical ~~and mental~~ examination by competent physicians, physician
assistants, clinical nurse specialists, and certified nurse
practitioners, and a mental examination by competent
psychologists, and psychiatrists, and clinical nurse specialists
that practice the specialty of mental health or psychiatric mental
health to be appointed by the juvenile court. Whenever any child
is committed to any institution by virtue of such sections, a
record of such examinations shall be sent with the commitment to
such institution. The compensation of such physicians, physician

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', 642
claimant's, or attorney general's written pleadings, findings, 643
recommendations, and decisions. 644

(B) If the mental, physical, or emotional condition of a 645

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.

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(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.

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(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.

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(E) The attorney general, a panel of commissioners, or a
judge of the court of claims, in a claim arising out of a

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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.

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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.

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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

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parent, parents, or guardian of the minor is not required for an 709
examination under this section. However, the hospital shall give 710
written notice to the parent, parents, or guardian of a minor that 711
an examination under this section has taken place. The parent, 712
parents, or guardian of a minor giving consent under this section 713
are not liable for payment for any services provided under this 714
section without their consent. 715

Sec. 3107.02. (A) Any minor may be adopted. 716

(B) An adult may be adopted under any of the following 717
conditions: 718

(1) If the adult is totally and permanently disabled; 719

(2) If the adult is determined to be a mentally retarded 720
person as defined in section 5123.01 of the Revised Code; 721

(3) If the adult had established a child-foster caregiver or 722
child-stepparent relationship with the petitioners as a minor, and 723
the adult consents to the adoption. 724

(C) When proceedings to adopt a minor are initiated by the 725
filing of a petition, and the eighteenth birthday of the minor 726
occurs prior to the decision of the court, the court shall require 727
the person who is to be adopted to submit a written statement of 728
consent or objection to the adoption. If an objection is 729
submitted, the petition shall be dismissed, and if a consent is 730
submitted, the court shall proceed with the case, and may issue an 731
interlocutory order or final decree of adoption. 732

(D) Any physical examination of the individual to be adopted 733
as part of or in contemplation of a petition to adopt may be 734
conducted by any health professional authorized by the Revised 735
Code to perform physical examinations, including a physician 736
assistant, a clinical nurse specialist, a certified nurse 737
practitioner, or a certified nurse-midwife. Any written 738

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
or blood of the donor was the subject of laboratory studies that
the physician involved in the non-spousal artificial insemination
considers appropriate. The laboratory studies may include, but are

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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

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Title 38 of the United States Code, "Uniformed Services Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 38 U.S.C.A. 4304, shall resume the contract status held prior to entering the uniformed services, subject to passing a physical examination by an individual authorized by the Revised Code to conduct 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 individual who conducted the examination. Such contract status shall be resumed at the first of the school semester or the beginning of the school year following return from the uniformed services. For purposes of this section and section 3319.14 of the Revised Code, "uniformed services" and "service in the uniformed services" have the same meanings as defined in section 5903.01 of the Revised Code.

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

(A) If employed as a replacement for less than twelve months, the person shall be employed under a contract valid for a period equal to twelve months less the number of months employed as a replacement. At the end of such contract period, if the person is

reemployed it shall be under a two-year contract. Subsequent
reemployment shall be pursuant to division (B) of section 3319.081
of the Revised Code.

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

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

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

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Sec. 3327.10. (A) No person shall be employed as driver of a
school bus or motor van, owned and operated by any school district
or educational service center or privately owned and operated
under contract with any school district or service center in this
state, who has not received a certificate from the educational
service center governing board in case such person is employed by
a service center or by a local school district under the
supervision of the service center governing board, or by the
superintendent of schools, in case such person is employed by the
board of a city or exempted village school district, certifying
that such person is at least eighteen years of age and is of good
moral character and is qualified physically and otherwise for such
position. The service center governing board or the
superintendent, as the case may be, shall provide for an annual
physical examination that conforms with rules adopted by the state
board of education of each driver to ascertain the driver's
physical fitness for such employment. Any certificate may be

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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, or corporation to legally employ the child, and for this purpose work performed by a minor, directly and exclusively for the benefit of such minor's parent, in the farm home or on the farm of such parent is legal employment, irrespective of any contract of employment, or the absence thereof, to permit the child to attend school as provided in section 3321.08 of the Revised Code, and give notice of the nonuse of an age and schooling certificate within five days from the date of the child's withdrawal or dismissal from the service of that person, partnership, or corporation, giving the reasons for such withdrawal or dismissal;

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(2) The child's school record or notification. As used in this division, a "school record" means documents properly filled out and signed by the person in charge of the school which the child last attended, giving the recorded age of the child, the child's address, standing in studies, rating in conduct, and attendance in days during the school year of the child's last attendance; "notification" means the information submitted to the superintendent by the parent of a child excused from attendance at school pursuant to division (A)(2) of section 3321.04 of the Revised Code, as the notification is required by rules adopted by the department of education.

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

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

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passports at a port of entry of the United States; or an attested 958
transcript of the certificate of birth or baptism or other 959
religious record, showing the date and place of birth of the 960
child, shall be conclusive evidence of the age of the child; 961

(c) In case none of the above proofs of age can be produced, 962
other documentary evidence, except the affidavit of the parent, 963
guardian, or custodian, satisfactory to the superintendent or 964
chief administrative officer may be accepted in lieu thereof; 965

(d) In case no documentary proof of age can be procured, the 966
superintendent or chief administrative officer may receive and 967
file an application signed by the parent, guardian, or custodian 968
of the child that a ~~physician's~~ medical certificate be secured to 969
establish the sufficiency of the age of the child, which 970
application shall state the alleged age of the child, the place 971
and date of birth, the child's present residence, and such further 972
facts as may be of assistance in determining the age of the child, 973
and shall certify that the person signing the application is 974
unable to obtain any of the documentary proofs specified in 975
divisions (A)(3)(a), (b), and (c) of this section; and if the 976
superintendent or chief administrative officer is satisfied that a 977
reasonable effort to procure such documentary proof has been 978
without success such application shall be granted and the 979
certificate of the school physician or if there be none, of a 980
physician, a physician assistant, a clinical nurse specialist, or 981
a certified nurse practitioner employed by the board of education, 982
that said physician, physician assistant, clinical nurse 983
specialist, or certified nurse practitioner is satisfied that the 984
child is above the age required for an age and schooling 985
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

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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 1018
officer shall require a child who resides out of this state to 1019
file all the information required under division (A) of this 1020
section. The superintendent of schools or the chief administrative 1021

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
commission. Each application shall be accompanied by the
application fee prescribed in section 3773.43 of the Revised Code.
The applicant shall verify the application under oath.

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

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application is for renewal of a contestant's license, the
 commission shall also require the applicant to submit the results
 of a physical examination that a licensed physician, physician
 assistant, clinical nurse specialist, certified nurse
 practitioner, or certified nurse-midwife conducted not more than
 sixty days prior to the date of the application.

Sec. 3773.45. (A) Each contestant in a public boxing match or
 exhibition shall be examined not more than twenty-four hours
 before entering the ring by a licensed physician, a physician
 assistant, a clinical nurse specialist, a certified nurse
 practitioner, or a certified nurse-midwife. Each contestant who
 has had a previous match or exhibition on or after July 27, 1981,
 and was knocked out at that match or exhibition shall present to
 the ~~examining physician~~ examiner a record of the physical
 examination performed at the conclusion of that match or
 exhibition. If, after reviewing such record and performing a
 physical examination of the contestant, the ~~physician~~ examiner
 determines that the contestant is physically fit to compete, the
 physician shall certify that fact on the contestant's physical
 examination form. No physician, physician assistant, clinical
 nurse specialist, certified nurse practitioner, or certified
 nurse-midwife shall certify a contestant as physically fit to
 compete if the physician, physician assistant, clinical nurse
 specialist, certified nurse practitioner, or certified
 nurse-midwife determines that the contestant was knocked out in a
 contest that took place within the preceding thirty days. No
 contestant shall compete in a public boxing match or exhibition
 unless the contestant has been certified as physically fit in
 accordance with this section.

Immediately after the end of a match or exhibition, the
~~physician~~ examiner shall examine each contestant who was knocked
 out in the match or exhibition, and record the outcome of the

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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~~
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. 1267

Sec. 4507.20. The registrar of motor vehicles, upon 1268

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determination that any person has more than seven points charged 1269
against ~~him~~ the person under section 4507.021 of the Revised Code, 1270
and is not subject to the provisions of section 4507.022 of the 1271
Revised Code, or, having good cause to believe that the holder of 1272
a driver's or commercial driver's license is incompetent or 1273
otherwise not qualified to be licensed, shall upon written notice 1274
of at least five days sent to the licensee's last known address, 1275
require ~~him~~ the licensee to submit to a driver's license 1276
examination or a physical examination, or both, or a commercial 1277
driver's license examination. ~~Upon~~ The physical examination may be 1278
conducted by any individual authorized by the Revised Code to do 1279
so, including a physician assistant, a clinical nurse specialist, 1280
a certified nurse practitioner, or a certified nurse midwife. Any 1281
written documentation of the physical examination shall be 1282
completed by the individual who conducted the examination. 1283

Upon the conclusion of the examination the registrar may 1284
suspend or revoke the license of the person, or may permit ~~him~~ the 1285
licensee to retain the license, or may issue ~~him~~ the licensee a 1286
restricted license. Refusal or neglect of the licensee to submit 1287
to the examination is ground for suspension or revocation of ~~his~~ 1288
the licensee's license. 1289

Sec. 4715.30. (A) The holder of a certificate or license 1290
issued under this chapter is subject to disciplinary action by the 1291
state dental board for any of the following reasons: 1292

(1) Employing or cooperating in fraud or material deception 1293
in applying for or obtaining a license or certificate; 1294

(2) Obtaining or attempting to obtain money or anything of 1295
value by intentional misrepresentation or material deception in 1296
the course of practice; 1297

(3) Advertising services in a false or misleading manner or 1298
violating the board's rules governing time, place, and manner of 1299

advertising;	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 the Revised Code;	1325 1326 1327
(11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or	1328 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 1357
satisfactory degree of knowledge or clinical competency has been 1358
attained in specified areas. 1359

(3) Suspend the certificate or license; 1360

(4) Revoke the certificate or license. 1361

Where the board places a holder of a license or certificate 1362
on probationary status pursuant to division (C)(2) of this 1363
section, the board may subsequently suspend or revoke the license 1364
or certificate if it determines that the holder has not met the 1365
requirements of the probation or continues to engage in activities 1366
that constitute grounds for discipline pursuant to division (A) or 1367
(B) of this section. 1368

Any order suspending a license or certificate shall state the 1369
conditions under which the license or certificate will be 1370
restored, which may include a conditional restoration during which 1371
time the holder is in a probationary status pursuant to division 1372
(C)(2) of this section. The board shall restore the license or 1373
certificate unconditionally when such conditions are met. 1374

(D) If the physical or mental condition of a license or 1375
certificate holder is at issue in a disciplinary proceeding, the 1376
board may order the license or certificate holder to submit to 1377
reasonable examinations by ~~a physician~~ an individual designated or 1378
approved by the board and at the board's expense. ~~Failure~~ The 1379
physical examination may be conducted by any individual authorized 1380
by the Revised Code to do so, including a physician assistant, a 1381
clinical nurse specialist, a certified nurse practitioner, or a 1382
certified nurse-midwife. Any written documentation of the physical 1383
examination shall be completed by the individual who conducted the 1384
examination. 1385

Failure to comply with an order for an examination shall be 1386
grounds for summary suspension of a license or certificate under 1387
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

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safety if the holder is allowed to continue to practice, or if the holder has failed to comply with an order under division (D) of this section, the board may apply to the court of common pleas of the county in which the holder resides for an order temporarily suspending the holder's license or certificate, without a prior hearing being afforded by the board, until the board conducts an adjudication hearing pursuant to Chapter 119. of the Revised Code. If the court temporarily suspends a holder's license or certificate, the board shall give written notice of the suspension personally or by certified mail to the license or certificate holder. Such notice shall include specific facts and reasons for finding a clear and immediate danger to the public health and safety and shall inform the license or certificate holder of the right to a hearing pursuant to Chapter 119. of the Revised Code.

(F) Any holder of a certificate or license issued under this chapter who has pleaded guilty to, has been convicted of, or has had a judicial finding of eligibility for intervention in lieu of conviction entered against the holder in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or who has pleaded guilty to, has been convicted of, or has had a judicial finding of eligibility for treatment or intervention in lieu of conviction entered against the holder in another jurisdiction for any substantially equivalent criminal offense, is automatically suspended from practice under this chapter in this state and any certificate or license issued to the holder under this chapter is automatically suspended, as of the date of the guilty plea, conviction, or judicial finding, whether the proceedings are brought in this state or another jurisdiction. Continued practice by an individual after the suspension of the individual's certificate or license under this division shall be

considered practicing without a certificate or license. The board
shall notify the suspended individual of the suspension of the
individual's certificate or license under this division by
certified mail or in person in accordance with section 119.07 of
the Revised Code. If an individual whose certificate or license is
suspended under this division fails to make a timely request for
an adjudicatory hearing, the board shall enter a final order
revoking the individual's certificate or license.

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

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

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

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

(A) Reasonable prior notice is given to such consumer,
including notice of rights and remedies, and no due date shall be
established, after which a customer's account is considered to be
in arrears if unpaid, that is less than fourteen days after the
mailing of the billing. This limitation does not apply to charges
to customers that receive service pursuant to an arrangement
authorized by section 4905.31 of the Revised Code, nor to electric

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 1542
complaints about centers; 1543

(13) Procedures for enforcing section 5104.04 of the Revised 1544

Code;	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 rules adopted by the board of building standards. The minimum of thirty-five square feet of usable indoor floor space shall not include hallways, kitchens, storage areas, or any other areas that	1568 1569 1570 1571 1572 1573 1574 1575

are not available for the care of children, as determined by the
director, in meeting the space requirement of this division, and
bathrooms shall be counted in determining square footage only if
they are used exclusively by children enrolled in the center,
except that the exclusion of hallways, kitchens, storage areas,
bathrooms not used exclusively by children enrolled in the center,
and any other areas not available for the care of children from
the minimum of thirty-five square feet of usable indoor floor
space shall not apply to:

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

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

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

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

(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. 1607

(c) The children are closely supervised during play and while 1608
traveling to and from the area. 1609

The director also shall exempt from the requirement of this 1610
division a child day-care center that was licensed prior to 1611
September 1, 1986, if the center received approval from the 1612
director prior to September 1, 1986, to use a park, playground, or 1613
similar area, not connected with the center, for play or 1614
recreation in lieu of the outdoor space requirements of this 1615
section and if the children are closely supervised both during 1616
play and while traveling to and from the area and except if the 1617
director determines upon investigation and inspection pursuant to 1618
section 5104.04 of the Revised Code and rules adopted pursuant to 1619
that section that the park, playground, or similar area, as well 1620
as access to and from the area, is unsafe for the children. 1621

(3) The child day-care center shall have at least two 1622
responsible adults available on the premises at all times when 1623
seven or more children are in the center. The center shall 1624
organize the children in the center in small groups, shall provide 1625
child-care staff to give continuity of care and supervision to the 1626
children on a day-by-day basis, and shall ensure that no child is 1627
left alone or unsupervised. Except as otherwise provided in 1628
division (E) of this section, the maximum number of children per 1629
child-care staff member and maximum group size, by age category of 1630
children, are as follows: 1631

	Maximum Number of		
	Children Per	Maximum	
Age Category	Child-Care	Group	
of Children	Staff Member	Size	
(a) Infants:			1636
(i) Less than twelve			1637
months old	5:1, or		1638

As Reported by the House Health and Family Services Committee

	12:2 if two		1639
	child-care		1640
	staff members		1641
	are in the room	12	1642
(ii) At least twelve			1643
months old, but			1644
less than eighteen			1645
months old	6:1	12	1646
(b) Toddlers:			1647
(i) At least eighteen			1648
months old, but			1649
less than thirty			1650
months old	7:1	14	1651
(ii) At least thirty months			1652
old, but less than			1653
three years old	8:1	16	1654
(c) Preschool			1655
children:			1656
(i) Three years old	12:1	24	1657
(ii) Four years old and			1658
five years old who			1659
are not school			1660
children	14:1	28	1661
(d) School children:			1662
(i) A child who is			1663
enrolled in or is			1664
eligible to be			1665
enrolled in a grade			1666
of kindergarten			1667
or above, but			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 1700
person was promoted to or designated as administrator to complete 1701
the required four courses; 1702

(ii) Two years of training, including at least four courses 1703
in child development or early childhood education from an 1704
accredited college, university, or technical college; 1705

(iii) A child development associate credential issued by the 1706
national child development associate credentialing commission; 1707

(iv) An associate or higher degree in child development or 1708
early childhood education from an accredited college, technical 1709
college, or university, or a license designated for teaching in an 1710
associate teaching position in a preschool setting issued by the 1711
state board of education. 1712

(5) All child-care staff members of a child day-care center 1713
shall be at least eighteen years of age, and shall furnish the 1714
director evidence of at least high school graduation or 1715
certification of high school equivalency by the state board of 1716
education or the appropriate agency of another state or evidence 1717
of completion of a training program approved by the department of 1718
job and family services or state board of education, except as 1719
follows: 1720

(a) A child-care staff member may be less than eighteen years 1721
of age if the staff member is either of the following: 1722

(i) A graduate of a two-year vocational child-care training 1723
program approved by the state board of education; 1724

(ii) A student enrolled in the second year of a vocational 1725
child-care training program approved by the state board of 1726
education which leads to high school graduation, provided that the 1727
student performs the student's duties in the child day-care center 1728
under the continuous supervision of an experienced child-care 1729
staff member, receives periodic supervision from the vocational 1730
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 educational requirements of this division if the staff member:	1734 1735
(i) Prior to January 1, 1972, was employed or designated by a child day-care center and has been continuously employed since either by the same child day-care center employer or at the same child day-care center; or	1736 1737 1738 1739
(ii) Is 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 high school, and meets all other requirements of this chapter and rules adopted pursuant to this chapter.	1740 1741 1742 1743 1744 1745 1746 1747 1748
(6) Every child day-care staff member of a child day-care center annually shall complete fifteen hours of inservice training in child development or early childhood education, child abuse recognition and prevention, first aid, and in prevention, recognition, and management of communicable diseases, until a total of forty-five hours of training has been completed, unless the staff member furnishes one of the following to the director:	1749 1750 1751 1752 1753 1754 1755
(a) Evidence of an associate or higher degree in child development or early childhood education from an accredited college, university, or technical college;	1756 1757 1758
(b) A license designated for teaching in an associate teaching position in a preschool setting issued by the state board of education;	1759 1760 1761
(c) Evidence of a child development associate credential;	1762
(d) Evidence of a preprimary credential from the American Montessori society or the association Montessori international.	1763 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, 1794
except as otherwise provided in division (B)(7) of this section 1795
and except that they shall be disclosed by the administrator to 1796

the director upon request for the purpose of administering and 1797
enforcing this chapter and rules adopted pursuant to this chapter. 1798
Neither the center nor the licensee, administrator, or employees 1799
of the center shall be civilly or criminally liable in damages or 1800
otherwise for records disclosed to the director by the 1801
administrator pursuant to this division. It shall be a defense to 1802
any civil or criminal charge based upon records disclosed by the 1803
administrator to the director that the records were disclosed 1804
pursuant to this division. 1805

(3)(a) Any parent who is the residential parent and legal 1806
custodian of a child enrolled in a child day-care center and any 1807
custodian or guardian of such a child shall be permitted unlimited 1808
access to the center during its hours of operation for the 1809
purposes of contacting their children, evaluating the care 1810
provided by the center, evaluating the premises of the center, or 1811
for other purposes approved by the director. A parent of a child 1812
enrolled in a child day-care center who is not the child's 1813
residential parent shall be permitted unlimited access to the 1814
center during its hours of operation for those purposes under the 1815
same terms and conditions under which the residential parent of 1816
that child is permitted access to the center for those purposes. 1817
However, the access of the parent who is not the residential 1818
parent is subject to any agreement between the parents and, to the 1819
extent described in division (C)(3)(b) of this section, is subject 1820
to any terms and conditions limiting the right of access of the 1821
parent who is not the residential parent, as described in division 1822
(I) of section 3109.051 of the Revised Code, that are contained in 1823
a parenting time order or decree issued under that section, 1824
section 3109.12 of the Revised Code, or any other provision of the 1825
Revised Code. 1826

(b) If a parent who is the residential parent of a child has 1827
presented the administrator or the administrator's designee with a 1828

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.

(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.

(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
this section; the number of inservice training hours required
under division (B)(6) of this section; or the requirement for at
least annual preparation of a roster for each group of children of

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 type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	1924 1925 1926 1927
(7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	1928 1929 1930
(8) Procedures for record keeping, organization, and administration;	1931 1932
(9) Procedures for issuing, renewing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	1933 1934 1935
(10) Inspection procedures;	1936
(11) Procedures and standards for setting initial and renewal license application fees;	1937 1938
(12) Procedures for receiving, recording, and responding to complaints about type A homes;	1939 1940
(13) Procedures for enforcing section 5104.04 of the Revised Code;	1941 1942
(14) A standard requiring the inclusion, on or after July 1, 1987, of a current department of job and family services toll-free telephone number on each type A home provisional license or license which any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant this chapter;	1943 1944 1945 1946 1947 1948
(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;	1949 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 necessary provisions for granting limited certification to type B family day-care homes that are operated by the following adult providers:	1978 1979 1980 1981

(a) Persons who provide child day-care for eligible children 1982
who are great-grandchildren, grandchildren, nieces, nephews, or 1983
siblings of the provider or for eligible children whose caretaker 1984
parent is a grandchild, child, niece, nephew, or sibling of the 1985
provider; 1986

(b) Persons who provide child day-care for eligible children 1987
all of whom are the children of the same caretaker parent. 1988

The rules shall require, and shall include procedures for the 1989
director to ensure, that type B family day-care homes that receive 1990
a limited certification provide child day-care to children in a 1991
safe and sanitary manner. With regard to providers who apply for 1992
limited certification, a provider shall be granted a provisional 1993
limited certification on signing a declaration under oath 1994
attesting that the provider meets the standards for limited 1995
certification. Such provisional limited certifications shall 1996
remain in effect for no more than sixty calendar days and shall 1997
entitle the provider to offer publicly funded child day-care 1998
during the provisional period. Except as otherwise provided in 1999
division (G)(1) of this section, prior to the expiration of the 2000
provisional limited certificate, a county department of job and 2001
family services shall inspect the home and shall grant limited 2002
certification to the provider if the provider meets the 2003
requirements of this division. Limited certificates remain valid 2004
for two years unless earlier revoked. Except as otherwise provided 2005
in division (G)(1) of this section, providers operating under 2006
limited certification shall be inspected annually. 2007

If a provider is a person described in division (G)(1)(a) of 2008
this section or a person described in division (G)(1)(b) of this 2009
section who is a friend of the caretaker parent, the provider and 2010
the caretaker parent may verify in writing to the county 2011
department of job and family services that minimum health and 2012
safety requirements are being met in the home. If such 2013

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
authorized providers are met;

(f) Standards for the safe transport of children when under

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

great-grandchildren, grandchildren, nieces, nephews, or siblings 2074
of the in-home aide or for eligible children whose caretaker 2075
parent is a grandchild, child, niece, nephew, or sibling of the 2076
in-home aide. The rules shall require, and shall include 2077
procedures for the director to ensure, that in-home aides that 2078
receive a limited certification provide child day-care to children 2079
in a safe and sanitary manner. The rules shall provide for 2080
safeguarding the health, safety, and welfare of children receiving 2081
publicly funded child day-care in their own home and shall include 2082
the following: 2083

(1) Standards for ensuring that the child's home and the 2084
physical surroundings of the child's home are safe and sanitary, 2085
including, but not limited to, physical environment, physical 2086
plant, and equipment; 2087

(2) Standards for the supervision, care, and discipline of 2088
children receiving publicly funded child day-care in their own 2089
home; 2090

(3) Standards for a program of activities, and for play 2091
equipment, materials, and supplies to enhance the development of 2092
each child; however, any educational curricula, philosophies, and 2093
methodologies that are developmentally appropriate and that 2094
enhance the social, emotional, intellectual, and physical 2095
development of each child shall be permissible; 2096

(4) Health care, first aid, and emergency procedures, 2097
procedures for the care of sick children, procedures for 2098
discipline and supervision of children, nutritional standards, and 2099
procedures for screening children and in-home aides, including, 2100
but not limited to, any necessary physical examinations and 2101
immunizations; 2102

(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

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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

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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

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

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

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

~~(2) A registered nurse who holds a certificate of authority issued under Chapter 4723. of the Revised Code to practice as~~

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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.

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

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

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

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

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

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~~(c) A person who is a certified nurse practitioner or a clinical nurse specialist licensed under Chapter 4723. of the~~

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~~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.~~

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

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

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

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

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

The registrar, upon receiving satisfactory evidence that an applicant or holder of a commercial driver's license has violated division (A)(4) of section 4506.04 of the Revised Code and knowingly given false information in any application or certification required by section 4506.07 of the Revised Code,

shall cancel the commercial driver's license of the person or any
pending application from the person for a commercial driver's
license or class D driver's license for a period of at least sixty
days, during which time no application for a commercial driver's
license or class D driver's license shall be received from the
person.

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

Sec. 4507.20. The registrar of motor vehicles, when the
registrar has 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
thirty days sent to the licensee's last known address, require the
licensee to submit to a driver's license examination, 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.

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

Section 4. That the existing versions of sections 3327.10,
4506.10, and 4507.20 that are scheduled to take effect January 1,
2004, are hereby repealed.

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