

**As Reported by the Senate Health, Human Services and Aging  
Committee**

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

**Am. S. B. No. 245**

**SENATORS Wachtmann, Prentiss, Fingerhut, Jacobson, Hagan**

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**A B I L L**

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

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

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

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

(A) "Certified nurse-midwife" means a registered nurse who holds a valid certificate of authority issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a certified nurse-midwife in accordance with section 4723.43 of the Revised Code and rules adopted by the board of nursing. 21  
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(B) "Certified nurse practitioner" means a registered nurse who holds a valid certificate of authority issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a certified nurse practitioner in accordance with section 4723.43 of the Revised Code and rules adopted by the board of nursing. 26  
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(C) "Clinical nurse specialist" means a registered nurse who holds a valid certificate of authority issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a clinical nurse specialist in accordance with section 4723.43 of the Revised Code and rules adopted by the board of nursing. 32  
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**Sec. 124.32.** (A) With the consent of the director of administrative services, a person holding an office or position in the classified service may be transferred to a similar position in another office, department, or institution having the same pay and similar duties; but no transfer shall be made from an office or position in one class to an office or position in another class, nor shall a person be transferred to an office or position for original entrance to which there is required by sections 124.01 to 124.64 of the Revised Code, or the rules adopted pursuant to such sections, an examination involving essential tests or qualifications or carrying a salary different from or higher than those required for original entrance to an office or position held by such person. 38  
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(B) Any person holding an office or position under the 51

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classified service who has been separated from the service without  
delinquency or misconduct on the person's part may, with the  
consent of the director, be reinstated within one year from the  
date of such separation to a vacancy in the same or similar office  
or position in the same department; provided, if such separation  
is due to injury or physical disability, such person shall be  
reinstated to the same office or similar position held at the time  
of separation, within thirty days after written application for  
reinstatement and after passing a physical examination made by a  
licensed physician ~~designated by the appointing authority, a~~  
clinical nurse specialist, a certified nurse practitioner, or a  
certified nurse-midwife showing that the person has recovered from  
such disability, provided further that such application for  
reinstatement be filed within three years from the date of  
separation, and further provided that such application shall not  
be filed after the date of service eligibility retirement. The  
physician, clinical nurse specialist, certified nurse  
practitioner, or certified nurse-midwife shall be designated by  
the appointing authority.

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

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file with the Ohio police and fire pension fund a copy of the 84  
report or findings of the licensed physician, clinical nurse 85  
specialist, certified nurse practitioner, or certified 86  
nurse-midwife. The professional fee for such physical examination 87  
shall be paid by the civil service commission. Except as otherwise 88  
provided in this section, no person is eligible to receive an 89  
original appointment when the person is thirty-five years of age 90  
or older, and no person can be declared disqualified as over age 91  
prior to that time. The maximum age limitation established by this 92  
section does not apply to a city in which an ordinance establishes 93  
a different maximum age limitation for an original appointment to 94  
the police department or to a civil service township in which a 95  
resolution adopted by the board of trustees of the township 96  
establishes a different maximum age limitation for an original 97  
appointment to the police department. 98

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

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

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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, 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.

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 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,

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upon filing with the chief of the fire department or the chief of 148  
the police department, a written application for reinstatement, to 149  
the office or position ~~he~~ held at the time of such separation, 150  
after passing a physical examination showing that ~~he~~ the person 151  
has recovered from the injury or other physical disability. The 152  
physical examination shall be made by a licensed physician 153  
~~designated by the firemen's pension board or the policemen's~~ 154  
~~pension board, a clinical nurse specialist, a certified nurse~~ 155  
~~practitioner, or a certified nurse-midwife~~ within two weeks after 156  
application for reinstatement has been made, provided such 157  
application for reinstatement is filed within five years from the 158  
date of separation from the department, and further provided that 159  
such application shall not be filed after the date of service 160  
eligibility retirement. The physician, clinical nurse specialist, 161  
certified nurse practitioner, or certified nurse-midwife shall be 162  
designated by the firefighters' pension board or the police 163  
officers' pension board. 164

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

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position the person may have held at the time of his resignation. 181

**Sec. 503.45.** If a board of township trustees has adopted a 182  
resolution under section 503.41 of the Revised Code, the 183  
application for a license as a ~~masseur or masseuse~~ massager shall 184  
be made to the board and shall include the following: 185

(A) An initial, nonrefundable filing fee of one hundred 186  
dollars and an annual nonrefundable renewal fee of fifty dollars; 187

(B) The results of a physical examination performed by a 188  
licensed physician, a clinical nurse specialist, a certified nurse 189  
practitioner, or a certified nurse-midwife within thirty days of 190  
the application certifying that the applicant is free from 191  
communicable diseases; 192

(C) The full name, date of birth, address, and social 193  
security number of the applicant; 194

(D) The results of an investigation by appropriate police 195  
agencies into the criminal record of the applicant, including a 196  
photograph taken no later than thirty days prior to the 197  
application, fingerprints, and background investigation; 198

(E) Any other information determined by the board to be 199  
necessary. 200

A license issued under this section to a ~~masseur or masseuse~~ 201  
massager shall expire one year after the date of issuance, except 202  
that no ~~masseur or masseuse~~ massager shall be required to 203  
discontinue performing massages because of the failure of the 204  
board to act on a renewal application filed in a timely manner and 205  
pending before the board on the expiration date of the person's 206  
license. Each license shall contain the full name of the 207  
applicant, a color photograph and a brief description of the 208  
person, and the expiration date of the license. 209

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

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

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

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

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

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

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

The board shall provide for the employment of firefighters as it considers best and shall fix their compensation. No person shall be appointed as a permanent full-time paid member, whose



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

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

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

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

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

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

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

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

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

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those persons are eligible for promotion only by compliance with 337  
Chapter 124. of the Revised Code. 338

**Sec. 709.012.** When a municipal corporation annexes township 339  
territory which results in a reduction of the firefighting force 340  
of the township or joint township fire district, the reduction 341  
shall be made by dismissal of firefighters in the inverse order of 342  
seniority, with the employee with least time of service being 343  
dismissed first. The annexing municipal corporation shall offer 344  
employment in the inverse order of dismissal by the township to 345  
such firefighters if a vacancy exists in the municipal fire 346  
department and if they: 347

(A) Were full-time paid active members of the township or 348  
joint township firefighting force for at least six months prior to 349  
dismissal and have made application to the municipal corporation 350  
within sixty days after the effective date of dismissal; 351

(B) Have passed a physical examination as prescribed by the 352  
physician of the annexing municipal corporation and meet the 353  
requirements necessary to perform firefighting duties; 354

(C) Meet minimum standards of the municipal corporation with 355  
respect to moral character, literacy, and ability to understand 356  
oral and written instructions as determined by an interview 357  
conducted by the fire department of the municipal corporation. The 358  
applicant shall be at least twenty-one years of age on the date of 359  
application. 360

(D) Are able to qualify for membership in the Ohio police and 361  
fire pension fund. 362

A physical examination required by division (B) of this 363  
section may be conducted by any individual authorized by the 364  
Revised Code to conduct physical examinations, including a 365  
clinical nurse specialist, a certified nurse practitioner, or a 366

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certified nurse-midwife.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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nurse specialists, and certified nurse practitioners, and a mental 585  
examination by competent psychologists, and psychiatrists, and 586  
clinical nurse specialists that practice the specialty of mental 587  
health or psychiatric mental health to be appointed by the 588  
juvenile court. Whenever any child is committed to any institution 589  
by virtue of such sections, a record of such examinations shall be 590  
sent with the commitment to such institution. The compensation of 591  
such physicians, clinical nurse specialists, certified nurse 592  
practitioners, psychologists, and psychiatrists and the expenses 593  
of such examinations shall be paid by the county treasurer upon 594  
specifically itemized vouchers, certified by the juvenile judge. 595  
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**Sec. 2743.62.** (A)(1) Subject to division (A)(2) of this 597  
section, there is no privilege, except the privileges arising from 598  
the attorney-client relationship, as to communications or records 599  
that are relevant to the physical, mental, or emotional condition 600  
of the claimant or victim in a proceeding under sections 2743.51 601  
to 2743.72 of the Revised Code in which that condition is an 602  
element. 603

(2)(a) Except as specified in division (A)(2)(b) of this 604  
section, any record or report that a judge of the court of claims, 605  
a court of claims panel of commissioners, or the attorney general 606  
has obtained prior to, or obtains on or after, June 30, 1998, 607  
under the provisions of sections 2743.51 to 2743.72 of the Revised 608  
Code and that is confidential or otherwise exempt from public 609  
disclosure under section 149.43 of the Revised Code while in the 610  
possession of the creator of the record or report shall remain 611  
confidential or exempt from public disclosure under section 149.43 612  
of the Revised Code while in the possession of the court of claims 613  
or the attorney general. 614

(b) Notwithstanding division (A)(2)(a) of this section, a 615  
judge of the court of claims, a panel of commissioners, a 616

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claimant, a claimant's attorney, or the attorney general may  
disclose or refer to records or reports described in that division  
in any hearing conducted under sections 2743.51 to 2743.72 of the  
Revised Code or in the judge's, panel of commissioners',  
claimant's, or attorney general's written pleadings, findings,  
recommendations, and decisions.

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

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

(D) The attorney general, a panel of commissioners, or a

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judge of the court of claims may require the claimant to 649  
supplement the application for an award of reparations with any 650  
reasonably available medical or psychological reports relating to 651  
the injury for which the award of reparations is claimed. 652

(E) The attorney general, a panel of commissioners, or a 653  
judge of the court of claims, in a claim arising out of a 654  
violation of any provision of sections 2907.02 to 2907.07 of the 655  
Revised Code, shall not request the victim or the claimant to 656  
supply, or permit any person to supply, any evidence of specific 657  
instances of the victim's sexual activity, opinion evidence of the 658  
victim's sexual activity, or reputation evidence of the victim's 659  
sexual activity unless it involves evidence of the origin of 660  
semen, pregnancy, or disease or evidence of the victim's past 661  
sexual activity with the offender and only to the extent that the 662  
judge, the panel of commissioners, or the attorney general finds 663  
that the evidence is relevant to a fact at issue in the claim. 664

**Sec. 2907.29.** Every hospital of this state that offers 665  
organized emergency services shall provide that a physician, a 666  
clinical nurse specialist, a certified nurse practitioner, or a 667  
certified nurse-midwife is available on call twenty-four hours 668  
each day for the examination of persons reported to any law 669  
enforcement agency to be victims of sexual offenses cognizable as 670  
violations of any provision of sections 2907.02 to 2907.06 of the 671  
Revised Code. The physician, clinical nurse specialist, certified 672  
nurse practitioner, or certified nurse-midwife, upon the request 673  
of any peace officer or prosecuting attorney and with the consent 674  
of the reported victim or upon the request of the reported victim, 675  
shall examine the person for the purposes of gathering physical 676  
evidence. The public health council shall establish procedures for 677  
gathering evidence under this section. 678

Each reported victim shall be informed of available venereal 679

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disease, pregnancy, medical, and psychiatric services. 680

Notwithstanding any other provision of law, a minor may 681  
consent to examination under this section. The consent is not 682  
subject to disaffirmance because of minority, and consent of the 683  
parent, parents, or guardian of the minor is not required for an 684  
examination under this section. However, the hospital shall give 685  
written notice to the parent, parents, or guardian of a minor that 686  
an examination under this section has taken place. The parent, 687  
parents, or guardian of a minor giving consent under this section 688  
are not liable for payment for any services provided under this 689  
section without their consent. 690

**Sec. 3107.02.** (A) Any minor may be adopted. 691

(B) An adult may be adopted under any of the following 692  
conditions: 693

(1) If the adult is totally and permanently disabled; 694

(2) If the adult is determined to be a mentally retarded 695  
person as defined in section 5123.01 of the Revised Code; 696

(3) If the adult had established a child-foster caregiver or 697  
child-stepparent relationship with the petitioners as a minor, and 698  
the adult consents to the adoption. 699

(C) When proceedings to adopt a minor are initiated by the 700  
filing of a petition, and the eighteenth birthday of the minor 701  
occurs prior to the decision of the court, the court shall require 702  
the person who is to be adopted to submit a written statement of 703  
consent or objection to the adoption. If an objection is 704  
submitted, the petition shall be dismissed, and if a consent is 705  
submitted, the court shall proceed with the case, and may issue an 706  
interlocutory order or final decree of adoption. 707

(D) Any physical examination of the individual to be adopted 708  
as part of or in contemplation of a petition to adopt may be 709

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conducted by any health professional authorized by the Revised Code to perform physical examinations, including a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife.

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

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

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

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

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

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

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

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(b) In conjunction with the supplying of the semen, the semen or blood of the donor was the subject of laboratory studies that

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the physician involved in the non-spousal artificial insemination 740  
considers appropriate. The laboratory studies may include, but are 741  
not limited to, venereal disease research laboratories, 742  
karotyping, GC culture, cytomegalo, hepatitis, kem-zyme, 743  
Tay-Sachs, sickle-cell, ureaplasma, HLTV-III, and chlamydia. 744  
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(c) The physician involved in the non-spousal artificial 746  
insemination determines that the results of the laboratory studies 747  
are acceptable results. 748

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

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and Reemployment Rights Act of 1994," 108 Stat. 3149, 38 U.S.C.A. 772  
 4304, shall resume the contract status held prior to entering the 773  
 uniformed services, subject to passing a physical examination by 774  
an individual authorized by the Revised Code to conduct physical 775  
examinations, including a clinical nurse specialist, a certified 776  
nurse practitioner, or a certified nurse-midwife. Such contract 777  
 status shall be resumed at the first of the school semester or the 778  
 beginning of the school year following return from the uniformed 779  
 services. For purposes of this section and section 3319.14 of the 780  
 Revised Code, "uniformed services" and "service in the uniformed 781  
 services" have the same meanings as defined in section 5903.01 of 782  
 the Revised Code. 783

Upon the return of a nonteaching school employee from a leave 784  
 of absence, the board may terminate the employment of a person 785  
 hired exclusively for the purpose of replacing the returning 786  
 employee while the returning employee was on leave. If, after the 787  
 return of a nonteaching employee from leave, the person employed 788  
 exclusively for the purpose of replacing an employee while the 789  
 employee was on leave is continued in employment as a regular 790  
 nonteaching school employee or if the person is hired by the board 791  
 as a regular nonteaching school employee within a year after 792  
 employment as a replacement is terminated, the person shall, for 793  
 purposes of section 3319.081 of the Revised Code, receive credit 794  
 for the person's length of service with the school district during 795  
 such replacement period in the following manner: 796

(A) If employed as a replacement for less than twelve months, 797  
 the person shall be employed under a contract valid for a period 798  
 equal to twelve months less the number of months employed as a 799  
 replacement. At the end of such contract period, if the person is 800  
 reemployed it shall be under a two-year contract. Subsequent 801  
 reemployment shall be pursuant to division (B) of section 3319.081 802  
 of the Revised Code. 803

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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.

(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.

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

**Sec. 3327.10.** (A) No person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from the educational service center governing board in case such person is employed by a service center or by a local school district under the supervision of the service center governing board, or by the superintendent of schools, in case such person is employed by the board of a city or exempted village school district, certifying that such person is at least eighteen years of age and is of good moral character and is qualified physically and otherwise for such position. The service center governing board or the superintendent, as the case may be, shall provide for an annual physical examination that conforms with rules adopted by the state board of education of each driver to ascertain the driver's physical fitness for such employment. Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(1) of this section, or upon a conviction or a guilty plea for a

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violation, or any other action, that results in a loss or 835  
 suspension of driving rights. Failure to comply with such division 836  
 may be cause for disciplinary action or termination of employment 837  
 under division (C) of section 3319.081, or section 124.34 of the 838  
 Revised Code. 839

(B) No person shall be employed as driver of a school bus or 840  
 motor van not subject to the rules of the department of education 841  
 pursuant to division (A) of this section who has not received a 842  
 certificate from the school administrator or contractor certifying 843  
 that such person is at least eighteen years of age, is of good 844  
 moral character, and is qualified physically and otherwise for 845  
 such position. Each driver shall have an annual physical 846  
 examination which conforms to the state highway patrol rules, 847  
 ascertaining the driver's physical fitness for such employment. 848  
 The examination shall be performed by one of the following: 849

(1) A person licensed under Chapter 4731. of the Revised Code 850  
 or by another state to practice medicine and surgery or 851  
 osteopathic medicine and surgery; 852

~~(2) A registered nurse who holds a certificate of authority 853  
 issued under Chapter 4723. of the Revised Code to practice as a 854  
 certified nurse practitioner or, clinical nurse specialist and is 855  
 practicing pursuant to a standard care arrangement with a 856  
 collaborating physician, or a certified nurse-midwife. 857~~

Any certificate may be revoked by the authority granting the 858  
 same on proof that the holder has been guilty of failing to comply 859  
 with division (D)(2) of this section. 860

(C) Any person who drives a school bus or motor van must give 861  
 satisfactory and sufficient bond except a driver who is an 862  
 employee of a school district and who drives a bus or motor van 863  
 owned by the school district. 864

(D) No person employed as driver of a school bus or motor van 865

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under this section who is convicted of a traffic violation or who  
has had the person's commercial driver's license suspended or  
revoked shall drive a school bus or motor van until such person  
has filed a written notice of such conviction, suspension, or  
revocation as follows:

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

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

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

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

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

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certificate of the child or give notice of the nonuse thereof 897  
within two days from the date of the child's withdrawal or 898  
dismissal from the service of that person, partnership, or 899  
corporation, giving the reasons for such withdrawal or dismissal; 900

(B) The school record of the child, properly filled out and 901  
signed by the person in charge of the school which the child last 902  
attended; giving the recorded age of the child, ~~his~~ the child's 903  
address, standing in studies, rating in conduct, and attendance in 904  
days during the school year of ~~his~~ the child's last attendance, 905  
and if that was not a full year, during the preceding school year; 906

(C) Evidence of the age of the child as follows: 907

(1) A certified copy of an original birth record or a 908  
certification of birth, issued in accordance with Chapter 3705. of 909  
the Revised Code, or by an officer charged with the duty of 910  
recording births in another state or country, shall be conclusive 911  
evidence of the age of the child; 912

(2) In the absence of such birth record or certification of 913  
birth, a passport, or duly attested transcript thereof, showing 914  
the date and place of birth of the child, filed with a register of 915  
passports at a port of entry of the United States; or an attested 916  
transcript of the certificate of birth or baptism or other 917  
religious record, showing the date and place of birth of the 918  
child, shall be conclusive evidence of the age of the child; 919

(3) In case none of the above proofs of age can be produced, 920  
other documentary evidence, except the affidavit of the parent, 921  
guardian, or custodian, satisfactory to the superintendent may be 922  
accepted in lieu thereof; 923

(4) In case no documentary proof of age can be procured, the 924  
superintendent may receive and file an application signed by the 925  
parent, guardian, or custodian of the child that a ~~physician's~~ 926  
medical certificate be secured to establish the sufficiency of the 927

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age of the child, which application shall state the alleged age of 928  
the child, the place and date of birth, ~~his~~ the child's present 929  
residence, and such further facts as may be of assistance in 930  
determining the age of the child, and shall certify that the 931  
person signing the application is unable to obtain any of the 932  
documentary proofs specified in divisions (C) (1), (2), and (3) of 933  
this section; and if the superintendent is satisfied that a 934  
reasonable effort to procure such documentary proof has been 935  
without success such application shall be granted and the 936  
certificate of the school physician or if there be none, of a 937  
physician, a clinical nurse specialist, or a certified nurse 938  
practitioner employed by the board of education, that said 939  
physician, clinical nurse specialist, or certified nurse 940  
practitioner is satisfied that the child is above the age required 941  
for an age and schooling certificate as stated in section 3331.01 942  
of the Revised Code, shall be accepted as sufficient evidence of 943  
age; 944

(D) A certificate from the school physician or physician, 945  
clinical nurse specialist, or certified nurse practitioner 946  
designated by ~~him~~ the school physician, or if there is no school 947  
physician, a certificate from the district health ~~commissioner,~~ 948  
commissioner or physician, clinical nurse specialist, or certified 949  
nurse practitioner designated by ~~him~~ the district health 950  
commissioner, showing after a thorough examination that the child 951  
is physically fit to be employed in such occupations as are not 952  
prohibited by law for a boy or girl, as the case may be, under 953  
eighteen years of age; but a certificate with "limited" written, 954  
printed, or stamped diagonally across its face may be furnished by 955  
~~such physician~~ the examiner and accepted by the superintendent in 956  
issuing a "limited" age and schooling certificate provided in 957  
section 3331.06 of the Revised Code, showing that the child is 958  
physically fit to be employed in some particular occupation not 959  
prohibited by law for a boy or girl of such child's age, as the 960

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case may be, even if the child's complete physical ability to 961  
engage in such occupation cannot be vouched for. 962

**Sec. 3331.06.** The age and schooling certificate provided in 963  
sections 3331.01 to 3331.05, inclusive, of the Revised Code, shall 964  
be issued only with the word "limited" printed or stamped 965  
diagonally across its face if the medical certificate ~~of the~~ 966  
~~physician~~ provided in section 3331.02 or 3331.07 of the Revised 967  
Code, is a limited certificate and in that case the particular 968  
employment to which it is limited shall be stated in the 969  
certificate, and the certificate cannot serve as the legal age and 970  
schooling certificate for employment in another occupation. 971

**Sec. 3331.07.** When an age and schooling certificate, returned 972  
according to section 3331.02 of the Revised Code, is reissued, the 973  
pledge of the new employer and medical certificate from the school 974  
physician or other person ~~in his stead~~ shall be secured and filed. 975  
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**Sec. 3773.41.** Any person who desires to participate in a 977  
public boxing match or exhibition as a referee, judge, matchmaker, 978  
timekeeper, or contestant, or as a manager, trainer, or second of 979  
a contestant, shall apply for a license from the Ohio athletic 980  
commission. The application shall be on forms provided by the 981  
commission. Each application shall be accompanied by the 982  
application fee prescribed in section 3773.43 of the Revised Code. 983  
The applicant shall verify the application under oath. 984

The commission shall prescribe the form of the application 985  
for a participant's license. The application shall include the 986  
correct and ring or assumed name, if any, of the applicant, the 987  
applicant's address, the applicant's date and place of birth, the 988  
applicant's occupation, and a copy of the applicant's win and loss 989  
record as a contestant, if applicable. 990



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An application for a contestant's license shall also include 991  
a certified copy of the results of a physical examination of the 992  
applicant that a licensed physician, clinical nurse specialist, 993  
certified nurse practitioner, or certified nurse-midwife conducted 994  
not more than sixty days prior to the filing of the application. 995

**Sec. 3773.42.** Upon the proper filing of an application for a 996  
referee's, judge's, matchmaker's, timekeeper's, manager's, 997  
trainer's, contestant's, or second's license and payment of the 998  
applicable application fee, the Ohio athletic commission shall 999  
issue the license to the applicant if it determines that the 1000  
applicant is of good moral character, is not likely to engage in 1001  
acts detrimental to the fair and honest conduct of public boxing 1002  
matches or exhibitions, and is qualified to hold such a license by 1003  
reason of the applicant's knowledge and experience. 1004

A person shall not be determined to possess the knowledge and 1005  
experience necessary to qualify that person to hold a referee's 1006  
license unless all of the following conditions are met: 1007

(A) The person has completed such referee training 1008  
requirements as the commission prescribes by rule; 1009

(B) The person possesses such experience requirements as the 1010  
commission prescribes by rule; 1011

(C) The person has obtained a passing grade on an examination 1012  
administered by the commission and designed to test the examinee's 1013  
knowledge of the rules of the particular sport that the person 1014  
seeks to referee, the commission's rules applicable to the conduct 1015  
of matches and exhibitions in the particular sport that the person 1016  
seeks to referee, and such other aspects of officiating as the 1017  
commission determines appropriate to its determination as to 1018  
whether the applicant possesses the qualifications and 1019  
capabilities to act as a referee. 1020

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The commission shall issue a referee's license to each person 1021  
who meets the requirements of divisions (A) to (C) of this 1022  
section. 1023

If upon the proper filing of an application for a 1024  
contestant's license the commission determines that the applicant 1025  
is of good moral character, is not likely to engage in acts 1026  
detrimental to the conduct of public boxing matches or 1027  
exhibitions, and possesses sufficient knowledge and experience 1028  
and, in the opinion of the licensed physician, clinical nurse 1029  
specialist, certified nurse practitioner, or certified 1030  
nurse-midwife who examined the applicant pursuant to section 1031  
3773.41 of the Revised Code, is physically fit to engage in public 1032  
boxing matches or exhibitions, the commission shall issue the 1033  
license to the applicant. 1034

Each license issued pursuant to this section shall bear the 1035  
correct name and ring or assumed name, if any, of the licensee, 1036  
the address of the licensee, the date of issue, a serial number 1037  
designated by the commission, the seal of the commission, and the 1038  
signature of the commission chairperson. 1039

A license issued pursuant to this section shall expire twelve 1040  
months after its date of issue unless renewed. Upon application 1041  
for renewal and payment of the renewal fee prescribed in section 1042  
3773.43 of the Revised Code, the commission shall renew the 1043  
license unless it denies the application for one or more reasons 1044  
stated in section 3123.47 or 3773.53 of the Revised Code. If the 1045  
application is for renewal of a contestant's license, the 1046  
commission shall also require the applicant to submit the results 1047  
of a physical examination that a licensed physician, clinical 1048  
nurse specialist, certified nurse practitioner, or certified 1049  
nurse-midwife conducted not more than sixty days prior to the date 1050  
of the application. 1051

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Sec. 3773.45. (A) Each contestant in a public boxing match or 1052  
exhibition shall be examined not more than twenty-four hours 1053  
before entering the ring by a licensed physician, a clinical nurse 1054  
specialist, a certified nurse practitioner, or a certified 1055  
nurse-midwife. Each contestant who has had a previous match or 1056  
exhibition on or after July 27, 1981, and was knocked out at that 1057  
match or exhibition shall present to the ~~examining physician~~ 1058  
examiner a record of the physical examination performed at the 1059  
conclusion of that match or exhibition. If, after reviewing such 1060  
record and performing a physical examination of the contestant, 1061  
the ~~physician~~ examiner determines that the contestant is 1062  
physically fit to compete, the physician shall certify that fact 1063  
on the contestant's physical examination form. No physician, 1064  
clinical nurse specialist, certified nurse practitioner, or 1065  
certified nurse-midwife shall certify a contestant as physically 1066  
fit to compete if the physician, clinical nurse specialist, 1067  
certified nurse practitioner, or certified nurse-midwife 1068  
determines that the contestant was knocked out in a contest that 1069  
took place within the preceding thirty days. No contestant shall 1070  
compete in a public boxing match or exhibition unless the 1071  
contestant has been certified as physically fit in accordance with 1072  
this section. 1073

Immediately after the end of a match or exhibition, the 1074  
~~physician~~ examiner shall examine each contestant who was knocked 1075  
out in the match or exhibition, and record the outcome of the 1076  
match or exhibition and any physical injuries sustained by the 1077  
contestant on the contestant's physical examination form. 1078

Within twenty-four hours after the match or exhibition, the 1079  
~~physician~~ examiner shall mail one copy of the examination report 1080  
to the Ohio athletic commission and one copy to the contestant. 1081  
The commission shall furnish blank copies of the examination 1082  
report to the ~~physician~~ examiner. The ~~physician~~ examiner shall 1083

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answer all questions on the form. The person conducting the match 1084  
or exhibition shall compensate the ~~physician~~ examiner. No person 1085  
shall conduct such a match or exhibition unless a ~~physician~~ an 1086  
examiner appointed by the commission is in attendance. 1087

(B) No holder of a promoter's license shall conduct a boxing 1088  
match or exhibition that exceeds twelve rounds. Each round shall 1089  
be not more than three minutes in length. A period of at least one 1090  
minute, during which no boxing or sparring takes place, shall 1091  
occur between rounds. 1092

No holder of a promoter's license or a permit issued under 1093  
section 3773.39 of the Revised Code shall allow a professional 1094  
boxer to participate in more than twelve rounds of boxing within a 1095  
period of seventy-two consecutive hours. For any match or 1096  
exhibition or for a class of contestants, the commission may limit 1097  
the number of rounds within the maximum of twelve rounds. 1098

(C) No person shall conduct a boxing match or exhibition 1099  
unless a licensed referee appointed by the commission and paid by 1100  
the person is present. The referee shall direct and control the 1101  
match or exhibition. Before each match or exhibition the referee 1102  
shall obtain from each contestant the name of the contestant's 1103  
chief second and shall hold the chief second responsible for the 1104  
conduct of any assistant seconds during the match or exhibition. 1105  
The referee may declare a prize, remuneration, or purse or any 1106  
part thereof to which a contestant is otherwise entitled withheld 1107  
if, in the referee's judgment, the contestant is not competing or 1108  
did not compete honestly. A contestant may appeal the referee's 1109  
decision in a hearing before the commission conducted in 1110  
accordance with section 3773.52 of the Revised Code. 1111

(D) No person shall hold or conduct a boxing match or 1112  
exhibition unless three licensed judges appointed by the 1113  
commission and paid by the person are present. Each judge shall 1114  
render a decision at the end of each match or exhibition. The 1115

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judges shall determine the outcome of the match or exhibition, and  
their decision shall be final.

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

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

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

**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.

(B) A person is qualified to drive a class B commercial motor  
vehicle with a school bus endorsement, if the person has been

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certified as medically qualified in accordance with rules adopted 1146  
by the department of education. 1147

(C)(1) Except as provided in division (C)(2) of this section, 1148  
any medical examination required by this section shall be 1149  
performed only by one of the following: 1150

(a) A person licensed under Chapter 4731. of the Revised Code 1151  
to practice medicine or surgery or osteopathic medicine and 1152  
surgery in this state, or licensed under any similar law of 1153  
another state; 1154

(b) A person licensed as a physician assistant under Chapter 1155  
4730. of the Revised Code who practices under the supervision and 1156  
direction of a physician as required under that chapter and who is 1157  
authorized by the supervising physician to perform such a medical 1158  
examination; 1159

(c) ~~A person who is a certified nurse practitioner or, a 1160  
clinical nurse specialist licensed under Chapter 4723. of the 1161  
Revised Code who is practicing in accordance with a standard care 1162  
arrangement pursuant to section 4723.431 of the Revised Code, or a 1163  
certified nurse-midwife. 1164~~

(2) Any part of an examination required by this section that 1165  
pertains to visual acuity, field of vision, and the ability to 1166  
recognize colors may be performed by a person licensed under 1167  
Chapter 4725. of the Revised Code to practice optometry in this 1168  
state, or licensed under any similar law of another state. 1169

(D) Whenever good cause appears, the registrar, upon issuing 1170  
a commercial driver's license under this chapter, may impose 1171  
restrictions suitable to the licensee's driving ability with 1172  
respect to the type of motor vehicle or special mechanical control 1173  
devices required on a motor vehicle that the licensee may operate, 1174  
or such other restrictions applicable to the licensee as the 1175  
registrar determines to be necessary. 1176

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The registrar may either issue a special restricted license 1177  
or may set forth the restrictions upon the usual license form. 1178

The registrar, upon receiving satisfactory evidence of any 1179  
violation of the restrictions of the license, may suspend or 1180  
revoke it. 1181

The registrar, upon receiving satisfactory evidence that an 1182  
applicant or holder of a commercial driver's license has violated 1183  
division (A)(4) of section 4506.04 of the Revised Code and 1184  
knowingly given false information in any application or 1185  
certification required by section 4506.07 of the Revised Code, 1186  
shall cancel the commercial driver's license of the person or any 1187  
pending application from the person for a commercial driver's 1188  
license or class D driver's license for a period of at least sixty 1189  
days, during which time no application for a commercial driver's 1190  
license or class D driver's license shall be received from the 1191  
person. 1192

**Sec. 4507.20.** The registrar of motor vehicles, upon 1193  
determination that any person has more than seven points charged 1194  
against ~~him~~ the person under section 4507.021 of the Revised Code, 1195  
and is not subject to the provisions of section 4507.022 of the 1196  
Revised Code, or, having good cause to believe that the holder of 1197  
a driver's or commercial driver's license is incompetent or 1198  
otherwise not qualified to be licensed, shall upon written notice 1199  
of at least five days sent to the licensee's last known address, 1200  
require ~~him~~ the licensee to submit to a driver's license 1201  
examination or a physical examination, or both, or a commercial 1202  
driver's license examination. The physical examination may be 1203  
conducted by any individual authorized by the Revised Code to do 1204  
so, including a clinical nurse specialist, a certified nurse 1205  
practitioner, or a certified nurse-midwife. Upon the conclusion of 1206  
the examination the registrar may suspend or revoke the license of 1207

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the person, or may permit ~~him~~ the licensee to retain the license, 1208  
or may issue ~~him~~ the licensee a restricted license. Refusal or 1209  
neglect of the licensee to submit to the examination is ground for 1210  
suspension or revocation of ~~his~~ the licensee's license. 1211

**Sec. 4715.30.** (A) The holder of a certificate or license 1212  
issued under this chapter is subject to disciplinary action by the 1213  
state dental board for any of the following reasons: 1214

(1) Employing or cooperating in fraud or material deception 1215  
in applying for or obtaining a license or certificate; 1216

(2) Obtaining or attempting to obtain money or anything of 1217  
value by intentional misrepresentation or material deception in 1218  
the course of practice; 1219

(3) Advertising services in a false or misleading manner or 1220  
violating the board's rules governing time, place, and manner of 1221  
advertising; 1222

(4) Conviction of a misdemeanor committed in the course of 1223  
practice or of any felony; 1224

(5) Engaging in lewd or immoral conduct in connection with 1225  
the provision of dental services; 1226

(6) Selling, prescribing, giving away, or administering drugs 1227  
for other than legal and legitimate therapeutic purposes, or 1228  
conviction of violating any law of this state or the federal 1229  
government regulating the possession, distribution, or use of any 1230  
drug; 1231

(7) Providing or allowing dental hygienists or other 1232  
practitioners of auxiliary dental occupations working under the 1233  
certificate or license holder's supervision, or a dentist holding 1234  
a temporary limited continuing education license under division 1235  
(C) of section 4715.16 of the Revised Code working under the 1236  
certificate or license holder's direct supervision, to provide 1237



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dental care that departs from or fails to conform to accepted	1238
standards for the profession, whether or not injury to a patient	1239
results;	1240
(8) Inability to practice under accepted standards of the	1241
profession because of physical or mental disability, dependence on	1242
alcohol or other drugs, or excessive use of alcohol or other	1243
drugs;	1244
(9) Violation of any provision of this chapter or any rule	1245
adopted thereunder;	1246
(10) Failure to use universal blood and body fluid	1247
precautions established by rules adopted under section 4715.03 of	1248
the Revised Code;	1249
(11) Waiving the payment of all or any part of a deductible	1250
or copayment that a patient, pursuant to a health insurance or	1251
health care policy, contract, or plan that covers dental services,	1252
would otherwise be required to pay if the waiver is used as an	1253
enticement to a patient or group of patients to receive health	1254
care services from that provider.	1255
(12) Advertising that the certificate or license holder will	1256
waive the payment of all or any part of a deductible or copayment	1257
that a patient, pursuant to a health insurance or health care	1258
policy, contract, or plan that covers dental services, would	1259
otherwise be required to pay.	1260
(B) A manager, proprietor, operator, or conductor of a dental	1261
facility shall be subject to disciplinary action if any dentist,	1262
dental hygienist, or qualified personnel providing services in the	1263
facility is found to have committed a violation listed in division	1264
(A) of this section and the manager, proprietor, operator, or	1265
conductor knew of the violation and permitted it to occur on a	1266
recurring basis.	1267
(C) Subject to Chapter 119. of the Revised Code, the board	1268

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

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board may order the license or certificate holder to submit to  
reasonable examinations by ~~a physician~~ an individual designated or  
approved by the board and at the board's expense. The physical  
examination may be conducted by any individual authorized by the  
Revised Code to do so, including a clinical nurse specialist, a  
certified nurse practitioner, or a certified nurse-midwife.  
Failure to comply with an order for an examination shall be  
grounds for summary suspension of a license or certificate under  
division (E) of this section.

(E) If the board has reason to believe that the holder  
represents a clear and immediate danger to the public health and  
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

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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

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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 are owned or operated by a municipal corporation.

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

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

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

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

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

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<u>a certified nurse practitioner, or a certified nurse-midwife.</u>	1393
<u>Sec. 5103.0327. Any physical examination required in the</u>	1394
<u>determination of foster home placement may be conducted by any</u>	1395
<u>individual authorized by the Revised Code to conduct physical</u>	1396
<u>examinations, including a clinical nurse specialist, a certified</u>	1397
<u>nurse practitioner, or a certified nurse-midwife.</u>	1398
<b>Sec. 5104.011.</b> (A) The director of job and family services	1399
shall adopt rules pursuant to Chapter 119. of the Revised Code	1400
governing the operation of child day-care centers, including, but	1401
not limited to, parent cooperative centers, part-time centers,	1402
drop-in centers, and school child centers, which rules shall	1403
reflect the various forms of child day-care and the needs of	1404
children receiving child day-care or publicly funded child	1405
day-care and, no later than January 1, 1992, shall include	1406
specific rules for school child day-care centers that are	1407
developed in consultation with the department of education. The	1408
rules shall not require an existing school facility that is in	1409
compliance with applicable building codes to undergo an additional	1410
building code inspection or to have structural modifications. The	1411
rules shall include the following:	1412
(1) Submission of a site plan and descriptive plan of	1413
operation to demonstrate how the center proposes to meet the	1414
requirements of this chapter and rules adopted pursuant to this	1415
chapter for the initial license application;	1416
(2) Standards for ensuring that the physical surroundings of	1417
the center are safe and sanitary including, but not limited to,	1418
the physical environment, the physical plant, and the equipment of	1419
the center;	1420
(3) Standards for the supervision, care, and discipline of	1421
children receiving child day-care or publicly funded child	1422

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- day-care in the center; 1423
- (4) Standards for a program of activities, and for play 1424  
equipment, materials, and supplies, to enhance the development of 1425  
each child; however, any educational curricula, philosophies, and 1426  
methodologies that are developmentally appropriate and that 1427  
enhance the social, emotional, intellectual, and physical 1428  
development of each child shall be permissible. As used in this 1429  
division, "program" does not include instruction in religious or 1430  
moral doctrines, beliefs, or values that is conducted at child 1431  
day-care centers owned and operated by churches and does include 1432  
methods of disciplining children at child day-care centers. 1433
- (5) Admissions policies and procedures, health care policies 1434  
and procedures, including, but not limited to, procedures for the 1435  
isolation of children with communicable diseases, first aid and 1436  
emergency procedures, procedures for discipline and supervision of 1437  
children, standards for the provision of nutritious meals and 1438  
snacks, and procedures for screening children and employees, 1439  
including, but not limited to, any necessary physical examinations 1440  
and immunizations; 1441
- (6) Methods for encouraging parental participation in the 1442  
center and methods for ensuring that the rights of children, 1443  
parents, and employees are protected and that responsibilities of 1444  
parents and employees are met; 1445
- (7) Procedures for ensuring the safety and adequate 1446  
supervision of children traveling off the premises of the center 1447  
while under the care of a center employee; 1448
- (8) Procedures for record keeping, organization, and 1449  
administration; 1450
- (9) Procedures for issuing, renewing, denying, and revoking a 1451  
license that are not otherwise provided for in Chapter 119. of the 1452  
Revised Code; 1453

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(10) Inspection procedures;	1454
(11) Procedures and standards for setting initial and renewal license application fees;	1455 1456
(12) Procedures for receiving, recording, and responding to complaints about centers;	1457 1458
(13) Procedures for enforcing section 5104.04 of the Revised Code;	1459 1460
(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;	1461 1462 1463 1464 1465 1466
(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.	1467 1468 1469 1470 1471 1472
(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;	1473 1474 1475 1476
(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;	1477 1478 1479 1480
(18) Any other procedures and standards necessary to carry out this chapter.	1481 1482
(B)(1) The child day-care center shall have, for each child	1483



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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 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

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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.

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

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

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

Maximum Number of

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

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enrolled in a grade			1581
of kindergarten			1582
or above, but			1583
is less than			1584
eleven years old	18:1	36	1585
(ii) Eleven through fourteen			1586
years old	20:1	40	1587

Except as otherwise provided in division (E) of this section, 1588  
the maximum number of children per child-care staff member and 1589  
maximum group size requirements of the younger age group shall 1590  
apply when age groups are combined. 1591

(4)(a) The child day-care center administrator shall show the 1592  
director both of the following: 1593

(i) Evidence of at least high school graduation or 1594  
certification of high school equivalency by the state board of 1595  
education or the appropriate agency of another state; 1596

(ii) Evidence of having completed at least two years of 1597  
training in an accredited college, university, or technical 1598  
college, including courses in child development or early childhood 1599  
education, or at least two years of experience in supervising and 1600  
giving daily care to children attending an organized group 1601  
program. 1602

(b) In addition to the requirements of division (B)(4)(a) of 1603  
this section, any administrator employed or designated on or after 1604  
September 1, 1986, shall show evidence of, and any administrator 1605  
employed or designated prior to September 1, 1986, shall show 1606  
evidence within six years after such date of, at least one of the 1607  
following: 1608

(i) Two years of experience working as a child-care staff 1609  
member in a center and at least four courses in child development 1610  
or early childhood education from an accredited college, 1611

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university, or technical college, except that a person who has two  
years of experience working as a child-care staff member in a  
particular center and who has been promoted to or designated as  
administrator of that center shall have one year from the time the  
person was promoted to or designated as administrator to complete  
the required four courses;

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

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

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

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

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

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

(ii) A student enrolled in the second year of a vocational  
child-care training program approved by the state board of  
education which leads to high school graduation, provided that the

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student performs the student's duties in the child day-care center 1643  
under the continuous supervision of an experienced child-care 1644  
staff member, receives periodic supervision from the vocational 1645  
child-care training program teacher-coordinator in the student's 1646  
high school, and meets all other requirements of this chapter and 1647  
rules adopted pursuant to this chapter. 1648

(b) A child-care staff member shall be exempt from the 1649  
educational requirements of this division if the staff member: 1650

(i) Prior to January 1, 1972, was employed or designated by a 1651  
child day-care center and has been continuously employed since 1652  
either by the same child day-care center employer or at the same 1653  
child day-care center; or 1654

(ii) Is a student enrolled in the second year of a vocational 1655  
child-care training program approved by the state board of 1656  
education which leads to high school graduation, provided that the 1657  
student performs the student's duties in the child day-care center 1658  
under the continuous supervision of an experienced child-care 1659  
staff member, receives periodic supervision from the vocational 1660  
child-care training program teacher-coordinator in the student's 1661  
high school, and meets all other requirements of this chapter and 1662  
rules adopted pursuant to this chapter. 1663

(6) Every child day-care staff member of a child day-care 1664  
center annually shall complete fifteen hours of inservice training 1665  
in child development or early childhood education, child abuse 1666  
recognition and prevention, first aid, and in prevention, 1667  
recognition, and management of communicable diseases, until a 1668  
total of forty-five hours of training has been completed, unless 1669  
the staff member furnishes one of the following to the director: 1670

(a) Evidence of an associate or higher degree in child 1671  
development or early childhood education from an accredited 1672  
college, university, or technical college; 1673

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

(c) Evidence of a child development associate credential;

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

(7) The administrator of each child day-care center shall  
prepare at least once annually and for each group of children at  
the center a roster of names and telephone numbers of parents,  
custodians, or guardians of each group of children attending the  
center and upon request shall furnish the roster for each group to  
the parents, custodians, or guardians of the children in that  
group. The administrator may prepare a roster of names and  
telephone numbers of all parents, custodians, or guardians of  
children attending the center and upon request shall furnish the  
roster to the parents, custodians, or guardians of the children  
who attend the center. The administrator shall not include in any  
roster the name or telephone number of any parent, custodian, or  
guardian who requests the administrator not to include the  
parent's, custodian's, or guardian's name or number and shall not  
furnish any roster to any person other than a parent, custodian,  
or guardian of a child who attends the center.

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

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

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



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(I) of section 3109.051 of the Revised Code, that are contained in 1738  
a parenting time order or decree issued under that section, 1739  
section 3109.12 of the Revised Code, or any other provision of the 1740  
Revised Code. 1741

(b) If a parent who is the residential parent of a child has 1742  
presented the administrator or the administrator's designee with a 1743  
copy of a parenting time order that limits the terms and 1744  
conditions under which the parent who is not the residential 1745  
parent is to have access to the center, as described in division 1746  
(I) of section 3109.051 of the Revised Code, the parent who is not 1747  
the residential parent shall be provided access to the center only 1748  
to the extent authorized in the order. If the residential parent 1749  
has presented such an order, the parent who is not the residential 1750  
parent shall be permitted access to the center only in accordance 1751  
with the most recent order that has been presented to the 1752  
administrator or the administrator's designee by the residential 1753  
parent or the parent who is not the residential parent. 1754

(c) Upon entering the premises pursuant to division (C)(3)(a) 1755  
or (b) of this section, the parent who is the residential parent 1756  
and legal custodian, the parent who is not the residential parent, 1757  
or the custodian or guardian shall notify the administrator or the 1758  
administrator's designee of the parent's, custodian's, or 1759  
guardian's presence. 1760

(D) The director of job and family services, in addition to 1761  
the rules adopted under division (A) of this section, shall adopt 1762  
rules establishing minimum requirements for child day-care 1763  
centers. The rules shall include, but not be limited to, the 1764  
requirements set forth in divisions (B) and (C) of this section. 1765  
Except as provided in section 5104.07 of the Revised Code, the 1766  
rules shall not change the square footage requirements of division 1767  
(B)(1) or (2) of this section; the maximum number of children per 1768  
child-care staff member and maximum group size requirements of 1769

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division (B)(3) of this section; the educational and experience 1770  
requirements of division (B)(4) of this section; the age, 1771  
educational, and experience requirements of division (B)(5) of 1772  
this section; the number of inservice training hours required 1773  
under division (B)(6) of this section; or the requirement for at 1774  
least annual preparation of a roster for each group of children of 1775  
names and telephone numbers of parents, custodians, or guardians 1776  
of each group of children attending the center that must be 1777  
furnished upon request to any parent, custodian, or guardian of 1778  
any child in that group required under division (B)(7) of this 1779  
section; however, the rules shall provide procedures for 1780  
determining compliance with those requirements. 1781

(E)(1) When age groups are combined, the maximum number of 1782  
children per child-care staff member shall be determined by the 1783  
age of the youngest child in the group, except that when no more 1784  
than one child thirty months of age or older receives services in 1785  
a group in which all the other children are in the next older age 1786  
group, the maximum number of children per child-care staff member 1787  
and maximum group size requirements of the older age group 1788  
established under division (B)(3) of this section shall apply. 1789

(2) The maximum number of toddlers or preschool children per 1790  
child-care staff member in a room where children are napping shall 1791  
be twice the maximum number of children per child-care staff 1792  
member established under division (B)(3) of this section if all 1793  
the following criteria are met: 1794

(a) At least one child-care staff member is present in the 1795  
room. 1796

(b) Sufficient child-care staff members are on the child 1797  
day-care center premises to meet the maximum number of children 1798  
per child-care staff member requirements established under 1799  
division (B)(3) of this section. 1800

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- (c) Naptime preparations are complete and all napping children are resting or sleeping on cots. 1801  
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- (d) The maximum number established under division (E)(2) of this section is in effect for no more than one and one-half hours during a twenty-four-hour day. 1803  
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- (F) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day-care homes, including, but not limited to, parent cooperative type A homes, part-time type A homes, drop-in type A homes, and school child type A homes, which shall reflect the various forms of child day-care and the needs of children receiving child day-care. The rules shall include the following: 1806  
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- (1) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application; 1814  
1815  
1816  
1817
- (2) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including, but not limited to, the physical environment, the physical plant, and the equipment of the type A home; 1818  
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- (3) Standards for the supervision, care, and discipline of children receiving child day-care or publicly funded child day-care in the type A home; 1822  
1823  
1824
- (4) 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; 1825  
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- (5) Admissions policies and procedures, health care policies 1831

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

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

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pursuant to Chapter 119. of the Revised Code governing the certification of type B family day-care homes. 1891  
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(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: 1893  
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1895  
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(a) Persons who provide child day-care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the provider or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the provider; 1897  
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1899  
1900  
1901

(b) Persons who provide child day-care for eligible children all of whom are the children of the same caretaker parent. 1902  
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The rules shall require, and shall include procedures for the director to ensure, that type B family day-care homes that receive a limited certification provide child day-care to children in a safe and sanitary manner. With regard to providers who apply for limited certification, a provider shall be granted a provisional limited certification on signing a declaration under oath attesting that the provider meets the standards for limited certification. Such provisional limited certifications shall remain in effect for no more than sixty calendar days and shall entitle the provider to offer publicly funded child day-care during the provisional period. Except as otherwise provided in division (G)(1) of this section, prior to the expiration of the provisional limited certificate, a county department of job and family services shall inspect the home and shall grant limited certification to the provider if the provider meets the requirements of this division. Limited certificates remain valid for two years unless earlier revoked. Except as otherwise provided in division (G)(1) of this section, providers operating under limited certification shall be inspected annually. 1904  
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If a provider is a person described in division (G)(1)(a) of this section or a person described in division (G)(1)(b) of this section who is a friend of the caretaker parent, the provider and the caretaker parent may verify in writing to the county department of job and family services that minimum health and safety requirements are being met in the home. If such verification is provided, the county shall waive any inspection and any criminal records check required by this chapter and grant limited certification to the provider.

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

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

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

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

(d) Admission policies and procedures, health care, first aid and emergency procedures, procedures for the care of sick children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and authorized providers, including, but not limited to, any necessary

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physical examinations and immunizations;	1954
(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;	1955 1956 1957 1958
(f) Standards for the safe transport of children when under the care of authorized providers;	1959 1960
(g) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	1961 1962
(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;	1963 1964 1965 1966
(i) Procedures for record keeping and evaluation;	1967
(j) Procedures for receiving, recording, and responding to complaints;	1968 1969
(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;	1970 1971 1972 1973
(l) Requirements for the amount of usable indoor floor space for each child;	1974 1975
(m) Requirements for safe outdoor play space;	1976
(n) Qualification and training requirements for authorized providers;	1977 1978
(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;	1979 1980 1981
(p) Any other procedures and standards necessary to carry out	1982



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this chapter.	1983
(H) The director shall adopt rules pursuant to Chapter 119.	1984
of the Revised Code governing the certification of in-home aides.	1985
The rules shall include procedures, standards, and other necessary	1986
provisions for granting limited certification to in-home aides who	1987
provide child day-care for eligible children who are	1988
great-grandchildren, grandchildren, nieces, nephews, or siblings	1989
of the in-home aide or for eligible children whose caretaker	1990
parent is a grandchild, child, niece, nephew, or sibling of the	1991
in-home aide. The rules shall require, and shall include	1992
procedures for the director to ensure, that in-home aides that	1993
receive a limited certification provide child day-care to children	1994
in a safe and sanitary manner. The rules shall provide for	1995
safeguarding the health, safety, and welfare of children receiving	1996
publicly funded child day-care in their own home and shall include	1997
the following:	1998
(1) Standards for ensuring that the child's home and the	1999
physical surroundings of the child's home are safe and sanitary,	2000
including, but not limited to, physical environment, physical	2001
plant, and equipment;	2002
(2) Standards for the supervision, care, and discipline of	2003
children receiving publicly funded child day-care in their own	2004
home;	2005
(3) Standards for a program of activities, and for play	2006
equipment, materials, and supplies to enhance the development of	2007
each child; however, any educational curricula, philosophies, and	2008
methodologies that are developmentally appropriate and that	2009
enhance the social, emotional, intellectual, and physical	2010
development of each child shall be permissible;	2011
(4) Health care, first aid, and emergency procedures,	2012
procedures for the care of sick children, procedures for	2013

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discipline and supervision of children, nutritional standards, and	2014
procedures for screening children and in-home aides, including,	2015
but not limited to, any necessary physical examinations and	2016
immunizations;	2017
(5) Methods of encouraging parental participation and	2018
ensuring that the rights of children, parents, and in-home aides	2019
are protected and the responsibilities of parents and in-home	2020
aides are met;	2021
(6) Standards for the safe transport of children when under	2022
the care of in-home aides;	2023
(7) Procedures for issuing, renewing, denying, refusing to	2024
renew, or revoking certificates;	2025
(8) Procedures for inspection of homes of children receiving	2026
publicly funded child day-care in their own homes;	2027
(9) Procedures for record keeping and evaluation;	2028
(10) Procedures for receiving, recording, and responding to	2029
complaints;	2030
(11) Qualifications and training requirements for in-home	2031
aides;	2032
(12) Standards providing for the special needs of children	2033
who are handicapped or who receive treatment for health conditions	2034
while the child is receiving publicly funded child day-care in the	2035
child's own home;	2036
(13) Any other procedures and standards necessary to carry	2037
out this chapter.	2038
(I) <u>To the extent that any rules adopted for the purposes of</u>	2039
<u>this section require a health care professional to perform a</u>	2040
<u>physical examination, the rules shall include as a health care</u>	2041
<u>professional a clinical nurse specialist, a certified nurse</u>	2042
<u>practitioner, or a certified nurse-midwife.</u>	2043

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(J) The director of job and family services shall send copies 2044  
of proposed rules to each licensee and each county director of job 2045  
and family services and shall give public notice of hearings 2046  
regarding the rules to each licensee and each county director of 2047  
job and family services at least thirty days prior to the date of 2048  
the public hearing, in accordance with section 119.03 of the 2049  
Revised Code. Prior to the effective date of a rule, the director 2050  
of job and family services shall provide copies of the adopted 2051  
rule to each licensee and each county director of job and family 2052  
services. 2053

The county director of job and family services shall send 2054  
copies of proposed rules to each authorized provider and in-home 2055  
aide and shall give public notice of hearings regarding the rules 2056  
to each authorized provider and in-home aide at least thirty days 2057  
prior to the date of the public hearing, in accordance with 2058  
section 119.03 of the Revised Code. Prior to the effective date of 2059  
a rule, the county director of job and family services shall 2060  
provide copies of the adopted rule to each authorized provider and 2061  
in-home aide. 2062

Additional copies of proposed and adopted rules shall be made 2063  
available by the director of job and family services to the public 2064  
on request at no charge. 2065

~~(J)~~(K) The director of job and family services shall review 2066  
all rules adopted pursuant to this chapter at least once every 2067  
seven years. 2068

~~(K)~~(L) Notwithstanding any provision of the Revised Code, the 2069  
director of job and family services shall not regulate in any way 2070  
under this chapter or rules adopted pursuant to this chapter, 2071  
instruction in religious or moral doctrines, beliefs, or values. 2072

**Sec. 5503.08.** Each state highway patrol officer shall, in 2073  
addition to the sick leave benefits provided in section 124.38 of 2074

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the Revised Code, be entitled to occupational injury leave. 2075  
Occupational injury leave of one thousand five hundred hours with 2076  
pay may, with the approval of the superintendent of the state 2077  
highway patrol, be used for absence resulting from each 2078  
independent injury incurred in the line of duty, except that 2079  
occupational injury leave is not available for injuries incurred 2080  
during those times when the patrol officer is actually engaged in 2081  
administrative or clerical duties at a patrol facility, when a 2082  
patrol officer is on a meal or rest period, or when the patrol 2083  
officer is engaged in any personal business. The superintendent of 2084  
the state highway patrol shall, by rule, define those 2085  
administrative and clerical duties and those situations where the 2086  
occurrence of an injury does not entitle the patrol officer to 2087  
occupational injury leave. Each injury incurred in the line of 2088  
duty which aggravates a previously existing injury, whether the 2089  
previously existing injury was so incurred or not, shall be 2090  
considered an independent injury. When its use is authorized under 2091  
this section, all occupational injury leave shall be exhausted 2092  
before any credit is deducted from unused sick leave accumulated 2093  
under section 124.38 of the Revised Code, except that, unless 2094  
otherwise provided by the superintendent of the state highway 2095  
patrol, occupational injury leave shall not be used for absence 2096  
occurring within seven calendar days of the injury. During that 2097  
seven calendar day period, unused sick leave may be used for such 2098  
an absence. 2099

When occupational injury leave is used, it shall be deducted 2100  
from the unused balance of the patrol officer's occupational 2101  
injury leave for that injury on the basis of one hour for every 2102  
one hour of absence from previously scheduled work. 2103

Before a patrol ~~office~~ officer may use occupational injury 2104  
leave, ~~he~~ the patrol officer shall: 2105

(A) Apply to the superintendent for permission to use 2106

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occupational injury leave on a form that requires the patrol 2107  
officer to explain the nature of ~~his~~ the patrol officer's 2108  
independent injury and the circumstances under which it occurred; 2109  
and 2110

(B) Submit to a medical examination ~~conducted by a physician~~ 2111  
~~selected by the superintendent.~~ The physician individual who 2112  
conducts the examination shall report to the superintendent the 2113  
results of the examination and whether or not the independent 2114  
injury prevents the patrol officer from attending work. 2115

The superintendent shall, by rule, provide for periodic 2116  
medical examinations, ~~by a physician he selects,~~ of patrol 2117  
officers who are using occupational injury leave. ~~A physician~~ The 2118  
individual selected to conduct the medical examinations shall 2119  
report to the superintendent the results of each such examination, 2120  
including a description of the progress made by the patrol officer 2121  
in recovering from the independent injury, and whether or not the 2122  
independent injury continues to prevent the patrol officer from 2123  
attending work. 2124

The superintendent shall appoint to conduct medical 2125  
examinations under this division individuals authorized by the 2126  
Revised Code to do so, including any clinical nurse specialist, 2127  
certified nurse practitioner, or certified nurse-midwife. 2128

A patrol officer is not entitled to use or continue to use 2129  
occupational injury leave ~~if he refuses~~ after refusing to submit 2130  
to a medical examination or if the physician individual examining 2131  
~~him~~ the patrol officer reports that the independent injury does 2132  
not prevent ~~him~~ the patrol officer from attending work. 2133

A patrol officer who falsifies an application for permission 2134  
to use occupational injury leave or a ~~physician's~~ medical 2135  
examination report is subject to disciplinary action, including 2136  
dismissal. 2137

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

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

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

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