

As Reported by the House Judiciary Committee

127th General Assembly

Regular Session

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Sub. H. B. No. 104

Representative Core

**Cosponsors: Representatives Setzer, Seitz, Hughes, Dodd, Flowers, Combs,
Adams, White, Webster, McGregor, R., Bulp, Collier, McGregor, J.,
Stebelton, Strahorn, Blessing, Dyer, Batchelder**

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A B I L L

To amend sections 109.572, 4709.05, 4717.04, 4725.09, 1
4725.44, 4730.14, 4730.28, 4731.15, 4731.222, 2
4731.281, 4731.296, 4740.04, 4755.06, 4755.61, 3
4757.10, 4759.05, 4760.06, 4761.03, 4762.06, and 4
4779.08 and to enact sections 4701.08, 4709.071, 5
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 6
4730.101, 4731.081, 4731.171, 4731.531, 4732.091, 7
4734.202, 4740.061, 4741.10, 4755.70, 4757.101, 8
4759.061, 4760.032, 4761.051, 4762.031, 4776.01, 9
4776.02, 4776.03, 4776.04, and 4779.091 of the 10
Revised Code to require initial license applicants 11
and applicants for restoration of licenses for 12
specified licensed professions to obtain a 13
criminal background check from the bureau of 14
criminal investigation and identification and to 15
require the appropriate licensing board to 16
consider the results of those checks in 17
determining a person's eligibility for licensure. 18

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

Section 1. That sections 109.572, 4709.05, 4717.04, 4725.09, 19
4725.44, 4730.14, 4730.28, 4731.15, 4731.222, 4731.281, 4731.296, 20
4740.04, 4755.06, 4755.61, 4757.10, 4759.05, 4760.06, 4761.03, 21
4762.06, and 4779.08 be amended and sections 4701.08, 4709.071, 22
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 23
4731.081, 4731.171, 4731.531, 4732.091, 4734.202, 4740.061, 24
4741.10, 4755.70, 4757.101, 4759.061, 4760.032, 4761.051, 25
4762.031, 4776.01, 4776.02, 4776.03, 4776.04, and 4779.091 of the 26
Revised Code be enacted to read as follows: 27

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 28
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013 29
of the Revised Code, a completed form prescribed pursuant to 30
division (C)(1) of this section, and a set of fingerprint 31
impressions obtained in the manner described in division (C)(2) of 32
this section, the superintendent of the bureau of criminal 33
identification and investigation shall conduct a criminal records 34
check in the manner described in division (B) of this section to 35
determine whether any information exists that indicates that the 36
person who is the subject of the request previously has been 37
convicted of or pleaded guilty to any of the following: 38

(a) A violation of section 2903.01, 2903.02, 2903.03, 39
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 40
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 41
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 42
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 43
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 44
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 45
2925.06, or 3716.11 of the Revised Code, felonious sexual 46
penetration in violation of former section 2907.12 of the Revised 47
Code, a violation of section 2905.04 of the Revised Code as it 48
existed prior to July 1, 1996, a violation of section 2919.23 of 49

the Revised Code that would have been a violation of section 50
2905.04 of the Revised Code as it existed prior to July 1, 1996, 51
had the violation been committed prior to that date, or a 52
violation of section 2925.11 of the Revised Code that is not a 53
minor drug possession offense; 54

(b) A violation of an existing or former law of this state, 55
any other state, or the United States that is substantially 56
equivalent to any of the offenses listed in division (A)(1)(a) of 57
this section. 58

(2) On receipt of a request pursuant to section 5123.081 of 59
the Revised Code with respect to an applicant for employment in 60
any position with the department of mental retardation and 61
developmental disabilities, pursuant to section 5126.28 of the 62
Revised Code with respect to an applicant for employment in any 63
position with a county board of mental retardation and 64
developmental disabilities, or pursuant to section 5126.281 of the 65
Revised Code with respect to an applicant for employment in a 66
direct services position with an entity contracting with a county 67
board for employment, a completed form prescribed pursuant to 68
division (C)(1) of this section, and a set of fingerprint 69
impressions obtained in the manner described in division (C)(2) of 70
this section, the superintendent of the bureau of criminal 71
identification and investigation shall conduct a criminal records 72
check. The superintendent shall conduct the criminal records check 73
in the manner described in division (B) of this section to 74
determine whether any information exists that indicates that the 75
person who is the subject of the request has been convicted of or 76
pleaded guilty to any of the following: 77

(a) A violation of section 2903.01, 2903.02, 2903.03, 78
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 79
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 80
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 81

2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 82
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 83
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 84
2925.03, or 3716.11 of the Revised Code; 85

(b) An existing or former municipal ordinance or law of this 86
state, any other state, or the United States that is substantially 87
equivalent to any of the offenses listed in division (A)(2)(a) of 88
this section. 89

(3) On receipt of a request pursuant to section 173.27, 90
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 91
completed form prescribed pursuant to division (C)(1) of this 92
section, and a set of fingerprint impressions obtained in the 93
manner described in division (C)(2) of this section, the 94
superintendent of the bureau of criminal identification and 95
investigation shall conduct a criminal records check with respect 96
to any person who has applied for employment in a position for 97
which a criminal records check is required by those sections. The 98
superintendent shall conduct the criminal records check in the 99
manner described in division (B) of this section to determine 100
whether any information exists that indicates that the person who 101
is the subject of the request previously has been convicted of or 102
pleaded guilty to any of the following: 103

(a) A violation of section 2903.01, 2903.02, 2903.03, 104
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 105
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 106
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 107
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 108
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 109
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 110
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 111
2925.22, 2925.23, or 3716.11 of the Revised Code; 112

(b) An existing or former law of this state, any other state, 113

or the United States that is substantially equivalent to any of 114
the offenses listed in division (A)(3)(a) of this section. 115

(4) On receipt of a request pursuant to section 3701.881 of 116
the Revised Code with respect to an applicant for employment with 117
a home health agency as a person responsible for the care, 118
custody, or control of a child, a completed form prescribed 119
pursuant to division (C)(1) of this section, and a set of 120
fingerprint impressions obtained in the manner described in 121
division (C)(2) of this section, the superintendent of the bureau 122
of criminal identification and investigation shall conduct a 123
criminal records check. The superintendent shall conduct the 124
criminal records check in the manner described in division (B) of 125
this section to determine whether any information exists that 126
indicates that the person who is the subject of the request 127
previously has been convicted of or pleaded guilty to any of the 128
following: 129

(a) A violation of section 2903.01, 2903.02, 2903.03, 130
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 131
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 132
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 133
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 134
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 135
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 136
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 137
violation of section 2925.11 of the Revised Code that is not a 138
minor drug possession offense; 139

(b) An existing or former law of this state, any other state, 140
or the United States that is substantially equivalent to any of 141
the offenses listed in division (A)(4)(a) of this section. 142

(5) On receipt of a request pursuant to section 5111.95 or 143
5111.96 of the Revised Code with respect to an applicant for 144
employment with a waiver agency participating in a department of 145

job and family services administered home and community-based 146
waiver program or an independent provider participating in a 147
department administered home and community-based waiver program in 148
a position that involves providing home and community-based waiver 149
services to consumers with disabilities, a completed form 150
prescribed pursuant to division (C)(1) of this section, and a set 151
of fingerprint impressions obtained in the manner described in 152
division (C)(2) of this section, the superintendent of the bureau 153
of criminal identification and investigation shall conduct a 154
criminal records check. The superintendent shall conduct the 155
criminal records check in the manner described in division (B) of 156
this section to determine whether any information exists that 157
indicates that the person who is the subject of the request 158
previously has been convicted of or pleaded guilty to any of the 159
following: 160

(a) A violation of section 2903.01, 2903.02, 2903.03, 161
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 162
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 163
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 164
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 165
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 166
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 167
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 168
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 169
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 170
Revised Code, felonious sexual penetration in violation of former 171
section 2907.12 of the Revised Code, a violation of section 172
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 173
violation of section 2919.23 of the Revised Code that would have 174
been a violation of section 2905.04 of the Revised Code as it 175
existed prior to July 1, 1996, had the violation been committed 176
prior to that date; 177

(b) An existing or former law of this state, any other state, 178
or the United States that is substantially equivalent to any of 179
the offenses listed in division (A)(5)(a) of this section. 180

(6) On receipt of a request pursuant to section 3701.881 of 181
the Revised Code with respect to an applicant for employment with 182
a home health agency in a position that involves providing direct 183
care to an older adult, a completed form prescribed pursuant to 184
division (C)(1) of this section, and a set of fingerprint 185
impressions obtained in the manner described in division (C)(2) of 186
this section, the superintendent of the bureau of criminal 187
identification and investigation shall conduct a criminal records 188
check. The superintendent shall conduct the criminal records check 189
in the manner described in division (B) of this section to 190
determine whether any information exists that indicates that the 191
person who is the subject of the request previously has been 192
convicted of or pleaded guilty to any of the following: 193

(a) A violation of section 2903.01, 2903.02, 2903.03, 194
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 195
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 196
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 197
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 198
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 199
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 200
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 201
2925.22, 2925.23, or 3716.11 of the Revised Code; 202

(b) An existing or former law of this state, any other state, 203
or the United States that is substantially equivalent to any of 204
the offenses listed in division (A)(6)(a) of this section. 205

(7) When conducting a criminal records check upon a request 206
pursuant to section 3319.39 of the Revised Code for an applicant 207
who is a teacher, in addition to the determination made under 208
division (A)(1) of this section, the superintendent shall 209

determine whether any information exists that indicates that the 210
person who is the subject of the request previously has been 211
convicted of or pleaded guilty to any offense specified in section 212
3319.31 of the Revised Code. 213

(8) On a request pursuant to section 2151.86 of the Revised 214
Code, a completed form prescribed pursuant to division (C)(1) of 215
this section, and a set of fingerprint impressions obtained in the 216
manner described in division (C)(2) of this section, the 217
superintendent of the bureau of criminal identification and 218
investigation shall conduct a criminal records check in the manner 219
described in division (B) of this section to determine whether any 220
information exists that indicates that the person who is the 221
subject of the request previously has been convicted of or pleaded 222
guilty to any of the following: 223

(a) A violation of section 2903.01, 2903.02, 2903.03, 224
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 225
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 226
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 227
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 228
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 229
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 230
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 231
violation of section 2905.04 of the Revised Code as it existed 232
prior to July 1, 1996, a violation of section 2919.23 of the 233
Revised Code that would have been a violation of section 2905.04 234
of the Revised Code as it existed prior to July 1, 1996, had the 235
violation been committed prior to that date, a violation of 236
section 2925.11 of the Revised Code that is not a minor drug 237
possession offense, or felonious sexual penetration in violation 238
of former section 2907.12 of the Revised Code; 239

(b) A violation of an existing or former law of this state, 240
any other state, or the United States that is substantially 241

equivalent to any of the offenses listed in division (A)(8)(a) of 242
this section. 243

(9) When conducting a criminal records check on a request 244
pursuant to section 5104.013 of the Revised Code for a person who 245
is an owner, licensee, or administrator of a child day-care center 246
or type A family day-care home, an authorized provider of a 247
certified type B family day-care home, or an adult residing in a 248
type A or certified type B home, or when conducting a criminal 249
records check or a request pursuant to section 5104.012 of the 250
Revised Code for a person who is an applicant for employment in a 251
center, type A home, or certified type B home, the superintendent, 252
in addition to the determination made under division (A)(1) of 253
this section, shall determine whether any information exists that 254
indicates that the person has been convicted of or pleaded guilty 255
to any of the following: 256

(a) A violation of section 2913.02, 2913.03, 2913.04, 257
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 258
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 259
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 260
2921.13, or 2923.01 of the Revised Code, a violation of section 261
2923.02 or 2923.03 of the Revised Code that relates to a crime 262
specified in this division or division (A)(1)(a) of this section, 263
or a second violation of section 4511.19 of the Revised Code 264
within five years of the date of application for licensure or 265
certification. 266

(b) A violation of an existing or former law of this state, 267
any other state, or the United States that is substantially 268
equivalent to any of the offenses or violations described in 269
division (A)(9)(a) of this section. 270

(10) Upon receipt of a request pursuant to section 5153.111 271
of the Revised Code, a completed form prescribed pursuant to 272
division (C)(1) of this section, and a set of fingerprint 273

impressions obtained in the manner described in division (C)(2) of 274
this section, the superintendent of the bureau of criminal 275
identification and investigation shall conduct a criminal records 276
check in the manner described in division (B) of this section to 277
determine whether any information exists that indicates that the 278
person who is the subject of the request previously has been 279
convicted of or pleaded guilty to any of the following: 280

(a) A violation of section 2903.01, 2903.02, 2903.03, 281
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 282
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 283
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 284
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 285
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 286
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 287
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 288
felonious sexual penetration in violation of former section 289
2907.12 of the Revised Code, a violation of section 2905.04 of the 290
Revised Code as it existed prior to July 1, 1996, a violation of 291
section 2919.23 of the Revised Code that would have been a 292
violation of section 2905.04 of the Revised Code as it existed 293
prior to July 1, 1996, had the violation been committed prior to 294
that date, or a violation of section 2925.11 of the Revised Code 295
that is not a minor drug possession offense; 296

(b) A violation of an existing or former law of this state, 297
any other state, or the United States that is substantially 298
equivalent to any of the offenses listed in division (A)(10)(a) of 299
this section. 300

(11) On receipt of a request for a criminal records check 301
from an individual pursuant to section 4749.03 or 4749.06 of the 302
Revised Code, accompanied by a completed copy of the form 303
prescribed in division (C)(1) of this section and a set of 304
fingerprint impressions obtained in a manner described in division 305

(C)(2) of this section, the superintendent of the bureau of 306
criminal identification and investigation shall conduct a criminal 307
records check in the manner described in division (B) of this 308
section to determine whether any information exists indicating 309
that the person who is the subject of the request has been 310
convicted of or pleaded guilty to a felony in this state or in any 311
other state. If the individual indicates that a firearm will be 312
carried in the course of business, the superintendent shall 313
require information from the federal bureau of investigation as 314
described in division (B)(2) of this section. The superintendent 315
shall report the findings of the criminal records check and any 316
information the federal bureau of investigation provides to the 317
director of public safety. 318

(12) On receipt of a request pursuant to section 1322.03, 319
1322.031, or 4763.05 of the Revised Code, a completed form 320
prescribed pursuant to division (C)(1) of this section, and a set 321
of fingerprint impressions obtained in the manner described in 322
division (C)(2) of this section, the superintendent of the bureau 323
of criminal identification and investigation shall conduct a 324
criminal records check with respect to any person who has applied 325
for a license, permit, or certification from the department of 326
commerce or a division in the department. The superintendent shall 327
conduct the criminal records check in the manner described in 328
division (B) of this section to determine whether any information 329
exists that indicates that the person who is the subject of the 330
request previously has been convicted of or pleaded guilty to any 331
of the following: a violation of section 2913.02, 2913.11, 332
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 333
criminal offense involving theft, receiving stolen property, 334
embezzlement, forgery, fraud, passing bad checks, money 335
laundering, or drug trafficking, or any criminal offense involving 336
money or securities, as set forth in Chapters 2909., 2911., 2913., 337
2915., 2921., 2923., and 2925. of the Revised Code; or any 338

existing or former law of this state, any other state, or the 339
United States that is substantially equivalent to those offenses. 340

(13) On receipt of a request for a criminal records check 341
from an individual under section 4701.08, 4709.071, 4715.101, 342
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 343
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 344
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 345
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 346
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 347
a completed form prescribed under division (C)(1) of this section 348
and a set of fingerprint impressions obtained in the manner 349
described in division (C)(2) of this section, the superintendent 350
of the bureau of criminal identification and investigation shall 351
conduct a criminal records check in the manner described in 352
division (B) of this section to determine whether any information 353
exists that indicates that the person who is the subject of the 354
request has been convicted of or pleaded guilty to any criminal 355
offense in this state or any other state. The superintendent shall 356
send the results to the licensing board specified by the 357
individual in the request. 358

(14) Not later than thirty days after the date the 359
superintendent receives the request, completed form, and 360
fingerprint impressions, the superintendent shall send the person, 361
board, or entity that made the request any information, other than 362
information the dissemination of which is prohibited by federal 363
law, the superintendent determines exists with respect to the 364
person who is the subject of the request that indicates that the 365
person previously has been convicted of or pleaded guilty to any 366
offense listed or described in division (A)(1), (2), (3), (4), 367
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 368
appropriate. The superintendent shall send the person, board, or 369
entity that made the request a copy of the list of offenses 370

specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 371
(9), (10), (11), or (12) of this section, as appropriate. If the 372
request was made under section 3701.881 of the Revised Code with 373
regard to an applicant who may be both responsible for the care, 374
custody, or control of a child and involved in providing direct 375
care to an older adult, the superintendent shall provide a list of 376
the offenses specified in divisions (A)(4) and (6) of this 377
section. 378

(B) The superintendent shall conduct any criminal records 379
check requested under section 121.08, 173.27, 173.394, 1322.03, 380
1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 381
3721.121, 3722.151, 4701.08, 4709.071, 4715.101, 4717.061, 382
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 383
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 384
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 385
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 386
4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 5111.95, 387
5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 388
Code as follows: 389

(1) The superintendent shall review or cause to be reviewed 390
any relevant information gathered and compiled by the bureau under 391
division (A) of section 109.57 of the Revised Code that relates to 392
the person who is the subject of the request, including any 393
relevant information contained in records that have been sealed 394
under section 2953.32 of the Revised Code; 395

(2) If the request received by the superintendent asks for 396
information from the federal bureau of investigation, the 397
superintendent shall request from the federal bureau of 398
investigation any information it has with respect to the person 399
who is the subject of the request and shall review or cause to be 400
reviewed any information the superintendent receives from that 401
bureau. 402

(3) The superintendent or the superintendent's designee may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code.

(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is required by section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4709.071, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is required by section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4709.071, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. Any person for whom a records check is required by any of those sections shall obtain the fingerprint

impressions at a county sheriff's office, municipal police 435
department, or any other entity with the ability to make 436
fingerprint impressions on the standard impression sheets 437
prescribed by the superintendent. The office, department, or 438
entity may charge the person a reasonable fee for making the 439
impressions. The standard impression sheets the superintendent 440
prescribes pursuant to this division may be in a tangible format, 441
in an electronic format, or in both tangible and electronic 442
formats. 443

(3) Subject to division (D) of this section, the 444
superintendent shall prescribe and charge a reasonable fee for 445
providing a criminal records check requested under section 121.08, 446
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 447
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4709.071, 448
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 449
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 450
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 451
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 452
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 453
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 454
5153.111 of the Revised Code. The person making a criminal records 455
request under section 121.08, 173.27, 173.394, 1322.03, 1322.031, 456
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 457
3722.151, 4701.08, 4709.071, 4715.101, 4717.061, 4725.121, 458
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 459
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 460
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 461
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 462
4779.091, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 463
5126.281, or 5153.111 of the Revised Code shall pay the fee 464
prescribed pursuant to this division. A person making a request 465
under section 3701.881 of the Revised Code for a criminal records 466
check for an applicant who may be both responsible for the care, 467

custody, or control of a child and involved in providing direct 468
care to an older adult shall pay one fee for the request. 469

(4) The superintendent of the bureau of criminal 470
identification and investigation may prescribe methods of 471
forwarding fingerprint impressions and information necessary to 472
conduct a criminal records check, which methods shall include, but 473
not be limited to, an electronic method. 474

(D) A determination whether any information exists that 475
indicates that a person previously has been convicted of or 476
pleaded guilty to any offense listed or described in division 477
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 478
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 479
(A)(9)(a) or (b), (A)(10)(a) or (b), ~~or~~ (A)(12), or (A)(13) of 480
this section that is made by the superintendent with respect to 481
information considered in a criminal records check in accordance 482
with this section is valid for the person who is the subject of 483
the criminal records check for a period of one year from the date 484
upon which the superintendent makes the determination. During the 485
period in which the determination in regard to a person is valid, 486
if another request under this section is made for a criminal 487
records check for that person, the superintendent shall provide 488
the information that is the basis for the superintendent's initial 489
determination at a lower fee than the fee prescribed for the 490
initial criminal records check. 491

(E) As used in this section: 492

(1) "Criminal records check" means any criminal records check 493
conducted by the superintendent of the bureau of criminal 494
identification and investigation in accordance with division (B) 495
of this section. 496

(2) "Home and community-based waiver services" and "waiver 497
agency" have the same meanings as in section 5111.95 of the 498

Revised Code. 499

(3) "Independent provider" has the same meaning as in section 500
5111.96 of the Revised Code. 501

(4) "Minor drug possession offense" has the same meaning as 502
in section 2925.01 of the Revised Code. 503

(5) "Older adult" means a person age sixty or older. 504

Sec. 4701.08. (A) As used in this section, "license" and 505
"applicant for an initial license" have the same meanings as in 506
section 4776.01 of the Revised Code, except that "license" as used 507
in both of those terms refers to the types of authorizations 508
otherwise issued or conferred under this chapter. 509

(B) In addition to any other eligibility requirement set 510
forth in this chapter, each applicant for an initial license shall 511
comply with sections 4776.01 to 4776.04 of the Revised Code. The 512
accountancy board shall not grant a license to an applicant for an 513
initial license unless the applicant complies with sections 514
4776.01 to 4776.04 of the Revised Code and the board, in its 515
discretion, decides that the results of the criminal records check 516
do not make the applicant ineligible for a license issued pursuant 517
to section 4701.06, 4701.061, 4701.07, 4701.09, or 4701.10 of the 518
Revised Code. 519

Sec. 4709.05. In addition to any other duty imposed on the 520
barber board under this chapter, the board shall do all of the 521
following: 522

(A) Organize by electing a chairperson from its members to 523
serve a one-year term; 524

(B) Hold regular meetings, at the times and places as it 525
determines for the purpose of conducting the examinations required 526
under this chapter, and hold additional meetings for the 527

transaction of necessary business;	528
(C) Provide for suitable quarters, in the city of Columbus,	529
for the conduct of its business and the maintenance of its	530
records;	531
(D) Adopt a common seal for the authentication of its orders,	532
communications, and records;	533
(E) Maintain a record of its proceedings and a register of	534
persons licensed as barbers. The register shall include each	535
licensee's name, place of business, residence, and licensure date	536
and number, and a record of all licenses issued, refused, renewed,	537
suspended, or revoked. The records are open to public inspection	538
at all reasonable times.	539
(F) Annually, on or before the first day of January, make a	540
report to the governor of all its official acts during the	541
preceding year, its receipts and disbursements, recommendations it	542
determines appropriate, and an evaluation of board activities	543
intended to aid or protect consumers of barber services;	544
(G) Employ an executive director who shall do all things	545
requested by the board for the administration and enforcement of	546
this chapter. The executive director shall employ inspectors,	547
clerks, and other assistants as the executive director determines	548
necessary.	549
(H) Ensure that the practice of barbering is conducted only	550
in a licensed barber shop, except when the practice of barbering	551
is performed on a person whose physical or mental disability	552
prevents that person from going to a licensed barber shop;	553
(I) Conduct or have conducted the examination for applicants	554
to practice as licensed barbers at least four times per year at	555
the times and places the board determines;	556
(J) Adopt rules, in accordance with Chapter 119. of the	557

Revised Code, to administer and enforce this chapter and which 558
cover all of the following: 559

(1) Sanitary standards for the operation of barber shops and 560
barber schools that conform to guidelines established by the 561
department of health; 562

(2) The content of the examination required of an applicant 563
for a barber license. The examination shall include a practical 564
demonstration and a written test, shall relate only to the 565
practice of barbering, and shall require the applicant to 566
demonstrate that the applicant has a thorough knowledge of and 567
competence in the proper techniques in the safe use of chemicals 568
used in the practice of barbering. 569

(3) Continuing education requirements for persons licensed 570
pursuant to this chapter. The board may impose continuing 571
education requirements upon a licensee for a violation of this 572
chapter or the rules adopted pursuant thereto or if the board 573
determines that the requirements are necessary to preserve the 574
health, safety, or welfare of the public. 575

(4) Requirements for the licensure of barber schools, barber 576
teachers, and assistant barber teachers; 577

(5) Requirements for students of barber schools; 578

(6) Requirements for criminal records checks of applicants 579
under section 4776.03 of the Revised Code; 580

(7) Any other area the board determines appropriate to 581
administer or enforce this chapter. 582

(K) Annually review the rules adopted pursuant to division 583
(J) of this section in order to compare those rules with the rules 584
adopted by the state board of cosmetology pursuant to section 585
4713.08 of the Revised Code. If the barber board determines that 586
the rules adopted by the state board of cosmetology, including, 587

but not limited to, rules concerning using career technical 588
schools, would be beneficial to the barbering profession, the 589
barber board shall adopt rules similar to those it determines 590
would be beneficial for barbers. 591

(L) Prior to adopting any rule under this chapter, indicate 592
at a formal hearing the reasons why the rule is necessary as a 593
protection of the persons who use barber services or as an 594
improvement of the professional standing of barbers in this state; 595

(M) Furnish each owner or manager of a barber shop and barber 596
school with a copy of all sanitary rules adopted pursuant to 597
division (J) of this section; 598

(N) Conduct ~~such~~ investigations and inspections of persons 599
and establishments licensed or unlicensed pursuant to this chapter 600
~~and for.~~ For that purpose, any member of the board or any of its 601
authorized agents may enter and inspect any place of business of a 602
licensee or a person suspected of violating this chapter or the 603
rules adopted pursuant ~~thereto~~ to it, during normal business 604
hours. 605

(O) Upon the written request of an applicant and the payment 606
of the appropriate fee, provide to the applicant licensure 607
information concerning the applicant; 608

(P) Do all things necessary for the proper administration and 609
enforcement of this chapter. 610

Sec. 4709.071. (A) As used in this section, "license" and 611
"applicant for an initial license" have the same meanings as in 612
section 4776.01 of the Revised Code, except that "license" as used 613
in both of those terms refers to the types of authorizations 614
otherwise issued or conferred under this chapter. 615

(B) In addition to any other eligibility requirement set 616
forth in this chapter, each applicant for an initial license shall 617

comply with sections 4776.01 to 4776.04 of the Revised Code. The 618
barber board shall not grant a license to an applicant for an 619
initial license unless the applicant complies with sections 620
4776.01 to 4776.04 of the Revised Code and the board, in its 621
discretion, decides that the results of the criminal records check 622
do not make the applicant ineligible for a license issued pursuant 623
to section 4709.07, 4709.08, 4709.09, or 4709.10 of the Revised 624
Code. 625

Sec. 4715.101. (A) As used in this section, "license" and 626
"applicant for an initial license" have the same meanings as in 627
section 4776.01 of the Revised Code, except that "license" as used 628
in both of those terms refers to the types of authorizations 629
otherwise issued or conferred under this chapter. 630

(B) In addition to any other eligibility requirement set 631
forth in this chapter, each applicant for an initial license shall 632
comply with sections 4776.01 to 4776.04 of the Revised Code. The 633
state dental board shall not grant a license to an applicant for 634
an initial license unless the applicant complies with sections 635
4776.01 to 4776.04 of the Revised Code and the board, in its 636
discretion, decides that the results of the criminal records check 637
do not make the applicant ineligible for a license issued pursuant 638
to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised 639
Code. 640

Sec. 4717.04. (A) The board of embalmers and funeral 641
directors shall adopt rules in accordance with Chapter 119. of the 642
Revised Code for the government, transaction of the business, and 643
the management of the affairs of the board of embalmers and 644
funeral directors and the crematory review board, and for the 645
administration and enforcement of this chapter. These rules shall 646
include all of the following: 647

(1) The nature, scope, content, and form of the application 648
that must be completed and license examination that must be passed 649
in order to receive an embalmer's license or a funeral director's 650
license under section 4717.05 of the Revised Code. The rules shall 651
ensure both of the following: 652

(a) That the embalmer's license examination tests the 653
applicant's knowledge through at least a comprehensive section and 654
an Ohio laws section; 655

(b) That the funeral director's license examination tests the 656
applicant's knowledge through at least a comprehensive section, an 657
Ohio laws section, and a sanitation section. 658

(2) The minimum license examination score necessary to be 659
licensed under section 4717.05 of the Revised Code as an embalmer 660
or as a funeral director; 661

(3) Procedures for determining the dates of the embalmer's 662
and funeral director's license examinations, which shall be 663
administered at least once each year, the time and place of each 664
examination, and the supervision required for each examination; 665

(4) Procedures for determining whether the board shall accept 666
an applicant's compliance with the licensure, registration, or 667
certification requirements of another state as grounds for 668
granting the applicant a license under this chapter; 669

(5) A determination of whether completion of a nationally 670
recognized embalmer's or funeral director's examination 671
sufficiently meets the license requirements for the comprehensive 672
section of either the embalmer's or the funeral director's license 673
examination administered under this chapter; 674

(6) Continuing education requirements for licensed embalmers 675
and funeral directors; 676

(7) Requirements for the licensing and operation of funeral 677

homes;	678
(8) Requirements for the licensing and operation of embalming facilities;	679 680
(9) A schedule that lists, and specifies a forfeiture commensurate with, each of the following types of conduct which, for the purposes of division (A)(9) of this section and section 4717.15 of the Revised Code, are violations of this chapter:	681 682 683 684
(a) Obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license;	685 686 687
(b) Purposely violating any provision of sections 4717.01 to 4717.15 of the Revised Code or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code;	688 689 690 691 692 693
(c) Committing unprofessional conduct;	694
(d) Knowingly permitting an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the licensee's supervision;	695 696 697 698
(e) Refusing to promptly submit the custody of a dead human body upon the express order of the person legally entitled to the body;	699 700 701
(f) Transferring a license to operate a funeral home, embalming facility, or crematory facility from one owner or operator to another, or from one location to another, without notifying the board;	702 703 704 705
(g) Misleading the public using false or deceptive advertising.	706 707

Each instance of the commission of any of the types of 708
conduct described in divisions (A)(9)(a), (b), (c), (d), (e), (f), 709
and (g) of this section is a separate violation. The rules adopted 710
under division (A)(9) of this section shall establish the amount 711
of the forfeiture for a violation of each of those divisions. The 712
forfeiture for a first violation shall not exceed five thousand 713
dollars, and the forfeiture for a second or subsequent violation 714
shall not exceed ten thousand dollars. The amount of the 715
forfeiture may differ among the types of violations according to 716
what the board considers the seriousness of each violation. 717

(10) Requirements for the licensing and operation of 718
crematory facilities; 719

(11) Procedures for the issuance of duplicate licenses; 720

(12) Requirements for criminal records checks of applicants 721
under section 4776.03 of the Revised Code. 722

(B) The board may adopt rules governing the educational 723
standards for licensure as an embalmer or funeral director and the 724
standards of service and practice to be followed in embalming and 725
funeral directing and in the operation of funeral homes, embalming 726
facilities, and crematory facilities in this state. 727

(C) Nothing in this chapter authorizes the board of embalmers 728
and funeral directors to regulate cemeteries, except that the 729
board shall license and regulate crematories located at cemeteries 730
in accordance with this chapter. 731

Sec. 4717.061. (A) As used in this section, "license" and 732
"applicant for an initial license" have the same meanings as in 733
section 4776.01 of the Revised Code, except that "license" as used 734
in both of those terms refers to the types of authorizations 735
otherwise issued or conferred under this chapter. 736

(B) In addition to any other eligibility requirement set 737

forth in this chapter, each applicant for an initial license shall 738
comply with sections 4776.01 to 4776.04 of the Revised Code. The 739
board of embalmers and funeral directors shall not grant a license 740
to an applicant for an initial license unless the applicant 741
complies with sections 4776.01 to 4776.04 of the Revised Code and 742
the board, in its discretion, decides that the results of the 743
criminal records check do not make the applicant ineligible for a 744
license issued pursuant to section 4717.05, 4717.06, or 4717.10 of 745
the Revised Code. 746

Sec. 4725.09. (A) The state board of optometry shall adopt 747
rules as it considers necessary to govern the practice of 748
optometry and to administer and enforce sections 4725.01 to 749
4725.34 of the Revised Code. All rules adopted under those 750
~~sections 4725.01 to 4725.34 of the Revised Code~~ shall be adopted 751
in accordance with Chapter 119. of the Revised Code. 752

(B) The board, in consultation with the state board of 753
pharmacy, shall adopt rules specifying oral dosages of drugs or 754
dangerous drugs that are therapeutic pharmaceutical agents under 755
division (C)(3) of section 4725.01 of the Revised Code. 756

(C) The board shall adopt rules that establish standards to 757
be met and procedures to be followed with respect to the 758
delegation by an optometrist of the performance of an optometric 759
task to a person who is not licensed or otherwise specifically 760
authorized by the Revised Code to perform the task. The rules 761
shall permit an optometrist who holds a topical ocular 762
pharmaceutical agents certificate or therapeutic pharmaceutical 763
agents certificate to delegate the administration of drugs 764
included in the optometrist's scope of practice. 765

The rules adopted under this division shall provide for all 766
of the following: 767

(1) On-site supervision when the delegation occurs in an 768

institution or other facility that is used primarily for the 769
purpose of providing health care, unless the board established a 770
specific exception to the on-site supervision requirement with 771
respect to routine administration of a topical drug; 772

(2) Evaluation of whether delegation is appropriate according 773
to the acuity of the patient involved; 774

(3) Training and competency requirements that must be met by 775
the person administering the drugs; 776

(4) Other standards and procedures the board considers 777
relevant. 778

(D) The state board of optometry shall adopt rules 779
establishing criminal records checks requirements for applicants 780
under section 4776.03 of the Revised Code. 781

Sec. 4725.121. (A) As used in this section, "license" and 782
"applicant for an initial license" have the same meanings as in 783
section 4776.01 of the Revised Code, except that "license" as used 784
in both of those terms refers to the types of authorizations 785
otherwise issued or conferred under this chapter. 786

(B) In addition to any other eligibility requirement set 787
forth in this chapter, each applicant for an initial license shall 788
comply with sections 4776.01 to 4776.04 of the Revised Code. The 789
state board of optometry shall not grant a license to an applicant 790
for an initial license unless the applicant complies with sections 791
4776.01 to 4776.04 of the Revised Code and the board, in its 792
discretion, decides that the results of the criminal records check 793
do not make the applicant ineligible for a license issued pursuant 794
to section 4725.13 or 4725.18 of the Revised Code. 795

Sec. 4725.44. (A) The Ohio optical dispensers board shall be 796
responsible for the administration of sections 4725.40 to 4725.59 797
of the Revised Code and, in particular, shall process applications 798

for licensure as licensed dispensing opticians and ocularists; 799
schedule, administer, and supervise the qualifying examinations 800
for licensure or contract with a testing service to schedule, 801
administer, and supervise the qualifying examination for 802
licensure; issue licenses to qualified individuals; revoke and 803
suspend licenses; and maintain adequate records with respect to 804
its operations and responsibilities. 805

(B) The board shall adopt, amend, or rescind rules, pursuant 806
to Chapter 119. of the Revised Code, for the licensure of 807
dispensing opticians and ocularists, and such other rules as are 808
required by or necessary to carry out the responsibilities imposed 809
by sections 4725.40 to 4725.59 of the Revised Code, including 810
rules establishing criminal records check requirements under 811
section 4776.03 of the Revised Code. 812

(C) The board shall have no authority to adopt rules 813
governing the employment of dispensing opticians, the location or 814
number of optical stores, advertising of optical products or 815
services, or the manner in which ~~such~~ optical products can be 816
displayed. 817

Sec. 4725.501. (A) As used in this section, "license" and 818
"applicant for an initial license" have the same meanings as in 819
section 4776.01 of the Revised Code, except that "license" as used 820
in both of those terms refers to the types of authorizations 821
otherwise issued or conferred under this chapter. 822

(B) In addition to any other eligibility requirement set 823
forth in this chapter, each applicant for an initial license shall 824
comply with sections 4776.01 to 4776.04 of the Revised Code. The 825
Ohio optical dispensers board shall not grant a license to an 826
applicant for an initial license unless the applicant complies 827
with sections 4776.01 to 4776.04 of the Revised Code and the 828
board, in its discretion, decides that the results of the criminal 829

records check do not make the applicant ineligible for a license 830
issued pursuant to section 4725.50 or 4725.57 of the Revised Code. 831

Sec. 4729.071. (A) As used in this section, "license" and 832
"applicant for an initial license" have the same meanings as in 833
section 4776.01 of the Revised Code, except that "license" as used 834
in both of those terms refers to the types of authorizations 835
otherwise issued or conferred under this chapter. 836

(B) In addition to any other eligibility requirement set 837
forth in this chapter, each applicant for an initial license shall 838
comply with sections 4776.01 to 4776.04 of the Revised Code. The 839
state board of pharmacy shall not grant a license to an applicant 840
for an initial license unless the applicant complies with sections 841
4776.01 to 4776.04 of the Revised Code and the board, in its 842
discretion, decides that the results of the criminal records check 843
do not make the applicant ineligible for a license issued pursuant 844
to section 4729.08, 4729.09, or 4729.11 of the Revised Code. 845

Sec. 4730.101. In addition to any other eligibility 846
requirement set forth in this chapter, each applicant for a 847
certificate to practice as a physician assistant shall comply with 848
sections 4776.01 to 4776.04 of the Revised Code. The state medical 849
board shall not grant to an applicant a certificate to practice as 850
a physician assistant unless the board, in its discretion, decides 851
that the results of the criminal records check do not make the 852
applicant ineligible for a certificate issued pursuant to section 853
4730.12 of the Revised Code. 854

Sec. 4730.14. (A) A certificate to practice as a physician 855
assistant shall expire biennially and may be renewed in accordance 856
with this section. A person seeking to renew a certificate to 857
practice as a physician assistant shall, on or before the 858
thirty-first day of January of each even-numbered year, apply for 859

renewal of the certificate. The state medical board shall send 860
renewal notices at least one month prior to the expiration date. 861

Applications shall be submitted to the board on forms the 862
board shall prescribe and furnish. Each application shall be 863
accompanied by a biennial renewal fee of one hundred dollars. The 864
board shall deposit the fees in accordance with section 4731.24 of 865
the Revised Code. 866

The applicant shall report any criminal offense that 867
constitutes grounds for refusing to issue a certificate to 868
practice under section 4730.25 of the Revised Code to which the 869
applicant has pleaded guilty, of which the applicant has been 870
found guilty, or for which the applicant has been found eligible 871
for intervention in lieu of conviction, since last signing an 872
application for a certificate to practice as a physician 873
assistant. 874

(B) To be eligible for renewal, a physician assistant shall 875
certify to the board both of the following: 876

(1) That the physician assistant has maintained certification 877
by the national commission on certification of physician 878
assistants or a successor organization that is recognized by the 879
board by meeting the standards to hold current certification from 880
the commission or its successor, including completion of 881
continuing medical education requirements and passing periodic 882
recertification examinations; 883

(2) Except as provided in division (F) of this section and 884
section 5903.12 of the Revised Code, that the physician assistant 885
has completed during the current certification period not less 886
than one hundred hours of continuing medical education acceptable 887
to the board. 888

(C) The board shall adopt rules in accordance with Chapter 889
119. of the Revised Code specifying the types of continuing 890

medical education that must be completed to fulfill the board's 891
requirements under division (B)(2) of this section. Except when 892
additional continuing medical education is required to renew a 893
certificate to prescribe, as specified in section 4730.49 of the 894
Revised Code, the board shall not adopt rules that require a 895
physician assistant to complete in any certification period more 896
than one hundred hours of continuing medical education acceptable 897
to the board. In fulfilling the board's requirements, a physician 898
assistant may use continuing medical education courses or programs 899
completed to maintain certification by the national commission on 900
certification of physician assistants or a successor organization 901
that is recognized by the board if the standards for acceptable 902
courses and programs of the commission or its successor are at 903
least equivalent to the standards established by the board. 904

(D) If an applicant submits a complete renewal application 905
and qualifies for renewal pursuant to division (B) of this 906
section, the board shall issue to the applicant a renewed 907
certificate to practice as a physician assistant. 908

(E) The board may require a random sample of physician 909
assistants to submit materials documenting certification by the 910
national commission on certification of physician assistants or a 911
successor organization that is recognized by the board and 912
completion of the required number of hours of continuing medical 913
education. 914

(F) The board shall provide for pro rata reductions by month 915
of the number of hours of continuing education that must be 916
completed for individuals who are in their first certification 917
period, who have been disabled due to illness or accident, or who 918
have been absent from the country. The board shall adopt rules, in 919
accordance with Chapter 119. of the Revised Code, as necessary to 920
implement this division. 921

(G)(1) A certificate to practice that is not renewed on or 922

before its expiration date is automatically suspended on its 923
expiration date. Continued practice after suspension of the 924
certificate shall be considered as practicing in violation of 925
division (A) of section 4730.02 of the Revised Code. 926

(2) If a certificate has been suspended pursuant to division 927
(G)(1) of this section for two years or less, it may be 928
reinstated. The board shall reinstate a certificate suspended for 929
failure to renew upon an applicant's submission of a renewal 930
application, the biennial renewal fee, and any applicable monetary 931
penalty, ~~and certification by signature of the applicant that the~~ 932
~~applicant has completed the number of hours of continuing~~ 933
~~education necessary to have a certificate reinstated, as specified~~ 934
~~in rules the board shall adopt in accordance with Chapter 119. of~~ 935
~~the Revised Code.~~ 936

If a certificate has been suspended pursuant to division 937
(G)(1) of this division for more than two years, it may be 938
restored. In accordance with section 4730.28 of the Revised Code, 939
the board may restore a certificate suspended for failure to renew 940
upon an applicant's submission of a restoration application, the 941
biennial renewal fee, and any applicable monetary penalty and 942
compliance with sections 4776.01 to 4776.04 of the Revised Code. 943
The board shall not restore to an applicant a certificate to 944
practice as a physician assistant unless the board, in its 945
discretion, decides that the results of the criminal records check 946
do not make the applicant ineligible for a certificate issued 947
pursuant to section 4730.12 of the Revised Code. 948

The penalty for reinstatement shall be fifty dollars and the 949
penalty for restoration shall be one hundred dollars. The board 950
shall deposit penalties in accordance with section 4731.24 of the 951
Revised Code. 952

(H) If an individual certifies that the individual has 953
completed the number of hours and type of continuing medical 954

education required for renewal or reinstatement of a certificate 955
to practice as a physician assistant, and the board finds through 956
a random sample conducted under division (E) of this section or 957
through any other means that the individual did not complete the 958
requisite continuing medical education, the board may impose a 959
civil penalty of not more than five thousand dollars. The board's 960
finding shall be made pursuant to an adjudication under Chapter 961
119. of the Revised Code and by an affirmative vote of not fewer 962
than six members. 963

A civil penalty imposed under this division may be in 964
addition to or in lieu of any other action the board may take 965
under section 4730.25 of the Revised Code. The board shall deposit 966
civil penalties in accordance with section 4731.24 of the Revised 967
Code. 968

Sec. 4730.28. (A) An individual whose certificate to practice 969
as a physician assistant has been suspended or is in an inactive 970
state for any cause for more than two years may apply to the state 971
medical board to have the certificate restored. 972

(B)(1) ~~Before restoring~~ The board shall not restore a 973
certificate under this section, unless the applicant complies 974
with sections 4776.01 to 4776.04 of the Revised Code. The board 975
shall determine the applicant's present fitness to resume 976
practice. The board shall consider the moral background and the 977
activities of the applicant during the period of suspension or 978
inactivity. 979

(2) When restoring a certificate, the board may impose terms 980
and conditions, including the following: 981

(a) Requiring the applicant to obtain additional training and 982
pass an examination upon completion of the training; 983

(b) Restricting or limiting the extent, scope, or type of 984

practice as a physician assistant that the individual may resume. 985

Sec. 4731.081. In addition to any other eligibility 986
requirement set forth in this chapter, each applicant for a 987
certificate to practice medicine and surgery or osteopathic 988
medicine and surgery shall comply with sections 4776.01 to 4776.04 989
of the Revised Code. The state medical board shall not grant to an 990
applicant a certificate to practice medicine and surgery or 991
osteopathic medicine and surgery unless the board, in its 992
discretion, decides that the results of the criminal records check 993
do not make the applicant ineligible for a certificate issued 994
pursuant to section 4731.14 of the Revised Code. 995

Sec. 4731.15. (A)(1) The state medical board also shall 996
regulate the following limited branches of medicine: massage 997
therapy and cosmetic therapy, and to the extent specified in 998
section 4731.151 of the Revised Code, naprapathy and 999
mechanotherapy. The board shall adopt rules governing the limited 1000
branches of medicine under its jurisdiction. The rules shall be 1001
adopted in accordance with Chapter 119. of the Revised Code. 1002

(2) As used in this chapter, "cosmetic therapy" means the 1003
permanent removal of hair from the human body through the use of 1004
electric modalities approved by the board for use in cosmetic 1005
therapy, and additionally may include the systematic friction, 1006
stroking, slapping, and kneading or tapping of the face, neck, 1007
scalp, or shoulders. 1008

(B) All persons who hold a certificate to practice a limited 1009
branch of medicine issued by the state medical board, whether 1010
residents of this state or not, shall on or before the first day 1011
of June of each odd-numbered year, register with the state medical 1012
board on a form prescribed by the board and shall pay at such time 1013
a biennial registration fee of fifty dollars. At least one month 1014

in advance of the date of registration, a written notice that the 1015
biennial registration fee is due on or before the first day of 1016
June shall be sent to each holder of a certificate to practice a 1017
limited branch of medicine, at the person's last known address. 1018
All persons who hold a certificate to practice a limited branch of 1019
medicine issued by the state medical board shall provide the board 1020
written notice of any change of address. 1021

A certificate to practice a limited branch of medicine shall 1022
be automatically suspended if the fee is not paid by the first day 1023
of September of the year it is due. Continued practice after the 1024
suspension of the certificate to practice shall be considered as 1025
practicing in violation of sections 4731.34 and 4731.41 of the 1026
Revised Code. Subject to section 4731.222 of the Revised Code, if 1027
a certificate to practice has been suspended pursuant to this 1028
division for two years or less, the board shall reinstate a 1029
certificate to practice suspended for failure to register ~~on~~ upon 1030
an applicant's submission of a renewal application and payment of 1031
the biennial registration fee and the applicable monetary penalty. 1032
With regard to reinstatement of a certificate to practice cosmetic 1033
therapy, the applicant also shall submit with the application a 1034
certification that the number of hours of continuing education 1035
necessary to have a suspended certificate reinstated have been 1036
completed, as specified in rules the board shall adopt in 1037
accordance with Chapter 119. of the Revised Code. The penalty for 1038
reinstatement shall be twenty-five dollars ~~if the.~~ If a 1039
certificate has been suspended ~~for two years or less and fifty~~ 1040
~~dollars if the certificate has been suspended pursuant to this~~ 1041
division for more than two years, it may be restored upon an 1042
applicant's submission of a restoration application, the biennial 1043
registration fee, and the applicable monetary penalty and 1044
compliance with sections 4776.01 to 4776.04 of the Revised Code. 1045
The board shall not restore to an applicant a certificate to 1046
practice unless the board, in its discretion, decides that the 1047

results of the criminal records check do not make the applicant 1048
ineligible for a certificate issued pursuant to section 4731.18 of 1049
the Revised Code. The penalty for restoration is fifty dollars. 1050

Sec. 4731.171. In addition to any other eligibility 1051
requirement set forth in this chapter, each applicant for a 1052
certificate to practice massage therapy or cosmetic therapy shall 1053
comply with sections 4776.01 to 4776.04 of the Revised Code. The 1054
state medical board shall not grant to an applicant a certificate 1055
to practice massage therapy or cosmetic therapy unless the board, 1056
in its discretion, decides that the results of the criminal 1057
records check do not make the applicant ineligible for a 1058
certificate issued pursuant to section 4731.18 of the Revised 1059
Code. 1060

Sec. 4731.222. Before restoring to good standing a 1061
certificate issued under this chapter that has been in a suspended 1062
or inactive state for any cause for more than two years, or before 1063
issuing a certificate pursuant to section 4731.18, 4731.29, 1064
4731.295, 4731.57, or 4731.571 of the Revised Code to an applicant 1065
who for more than two years has not been engaged in the practice 1066
of medicine, osteopathic medicine, podiatric medicine and surgery, 1067
or a limited branch of medicine as an active practitioner, as a 1068
participant in a program of graduate medical education, as defined 1069
in section 4731.091 of the Revised Code, as a student in a college 1070
of podiatry determined by the board to be in good standing, or as 1071
a student in a school, college, or institution giving instruction 1072
in a limited branch of medicine determined by the board to be in 1073
good standing under section 4731.19 of the Revised Code, the state 1074
medical board may require the applicant to pass an oral or written 1075
examination, or both, to determine the applicant's present fitness 1076
to resume practice. 1077

The authority of the board to impose terms and conditions 1078

includes the following: 1079

(A) Requiring the applicant to obtain additional training and 1080
to pass an examination upon completion of such training; 1081

(B) Restricting or limiting the extent, scope, or type of 1082
practice of the applicant. 1083

The board shall consider the moral background and the 1084
activities of the applicant during the period of suspension or 1085
inactivity, in accordance with section 4731.08 of the Revised 1086
Code. The board shall not restore a certificate under this section 1087
unless the applicant complies with sections 4776.01 to 4776.04 of 1088
the Revised Code. 1089

Sec. 4731.281. (A) On or before the deadline established 1090
under division (B) of this section for applying for renewal of a 1091
certificate of registration, each person holding a certificate 1092
under this chapter to practice medicine and surgery, osteopathic 1093
medicine and surgery, or podiatric medicine and surgery shall 1094
certify to the state medical board that in the preceding two years 1095
the person has completed one hundred hours of continuing medical 1096
education. The certification shall be made upon the application 1097
for biennial registration submitted pursuant to division (B) of 1098
this section. The board shall adopt rules providing for pro rata 1099
reductions by month of the number of hours of continuing education 1100
required for persons who are in their first registration period, 1101
who have a registration period of less than two years due to 1102
initial implementation of the staggered renewal schedule 1103
established under division (B) of this section, who have been 1104
disabled due to illness or accident, or who have been absent from 1105
the country. 1106

In determining whether a course, program, or activity 1107
qualifies for credit as continuing medical education, the board 1108
shall approve all continuing medical education taken by persons 1109

holding a certificate to practice medicine and surgery that is 1110
certified by the Ohio state medical association, all continuing 1111
medical education taken by persons holding a certificate to 1112
practice osteopathic medicine and surgery that is certified by the 1113
Ohio osteopathic association, and all continuing medical education 1114
taken by persons holding a certificate to practice podiatry that 1115
is certified by the Ohio podiatric medical association. Each 1116
person holding a certificate to practice under this chapter shall 1117
be given sufficient choice of continuing education programs to 1118
ensure that the person has had a reasonable opportunity to 1119
participate in continuing education programs that are relevant to 1120
the person's medical practice in terms of subject matter and 1121
level. 1122

The board may require a random sample of persons holding a 1123
certificate to practice under this chapter to submit materials 1124
documenting completion of the continuing medical education 1125
requirement during the preceding registration period, but this 1126
provision shall not limit the board's authority to investigate 1127
pursuant to section 4731.22 of the Revised Code. 1128

(B)(1) Every person holding a certificate under this chapter 1129
to practice medicine and surgery, osteopathic medicine and 1130
surgery, or podiatric medicine and surgery wishing to renew that 1131
certificate shall apply to the board for a certificate of 1132
registration upon an application furnished by the board, and pay 1133
to the board at the time of application a fee of three hundred 1134
five dollars, according to the following schedule: 1135

(a) Persons whose last name begins with the letters "A" 1136
through "B," on or before April 1, 2001, and the first day of 1137
April of every odd-numbered year thereafter; 1138

(b) Persons whose last name begins with the letters "C" 1139
through "D," on or before January 1, 2001, and the first day of 1140
January of every odd-numbered year thereafter; 1141

(c) Persons whose last name begins with the letters "E" 1142
through "G," on or before October 1, 2000, and the first day of 1143
October of every even-numbered year thereafter; 1144

(d) Persons whose last name begins with the letters "H" 1145
through "K," on or before July 1, 2000, and the first day of July 1146
of every even-numbered year thereafter; 1147

(e) Persons whose last name begins with the letters "L" 1148
through "M," on or before April 1, 2000, and the first day of 1149
April of every even-numbered year thereafter; 1150

(f) Persons whose last name begins with the letters "N" 1151
through "R," on or before January 1, 2000, and the first day of 1152
January of every even-numbered year thereafter; 1153

(g) Persons whose last name begins with the ~~letters~~ letter 1154
"S," on or before October 1, 1999, and the first day of October of 1155
every odd-numbered year thereafter; 1156

(h) Persons whose last name begins with the letters "T" 1157
through "Z," on or before July 1, 1999, and the first day of July 1158
of every odd-numbered year thereafter. 1159

The board shall deposit the fee in accordance with section 1160
4731.24 of the Revised Code, except that the board shall deposit 1161
twenty dollars of the fee into the state treasury to the credit of 1162
the physician loan repayment fund created by section 3702.78 of 1163
the Revised Code. 1164

(2) The board shall mail or cause to be mailed to every 1165
person registered to practice medicine and surgery, osteopathic 1166
medicine and surgery, or podiatric medicine and surgery, an 1167
application for registration addressed to the person's last known 1168
post-office address or may cause the application to be sent to the 1169
person through the secretary of any recognized medical, 1170
osteopathic, or podiatric society, according to the following 1171
schedule: 1172

(a) To persons whose last name begins with the letters "A"	1173
through "B," on or before January 1, 2001, and the first day of	1174
January of every odd-numbered year thereafter;	1175
(b) To persons whose last name begins with the letters "C"	1176
through "D," on or before October 1, 2000, and the first day of	1177
October of every even-numbered year thereafter;	1178
(c) To persons whose last name begins with the letters "E"	1179
through "G," on or before July 1, 2000, and the first day of July	1180
of every even-numbered year thereafter;	1181
(d) To persons whose last name begins with the letters "H"	1182
through "K," on or before April 1, 2000, and the first day of	1183
April of every even-numbered year thereafter;	1184
(e) To persons whose last name begins with the letters "L"	1185
through "M," on or before January 1, 2000, and the first day of	1186
January of every even-numbered year thereafter;	1187
(f) To persons whose last name begins with the letters "N"	1188
through "R," on or before October 1, 1999, and the first day of	1189
October of every odd-numbered year thereafter;	1190
(g) To persons whose last name begins with the letters <u>letter</u>	1191
"S," on or before July 1, 1999, and the first day of July of every	1192
odd-numbered year thereafter;	1193
(h) To persons whose last name begins with the letters "T"	1194
through "Z," on or before April 1, 1999, and the first day of	1195
April of every odd-numbered year thereafter+;	1196
Failure of any person to receive an application from the	1197
board shall not excuse the person from the requirements contained	1198
in this section. The application shall contain proper spaces for	1199
the applicant's signature and the insertion of the required	1200
information, including a statement that the person has fulfilled	1201
the continuing education requirements imposed by this section.	1202

The applicant shall write or cause to be written upon the application so furnished the applicant's full name, principal practice address and residence address, the number of the applicant's certificate to practice, and any other facts for the identification of the applicant as a person holding a certificate to practice under this chapter as the board considers necessary. The applicant shall include with the application a list of the names and addresses of any clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners with whom the applicant is currently collaborating, as defined in section 4723.01 of the Revised Code. The applicant shall execute and deliver the application to the board by mail or in person. Every person registered under this section shall give written notice to the board of any change of principal practice address or residence address or in the list within thirty days of the change.

The applicant shall report any criminal offense that constitutes grounds for refusal of registration under section 4731.22 of the Revised Code to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a certificate of registration.

(C) The board shall issue to any person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, upon application and qualification therefor in accordance with this section, a certificate of registration under the seal of the board. A certificate of registration shall be valid for a two-year period, commencing on the first day of the third month after the registration fee is due and expiring on the last day of the month two years thereafter.

The board shall publish and cause to be mailed to each person

registered under this section, upon request, a printed list of the 1235
persons so registered. 1236

(D) Failure of any certificate holder to register and comply 1237
with this section shall operate automatically to suspend the 1238
holder's certificate to practice. Continued practice after the 1239
suspension of the certificate to practice shall be considered as 1240
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 1241
the Revised Code. If the certificate has been suspended pursuant 1242
to this division for two years or less, it may be reinstated. The 1243
board shall reinstate a certificate to practice for failure to 1244
register upon an applicant's submission of a renewal application, 1245
the biennial registration fee, and the applicable monetary 1246
~~penalty, and certification by signature of the applicant that the~~ 1247
~~applicant has completed the requisite continuing medical~~ 1248
~~education.~~ The penalty for reinstatement shall be fifty dollars. 1249
If the certificate has been suspended pursuant to this division 1250
for more than two years, it may be restored. In accordance with 1251
section 4731.222 of the Revised Code, the board may restore a 1252
certificate to practice for failure to register upon an 1253
applicant's submission of a restoration application, the biennial 1254
registration fee, and the applicable monetary penalty and 1255
compliance with sections 4776.01 to 4776.04 of the Revised Code. 1256
The board shall not restore to an applicant a certificate to 1257
practice unless the board, in its discretion, decides that the 1258
results of the criminal records check do not make the applicant 1259
ineligible for a certificate issued pursuant to section 4731.14, 1260
4731.56, or 4731.57 of the Revised Code. The penalty for 1261
restoration shall be one hundred dollars. The board shall deposit 1262
the penalties in accordance with section 4731.24 of the Revised 1263
Code. 1264

(E) If an individual certifies completion of the number of 1265
hours and type of continuing medical education required to receive 1266

a certificate of registration or reinstatement of a certificate to
practice, and the board finds through the random samples it
conducts under this section or through any other means that the
individual did not complete the requisite continuing medical
education, the board may impose a civil penalty of not more than
five thousand dollars. The board's finding shall be made pursuant
to an adjudication under Chapter 119. of the Revised Code and by
an affirmative vote of not fewer than six members.

A civil penalty imposed under this division may be in
addition to or in lieu of any other action the board may take
under section 4731.22 of the Revised Code. The board shall deposit
civil penalties in accordance with section 4731.24 of the Revised
Code.

(F) The state medical board may obtain information not
protected by statutory or common law privilege from courts and
other sources concerning malpractice claims against any person
holding a certificate to practice under this chapter or practicing
as provided in section 4731.36 of the Revised Code.

(G) Each mailing sent by the board under division (B)(2) of
this section to a person registered to practice medicine and
surgery or osteopathic medicine and surgery shall inform the
applicant of the reporting requirement established by division (H)
of section 3701.79 of the Revised Code. At the discretion of the
board, the information may be included on the application or on an
accompanying page.

Sec. 4731.296. (A) For the purposes of this section, "the
practice of telemedicine" means the practice of medicine in this
state through the use of any communication, including oral,
written, or electronic communication, by a physician located
outside this state.

(B) A person who wishes to practice telemedicine in this

state shall file an application with the state medical board, 1298
together with a fee in the amount of the fee described in division 1299
(D) of section 4731.29 of the Revised Code, and shall comply with 1300
sections 4776.01 to 4776.04 of the Revised Code. If the board, in 1301
its discretion, decides that the results of the criminal records 1302
check do not make the person ineligible for a telemedicine 1303
certificate, the board may issue, without examination, a 1304
telemedicine certificate to a person who meets all of the 1305
following requirements: 1306

(1) The person holds a current, unrestricted license to 1307
practice medicine and surgery or osteopathic medicine and surgery 1308
issued by another state that requires license holders to complete 1309
at least fifty hours of continuing medical education every two 1310
years. 1311

(2) The person's principal place of practice is in that 1312
state. 1313

(3) The person does not hold a certificate issued under this 1314
chapter authorizing the practice of medicine and surgery or 1315
osteopathic medicine and surgery in this state. 1316

(4) The person meets the same age, moral character, and 1317
educational requirements individuals must meet under sections 1318
4731.08, 4731.09, 4731.091, and 4731.14 of the Revised Code and, 1319
if applicable, demonstrates proficiency in spoken English in 1320
accordance with division (E) of section 4731.29 of the Revised 1321
Code. 1322

(C) The holder of a telemedicine certificate may engage in 1323
the practice of telemedicine in this state. A person holding a 1324
telemedicine certificate shall not practice medicine in person in 1325
this state without obtaining a special activity certificate under 1326
section 4731.294 of the Revised Code. 1327

(D) The board may revoke a certificate issued under this 1328

section or take other disciplinary action against a certificate 1329
holder pursuant to section 4731.22 of the Revised Code on 1330
receiving proof satisfactory to the board that the certificate 1331
holder has engaged in practice in this state outside the scope of 1332
the certificate or that there are grounds for action against the 1333
holder under section 4731.22 of the Revised Code. 1334

(E) A telemedicine certificate shall be valid for a period 1335
specified by the board, and the initial renewal shall be in 1336
accordance with a schedule established by the board. Thereafter, 1337
the certificate shall be valid for two years. A certificate may be 1338
renewed on application of the holder. 1339

To be eligible for renewal, the holder of the certificate 1340
shall do both of the following: 1341

(1) Pay a fee in the amount of the fee described in division 1342
(B)(1) of section 4731.281 of the Revised Code; 1343

(2) Certify to the board compliance with the continuing 1344
medical education requirements of the state in which the holder's 1345
principal place of practice is located. 1346

The board may require a random sample of persons holding a 1347
telemedicine certificate to submit materials documenting 1348
completion of the continuing medical education requirements 1349
described in this division. 1350

(F) The board shall convert a telemedicine certificate to a 1351
certificate issued under section 4731.29 of the Revised Code on 1352
receipt of a written request from the certificate holder. Once the 1353
telemedicine certificate is converted, the holder is subject to 1354
all requirements and privileges attendant to a certificate issued 1355
under section 4731.29 of the Revised Code, including continuing 1356
medical education requirements. 1357

Sec. 4731.531. In addition to any other eligibility 1358

requirement set forth in this chapter, each applicant for a 1359
certificate to practice podiatric medicine and surgery shall 1360
comply with sections 4776.01 to 4776.04 of the Revised Code. The 1361
state medical board shall not grant to an applicant a certificate 1362
to practice podiatric medicine and surgery unless the board, in 1363
its discretion, decides that the results of the criminal records 1364
check do not make the applicant ineligible for a certificate 1365
issued pursuant to section 4731.56 or 4731.57 of the Revised Code. 1366

Sec. 4732.091. (A) As used in this section, "license" and 1367
"applicant for an initial license" have the same meanings as in 1368
section 4776.01 of the Revised Code, except that "license" as used 1369
in both of those terms refers to the types of authorizations 1370
otherwise issued or conferred under this chapter. 1371

(B) In addition to any other eligibility requirement set 1372
forth in this chapter, each applicant for an initial license shall 1373
comply with sections 4776.01 to 4776.04 of the Revised Code. The 1374
state board of psychology shall not grant a license to an 1375
applicant for an initial license unless the applicant complies 1376
with sections 4776.01 to 4776.04 of the Revised Code and the 1377
board, in its discretion, decides that the results of the criminal 1378
records check do not make the applicant ineligible for a license 1379
issued pursuant to section 4732.14 of the Revised Code. 1380

Sec. 4734.202. (A) As used in this section, "license" and 1381
"applicant for an initial license" have the same meanings as in 1382
section 4776.01 of the Revised Code, except that "license" as used 1383
in both of those terms refers to the types of authorizations 1384
otherwise issued or conferred under this chapter. 1385

(B) In addition to any other eligibility requirement set 1386
forth in this chapter, each applicant for an initial license shall 1387
comply with sections 4776.01 to 4776.04 of the Revised Code. The 1388

state chiropractic board shall not grant a license to an applicant 1389
for an initial license unless the applicant complies with sections 1390
4776.01 to 4776.04 of the Revised Code and the board, in its 1391
discretion, decides that the results of the criminal records check 1392
do not make the applicant ineligible for a license issued pursuant 1393
to section 4734.20, 4734.23, or 4734.27 of the Revised Code. 1394

Sec. 4740.04. The administrative section of the Ohio 1395
construction industry licensing board is responsible for the 1396
administration of this chapter and shall do all of the following: 1397

(A) Schedule the contractor examinations each of the other 1398
sections of the board directs. Each type of examination shall be 1399
held at least four times per year. 1400

(B) Select and contract with one or more persons to do all of 1401
the following relative to the examinations: 1402

(1) Prepare, administer, score, and maintain the 1403
confidentiality of the examinations; 1404

(2) Be responsible for all the expenses required to fulfill 1405
division (B)(1) of this section; 1406

(3) Charge an applicant a fee in an amount the administrative 1407
section of the board authorizes for administering the examination; 1408
1409

(4) Design the examination for each type of contractor to 1410
determine an applicant's competence to perform that type of 1411
contracting. 1412

(C) Issue and renew licenses as follows: 1413

(1) Issue a license to any individual who the appropriate 1414
section of the board determines is qualified pursuant to section 1415
4740.06 of the Revised Code to hold a license and has attained a 1416
score on the examination that the appropriate section authorizes 1417
for the licensed trade. 1418

(a) Each license shall include a license number and an expiration date.	1419 1420
(b) Each license issued to an individual who holds more than one valid license shall contain the same license number and expiration date as the original license issued to that individual.	1421 1422 1423
(2) Renew licenses for individuals who meet the renewal requirements of section 4740.06 of the Revised Code.	1424 1425
(D) Make an annual written report to the director of commerce on proceedings had by or before the board for the previous year and make an annual statement of all money received and expended by the board during the year;	1426 1427 1428 1429
(E) Keep a record containing the name, address, the date on which the board issues or renews a license to, and the license number of, every heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, and hydronics contractor issued a license pursuant to this chapter;	1430 1431 1432 1433 1434 1435
(F) Regulate a contractor's use and display of a license issued pursuant to this chapter and of any information contained in that license;	1436 1437 1438
(G) Adopt rules in accordance with Chapter 119. of the Revised Code as necessary to properly discharge the administrative section's duties under this chapter. The rules shall include, but not be limited to, the following:	1439 1440 1441 1442
(1) Application procedures for examinations;	1443
(2) Specifications for continuing education requirements for license renewal that address all of the following:	1444 1445
(a) A requirement that an individual who holds any number of valid and unexpired licenses accrue a total of ten hours of continuing education courses per year;	1446 1447 1448

(b) Fees the board charges to persons who provide continuing education courses, in an amount of twenty-five dollars annually for each person approved to provide courses, not more than ten dollars plus one dollar per credit hour for each course offered, and one dollar per credit hour of instruction per attendee;

(c) A provision limiting approval of continuing education courses to one year.

(3) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.

(H) Adopt any continuing education curriculum as the other sections of the board establish or approve pursuant to division (C) of section 4740.05 of the Revised Code;

(I) Keep a record of its proceedings and do all things necessary to carry out this chapter.

Sec. 4740.061. (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The Ohio construction industry licensing board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4740.04 or 4740.08 of the Revised Code.

Sec. 4741.10. (A) As used in this section, "license" and

"applicant for an initial license" have the same meanings as in 1479
section 4776.01 of the Revised Code, except that "license" as used 1480
in both of those terms refers to the types of authorizations 1481
otherwise issued or conferred under this chapter. 1482

(B) In addition to any other eligibility requirement set 1483
forth in this chapter, each applicant for an initial license shall 1484
comply with sections 4776.01 to 4776.04 of the Revised Code. The 1485
state veterinary medical licensing board shall not grant a license 1486
to an applicant for an initial license unless the applicant 1487
complies with sections 4776.01 to 4776.04 of the Revised Code and 1488
the board, in its discretion, decides that the results of the 1489
criminal records check do not make the applicant ineligible for a 1490
license issued pursuant to section 4741.11, 4741.12, 4741.13, or 1491
4741.14 of the Revised Code. 1492

Sec. 4755.06. The occupational therapy section of the Ohio 1493
occupational therapy, physical therapy, and athletic trainers 1494
board may make reasonable rules in accordance with Chapter 119. of 1495
the Revised Code relating to, but not limited to, the following: 1496

(A) The form and manner for filing applications for licensure 1497
under sections 4755.04 to 4755.13 of the Revised Code; 1498

(B) The issuance, suspension, and revocation of ~~such the~~ 1499
licenses, and the conducting of investigations and hearings; 1500

(C) Standards for approval of courses of study relative to 1501
the practice of occupational therapy; 1502

(D) The time and form of examination for ~~such the~~ licensure; 1503

(E) Standards of ethical conduct in the practice of 1504
occupational therapy; 1505

(F) The form and manner for filing applications for renewal 1506
and a schedule of deadlines for renewal; 1507

(G) Late fees and the conditions under which a license of a 1508

licensee who files a late application for renewal will be reinstated;	1509 1510
(H) Placing an existing license in escrow;	1511
(I) The amount, scope, and nature of continuing education activities required for license renewal, including waivers and the establishment of appropriate fees to be charged for the administrative costs associated with the review of continuing education activities;	1512 1513 1514 1515 1516
(J) Limited permit guidelines;	1517
<u>(K) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.</u>	1518 1519
The section may hear testimony in matters relating to the duties imposed upon it, and the chairperson and secretary of the section may administer oaths. The section may require proof, beyond the evidence found in the application, of the honesty, truthfulness, and good reputation of any person named in an application for such licensure, before admitting the applicant to an examination or issuing a license.	1520 1521 1522 1523 1524 1525 1526
Sec. 4755.61. (A) The athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall:	1527 1528 1529
(1) Adopt rules, not inconsistent with this chapter, for the licensure of athletic trainers, including rules that specify the application form and educational course work and clinical experience requirements for licensure <u>and rules that prescribe requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;</u>	1530 1531 1532 1533 1534 1535
(2) Establish and deposit fees in accordance with division (B) of this section and section 4755.03 of the Revised Code;	1536 1537
(3) Conduct hearings, keep records of its proceedings, and do	1538

all things necessary and proper to administer and enforce sections 1539
4755.60 to 4755.65 of the Revised Code; 1540

(4) Publish and make available, upon request and for a fee 1541
not to exceed the actual cost of printing and mailing, the 1542
requirements for the issuance of an athletic trainers license 1543
under this chapter and the rules adopted ~~thereunder~~ under it; 1544

(5) Maintain a register of every person licensed to practice 1545
athletic training in this state, including the addresses of the 1546
licensee's last known place of business and residence, and the 1547
effective date and identification number of the person's license. 1548
The section shall make this list available to any person upon 1549
request and payment of a fee not to exceed the actual cost of 1550
printing and mailing. 1551

(6) Publish and make available, upon request and for a fee 1552
not to exceed the actual cost of printing and mailing, a list of 1553
persons who passed the examination required under section 4755.62 1554
of the Revised Code; 1555

(7) Investigate complaints concerning alleged violations of 1556
section 4755.62 of the Revised Code or other grounds for the 1557
suspension, revocation, or refusal to issue a license under 1558
section 3123.47 or 4755.64 of the Revised Code. In connection with 1559
its investigations, the athletic trainers section may subpoena 1560
witnesses, issue subpoenas, examine witnesses, administer oaths, 1561
and, under the direction of the executive director of the board, 1562
investigate complaints and make inspections and other inquiries as 1563
in the judgment of the section are appropriate to enforce sections 1564
3123.41 to 3123.50 and this chapter of the Revised Code. The 1565
section may review and audit the records of any licensee during 1566
normal business hours at the licensee's place of business or at 1567
any other place where the licensee's records are kept. 1568
Notwithstanding section 149.43 of the Revised Code, the athletic 1569
trainers section and its employees, except pursuant to a court 1570

order, shall maintain in confidence all information obtained. 1571

(8) Adopt rules governing the nature and scope of the 1572
examination required under section 4755.62 of the Revised Code and 1573
the reexamination required under section 4755.63 of the Revised 1574
Code and the minimum examination score for licensure or renewal 1575
thereof. The rules for the examination required under section 1576
4755.62 of the Revised Code shall ensure the testing of the 1577
applicant's knowledge of the basic and clinical sciences relating 1578
to athletic training theory and practice, including professional 1579
skills and judgment in the utilization of athletic training 1580
techniques and such other subjects as the athletic trainers 1581
section considers useful in determining competency to practice 1582
athletic training. 1583

(9) Conduct the examination required under section 4755.62 of 1584
the Revised Code at least twice a year at a time and place and 1585
under such supervision as the athletic trainers section 1586
determines; 1587

(10) Adopt rules to determine which states' standards for 1588
licensure are equal to or greater than this state's for the 1589
purpose of waiving requirements under division (D) of section 1590
4755.62 of the Revised Code; 1591

(11) Adopt rules to determine which examinations meet the 1592
requirements of division (E) of section 4755.62 of the Revised 1593
Code; 1594

(12) Adopt rules establishing the standards of ethical 1595
conduct for licensed athletic trainers under this chapter; 1596

(13) Adopt rules specifying the scope and nature of the 1597
continuing education courses that are acceptable to the athletic 1598
trainers section and the number of courses that must be completed 1599
to comply with the requirement for renewal of a license under 1600
section 4755.63 of the Revised Code. 1601

(14) Adopt rules establishing the schedule when licenses to practice as an athletic trainer expire during a biennium for purposes of section 4755.63 of the Revised Code.

(B) The fees adopted by the athletic trainers section pursuant to division (A)(2) of this section shall be established and adjusted as required to provide sufficient revenues to meet the expenses of the section in administering sections 4755.60 to 4755.66 of the Revised Code. The fees shall include the following:

(1) A nonrefundable examination fee, not to exceed the amount necessary to cover the expense of administering the examination;

(2) An initial license fee;

(3) A biennial license renewal fee;

(4) A late renewal penalty, not to exceed fifty per cent of the renewal fee.

The athletic trainers section may, by rule, provide for the waiver of all or part of a license fee if the license is issued less than one hundred days before its expiration date.

(C) All rules under sections 4755.60 to 4755.65 of the Revised Code shall be adopted by the athletic trainers section in accordance with Chapter 119. of the Revised Code.

Sec. 4755.70. (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The occupational therapy section, the physical therapy section, and the athletic trainers section of the Ohio occupational therapy,

physical therapy, and athletic trainers board shall not grant a 1632
license to an applicant for an initial license unless the 1633
applicant complies with sections 4776.01 to 4776.04 of the Revised 1634
Code and the board, in its discretion, decides that the results of 1635
the criminal records check do not make the applicant ineligible 1636
for a license issued pursuant to section 4755.07, 4755.09, 1637
4755.44, 4755.441, 4755.45, 4755.451, or 4755.62 of the Revised 1638
Code. 1639

Sec. 4757.10. The counselor, social worker, and marriage and 1640
family therapist board may adopt any rules necessary to carry out 1641
this chapter. 1642

The board shall adopt rules that do all of the following: 1643

(A) Concern intervention for and treatment of any impaired 1644
person holding a license or certificate of registration issued 1645
under this chapter; 1646

(B) Establish standards for training and experience of 1647
supervisors described in division (C) of section 4757.30 of the 1648
Revised Code; 1649

(C) Define the requirement that an applicant be of good moral 1650
character in order to be licensed or registered under this 1651
chapter; 1652

(D) Establish requirements for criminal records checks of 1653
applicants under section 4776.03 of the Revised Code. 1654

All rules adopted under this section shall be adopted in 1655
accordance with Chapter 119. of the Revised Code. When it adopts 1656
rules under this section or any other section of this chapter, the 1657
board may consider standards established by any national 1658
association or other organization representing the interests of 1659
those involved in professional counseling, social work, or 1660
marriage and family therapy. 1661

Sec. 4757.101. (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The counselor, social worker, and marriage and family therapist board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4757.22, 4757.23, 4757.27, 4757.28, 4757.29, 4757.30, or 4757.301 of the Revised Code.

Sec. 4759.05. The Ohio board of dietetics shall:

(A) Adopt, amend, or rescind rules pursuant to Chapter 119. of the Revised Code to carry out the provisions of this chapter, including rules governing the following:

(1) Selection and approval of a dietitian licensure examination offered by the commission on dietetic registration or any other examination;

(2) The examination of applicants for licensure as a dietitian, to be held at least twice annually, as required under division (A) of section 4759.06 of the Revised Code;

(3) Requirements for pre-professional dietetic experience of applicants for licensure as a dietitian that are at least equivalent to the requirements adopted by the commission on dietetic registration;

(4) Requirements for a person holding a limited permit under division (F) of section 4759.06 of the Revised Code, including the duration of validity of a limited permit;	1692 1693 1694
(5) Requirements for a licensed dietitian who places a license in inactive status under division (G) of section 4759.06 of the Revised Code, including a procedure for changing inactive status to active status;	1695 1696 1697 1698
(6) Continuing education requirements for renewal of a license, except that the board may adopt rules to waive the requirements for a person who is unable to meet the requirements due to illness or other reasons. Rules adopted under this division shall be consistent with the continuing education requirements adopted by the commission on dietetic registration.	1699 1700 1701 1702 1703 1704
(7) Any additional education requirements the board considers necessary, for applicants who have not practiced dietetics within five years of the initial date of application for licensure;	1705 1706 1707
(8) Standards of professional responsibility and practice for persons licensed under this chapter that are consistent with those standards of professional responsibility and practice adopted by the American dietetic association;	1708 1709 1710 1711
(9) Formulation of a written application form for licensure or license renewal that includes the statement that any applicant who knowingly makes a false statement on the application is guilty of a misdemeanor of the first degree under section 2921.13 of the Revised Code;	1712 1713 1714 1715 1716
(10) Procedures for license renewal;	1717
(11) Establishing a time period after the notification of a violation of section 4759.02 of the Revised Code, by which the person notified must request a hearing by the board under section 4759.09 of the Revised Code;	1718 1719 1720 1721

(12) Requirements for criminal records checks of applicants 1722
under section 4776.03 of the Revised Code. 1723

(B) Investigate alleged violations of ~~section~~ sections 1724
4759.02 to 4759.10 of the Revised Code. In making its 1725
investigations, the board may issue subpoenas, examine witnesses, 1726
and administer oaths. 1727

(C) Adopt a seal; 1728

(D) Conduct meetings and keep records as are necessary to 1729
carry out the provisions of this chapter; 1730

(E) Publish, and make available to the public, upon request 1731
and for a fee not to exceed the actual cost of printing and 1732
mailing, the board's rules and requirements for licensure adopted 1733
under division (A) of this section and a record of all persons 1734
licensed under section 4759.06 of the Revised Code. 1735

Sec. 4759.061. (A) As used in this section, "license" and 1736
"applicant for an initial license" have the same meanings as in 1737
section 4776.01 of the Revised Code, except that "license" as used 1738
in both of those terms refers to the types of authorizations 1739
otherwise issued or conferred under this chapter. 1740

(B) In addition to any other eligibility requirement set 1741
forth in this chapter, each applicant for an initial license shall 1742
comply with sections 4776.01 to 4776.04 of the Revised Code. The 1743
Ohio board of dietetics shall not grant a license to an applicant 1744
for an initial license unless the applicant complies with sections 1745
4776.01 to 4776.04 of the Revised Code and the board, in its 1746
discretion, decides that the results of the criminal records check 1747
do not make the applicant ineligible for a license issued pursuant 1748
to section 4759.06 of the Revised Code. 1749

Sec. 4760.032. In addition to any other eligibility 1750
requirement set forth in this chapter, each applicant for a 1751

certificate of registration as an anesthesiologist assistant shall 1752
comply with sections 4776.01 to 4776.04 of the Revised Code. The 1753
state medical board shall not grant to an applicant a certificate 1754
of registration as an anesthesiologist assistant unless the board, 1755
in its discretion, decides that the results of the criminal 1756
records check do not make the applicant ineligible for a 1757
certificate issued pursuant to section 4760.04 of the Revised 1758
Code. 1759

Sec. 4760.06. (A) A person seeking to renew a certificate of 1760
registration as an anesthesiologist assistant shall, on or before 1761
the thirty-first day of January of each even-numbered year, apply 1762
for renewal of the certificate. The state medical board shall send 1763
renewal notices at least one month prior to the expiration date. 1764
1765

Applications shall be submitted to the board on forms the 1766
board shall prescribe and supply. Each application shall be 1767
accompanied by a biennial renewal fee of one hundred dollars. 1768

The applicant shall report any criminal offense that 1769
constitutes grounds for refusing to issue a certificate of 1770
registration under section 4760.13 of the Revised Code to which 1771
the applicant has pleaded guilty, of which the applicant has been 1772
found guilty, or for which the applicant has been found eligible 1773
for intervention in lieu of conviction, since last signing an 1774
application for a certificate of registration as an 1775
anesthesiologist assistant. 1776

(B) To be eligible for renewal, an anesthesiologist assistant 1777
must certify to the board that the assistant has maintained 1778
certification by the national commission for the certification of 1779
anesthesiologist assistants. 1780

(C) If an applicant submits a complete renewal application 1781
and qualifies for renewal pursuant to division (B) of this 1782

section, the board shall issue to the applicant a renewed 1783
certificate of registration as an anesthesiologist assistant. 1784

(D) A certificate of registration that is not renewed on or 1785
before its expiration date is automatically suspended on its 1786
expiration date. ~~The~~ If a certificate has been suspended pursuant 1787
to this division for two years or less, the board shall reinstate 1788
a the certificate ~~suspended for failure to renew on~~ upon an 1789
applicant's submission of a renewal application, the biennial 1790
renewal fee, and the applicable monetary penalty. The penalty for 1791
reinstatement is twenty-five dollars ~~if the.~~ If a certificate has 1792
~~been suspended for two years or less and fifty dollars if the~~ 1793
~~certificate has been suspended pursuant to this division~~ for more 1794
than two years, it may be restored upon an applicant's submission 1795
of a restoration application, the biennial registration fee, and 1796
the applicable monetary penalty and compliance with sections 1797
4776.01 to 4776.04 of the Revised Code. The board shall not 1798
restore a certificate to practice unless the board, in its 1799
discretion, decides that the results of the criminal records check 1800
do not make the applicant ineligible for a certificate issued 1801
pursuant to section 4760.04 of the Revised Code. The penalty for 1802
restoration is fifty dollars. 1803

Sec. 4761.03. The Ohio respiratory care board shall regulate 1804
the practice of respiratory care in this state and the persons to 1805
whom the board issues licenses and limited permits under this 1806
chapter and shall license and register home medical equipment 1807
services providers under Chapter 4752. of the Revised Code ~~under~~ 1808
~~this chapter.~~ Rules adopted under this chapter that deal with the 1809
provision of respiratory care in a hospital, other than rules 1810
regulating the issuance of licenses or limited permits, shall be 1811
consistent with the conditions for participation under medicare, 1812
Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 1813
U.S.C.A. 1395, as amended, and with the respiratory care 1814

accreditation standards of the joint commission on accreditation	1815
of healthcare organizations or the American osteopathic	1816
association.	1817
The board shall:	1818
(A) Adopt, and may rescind or amend, rules in accordance with	1819
Chapter 119. of the Revised Code to carry out the purposes of this	1820
chapter, including rules prescribing:	1821
(1) The form and manner for filing applications for licensure	1822
and renewal, limited permits, and limited permit extensions under	1823
sections 4761.05 and 4761.06 of the Revised Code;	1824
(2) The form, scoring, and scheduling of examinations and	1825
reexaminations for licensure and license renewal;	1826
(3) Standards for the approval of educational programs	1827
required to qualify for licensure and continuing education	1828
programs required for license renewal;	1829
(4) Continuing education courses and the number of hour	1830
requirements necessary for license renewal, in accordance with	1831
section 4761.06 of the Revised Code;	1832
(5) Procedures for the issuance and renewal of licenses and	1833
limited permits, including the duties that may be fulfilled by the	1834
board's executive director and other board employees;	1835
(6) Procedures for the denial, suspension, permanent	1836
revocation, refusal to renew, and reinstatement of licenses and	1837
limited permits, the conduct of hearings, and the imposition of	1838
finances for engaging in conduct that is grounds for such action and	1839
hearings under section 4761.09 of the Revised Code;	1840
(7) Standards of ethical conduct for the practice of	1841
respiratory care;	1842
(8) Conditions under which the license renewal fee and	1843
continuing education requirements may be waived at the request of	1844

a licensee who is not in active practice; 1845

(9) The respiratory care tasks that may be performed by an 1846
individual practicing as a polysomnographic technologist pursuant 1847
to division (B)(3) of section 4761.10 of the Revised Code; 1848

(10) Procedures for registering out-of-state respiratory care 1849
providers authorized to practice in this state under division 1850
(A)(4) of section 4761.11 of the Revised Code; 1851

(11) Requirements for criminal records checks of applicants 1852
under section 4776.03 of the Revised Code. 1853

(B) Determine the sufficiency of an applicant's 1854
qualifications for admission to the licensing examination or a 1855
reexamination, and for the issuance or renewal of a license or 1856
limited permit; 1857

(C) Determine the respiratory care educational programs that 1858
are acceptable for fulfilling the requirements of division (A) of 1859
section 4761.04 of the Revised Code; 1860

(D) Schedule, administer, and score the licensing examination 1861
or any reexamination for license renewal or reinstatement. The 1862
board shall administer the licensing examinations at least twice a 1863
year and notify applicants of the time and place of the 1864
examinations. 1865

(E) Investigate complaints concerning alleged violations of 1866
section 4761.10 of the Revised Code or grounds for the suspension, 1867
permanent revocation, or refusal to issue licenses or limited 1868
permits under section 3123.47 or 4761.09 of the Revised Code. The 1869
board shall employ investigators who shall, under the direction of 1870
the executive director of the board, investigate complaints and 1871
make inspections and other inquiries as, in the judgment of the 1872
board, are appropriate to enforce sections 3123.41 to 3123.50, 1873
4761.09, and 4761.10 of the Revised Code. Pursuant to an 1874
investigation and inspection, the investigators may review and 1875

audit records during normal business hours at the place of 1876
business of a licensee or person who is the subject of a complaint 1877
filed with the board or at any place where the records are kept. 1878

Except when required by court order, the board and its 1879
employees shall not disclose confidential information obtained 1880
during an investigation or identifying information about any 1881
person who files a complaint with the board. 1882

The board may hear testimony in matters relating to the 1883
duties imposed upon it and issue subpoenas pursuant to an 1884
investigation. The president and secretary of the board may 1885
administer oaths. 1886

(F) Conduct hearings, keep records of its proceedings, and do 1887
~~all such~~ other things as are necessary and proper to carry out and 1888
enforce the provisions of this chapter; 1889

(G) Maintain, publish, and make available upon request, for a 1890
fee not to exceed the actual cost of printing and mailing: 1891

(1) The requirements for the issuance of licenses and limited 1892
permits under this chapter and rules adopted by the board; 1893

(2) A current register of every person licensed to practice 1894
respiratory care in this state, to include the addresses of the 1895
person's last known place of business and residence, the effective 1896
date and identification number of the license, the name and 1897
location of the institution that granted the person's degree or 1898
certificate of completion of respiratory care educational 1899
requirements, and the date the degree or certificate was issued; 1900

(3) A list of the names and locations of the institutions 1901
that each year granted degrees or certificates of completion in 1902
respiratory care; 1903

(4) After the administration of each examination, a list of 1904
persons who passed the examination. 1905

(H) Submit to the governor and to the general assembly each 1906
year a report of all of its official actions during the preceding 1907
year, together with any findings and recommendations with regard 1908
to the improvement of the profession of respiratory care; 1909

(I) Administer and enforce Chapter 4752. of the Revised Code. 1910

Sec. 4761.051. (A) As used in this section, "license" and 1911
"applicant for an initial license" have the same meanings as in 1912
section 4776.01 of the Revised Code, except that "license" as used 1913
in both of those terms refers to the types of authorizations 1914
otherwise issued or conferred under this chapter. 1915

(B) In addition to any other eligibility requirement set 1916
forth in this chapter, each applicant for an initial license shall 1917
comply with sections 4776.01 to 4776.04 of the Revised Code. The 1918
Ohio respiratory care board shall not grant a license to an 1919
applicant for an initial license unless the applicant complies 1920
with sections 4776.01 to 4776.04 of the Revised Code and the 1921
board, in its discretion, decides that the results of the criminal 1922
records check do not make the applicant ineligible for a license 1923
issued pursuant to section 4761.05 of the Revised Code. 1924

Sec. 4762.031. In addition to any other eligibility 1925
requirement set forth in this chapter, each applicant for a 1926
certificate of registration as an acupuncturist shall comply with 1927
sections 4776.01 to 4776.04 of the Revised Code. The state medical 1928
board shall not grant to an applicant a certificate of 1929
registration as an acupuncturist unless the board, in its 1930
discretion, decides that the results of the criminal records check 1931
do not make the applicant ineligible for a certificate issued 1932
pursuant to section 4762.04 of the Revised Code. 1933

Sec. 4762.06. (A) A person seeking to renew a certificate of 1934
registration as an acupuncturist shall, on or before the 1935

thirty-first day of January of each even-numbered year, apply for 1936
renewal of the certificate. The state medical board shall send 1937
renewal notices at least one month prior to the expiration date. 1938

Applications shall be submitted to the board on forms the 1939
board shall prescribe and supply. Each application shall be 1940
accompanied by a biennial renewal fee of one hundred dollars. 1941

The applicant shall report any criminal offense that 1942
constitutes grounds for refusing to issue a certificate of 1943
registration under section 4762.13 of the Revised Code to which 1944
the applicant has pleaded guilty, of which the applicant has been 1945
found guilty, or for which the applicant has been found eligible 1946
for intervention in lieu of conviction, since last signing an 1947
application for a certificate of registration as an acupuncturist. 1948

(B) To be eligible for renewal, an acupuncturist must certify 1949
to the board that the acupuncturist has maintained the 1950
acupuncturist's designation as a diplomate in acupuncture by the 1951
national certification commission for acupuncture and oriental 1952
medicine. 1953

(C) If an applicant submits a complete renewal application 1954
and qualifies for renewal pursuant to division (B) of this 1955
section, the board shall issue to the applicant a renewed 1956
certificate of registration as an acupuncturist. 1957

(D) A certificate of registration that is not renewed on or 1958
before its expiration date is automatically suspended on its 1959
expiration date. ~~The~~ If a certificate has been suspended pursuant 1960
to this division for two years or less, the board shall reinstate 1961
a the certificate ~~suspended for failure to renew~~ upon an 1962
applicant's submission of a renewal application, the biennial 1963
renewal fee, and the applicable monetary penalty. The penalty for 1964
reinstatement is twenty-five dollars ~~if the.~~ If a certificate has 1965
~~been suspended for two years or less and fifty dollars if the~~ 1966

certificate has been suspended pursuant to this division for more 1967
than two years, it may be restored upon an applicant's submission 1968
of a restoration application, the biennial registration fee, and 1969
the applicable monetary penalty and compliance with sections 1970
4776.01 to 4776.04 of the Revised Code. The board shall not 1971
restore a certificate to practice unless the board, in its 1972
discretion, decides that the results of the criminal records check 1973
do not make the applicant ineligible for a certificate issued 1974
pursuant to section 4762.04 of the Revised Code. The penalty for 1975
restoration is fifty dollars. 1976

Sec. 4776.01. As used in this chapter: 1977

(A) "License" means an authorization evidenced by a license, 1978
certificate, registration, permit, card, or other authority that 1979
is issued or conferred by a licensing agency to a licensee or to 1980
an applicant for an initial license by which the licensee or 1981
initial license applicant has or claims the privilege to engage in 1982
a profession, occupation, or occupational activity, or to have 1983
control of and operate certain specific equipment, machinery, or 1984
premises, over which the licensing agency has jurisdiction. 1985

(B) "Licensee" means the person to whom the license is issued 1986
by a licensing agency. 1987

(C) "Licensing agency" means the board authorized by Chapters 1988
4701., 4709., 4715., 4717., 4725., 4729., 4730., 4731., 4732., 1989
4734., 4740., 4741., 4755., 4757., 4759., 4760., 4761., 4762., and 1990
4779. of the Revised Code to issue a license to engage in a 1991
specific profession, occupation, or occupational activity, or to 1992
have charge of and operate certain specified equipment, machinery, 1993
or premises. 1994

(D) "Applicant for an initial license" includes persons 1995
seeking a license for the first time and persons seeking a license 1996
by reciprocity, endorsement, or similar manner of a license issued 1997

<u>in another state.</u>	1998
<u>(E) "Applicant for a restored license" includes persons seeking restoration of a certificate under section 4730.14, 4731.281, 4760.06, or 4762.06 of the Revised Code.</u>	1999 2000 2001
<u>(F) "Criminal records check" has the same meaning as in division (E) of section 109.572 of the Revised Code.</u>	2002 2003
<u>Sec. 4776.02. (A) An applicant for an initial license or restored license from a licensing agency shall submit a request to the bureau of criminal identification and investigation for a criminal records check of the applicant. The request shall be accompanied by a completed copy of the form prescribed under division (C)(1) of section 109.572 of the Revised Code, a set of fingerprint impressions obtained as described in division (C)(2) of that section, and the fee prescribed under division (C)(3) of that section. The applicant shall ask the superintendent of the bureau of criminal identification and investigation in the request to obtain from the federal bureau of investigation any information it has pertaining to the applicant.</u>	2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015
<u>An applicant requesting a criminal records check shall provide the bureau of criminal identification and investigation with the applicant's name and address and with the licensing agency's name and address.</u>	2016 2017 2018 2019
<u>(B) Upon receipt of the completed form, the set of fingerprint impressions, and the fee provided for in division (A) of this section, the superintendent shall conduct a criminal records check of the applicant under division (B) of section 109.572 of the Revised Code. Upon completion of the criminal records check, the superintendent shall report the results of the criminal records check and any information the federal bureau of investigation provides to the licensing agency identified in the request for a criminal records check.</u>	2020 2021 2022 2023 2024 2025 2026 2027 2028

Sec. 4776.03. Each licensing agency shall adopt rules under Chapter 119. of the Revised Code establishing administrative and procedural requirements for criminal records checks.

Sec. 4776.04. The results of any criminal records check conducted pursuant to a request made under this chapter and any report containing those results, including any information the federal bureau of investigation provides, are not public records for purposes of section 149.43 of the Revised Code and shall not be made available to any person or for any purpose other than as follows:

(A) The superintendent of the bureau of criminal identification and investigation shall make the results available to the licensing agency for use in determining, under the agency's authorizing chapter of the Revised Code, whether the applicant who is the subject of the criminal records check should be granted a license under that chapter.

(B) The licensing agency shall make the results available to the applicant who is the subject of the criminal records check or to the applicant's representative.

Sec. 4779.08. (A) The state board of orthotics, prosthetics, and pedorthics shall adopt rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this chapter, including rules prescribing all of the following:

(1) The form and manner of filing of applications to be admitted to examinations and for licensure and license renewal;

(2) Standards and procedures for formulating, evaluating, approving, and administering licensing examinations or recognizing other entities that conduct examinations;

(3) The form, scoring, and scheduling of licensing

examinations;	2058
(4) Fees for examinations and applications for licensure and license renewal;	2059 2060
(5) Fees for approval of continuing education courses;	2061
(6) Procedures for issuance, renewal, suspension, and revocation of licenses and the conduct of disciplinary hearings;	2062 2063
(7) Standards of ethical and professional conduct in the practice of orthotics, prosthetics, and pedorthics;	2064 2065
(8) Standards for approving national certification organizations in orthotics, prosthetics, and pedorthics;	2066 2067
(9) Fines for violations of this chapter;	2068
(10) Standards for the recognition and approval of educational programs required for licensure, including standards for approving foreign educational credentials;	2069 2070 2071
(11) Standards for continuing education programs required for license renewal;	2072 2073
(12) Provisions for making available the information described in section 4779.22 of the Revised Code;	2074 2075
<u>(13) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.</u>	2076 2077
(B) The board may adopt any other rules necessary for the administration of this chapter.	2078 2079
(C) The fees prescribed by this section shall be paid to the treasurer of state, who shall deposit the fees in the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.	2080 2081 2082 2083
<u>Sec. 4779.091. (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in</u>	2084 2085

section 4776.01 of the Revised Code, except that "license" as used 2086
in both of those terms refers to the types of authorizations 2087
otherwise issued or conferred under this chapter. 2088

(B) In addition to any other eligibility requirement set 2089
forth in this chapter, each applicant for an initial license shall 2090
comply with sections 4776.01 to 4776.04 of the Revised Code. The 2091
state board of orthotics, prosthetics, and pedorthics shall not 2092
grant a license to an applicant for an initial license unless the 2093
applicant complies with sections 4776.01 to 4776.04 of the Revised 2094
Code and the board, in its discretion, decides that the results of 2095
the criminal records check do not make the applicant ineligible 2096
for a license issued pursuant to section 4779.09, 4779.16, 2097
4779.17, or 4779.18 of the Revised Code. 2098

Section 2. That existing sections 109.572, 4709.05, 4717.04, 2099
4725.09, 4725.44, 4730.14, 4730.28, 4731.15, 4731.222, 4731.281, 2100
4731.296, 4740.04, 4755.06, 4755.61, 4757.10, 4759.05, 4760.06, 2101
4761.03, 4762.06, and 4779.08 of the Revised Code are hereby 2102
repealed. 2103

Section 3. Section 109.572 of the Revised Code is presented 2104
in this act as a composite of the section as amended by both Am. 2105
Sub. S.B. 185 and Am. Sub. S.B. 238 of the 126th General Assembly. 2106
The General Assembly, applying the principle stated in division 2107
(B) of section 1.52 of the Revised Code that amendments are to be 2108
harmonized if reasonably capable of simultaneous operation, finds 2109
that the composite is the resulting version of the section in 2110
effect prior to the effective date of the section as presented in 2111
this act. 2112