

As Introduced

**127th General Assembly
Regular Session
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H. B. No. 171

Representative Williams, S.

Cosponsors: Representatives McGregor, J., Yuko, Brown, Luckie

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A B I L L

To amend sections 3923.233, 3923.301, 4701.16, 1
4703.15, 4707.02, 4707.15, 4709.13, 4712.03, 2
4715.30, 4717.14, 4719.03, 4723.07, 4723.28, 3
4723.34, 4725.53, 4727.15, 4728.13, 4729.16, 4
4729.53, 4729.56, 4731.22, 4731.224, 4731.225, 5
4731.226, 4731.25, 4732.17, 4733.20, 4734.31, 6
4734.39, 4735.07, 4735.09, 4735.13, 4735.27, 7
4735.28, 4738.04, 4738.07, 4738.18, 4740.06, 8
4740.10, 4741.22, 4747.12, 4749.03, 4749.04, 9
4749.06, 4751.10, 4753.10, 4755.10, 4755.47, 10
4755.64, 4757.36, 4758.30, 4759.07, 4760.13, 11
4761.09, 4762.13, 4763.11, 4765.18, 4779.28, and 12
4781.09 and to enact section 4743.06 of the 13
Revised Code to revise the laws governing issuance 14
of certain professional licenses. 15

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

Section 1. That sections 3923.233, 3923.301, 4701.16, 16
4703.15, 4707.02, 4707.15, 4709.13, 4712.03, 4715.30, 4717.14, 17
4719.03, 4723.07, 4723.28, 4723.34, 4725.53, 4727.15, 4728.13, 18
4729.16, 4729.53, 4729.56, 4731.22, 4731.224, 4731.225, 4731.226, 19
4731.25, 4732.17, 4733.20, 4734.31, 4734.39, 4735.07, 4735.09, 20

4735.13, 4735.27, 4735.28, 4738.04, 4738.07, 4738.18, 4740.06, 21
4740.10, 4741.22, 4747.12, 4749.03, 4749.04, 4749.06, 4751.10, 22
4753.10, 4755.10, 4755.47, 4755.64, 4757.36, 4758.30, 4759.07, 23
4760.13, 4761.09, 4762.13, 4763.11, 4765.18, 4779.28, and 4781.09 24
be amended and section 4743.06 of the Revised Code be enacted to 25
read as follows: 26

Sec. 3923.233. Notwithstanding any provision of any 27
certificate furnished by an insurer in connection with or pursuant 28
to any group sickness and accident insurance policy delivered, 29
issued, renewed, or used, in or outside this state, on or after 30
January 1, 1985, and notwithstanding any provision of any policy 31
of insurance delivered, issued for delivery, renewed, or used, in 32
or outside this state, on or after January 1, 1985, whenever the 33
policy or certificate is subject to the jurisdiction of this state 34
and provides for reimbursement for any service that may be legally 35
performed by a certified nurse-midwife who is authorized under 36
section 4723.42 of the Revised Code to practice nurse-midwifery, 37
reimbursement under the policy or certificate shall not be denied 38
to a certified nurse-midwife performing the service in 39
collaboration with a licensed physician. The collaborating 40
physician shall be identified on an insurance claim form. 41

The cost of collaboration with a certified nurse-midwife by a 42
licensed physician as required under section 4723.43 of the 43
Revised Code is a reimbursable expense. 44

The division of any reimbursement payment for services 45
performed by a certified nurse-midwife between the nurse-midwife 46
and the nurse-midwife's collaborating physician shall be 47
determined and mutually agreed upon by the certified nurse-midwife 48
and the physician. The division of fees shall not be considered a 49
violation of division (B)~~(17)~~(13) of section 4731.22 of the 50
Revised Code. In no case shall the total fees charged exceed the 51

fee the physician would have charged had the physician provided 52
the entire service. 53

Sec. 3923.301. Every person, the state and any of its 54
instrumentalities, any county, township, school district, or other 55
political subdivision and any of its instrumentalities, and any 56
municipal corporation and any of its instrumentalities that 57
provides payment for health care benefits for any of its employees 58
resident in this state, which benefits are not provided by 59
contract with an insurer qualified to provide sickness and 60
accident insurance or a health insuring corporation, and that 61
includes reimbursement for any service that may be legally 62
performed by a certified nurse-midwife who is authorized under 63
section 4723.42 of the Revised Code to practice nurse-midwifery, 64
shall not deny reimbursement to a certified nurse-midwife 65
performing the service if the service is performed in 66
collaboration with a licensed physician. The collaborating 67
physician shall be identified on the claim form. 68

The cost of collaboration with a certified nurse-midwife by a 69
licensed physician as required under section 4723.43 of the 70
Revised Code is a reimbursable expense. 71

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determined and mutually agreed upon by the certified nurse-midwife 75
and the physician. The division of fees shall not be considered a 76
violation of division (B)~~(17)~~(13) of section 4731.22 of the 77
Revised Code. In no case shall the total fees charged exceed the 78
fee the physician would have charged had the physician provided 79
the entire service. 80

Sec. 4701.16. (A) After notice and hearing as provided in 81

Chapter 119. of the Revised Code, the accountancy board may 82
discipline as described in division (B) of this section a person 83
holding an Ohio permit, an Ohio registration, a firm registration, 84
a CPA certificate, or a PA registration or any other person whose 85
activities are regulated by the board for any one or any 86
combination of the following causes: 87

(1) Fraud or deceit in obtaining a firm registration or in 88
obtaining a CPA certificate, a PA registration, an Ohio permit, or 89
an Ohio registration; 90

(2) Dishonesty, fraud, or gross negligence in the practice of 91
public accounting; 92

(3) Violation of any of the provisions of section 4701.14 of 93
the Revised Code; 94

(4) Violation of a rule of professional conduct promulgated 95
by the board under the authority granted by this chapter; 96

(5) Conviction of or plea of guilty to a felony criminal 97
offense that is substantially related to the practice of 98
accountancy under the laws of any state or of the United States; 99

~~(6) Conviction of any crime, an element of which is 100
dishonesty or fraud, under the laws of any state or of the United 101
States; 102~~

~~(7) Cancellation, revocation, suspension, or refusal to renew 103
authority to practice as a certified public accountant, a public 104
accountant, or a public accounting firm by any other state, for 105
any cause other than failure to pay registration fees in that 106
other state; 107~~

~~(8)(7) Suspension or revocation of the right to practice 108
before any state or federal agency; 109~~

~~(9)(8) Failure of a holder of a CPA certificate or PA 110
registration to obtain an Ohio permit or an Ohio registration, or 111~~

the failure of a public accounting firm to obtain a firm	112
registration;	113
(10) (9) Conduct discreditable to the public accounting	114
profession or to the holder of an Ohio permit, Ohio registration,	115
or foreign certificate;	116
(11) (10) Failure of a public accounting firm to comply with	117
section 4701.04 of the Revised Code.	118
(B) For any of the reasons specified in division (A) of this	119
section, the board may do any of the following:	120
(1) Revoke, suspend, or refuse to renew any CPA certificate	121
or PA registration or any Ohio permit, Ohio registration, or firm	122
registration;	123
(2) Disqualify a person who is not a holder of an Ohio permit	124
or a foreign certificate from owning an equity interest in a	125
public accounting firm or qualified firm;	126
(3) Publicly censure a registered firm or a holder of a CPA	127
certificate, a PA registration, an Ohio permit, or an Ohio	128
registration;	129
(4) Levy against a registered firm or a holder of a CPA	130
certificate, a PA registration, an Ohio permit, or an Ohio	131
registration a penalty or fine not to exceed five thousand dollars	132
for each offense. Any fine shall be reasonable and in relation to	133
the severity of the offense.	134
(5) In the case of violations of division (A)(2) or (4) of	135
this section, require completion of remedial continuing education	136
programs prescribed by the board in addition to those required by	137
section 4701.11 of the Revised Code;	138
(6) In the case of violations of division (A)(2) or (4) of	139
this section, require the holder of a CPA certificate, PA	140
registration, or firm registration to submit to a peer review by a	141

professional committee designated by the board, which committee 142
shall report to the board concerning that holder's compliance with 143
generally accepted accounting principles, generally accepted 144
auditing standards, or other generally accepted technical 145
standards; 146

(7) Revoke or suspend the privileges to offer or render 147
attest services in this state or to use a CPA title or designation 148
in this state of an individual who holds a foreign certificate. 149

(C) If the board levies a fine against or suspends the 150
certificate of a person or registration of a person or firm for a 151
violation of division (A)(2) or (4) of this section, it may waive 152
all or any portion of the fine or suspension if the holder of the 153
CPA certificate, PA registration, or firm registration complies 154
fully with division (B)(5) ~~or (6)~~ of this section. 155

(D) As used in this section, a "criminal offense that is 156
substantially related" has the same meaning as in section 4743.06 157
of the Revised Code. 158

Sec. 4703.15. (A) The state board of examiners of architects 159
may by three concurring votes deny renewal of, revoke, or suspend 160
any certificate of qualification to practice architecture, issued 161
or renewed under sections 4703.10, 4703.13, and 4703.14 of the 162
Revised Code, or any certificate of authorization, issued or 163
renewed under sections 4703.13 and 4703.18 of the Revised Code, if 164
proof satisfactory to the board is presented in any of the 165
following cases: 166

(1) In case it is shown that the certificate was obtained by 167
fraud; 168

(2) In case the holder of the certificate has been found 169
guilty by the board or by a court of justice of any fraud or 170
deceit in the holder's professional practice, or has been 171

convicted ~~of a felony~~ by a court of justice of, or pleaded guilty 172
in a court of justice to, a criminal offense that is substantially 173
related to the practice of architecture; 174

(3) In case the holder has been found guilty by the board of 175
gross negligence, incompetency, or misconduct in the performance 176
of the holder's services as an architect or in the practice of 177
architecture; 178

(4) In case the holder of the certificate has been found 179
guilty by the board of signing plans for the construction of a 180
building as a "registered architect" where the holder is not the 181
actual architect of such building and where the holder is without 182
prior written consent of the architect originating the design or 183
other documents used in the plans; 184

(5) In case the holder of the certificate has been found 185
guilty by the board of aiding and abetting another person or 186
persons not properly registered as required by sections 4703.01 to 187
4703.19 of the Revised Code, in the performance of activities that 188
in any manner or extent constitute the practice of architecture. 189

At any time after the expiration of six months from the date 190
of the revocation or suspension of a certificate, the individual, 191
firm, partnership, association, or corporation may apply for 192
reinstatement of the certificate. Upon showing that all loss 193
caused by the individual, firm, partnership, association, or 194
corporation whose certificate has been revoked or suspended has 195
been fully satisfied and that all conditions imposed by the 196
revocation or suspension decision have been complied with, and 197
upon the payment of all costs incurred by the board as a result of 198
the case at issue, the board, at its discretion and upon evidence 199
that in its opinion would so warrant, may restore the certificate. 200

(B) In addition to disciplinary action the board may take 201
against a certificate holder under division (A) of this section or 202

section 4703.151 of the Revised Code, the board may impose a fine 203
against a certificate holder who obtained a certificate by fraud 204
or who is found guilty of any act specified in divisions (A)(2) to 205
(A)(5) of this section or who violates any rule governing the 206
standards of service, conduct, and practice adopted pursuant to 207
section 4703.02 of the Revised Code. The fine imposed shall be not 208
more than one thousand dollars for each offense but shall not 209
exceed five thousand dollars regardless of the number of offenses 210
the certificate holder has committed between the time the fine is 211
imposed and the time any previous fine was imposed. 212

(C) As used in this section, a "criminal offense that is 213
substantially related" has the same meaning as in section 4743.06 214
of the Revised Code. 215

Sec. 4707.02. ~~No~~ As used in this section, a "criminal offense 216
that is substantially related" has the same meaning as in section 217
4743.06 of the Revised Code. 218

No person shall act as an auction firm, auctioneer, 219
apprentice auctioneer, or special auctioneer within this state 220
without a license issued by the department of agriculture. No 221
auction shall be conducted in this state except by an auctioneer 222
licensed by the department. 223

The department shall not issue or renew a license if the 224
applicant or licensee has been convicted of ~~a felony or crime 225
involving fraud or theft~~ or pleaded guilty to a criminal offense 226
that is substantially related to the profession of auction firm, 227
auctioneer, apprentice auctioneer, or special auctioneer in this 228
or another state at any time during the ten years immediately 229
preceding application or renewal. 230

This section does not apply to: 231

(A) Sales at auction that either are required by law to be at 232

auction, other than sales pursuant to a judicial order or decree,	233
or that are conducted by or under the direction of a public	234
authority;	235
(B) The owner of any real or personal property desiring to	236
sell the property at auction, provided that the property was not	237
acquired for the purpose of resale;	238
(C) An auction mediation company;	239
(D) An auction that is conducted in a course of study for	240
auctioneers that is approved by the state auctioneers commission	241
created under section 4707.03 of the Revised Code for purposes of	242
student training and is supervised by a licensed auctioneer;	243
(E) An auction that is sponsored by a nonprofit or charitable	244
organization that is registered in this state under Chapter 1702.	245
or Chapter 1716. of the Revised Code, respectively, if the auction	246
only involves the property of the members of the organization and	247
the auction is part of a fair that is organized by an agricultural	248
society under Chapter 1711. of the Revised Code or by the Ohio	249
expositions commission under Chapter 991. of the Revised Code at	250
which an auctioneer who is licensed under this chapter physically	251
conducts the auction;	252
(F) A person licensed as a livestock dealer under Chapter	253
943. of the Revised Code who exclusively sells livestock and uses	254
an auctioneer who is licensed under this chapter to conduct the	255
auction;	256
(G) A person licensed as a motor vehicle auction owner under	257
Chapter 4517. of the Revised Code who exclusively sells motor	258
vehicles and who uses an auctioneer who is licensed under this	259
chapter to conduct the auction;	260
(H) A person who sells real or personal property by means of	261
the internet.	262

Sec. 4707.15. The As used in this section, a "criminal offense that is substantially related" has the same meaning as in section 4743.06 of the Revised Code. 263
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The department of agriculture may deny, refuse to renew, 266
suspend, or revoke the license of any auction firm, auctioneer, 267
apprentice auctioneer, or special auctioneer for any of the 268
following causes: 269

(A) Obtaining a license through false or fraudulent 270
representation; 271

(B) Making any substantial misrepresentation in an 272
application for a license; 273

(C) A continued course of misrepresentation or for making 274
false promises through agents, advertising, or otherwise; 275

(D) Specifying that an auction is a reserve auction, absolute 276
auction, or estate auction, but not conducting the auction as 277
specified; 278

(E) Failing to account for or remit, within a reasonable 279
time, any money or property belonging to others that comes into 280
the licensee's possession, and for commingling funds of others 281
with the licensee's own, or failing to keep funds of others in an 282
escrow or trust account, except that in the case of a transaction 283
involving real estate, such funds shall be maintained in 284
accordance with division (A)(26) of section 4735.18 of the Revised 285
Code; 286

(F) Paying valuable consideration to any person who has 287
violated this chapter; 288

(G) ~~Conviction in~~ In a court of competent jurisdiction of 289
this state or any other state, conviction of or plea of guilty to 290
a criminal offense ~~involving fraud, forgery, embezzlement, false~~ 291
~~pretenses, extortion, conspiracy to defraud, or another similar~~ 292

offense or a felony that is substantially related to the	293
profession of auctioneer, apprentice auctioneer, or special	294
auctioneer;	295
(H) Violation of this chapter or rules adopted under it;	296
(I) Failure to furnish voluntarily at the time of execution,	297
copies of all written instruments prepared by the auctioneer or	298
auction firm;	299
(J) Any conduct of a person that is licensed under this	300
chapter that demonstrates bad faith, dishonesty, incompetency, or	301
untruthfulness;	302
(K) Any other conduct that constitutes improper, fraudulent,	303
or dishonest dealings;	304
(L) Failing prior to the sale at public auction to enter into	305
a written contract with the owner or consignee of any property to	306
be sold, containing the terms and conditions upon which the	307
licensee received the property for auction;	308
(M) The use of any power of attorney to circumvent this	309
chapter;	310
(N) Failure to display the sign required under section	311
4707.22 of the Revised Code and a notice conspicuously at the	312
clerk's desk or on a bid card that clearly states the terms and	313
conditions of the auction;	314
(O) Failure to notify the department of any conviction of a	315
felony or crime involving fraud within fifteen days of conviction;	316
(P) Aiding an unlicensed person in the performance of	317
services or acts that require a license under this chapter;	318
(Q) The suspension or revocation of a license to engage in	319
auctioneering or other disciplinary action by the licensing	320
authority of another state;	321
(R) The refusal or disapproval by the licensing authority of	322

another state of an application for a license to engage in	323
auctioneering;	324
(S) Failure of a licensee to notify the department of	325
agriculture within fifteen days of a disciplinary action against	326
the licensee by another state's applicable governing authority;	327
(T) Engaging in auctioneering or providing auction services	328
without a license or during the suspension of a license;	329
(U) Attempting to cheat or cheating on an auctioneer	330
examination or aiding another to cheat on an examination.	331
Sec. 4709.13. (A) The barber board may refuse to issue or	332
renew or may suspend or revoke or impose conditions upon any	333
license issued pursuant to this chapter for any one or more of the	334
following causes:	335
(1) Conviction of <u>or plea of guilty to a felony criminal</u>	336
<u>offense that is substantially related to the practice of barbering</u>	337
shown by a certified copy of the record of the court of	338
conviction;	339
(2) Advertising by means of knowingly false or deceptive	340
statements;	341
(3) Habitual drunkenness or possession of or addiction to the	342
use of any controlled drug prohibited by state or federal law;	343
(4) Immoral or unprofessional conduct;	344
(5) Continuing to be employed in a barber shop wherein rules	345
of the board or department of health are violated;	346
(6) Employing any person who does not have a current Ohio	347
license to perform the practice of barbering;	348
(7) Owning, managing, operating, or controlling any barber	349
school or portion thereof, wherein the practice of barbering is	350
carried on, whether in the same building or not, without	351

displaying a sign at all entrances to the places where the 352
barbering is carried on, indicating that the work therein is done 353
by students exclusively; 354

(8) Owning, managing, operating, or controlling any barber 355
shop, unless it displays a recognizable sign or barber pole 356
indicating that it is a barber shop, and the sign or pole is 357
clearly visible at the main entrance to the shop; 358

(9) Violating any sanitary rules approved by the department 359
of health or the board; 360

(10) Employing another person to perform or ~~himself~~ 361
personally perform the practice of barbering in a licensed barber 362
shop unless that person is licensed as a barber under this 363
chapter; 364

(11) Gross incompetence. 365

(B) Prior to taking any action under division (A) of this 366
section, the board shall provide the person with a statement of 367
the charges against ~~him~~ the person and notice of the time and 368
place of a hearing on the charges. The board shall conduct the 369
hearing according to Chapter 119. of the Revised Code. Any person 370
dissatisfied with a decision of the board may appeal the board's 371
decision to the court of common pleas in Franklin county. 372

(C) The board may adopt rules in accordance with Chapter 119. 373
of the Revised Code, specifying additional grounds upon which the 374
board may take action under division (A) of this section. 375

(D) As used in this section, a "criminal offense that is 376
substantially related" has the same meaning as in section 4743.06 377
of the Revised Code. 378

Sec. 4712.03. ~~After~~ As used in this section, a "criminal 379
offense that is substantially related" has the same meaning as in 380
section 4743.06 of the Revised Code. 381

After notice and a hearing conducted in accordance with 382
Chapter 119. of the Revised Code, the superintendent of financial 383
institutions may suspend, revoke, or refuse to issue or renew a 384
certificate of registration if any of the following conditions 385
applies to the applicant for registration or registrant: 386

(A) The applicant or registrant obtained a certificate of 387
registration through any false or fraudulent representation or 388
made any substantial misrepresentation in any registration 389
application. 390

(B) The applicant or registrant made false promises through 391
advertising or other means or engaged in a continued course of 392
misrepresentations. 393

(C) The applicant or registrant violated any provision of 394
Chapter 1345. or sections 4712.01 to 4712.14 of the Revised Code 395
or the rules adopted thereunder. 396

(D) The applicant or registrant was convicted of, or pleaded 397
guilty to, in a court of competent jurisdiction of this state or 398
any other state, ~~of a felony or any criminal offense involving~~ 399
fraud criminal offense that is substantially related to practice 400
as a credit services organization, or failed to notify the 401
division of financial institutions of any such conviction or 402
guilty plea. 403

(E) The applicant or registrant engaged in conduct that 404
constituted improper, fraudulent, or dishonest dealings. 405

Sec. 4715.30. (A) The holder of a certificate or license 406
issued under this chapter is subject to disciplinary action by the 407
state dental board for any of the following reasons: 408

(1) Employing or cooperating in fraud or material deception 409
in applying for or obtaining a license or certificate; 410

(2) Obtaining or attempting to obtain money or anything of 411

value by intentional misrepresentation or material deception in	412
the course of practice;	413
(3) Advertising services in a false or misleading manner or	414
violating the board's rules governing time, place, and manner of	415
advertising;	416
(4) Conviction of <u>or plea of guilty to a misdemeanor</u>	417
committed in the course of practice or of any felony <u>criminal</u>	418
<u>offense that is substantially related to the practice of</u>	419
<u>dentistry</u> ;	420
(5) Engaging in lewd or immoral conduct in connection with	421
the provision of dental services;	422
(6) Selling, prescribing, giving away, or administering drugs	423
for other than legal and legitimate therapeutic purposes, or	424
conviction of violating any law of this state or the federal	425
government regulating the possession, distribution, or use of any	426
drug;	427
(7) Providing or allowing dental hygienists, expanded	428
function dental auxiliaries, or other practitioners of auxiliary	429
dental occupations working under the certificate or license	430
holder's supervision, or a dentist holding a temporary limited	431
continuing education license under division (C) of section 4715.16	432
of the Revised Code working under the certificate or license	433
holder's direct supervision, to provide dental care that departs	434
from or fails to conform to accepted standards for the profession,	435
whether or not injury to a patient results;	436
(8) Inability to practice under accepted standards of the	437
profession because of physical or mental disability, dependence on	438
alcohol or other drugs, or excessive use of alcohol or other	439
drugs;	440
(9) Violation of any provision of this chapter or any rule	441
adopted thereunder;	442

(10) Failure to use universal blood and body fluid 443
precautions established by rules adopted under section 4715.03 of 444
the Revised Code; 445

(11) Waiving the payment of all or any part of a deductible 446
or copayment that a patient, pursuant to a health insurance or 447
health care policy, contract, or plan that covers dental services, 448
would otherwise be required to pay if the waiver is used as an 449
enticement to a patient or group of patients to receive health 450
care services from that provider. 451

(12) Advertising that the certificate or license holder will 452
waive the payment of all or any part of a deductible or copayment 453
that a patient, pursuant to a health insurance or health care 454
policy, contract, or plan that covers dental services, would 455
otherwise be required to pay. 456

(B) A manager, proprietor, operator, or conductor of a dental 457
facility shall be subject to disciplinary action if any dentist, 458
dental hygienist, expanded function dental auxiliary, or qualified 459
personnel providing services in the facility is found to have 460
committed a violation listed in division (A) of this section and 461
the manager, proprietor, operator, or conductor knew of the 462
violation and permitted it to occur on a recurring basis. 463

(C) Subject to Chapter 119. of the Revised Code, the board 464
may take one or more of the following disciplinary actions if one 465
or more of the grounds for discipline listed in divisions (A) and 466
(B) of this section exist: 467

(1) Censure the license or certificate holder; 468

(2) Place the license or certificate on probationary status 469
for such period of time the board determines necessary and require 470
the holder to: 471

(a) Report regularly to the board upon the matters which are 472
the basis of probation; 473

(b) Limit practice to those areas specified by the board;	474
(c) Continue or renew professional education until a	475
satisfactory degree of knowledge or clinical competency has been	476
attained in specified areas.	477
(3) Suspend the certificate or license;	478
(4) Revoke the certificate or license.	479
Where the board places a holder of a license or certificate	480
on probationary status pursuant to division (C)(2) of this	481
section, the board may subsequently suspend or revoke the license	482
or certificate if it determines that the holder has not met the	483
requirements of the probation or continues to engage in activities	484
that constitute grounds for discipline pursuant to division (A) or	485
(B) of this section.	486
Any order suspending a license or certificate shall state the	487
conditions under which the license or certificate will be	488
restored, which may include a conditional restoration during which	489
time the holder is in a probationary status pursuant to division	490
(C)(2) of this section. The board shall restore the license or	491
certificate unconditionally when such conditions are met.	492
(D) If the physical or mental condition of a license or	493
certificate holder is at issue in a disciplinary proceeding, the	494
board may order the license or certificate holder to submit to	495
reasonable examinations by an individual designated or approved by	496
the board and at the board's expense. The physical examination may	497
be conducted by any individual authorized by the Revised Code to	498
do so, including a physician assistant, a clinical nurse	499
specialist, a certified nurse practitioner, or a certified	500
nurse-midwife. Any written documentation of the physical	501
examination shall be completed by the individual who conducted the	502
examination.	503
Failure to comply with an order for an examination shall be	504

grounds for summary suspension of a license or certificate under 505
division (E) of this section. 506

(E) If the board has reason to believe that the holder 507
represents a clear and immediate danger to the public health and 508
safety if the holder is allowed to continue to practice, or if the 509
holder has failed to comply with an order under division (D) of 510
this section, the board may apply to the court of common pleas of 511
the county in which the holder resides for an order temporarily 512
suspending the holder's license or certificate, without a prior 513
hearing being afforded by the board, until the board conducts an 514
adjudication hearing pursuant to Chapter 119. of the Revised Code. 515
If the court temporarily suspends a holder's license or 516
certificate, the board shall give written notice of the suspension 517
personally or by certified mail to the license or certificate 518
holder. Such notice shall include specific facts and reasons for 519
finding a clear and immediate danger to the public health and 520
safety and shall inform the license or certificate holder of the 521
right to a hearing pursuant to Chapter 119. of the Revised Code. 522

(F) Any holder of a certificate or license issued under this 523
chapter who has pleaded guilty to, has been convicted of, or has 524
had a judicial finding of eligibility for intervention in lieu of 525
conviction entered against the holder in this state for aggravated 526
murder, murder, voluntary manslaughter, felonious assault, 527
kidnapping, rape, sexual battery, gross sexual imposition, 528
aggravated arson, aggravated robbery, or aggravated burglary, or 529
who has pleaded guilty to, has been convicted of, or has had a 530
judicial finding of eligibility for treatment or intervention in 531
lieu of conviction entered against the holder in another 532
jurisdiction for any substantially equivalent criminal offense, is 533
automatically suspended from practice under this chapter in this 534
state and any certificate or license issued to the holder under 535
this chapter is automatically suspended, as of the date of the 536

guilty plea, conviction, or judicial finding, whether the 537
proceedings are brought in this state or another jurisdiction. 538
Continued practice by an individual after the suspension of the 539
individual's certificate or license under this division shall be 540
considered practicing without a certificate or license. The board 541
shall notify the suspended individual of the suspension of the 542
individual's certificate or license under this division by 543
certified mail or in person in accordance with section 119.07 of 544
the Revised Code. If an individual whose certificate or license is 545
suspended under this division fails to make a timely request for 546
an adjudicatory hearing, the board shall enter a final order 547
revoking the individual's certificate or license. 548

(G) Notwithstanding divisions (A)(11) and (12) of this 549
section, sanctions shall not be imposed against any licensee who 550
waives deductibles and copayments: 551

(1) In compliance with the health benefit plan that expressly 552
allows such a practice. Waiver of the deductibles or copayments 553
shall be made only with the full knowledge and consent of the plan 554
purchaser, payer, and third-party administrator. Such consent 555
shall be made available to the board upon request. 556

(2) For professional services rendered to any other person 557
licensed pursuant to this chapter to the extent allowed by this 558
chapter and the rules of the board. 559

(H) As used in this section, a "criminal offense that is 560
substantially related" has the same meaning as in section 4743.06 561
of the Revised Code. 562

Sec. 4717.14. (A) The board of embalmers and funeral 563
directors may refuse to grant or renew, or may suspend or revoke, 564
any license issued under this chapter for any of the following 565
reasons: 566

- (1) The license was obtained by fraud or misrepresentation either in the application or in passing the examination. 567
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- (2) The applicant or licensee has been convicted of or has pleaded guilty to a ~~felony or of any crime involving moral turpitude~~ criminal offense that is substantially related to the profession of embalming or funeral directing. 569
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- (3) The applicant or licensee has purposely violated any provision of sections 4717.01 to 4717.15 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; any rule or order of the department of health or a board of health of a health district governing the disposition of dead human bodies; or any other rule or order applicable to the applicant or licensee. 573
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- (4) The applicant or licensee has committed immoral or unprofessional conduct. 583
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- (5) The applicant or licensee knowingly permitted an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the applicant's or licensee's supervision. 585
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- (6) The applicant or licensee has been habitually intoxicated, or is addicted to the use of morphine, cocaine, or other habit-forming or illegal drugs. 589
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- (7) The applicant or licensee has refused to promptly submit the custody of a dead human body upon the express order of the person legally entitled to the body. 592
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- (8) The licensee loaned the licensee's own license, or the applicant or licensee borrowed or used the license of another person, or knowingly aided or abetted the granting of an improper 595
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597

license. 598

(9) The applicant or licensee transferred a license to 599
operate a funeral home, embalming facility, or crematory from one 600
owner or operator to another, or from one location to another, 601
without notifying the board. 602

(10) The applicant or licensee mislead the public by using 603
false or deceptive advertising. 604

(B)(1) The board of embalmers and funeral directors shall 605
refuse to grant or renew, or shall suspend or revoke, an 606
embalmer's, funeral director's, funeral home, or embalming 607
facility license only in accordance with Chapter 119. of the 608
Revised Code. 609

(2) The board shall send to the crematory review board 610
written notice that it proposes to refuse to issue or renew, or 611
proposes to suspend or revoke, a license to operate a crematory 612
facility. If, after the conclusion of the adjudicatory hearing on 613
the matter conducted under division (E) of section 4717.03 of the 614
Revised Code, the board of embalmers and funeral directors finds 615
that any of the circumstances described in divisions (A)(1) to 616
(10) of this section apply to the person named in its proposed 617
action, the board may issue a final order under division (E) of 618
section 4717.03 of the Revised Code refusing to issue or renew, or 619
suspending or revoking, the person's license to operate a 620
crematory facility. 621

(C) If the board of embalmers and funeral directors 622
determines that there is clear and convincing evidence that any of 623
the circumstances described in divisions (A)(1) to (10) of this 624
section apply to the holder of a license issued under this chapter 625
and that the licensee's continued practice presents a danger of 626
immediate and serious harm to the public, the board may suspend 627
the licensee's license without a prior adjudicatory hearing. The 628

executive director of the board shall prepare written allegations 629
for consideration by the board. 630

The board, after reviewing the written allegations, may 631
suspend a license without a prior hearing. 632

The board shall issue a written order of suspension by 633
certified mail or in person in accordance with section 119.07 of 634
the Revised Code. Such an order is not subject to suspension by 635
the court during the pendency of any appeal filed under section 636
119.12 of the Revised Code. If the holder of an embalmer's, 637
funeral director's, funeral home, or embalming facility license 638
requests an adjudicatory hearing by the board, the date set for 639
the hearing shall be within fifteen days, but not earlier than 640
seven days, after the licensee has requested a hearing, unless the 641
board and the licensee agree to a different time for holding the 642
hearing. 643

Upon issuing a written order of suspension to the holder of a 644
license to operate a crematory facility, the board of embalmers 645
and funeral directors shall send written notice of the issuance of 646
the order to the crematory review board. The crematory review 647
board shall hold an adjudicatory hearing on the order under 648
division (E) of section 4717.03 of the Revised Code within fifteen 649
days, but not earlier than seven days, after the issuance of the 650
order, unless the crematory review board and the licensee agree to 651
a different time for holding the adjudicatory hearing. 652

Any summary suspension imposed under this division shall 653
remain in effect, unless reversed on appeal, until a final 654
adjudicatory order issued by the board of embalmers and funeral 655
directors pursuant to this division and Chapter 119. of the 656
Revised Code, or division (E) of section 4717.03 of the Revised 657
Code, as applicable, becomes effective. The board of embalmers and 658
funeral directors shall issue its final adjudicatory order within 659
sixty days after the completion of its hearing or, in the case of 660

the summary suspension of a license to operate a crematory 661
facility, within sixty days after completion of the adjudicatory 662
hearing by the crematory review board. A failure to issue the 663
order within that time results in the dissolution of the summary 664
suspension order, but does not invalidate any subsequent final 665
adjudicatory order. 666

(D) Any holder of a license issued under this chapter who has 667
pleaded guilty to, has been found by a judge or jury to be guilty 668
of, or has had a judicial finding of eligibility for treatment in 669
lieu of conviction entered against the individual in this state 670
for aggravated murder, murder, voluntary manslaughter, felonious 671
assault, kidnapping, rape, sexual battery, gross sexual 672
imposition, aggravated arson, aggravated robbery, or aggravated 673
burglary, or who has pleaded guilty to, has been found by a judge 674
or jury to be guilty of, or has had a judicial finding of 675
eligibility for treatment in lieu of conviction entered against 676
the individual in another jurisdiction for any substantially 677
equivalent criminal offense, is hereby suspended from practice 678
under this chapter by operation of law, and any license issued to 679
the individual under this chapter is hereby suspended by operation 680
of law as of the date of the guilty plea, verdict or finding of 681
guilt, or judicial finding of eligibility for treatment in lieu of 682
conviction, regardless of whether the proceedings are brought in 683
this state or another jurisdiction. The board shall notify the 684
suspended individual of the suspension of the individual's license 685
by the operation of this division by certified mail or in person 686
in accordance with section 119.07 of the Revised Code. If an 687
individual whose license is suspended under this division fails to 688
make a timely request for an adjudicatory hearing, the board shall 689
enter a final order revoking the license. 690

(E) No person whose license has been suspended or revoked 691
under or by the operation of this section shall practice embalming 692

or funeral directing or operate a funeral home, embalming 693
facility, or crematory facility until the board has reinstated the 694
person's license. 695

(F) As used in this section, a "criminal offense that is 696
substantially related" has the same meaning as in section 4743.06 697
of the Revised Code. 698

Sec. 4719.03. (A) Except as otherwise provided in division 699
(B) of this section, the attorney general shall issue a 700
certificate of registration or registration renewal as a telephone 701
solicitor to any applicant or registrant that submits a completed 702
application for the certificate, as specified under section 703
4719.02 of the Revised Code, and pays, as applicable, the 704
registration fee or renewal fee prescribed pursuant to rule of the 705
attorney general adopted under section 4719.10 of the Revised 706
Code. All fees collected under this division shall be deposited 707
into the state treasury to the credit of the telemarketing fraud 708
enforcement fund created in section 4719.17 of the Revised Code. 709
The certificate of registration or registration renewal shall 710
expire one year after the date on which it is issued. 711

(B) After an adjudication conducted in accordance with 712
Chapter 119. of the Revised Code, the attorney general may deny a 713
certificate of registration or registration renewal or may suspend 714
or revoke a certificate if the attorney general finds, by a 715
preponderance of the evidence, that any of the following 716
conditions apply: 717

(1) The applicant or registrant obtained a certificate of 718
registration or registration renewal through any false or 719
fraudulent representation or made any material misrepresentation 720
in any registration application. 721

(2) The applicant or registrant made false promises through 722
advertising or other means or engaged in a continued course of 723

misrepresentations. 724

(3) The applicant or registrant violated any provision of 725
Chapter 1345. or sections 4719.01 to 4719.18 of the Revised Code 726
or a rule adopted under that chapter or those sections. 727

(4) In a court of competent jurisdiction of this state or any 728
other state or of the United States, the applicant or registrant 729
was convicted of, pleaded guilty to, or entered a plea of no 730
contest for a ~~felony, engaging in a pattern of corrupt activity,~~ 731
~~racketeering, a violation of federal or state securities law, or a~~ 732
~~theft offense as defined in section 2913.01 of the Revised Code~~ 733
criminal offense that is substantially related to the profession 734
of telephone solicitor or in a similar law of any other state or of 735
the United States, or failed to notify the attorney general of any 736
conviction or plea of that type as required under division (H) of 737
section 4719.08 of the Revised Code. 738

(5) The applicant or registrant engaged in conduct that 739
constituted improper, fraudulent, or dishonest dealings. 740

(C) As used in this section, a "criminal offense that is 741
substantially related" has the same meaning as in section 4743.06 742
of the Revised Code. 743

Sec. 4723.07. In accordance with Chapter 119. of the Revised 744
Code, the board of nursing shall adopt and may amend and rescind 745
rules that establish all of the following: 746

(A) Provisions for the board's government and control of its 747
actions and business affairs; 748

(B) Minimum curricula and standards for nursing education 749
programs that prepare graduates to be licensed under this chapter 750
and procedures for granting, renewing, and withdrawing approval of 751
those programs; 752

(C) Criteria that applicants for licensure must meet to be 753

eligible to take examinations for licensure;	754
(D) Standards and procedures for renewal of the licenses and certificates issued by the board;	755 756
(E) Standards for approval of continuing nursing education programs and courses for registered nurses, licensed practical nurses, certified registered nurse anesthetists, clinical nurse specialists, certified nurse-midwives, and certified nurse practitioners. The standards may provide for approval of continuing nursing education programs and courses that have been approved by other state boards of nursing or by national accreditation systems for nursing, including, but not limited to, the American nurses' credentialing center and the national association for practical nurse education and service.	757 758 759 760 761 762 763 764 765 766
(F) Standards that persons must meet to be authorized by the board to approve continuing nursing education programs and courses and a schedule by which that authorization expires and may be renewed;	767 768 769 770
(G) Requirements, including continuing education requirements, for restoring inactive nursing licenses, dialysis technician certificates, and community health worker certificates, and for restoring nursing licenses, dialysis technician certificates, and community health worker certificates that have lapsed through failure to renew;	771 772 773 774 775 776
(H) Conditions that may be imposed for reinstatement of a nursing license, dialysis technician certificate, or community health worker certificate following action taken under section 3123.47, 4723.28, 4723.281, or 4723.86 of the Revised Code resulting in a license or certificate suspension;	777 778 779 780 781
(I) Standards for approval of peer support programs for persons who hold a nursing license, dialysis technician certificate, or community health worker certificate;	782 783 784

(J) Requirements for board approval of courses in medication administration by licensed practical nurses;	785 786
(K) Criteria for evaluating the qualifications of an applicant for a license to practice nursing as a registered nurse or licensed practical nurse, a certificate of authority issued under division (E) of section 4723.41 of the Revised Code, a dialysis technician certificate, or a community health worker certificate by the board's endorsement of the applicant's authority to practice issued by the licensing agency of another state;	787 788 789 790 791 792 793 794
(L) Universal blood and body fluid precautions that shall be used by each person holding a nursing license or dialysis technician certificate issued under this chapter who performs exposure-prone invasive procedures. The rules shall define and establish requirements for universal blood and body fluid precautions that include the following:	795 796 797 798 799 800
(1) Appropriate use of hand washing;	801
(2) Disinfection and sterilization of equipment;	802
(3) Handling and disposal of needles and other sharp instruments;	803 804
(4) Wearing and disposal of gloves and other protective garments and devices.	805 806
(M) Standards and procedures for approving certificates of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, and for renewal of those certificates;	807 808 809 810 811
(N) Quality assurance standards for certified registered nurse anesthetists, clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners;	812 813 814

(O) Additional criteria for the standard care arrangement 815
required by section 4723.431 of the Revised Code entered into by a 816
clinical nurse specialist, certified nurse-midwife, or certified 817
nurse practitioner and the nurse's collaborating physician or 818
podiatrist; 819

(P) Continuing education standards for clinical nurse 820
specialists who are exempt under division (C) of section 4723.41 821
of the Revised Code from the requirement of having passed a 822
certification examination; 823

(Q) For purposes of division (B)~~(31)~~(29) of section 4723.28 824
of the Revised Code, the actions, omissions, or other 825
circumstances that constitute failure to establish and maintain 826
professional boundaries with a patient. 827

The board may adopt other rules necessary to carry out the 828
provisions of this chapter. The rules shall be adopted in 829
accordance with Chapter 119. of the Revised Code. 830

Sec. 4723.28. (A) The board of nursing, by a vote of a 831
quorum, may revoke or may refuse to grant a nursing license, 832
certificate of authority, or dialysis technician certificate to a 833
person found by the board to have committed fraud in passing an 834
examination required to obtain the license, certificate of 835
authority, or dialysis technician certificate or to have committed 836
fraud, misrepresentation, or deception in applying for or securing 837
any nursing license, certificate of authority, or dialysis 838
technician certificate issued by the board. 839

(B) Subject to division (N) of this section, the board of 840
nursing, by a vote of a quorum, may impose one or more of the 841
following sanctions: deny, revoke, suspend, or place restrictions 842
on any nursing license, certificate of authority, or dialysis 843
technician certificate issued by the board; reprimand or otherwise 844
discipline a holder of a nursing license, certificate of 845

authority, or dialysis technician certificate; or impose a fine of 846
not more than five hundred dollars per violation. The sanctions 847
may be imposed for any of the following: 848

(1) Denial, revocation, suspension, or restriction of 849
authority to practice a health care occupation, including nursing 850
or practice as a dialysis technician, for any reason other than a 851
failure to renew, in Ohio or another state or jurisdiction; 852

(2) Engaging in the practice of nursing or engaging in 853
practice as a dialysis technician, having failed to renew a 854
nursing license or dialysis technician certificate issued under 855
this chapter, or while a nursing license or dialysis technician 856
certificate is under suspension; 857

~~(3) Conviction of, a plea of guilty to, a judicial finding of 858
guilt of, a judicial finding of guilt resulting from a plea of no 859
contest to, or a judicial finding of eligibility for intervention 860
in lieu of conviction for, a misdemeanor committed in the course 861
of practice;~~ 862

~~(4) Conviction of, a plea of guilty to, a judicial finding of 863
guilt of, a judicial finding of guilt resulting from a plea of no 864
contest to, or a judicial finding of eligibility for intervention 865
in lieu of conviction for, any felony or of any crime involving 866
gross immorality or moral turpitude~~ a criminal offense that is 867
substantially related to the practice of nursing or dialysis 868
technician; 869

~~(5)~~ (4) Selling, giving away, or administering drugs or 870
therapeutic devices for other than legal and legitimate 871
therapeutic purposes; or conviction of, a plea of guilty to, a 872
judicial finding of guilt of, a judicial finding of guilt 873
resulting from a plea of no contest to, or a judicial finding of 874
eligibility for intervention in lieu of conviction for, violating 875
any municipal, state, county, or federal drug law; 876

~~(6)~~(5) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, an act in another jurisdiction that would constitute a ~~felony or a crime of moral turpitude in Ohio~~ criminal offense that is substantially related to the practice of nursing or dialysis technician;

~~(7)~~ Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, an act in the course of practice in another jurisdiction that would constitute a misdemeanor in Ohio;

~~(8)~~(6) Self-administering or otherwise taking into the body any dangerous drug, as defined in section 4729.01 of the Revised Code, in any way not in accordance with a legal, valid prescription issued for that individual;

~~(9)~~(7) Habitual indulgence in the use of controlled substances, other habit-forming drugs, or alcohol or other chemical substances to an extent that impairs ability to practice;

~~(10)~~(8) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care because of habitual or excessive use of drugs, alcohol, or other chemical substances that impair the ability to practice;

~~(11)~~(9) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care because of a physical or mental disability;

~~(12)~~(10) Assaulting or causing harm to a patient or depriving a patient of the means to summon assistance;

~~(13)~~(11) Obtaining or attempting to obtain money or anything of value by intentional misrepresentation or material deception in the course of practice;

(14) <u>(12)</u> Adjudication by a probate court of being mentally ill or mentally incompetent. The board may restore the person's nursing license or dialysis technician certificate upon adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency.	908 909 910 911 912 913
(15) <u>(13)</u> The suspension or termination of employment by the department of defense or the veterans administration of the United States for any act that violates or would violate this chapter;	914 915 916
(16) <u>(14)</u> Violation of this chapter or any rules adopted under it;	917 918
(17) <u>(15)</u> Violation of any restrictions placed on a nursing license or dialysis technician certificate by the board;	919 920
(18) <u>(16)</u> Failure to use universal blood and body fluid precautions established by rules adopted under section 4723.07 of the Revised Code;	921 922 923
(19) <u>(17)</u> Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	924 925 926
(20) <u>(18)</u> In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	927 928 929
(21) <u>(19)</u> In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	930 931 932
(22) <u>(20)</u> In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	933 934 935
(23) <u>(21)</u> Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis	936 937

technician without a certificate issued under this chapter;	938
(24) <u>(22)</u> In the case of a certified registered nurse	939
anesthetist, clinical nurse specialist, certified nurse-midwife,	940
or certified nurse practitioner, except as provided in division	941
(M) of this section, either of the following:	942
(a) Waiving the payment of all or any part of a deductible or	943
copayment that a patient, pursuant to a health insurance or health	944
care policy, contract, or plan that covers such nursing services,	945
would otherwise be required to pay if the waiver is used as an	946
enticement to a patient or group of patients to receive health	947
care services from that provider;	948
(b) Advertising that the nurse will waive the payment of all	949
or any part of a deductible or copayment that a patient, pursuant	950
to a health insurance or health care policy, contract, or plan	951
that covers such nursing services, would otherwise be required to	952
pay.	953
(25) <u>(23)</u> Failure to comply with the terms and conditions of	954
participation in the chemical dependency monitoring program	955
established under section 4723.35 of the Revised Code;	956
(26) <u>(24)</u> Failure to comply with the terms and conditions	957
required under the practice intervention and improvement program	958
established under section 4723.282 of the Revised Code;	959
(27) <u>(25)</u> In the case of a certified registered nurse	960
anesthetist, clinical nurse specialist, certified nurse-midwife,	961
or certified nurse practitioner:	962
(a) Engaging in activities that exceed those permitted for	963
the nurse's nursing specialty under section 4723.43 of the Revised	964
Code;	965
(b) Failure to meet the quality assurance standards	966
established under section 4723.07 of the Revised Code.	967

~~(28)~~(26) In the case of a clinical nurse specialist, 968
certified nurse-midwife, or certified nurse practitioner, failure 969
to maintain a standard care arrangement in accordance with section 970
4723.431 of the Revised Code or to practice in accordance with the 971
standard care arrangement; 972

~~(29)~~(27) In the case of a clinical nurse specialist, 973
certified nurse-midwife, or certified nurse practitioner who holds 974
a certificate to prescribe issued under section 4723.48 of the 975
Revised Code, failure to prescribe drugs and therapeutic devices 976
in accordance with section 4723.481 of the Revised Code; 977

~~(30)~~(28) Prescribing any drug or device to perform or induce 978
an abortion, or otherwise performing or inducing an abortion; 979

~~(31)~~(29) Failure to establish and maintain professional 980
boundaries with a patient, as specified in rules adopted under 981
section 4723.07 of the Revised Code; 982

~~(32)~~(30) Regardless of whether the contact or verbal behavior 983
is consensual, engaging with a patient other than the spouse of 984
the registered nurse, licensed practical nurse, or dialysis 985
technician in any of the following: 986

(a) Sexual contact, as defined in section 2907.01 of the 987
Revised Code; 988

(b) Verbal behavior that is sexually demeaning to the patient 989
or may be reasonably interpreted by the patient as sexually 990
demeaning. 991

~~(33)~~(31) Assisting suicide as defined in section 3795.01 of 992
the Revised Code. 993

(C) Disciplinary actions taken by the board under divisions 994
(A) and (B) of this section shall be taken pursuant to an 995
adjudication conducted under Chapter 119. of the Revised Code, 996
except that in lieu of a hearing, the board may enter into a 997

consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by a vote of a quorum, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the agreement shall be of no effect.

(D) The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code, the board may appoint a hearing examiner, as provided in section 119.09 of the Revised Code, to conduct any hearing the board is authorized to hold under Chapter 119. of the Revised Code.

In any instance in which the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant or license holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by a vote of a quorum, a final order that contains the board's findings. In the final order, the board may order any of the sanctions listed in division (A) or (B) of this section.

(E) If a criminal action is brought against a registered nurse, licensed practical nurse, or dialysis technician for an act or crime described in divisions (B)(3) to ~~(7)~~(5) of this section and the action is dismissed by the trial court other than on the merits, the board shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the action was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed the act, or if the registered nurse, licensed practical nurse, or dialysis technician fails to participate in the adjudication, the board may take action as though the

registered nurse, licensed practical nurse, or dialysis technician 1030
had been convicted of the act. 1031

If the board takes action on the basis of a conviction, plea, 1032
or a judicial finding as described in divisions (B)(3) to ~~(7)~~(5) 1033
of this section that is overturned on appeal, the registered 1034
nurse, licensed practical nurse, or dialysis technician may, on 1035
exhaustion of the appeal process, petition the board for 1036
reconsideration of its action. On receipt of the petition and 1037
supporting court documents, the board shall temporarily rescind 1038
its action. If the board determines that the decision on appeal 1039
was a decision on the merits, it shall permanently rescind its 1040
action. If the board determines that the decision on appeal was 1041
not a decision on the merits, it shall conduct an adjudication to 1042
determine whether the registered nurse, licensed practical nurse, 1043
or dialysis technician committed the act on which the original 1044
conviction, plea, or judicial finding was based. If the board 1045
determines on the basis of the adjudication that the registered 1046
nurse, licensed practical nurse, or dialysis technician committed 1047
such act, or if the registered nurse, licensed practical nurse, or 1048
dialysis technician does not request an adjudication, the board 1049
shall reinstate its action; otherwise, the board shall permanently 1050
rescind its action. 1051

Notwithstanding the provision of division (C)(2) of section 1052
2953.32 of the Revised Code specifying that if records pertaining 1053
to a criminal case are sealed under that section the proceedings 1054
in the case shall be deemed not to have occurred, sealing of the 1055
records of a conviction on which the board has based an action 1056
under this section shall have no effect on the board's action or 1057
any sanction imposed by the board under this section. 1058

The board shall not be required to seal, destroy, redact, or 1059
otherwise modify its records to reflect the court's sealing of 1060
conviction records. 1061

(F) The board may investigate an individual's criminal background in performing its duties under this section.

(G) During the course of an investigation conducted under this section, the board may compel any registered nurse, licensed practical nurse, or dialysis technician or applicant under this chapter to submit to a mental or physical examination, or both, as required by the board and at the expense of the individual, if the board finds reason to believe that the individual under investigation may have a physical or mental impairment that may affect the individual's ability to provide safe nursing care. Failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations, unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence.

If the board finds that an individual is impaired, the board shall require the individual to submit to care, counseling, or treatment approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. The individual shall be afforded an opportunity to demonstrate to the board that the individual can begin or resume the individual's occupation in compliance with acceptable and prevailing standards of care under the provisions of the individual's authority to practice.

For purposes of this division, any registered nurse, licensed practical nurse, or dialysis technician or applicant under this chapter shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(H) The board shall investigate evidence that appears to show

that any person has violated any provision of this chapter or any 1094
rule of the board. Any person may report to the board any 1095
information the person may have that appears to show a violation 1096
of any provision of this chapter or rule of the board. In the 1097
absence of bad faith, any person who reports such information or 1098
who testifies before the board in any adjudication conducted under 1099
Chapter 119. of the Revised Code shall not be liable for civil 1100
damages as a result of the report or testimony. 1101

(I) All of the following apply under this chapter with 1102
respect to the confidentiality of information: 1103

(1) Information received by the board pursuant to an 1104
investigation is confidential and not subject to discovery in any 1105
civil action, except that the board may disclose information to 1106
law enforcement officers and government entities investigating a 1107
registered nurse, licensed practical nurse, or dialysis technician 1108
or a person who may have engaged in the unauthorized practice of 1109
nursing. No law enforcement officer or government entity with 1110
knowledge of any information disclosed by the board pursuant to 1111
this division shall divulge the information to any other person or 1112
government entity except for the purpose of an adjudication by a 1113
court or licensing or registration board or officer to which the 1114
person to whom the information relates is a party. 1115

(2) If an investigation requires a review of patient records, 1116
the investigation and proceeding shall be conducted in such a 1117
manner as to protect patient confidentiality. 1118

(3) All adjudications and investigations of the board shall 1119
be considered civil actions for the purposes of section 2305.252 1120
of the Revised Code. 1121

(4) Any board activity that involves continued monitoring of 1122
an individual as part of or following any disciplinary action 1123
taken under this section shall be conducted in a manner that 1124

maintains the individual's confidentiality. Information received 1125
or maintained by the board with respect to the board's monitoring 1126
activities is confidential and not subject to discovery in any 1127
civil action. 1128

(J) Any action taken by the board under this section 1129
resulting in a suspension from practice shall be accompanied by a 1130
written statement of the conditions under which the person may be 1131
reinstated to practice. 1132

(K) When the board refuses to grant a license or certificate 1133
to an applicant, revokes a license or certificate, or refuses to 1134
reinstate a license or certificate, the board may specify that its 1135
action is permanent. An individual subject to permanent action 1136
taken by the board is forever ineligible to hold a license or 1137
certificate of the type that was refused or revoked and the board 1138
shall not accept from the individual an application for 1139
reinstatement of the license or certificate or for a new license 1140
or certificate. 1141

(L) No unilateral surrender of a nursing license, certificate 1142
of authority, or dialysis technician certificate issued under this 1143
chapter shall be effective unless accepted by majority vote of the 1144
board. No application for a nursing license, certificate of 1145
authority, or dialysis technician certificate issued under this 1146
chapter may be withdrawn without a majority vote of the board. The 1147
board's jurisdiction to take disciplinary action under this 1148
section is not removed or limited when an individual has a license 1149
or certificate classified as inactive or fails to renew a license 1150
or certificate. 1151

(M) Sanctions shall not be imposed under division (B)~~(24)~~(22) 1152
of this section against any licensee who waives deductibles and 1153
copayments as follows: 1154

(1) In compliance with the health benefit plan that expressly 1155

allows such a practice. Waiver of the deductibles or copayments 1156
shall be made only with the full knowledge and consent of the plan 1157
purchaser, payer, and third-party administrator. Documentation of 1158
the consent shall be made available to the board upon request. 1159

(2) For professional services rendered to any other person 1160
licensed pursuant to this chapter to the extent allowed by this 1161
chapter and the rules of the board. 1162

(N)(1) Any person who enters a prelicensure nursing education 1163
program on or after June 1, 2003, and who subsequently applies 1164
under division (A) of section 4723.09 of the Revised Code for 1165
licensure to practice as a registered nurse or as a licensed 1166
practical nurse and any person who applies under division (B) of 1167
that section for license by endorsement to practice nursing as a 1168
registered nurse or as a licensed practical nurse shall submit a 1169
request to the bureau of criminal identification and investigation 1170
for the bureau to conduct a criminal records check of the 1171
applicant and to send the results to the board, in accordance with 1172
section 4723.09 of the Revised Code. 1173

The board shall refuse to grant a license to practice nursing 1174
as a registered nurse or as a licensed practical nurse under 1175
section 4723.09 of the Revised Code to a person who entered a 1176
prelicensure nursing education program on or after June 1, 2003, 1177
and applied under division (A) of section 4723.09 of the Revised 1178
Code for the license or a person who applied under division (B) of 1179
that section for the license, if the criminal records check 1180
performed in accordance with division (C) of that section 1181
indicates that the person has pleaded guilty to, been convicted 1182
of, or has had a judicial finding of guilt for violating section 1183
2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 1184
2907.05, 2909.02, 2911.01, or 2911.11 of the Revised Code or a 1185
substantially similar law of another state, the United States, or 1186
another country. 1187

(2) Any person who enters a dialysis training program on or after June 1, 2003, and who subsequently applies for a certificate to practice as a dialysis technician shall submit a request to the bureau of criminal identification and investigation for the bureau to conduct a criminal records check of the applicant and to send the results to the board, in accordance with section 4723.75 of the Revised Code.

The board shall refuse to issue a certificate to practice as a dialysis technician under section 4723.75 of the Revised Code to a person who entered a dialysis training program on or after June 1, 2003, and whose criminal records check performed in accordance with division (C) of that section indicates that the person has pleaded guilty to, been convicted of, or has had a judicial finding of guilt for violating section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, or 2911.11 of the Revised Code or a substantially similar law of another state, the United States, or another country.

(O) As used in this section, a "criminal offense that is substantially related" has the same meaning as in section 4743.06 of the Revised Code.

Sec. 4723.34. (A) Reports to the board of nursing shall be made as follows:

(1) Every employer of registered nurses, licensed practical nurses, or dialysis technicians shall report to the board of nursing the name of any current or former employee who holds a nursing license or dialysis technician certificate issued under this chapter who has engaged in conduct that would be grounds for disciplinary action by the board under section 4723.28 of the Revised Code.

Every employer of certified community health workers shall report to the board the name of any current or former employee who

holds a community health worker certificate issued under this 1219
chapter who has engaged in conduct that would be grounds for 1220
disciplinary action by the board under section 4723.86 of the 1221
Revised Code. 1222

Every employer of medication aides shall report to the board 1223
the name of any current or former employee who holds a medication 1224
aide certificate issued under this chapter who has engaged in 1225
conduct that would be grounds for disciplinary action by the board 1226
under section 4723.652 of the Revised Code. 1227

(2) Nursing associations shall report to the board the name 1228
of any registered nurse or licensed practical nurse and dialysis 1229
technician associations shall report to the board the name of any 1230
dialysis technician who has been investigated and found to 1231
constitute a danger to the public health, safety, and welfare 1232
because of conduct that would be grounds for disciplinary action 1233
by the board under section 4723.28 of the Revised Code, except 1234
that an association is not required to report the individual's 1235
name if the individual is maintaining satisfactory participation 1236
in a peer support program approved by the board under rules 1237
adopted under section 4723.07 of the Revised Code. 1238

Community health worker associations shall report to the 1239
board the name of any certified community health worker who has 1240
been investigated and found to constitute a danger to the public 1241
health, safety, and welfare because of conduct that would be 1242
grounds for disciplinary action by the board under section 4723.86 1243
of the Revised Code, except that an association is not required to 1244
report the individual's name if the individual is maintaining 1245
satisfactory participation in a peer support program approved by 1246
the board under rules adopted under section 4723.07 of the Revised 1247
Code. 1248

Medication aide associations shall report to the board the 1249
name of any medication aide who has been investigated and found to 1250

constitute a danger to the public health, safety, and welfare 1251
because of conduct that would be grounds for disciplinary action 1252
by the board under section 4723.652 of the Revised Code, except 1253
that an association is not required to report the individual's 1254
name if the individual is maintaining satisfactory participation 1255
in a peer support program approved by the board under rules 1256
adopted under section 4723.69 of the Revised Code. 1257

(3) If the prosecutor in a case described in divisions (B)(3) 1258
~~to (5)~~ and (4) of section 4723.28 of the Revised Code, or in a 1259
case where the trial court issued an order of dismissal upon 1260
technical or procedural grounds of a charge of a misdemeanor 1261
committed in the course of practice, a felony charge, or a charge 1262
of gross immorality or moral turpitude, knows or has reason to 1263
believe that the person charged is licensed under this chapter to 1264
practice nursing as a registered nurse or as a licensed practical 1265
nurse or holds a certificate issued under this chapter to practice 1266
as a dialysis technician, the prosecutor shall notify the board of 1267
nursing. With regard to certified community health workers and 1268
medication aides, if the prosecutor in a case involving a charge 1269
of a misdemeanor committed in the course of employment, a felony 1270
charge, or a charge of gross immorality or moral turpitude, 1271
including a case dismissed on technical or procedural grounds, 1272
knows or has reason to believe that the person charged holds a 1273
community health worker or medication aide certificate issued 1274
under this chapter, the prosecutor shall notify the board. 1275

Each notification required by this division shall be made on 1276
forms prescribed and provided by the board. The report shall 1277
include the name and address of the license or certificate holder, 1278
the charge, and the certified court documents recording the 1279
action. 1280

(B) If any person fails to provide a report required by this 1281
section, the board may seek an order from a court of competent 1282

jurisdiction compelling submission of the report. 1283

Sec. 4725.53. (A) The Ohio optical dispensers board, by a 1284
majority vote of its members, may refuse to grant a license and, 1285
in accordance with Chapter 119. of the Revised Code, may suspend 1286
or revoke the license of a licensed dispensing optician or impose 1287
a fine or order restitution pursuant to division (B) of this 1288
section on any of the following grounds: 1289

(1) Conviction of ~~a felony or a crime involving moral~~ 1290
~~turpitude~~ or plea of guilty to a criminal offense that is 1291
substantially related to the practice of optical dispensing; 1292

(2) Obtaining or attempting to obtain a license by fraud or 1293
deception; 1294

(3) Obtaining any fee or making any sale of an optical aid by 1295
means of fraud or misrepresentation; 1296

(4) Habitual indulgence in the use of controlled substances 1297
or other habit-forming drugs, or in the use of alcoholic liquors 1298
to an extent that affects professional competency; 1299

(5) Finding by a court of competent jurisdiction that the 1300
applicant or licensee is incompetent by reason of mental illness 1301
and no subsequent finding by the court of competency; 1302

(6) Finding by a court of law that the licensee is guilty of 1303
incompetence or negligence in the dispensing of optical aids; 1304

(7) Knowingly permitting or employing a person whose license 1305
has been suspended or revoked or an unlicensed person to engage in 1306
optical dispensing; 1307

(8) Permitting another person to use ~~his~~ the licensee's 1308
license; 1309

(9) Engaging in optical dispensing not pursuant to the 1310
prescription of a licensed physician or licensed optometrist, but 1311

nothing in this section shall prohibit the duplication or 1312
replacement of previously prepared optical aids, except contact 1313
lenses shall not be duplicated or replaced without a written 1314
prescription; 1315

(10) Violation of sections 4725.40 to 4725.59 of the Revised 1316
Code; 1317

(11) Waiving the payment of all or any part of a deductible 1318
or copayment that a patient, pursuant to a health insurance or 1319
health care policy, contract, or plan that covers optical 1320
dispensing services, would otherwise be required to pay if the 1321
waiver is used as an enticement to a patient or group of patients 1322
to receive health care services from that provider. 1323

(12) Advertising that ~~he~~ the licensee will waive the payment 1324
of all or any part of a deductible or copayment that a patient, 1325
pursuant to a health insurance or health care policy, contract, or 1326
plan that covers optical dispensing services, would otherwise be 1327
required to pay. 1328

(B) The board may impose a fine of not more than five hundred 1329
dollars for a first occurrence of an action that is grounds for 1330
discipline under this section and of not less than five hundred 1331
nor more than one thousand dollars for a subsequent occurrence, or 1332
may order the licensee to make restitution to a person who has 1333
suffered a financial loss as a result of the licensee's failure to 1334
comply with sections 4725.40 to 4725.59 of the Revised Code. 1335

(C) Notwithstanding divisions (A)(11) and (12) of this 1336
section, sanctions shall not be imposed against any licensee who 1337
waives deductibles and copayments: 1338

(1) In compliance with the health benefit plan that expressly 1339
allows such a practice. Waiver of the deductibles or copays shall 1340
be made only with the full knowlege and consent of the plan 1341
purchaser, payer, and third-party administrator. Such consent 1342

shall be made available to the board upon request. 1343

(2) For professional services rendered to any other person 1344
licensed pursuant to this chapter to the extent allowed by this 1345
chapter and the rules of the board. 1346

(D) As used in this section, a "criminal offense that is 1347
substantially related" has the same meaning as in section 4743.06 1348
of the Revised Code. 1349

Sec. 4727.15. (A) No person licensed as a pawnbroker under 1350
this chapter, and no agent, officer, or employee thereof, shall 1351
violate this chapter. 1352

(B) Upon the criminal conviction of a licensee or any 1353
employee, manager, officer, director, shareholder, member, or 1354
partner of a licensee for a violation of this chapter, the 1355
superintendent of financial institutions may suspend the license 1356
of the licensee without a prior hearing to protect the public 1357
interest and subsequently may act to revoke the license of the 1358
licensee pursuant to ~~chapter~~ Chapter 119. of the Revised Code. 1359

(C) Upon the criminal conviction of a licensee or any 1360
employee, manager, officer, director, shareholder, member, or 1361
partner of a licensee under any section in Title XXIX of the 1362
Revised Code or under federal law for theft, receiving stolen 1363
property, or money laundering, the superintendent may suspend the 1364
license of the licensee without a prior hearing to protect the 1365
public interest and subsequently may act to revoke the license of 1366
the licensee pursuant to ~~chapter~~ Chapter 119. of the Revised Code. 1367

(D) Upon the criminal conviction of or a plea of guilty by a 1368
licensee under any section of Title XXIX of the Revised Code or 1369
under federal law for a ~~crime~~ criminal offense substantially 1370
related to the profession of pawnbroker other than theft, 1371
receiving stolen property, or money laundering, the superintendent 1372

may assess a penalty against the licensee or act to revoke or 1373
suspend the license of the licensee pursuant to ~~chapter~~ Chapter 1374
119. of the Revised Code. 1375

(E) As used in this section, a "criminal offense that is 1376
substantially related" has the same meaning as in section 4743.06 1377
of the Revised Code. 1378

Sec. 4728.13. (A) No person, firm, partnership, corporation, 1379
or association, and no agent, officer, or employee thereof, shall 1380
violate this chapter. The division of financial institutions upon 1381
a criminal conviction for a violation of this chapter shall revoke 1382
any license theretofore issued to the person, firm, partnership, 1383
corporation, or association. The division also may revoke or 1384
suspend the license of any licensee in accordance with section 1385
4728.03 of the Revised Code upon a criminal conviction of or plea 1386
of guilty by the licensee for any ~~felony~~ criminal offense ~~or crime 1387~~
~~involving moral turpitude~~ substantially related to the profession 1388
of precious metals dealer. 1389

(B) No person shall obstruct or refuse to permit any 1390
investigation conducted under this chapter by the superintendent 1391
of financial institutions, a person acting on behalf of an agency 1392
or a political subdivision of this state, or a law enforcement 1393
officer. All articles purchased by a person licensed under this 1394
chapter shall be made promptly available for inspection by these 1395
officials. 1396

(C) In any proceeding or action brought under this chapter, 1397
the burden of proving an exemption from a requirement of this 1398
chapter falls on the person claiming the benefit of the exemption. 1399

(D) As used in this section, a "criminal offense that is 1400
substantially related" has the same meaning as in section 4743.06 1401
of the Revised Code. 1402

Sec. 4729.16. (A) The state board of pharmacy, after notice 1403
and hearing in accordance with Chapter 119. of the Revised Code, 1404
may revoke, suspend, limit, place on probation, or refuse to grant 1405
or renew an identification card, or may impose a monetary penalty 1406
or forfeiture not to exceed in severity any fine designated under 1407
the Revised Code for a similar offense, or in the case of a 1408
violation of a section of the Revised Code that does not bear a 1409
penalty, a monetary penalty or forfeiture of not more than five 1410
hundred dollars, if the board finds a pharmacist or pharmacy 1411
intern: 1412

(1) Guilty of a ~~felony or gross immorality~~ criminal offense 1413
substantially related to the practice of pharmacy; 1414

(2) Guilty of dishonesty or unprofessional conduct in the 1415
practice of pharmacy; 1416

(3) Addicted to or abusing liquor or drugs or impaired 1417
physically or mentally to such a degree as to render the 1418
pharmacist or pharmacy intern unfit to practice pharmacy; 1419

(4) ~~Has been convicted of a misdemeanor related to, or~~ 1420
~~committed in, the practice of pharmacy;~~ 1421

~~(5)~~ Guilty of willfully violating, conspiring to violate, 1422
attempting to violate, or aiding and abetting the violation of any 1423
of the provisions of this chapter, sections 3715.52 to 3715.72 of 1424
the Revised Code, Chapter 2925. or 3719. of the Revised Code, or 1425
any rule adopted by the board under those provisions; 1426

~~(6)~~(5) Guilty of permitting anyone other than a pharmacist or 1427
pharmacy intern to practice pharmacy; 1428

~~(7)~~(6) Guilty of knowingly lending the pharmacist's or 1429
pharmacy intern's name to an illegal practitioner of pharmacy or 1430
having professional connection with an illegal practitioner of 1431
pharmacy; 1432

~~(8)~~(7) Guilty of dividing or agreeing to divide remuneration 1433
made in the practice of pharmacy with any other individual, 1434
including, but not limited to, any licensed health professional 1435
authorized to prescribe drugs or any owner, manager, or employee 1436
of a health care facility, residential care facility, or nursing 1437
home; 1438

~~(9)~~(8) Has violated the terms of a consult agreement entered 1439
into pursuant to section 4729.39 of the Revised Code; 1440

~~(10)~~(9) Has committed fraud, misrepresentation, or deception 1441
in applying for or securing a license or identification card 1442
issued by the board under this chapter or under Chapter 3715. or 1443
3719. of the Revised Code. 1444

(B) Any individual whose identification card is revoked, 1445
suspended, or refused, shall return the identification card and 1446
license to the offices of the state board of pharmacy within ten 1447
days after receipt of notice of such action. 1448

(C) As used in this section: 1449

(1) "Unprofessional conduct in the practice of pharmacy" 1450
includes any of the following: 1451

~~(1)~~(a) Advertising or displaying signs that promote dangerous 1452
drugs to the public in a manner that is false or misleading; 1453

~~(2)~~(b) Except as provided in section 4729.281 of the Revised 1454
Code, the sale of any drug for which a prescription is required, 1455
without having received a prescription for the drug; 1456

~~(3)~~(c) Knowingly dispensing medication pursuant to false or 1457
forged prescriptions; 1458

~~(4)~~(d) Knowingly failing to maintain complete and accurate 1459
records of all dangerous drugs received or dispensed in compliance 1460
with federal laws and regulations and state laws and rules; 1461

~~(5)~~(e) Obtaining any remuneration by fraud, 1462

misrepresentation, or deception. 1463

(2) A "criminal offense that is substantially related" has 1464
the same meaning as in section 4743.06 of the Revised Code. 1465

(D) The board may suspend a license or identification card 1466
under division (B) of section 3719.121 of the Revised Code by 1467
utilizing a telephone conference call to review the allegations 1468
and take a vote. 1469

(E) If, pursuant to an adjudication under Chapter 119. of the 1470
Revised Code, the board has reasonable cause to believe that a 1471
pharmacist or pharmacy intern is physically or mentally impaired, 1472
the board may require the pharmacist or pharmacy intern to submit 1473
to a physical or mental examination, or both. 1474

Sec. 4729.53. (A) The board of pharmacy shall not register 1475
any person as a wholesale distributor of dangerous drugs unless 1476
the applicant for registration furnishes satisfactory proof to the 1477
board of pharmacy that ~~he~~ the applicant meets all of the 1478
following: 1479

(1) That if the applicant has been convicted of a violation 1480
of any federal, state, or local law relating to drug samples, 1481
wholesale or retail drug distribution, or distribution of 1482
controlled substances or of a ~~felony~~ criminal offense 1483
substantially related to the profession of wholesale distributor 1484
of dangerous drugs, or if a federal, state, or local governmental 1485
entity has suspended or revoked any current or prior license or 1486
registration of the applicant for the manufacture or sale of any 1487
dangerous drugs, including controlled substances, the applicant, 1488
to the satisfaction of the board, assures that ~~he~~ the applicant 1489
has in place adequate safeguards to prevent the recurrence of any 1490
such violations; 1491

(2) The applicant's past experience in the manufacture or 1492

distribution of dangerous drugs, including controlled substances, 1493
is acceptable to the board. 1494

(3) The applicant is equipped as to land, buildings, 1495
equipment, and personnel to properly carry on the business of a 1496
wholesale distributor of dangerous drugs, including providing 1497
adequate security for and proper storage conditions and handling 1498
for dangerous drugs, and is complying with the requirements under 1499
this chapter and the rules adopted pursuant thereto for 1500
maintaining and making available records to properly identified 1501
board officials and federal, state, and local law enforcement 1502
agencies. 1503

(4) Personnel employed by the applicant have the appropriate 1504
education or experience, as determined by the board, to assume 1505
responsibility for positions related to compliance with this 1506
chapter and the rules adopted pursuant thereto. 1507

(5) The applicant has designated the name and address of a 1508
person to whom communications from the board may be directed and 1509
upon whom the notices and citations provided for in section 1510
4729.56 of the Revised Code may be served. 1511

(6) Adequate safeguards are assured to prevent the sale of 1512
dangerous drugs to any person other than those named in division 1513
(B) of section 4729.51 of the Revised Code. 1514

(7) Any other requirement or qualification the board, by rule 1515
adopted in accordance with Chapter 119. of the Revised Code, 1516
considers relevant to and consistent with the public safety and 1517
health. 1518

(B) The board may refuse to register or renew the 1519
registration certificate of any person if the board determines 1520
that the granting of the registration certificate or its renewal 1521
is not in the public interest. 1522

(C) As used in this section, a "criminal offense that is 1523

substantially related" has the same meaning as in section 4743.06 1524
of the Revised Code. 1525

Sec. 4729.56. (A) In accordance with Chapter 119. of the 1526
Revised Code, the board of pharmacy may suspend, revoke, or refuse 1527
to renew any registration certificate issued to a wholesale 1528
distributor of dangerous drugs pursuant to section 4729.52 of the 1529
Revised Code or may impose a monetary penalty or forfeiture not to 1530
exceed in severity any fine designated under the Revised Code for 1531
a similar offense or one thousand dollars if the acts committed 1532
are not classified as an offense by the Revised Code for any of 1533
the following causes: 1534

(1) Making any false material statements in an application 1535
for registration as a wholesale distributor of dangerous drugs; 1536

(2) Violating any federal, state, or local drug law; any 1537
provision of this chapter or Chapter 2925., 3715., or 3719. of the 1538
Revised Code; or any rule of the board; 1539

(3) A conviction of ~~a felony~~ or plea of guilty to a criminal 1540
offense that is substantially related to the practice of pharmacy; 1541

(4) Ceasing to satisfy the qualifications for registration 1542
under section 4729.53 of the Revised Code or the rules of the 1543
board. 1544

(B) Upon the suspension or revocation of the registration 1545
certificate of any wholesale distributor of dangerous drugs, the 1546
distributor shall immediately surrender ~~his~~ the distributor's 1547
registration certificate to the board. 1548

(C) If the board suspends, revokes, or refuses to renew any 1549
registration certificate issued to a wholesale distributor of 1550
dangerous drugs and determines that there is clear and convincing 1551
evidence of a danger of immediate and serious harm to any person, 1552
the board may place under seal all dangerous drugs owned by or in 1553

the possession, custody, or control of the affected wholesale distributor of dangerous drugs. Except as provided in this division, the board shall not dispose of the dangerous drugs sealed under this division until the wholesale distributor of dangerous drugs exhausts all of ~~his~~ the distributor's appeal rights under Chapter 119. of the Revised Code. The court involved in such an appeal may order the board, during the pendency of the appeal, to sell sealed dangerous drugs that are perishable. The board shall deposit the proceeds of the sale with the court.

(D) As used in this section, a "criminal offense that is substantially related" has the same meaning as in section 4743.06 of the Revised Code.

Sec. 4731.22. (A) The state medical board, by an affirmative vote of not fewer than six of its members, may revoke or may refuse to grant a certificate to a person found by the board to have committed fraud during the administration of the examination for a certificate to practice or to have committed fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's certificate to practice, refuse to register an individual, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for one or more of the following reasons:

(1) Permitting one's name or one's certificate to practice or certificate of registration to be used by a person, group, or corporation when the individual concerned is not actually directing the treatment given;

(2) Failure to maintain minimal standards applicable to the

selection or administration of drugs, or failure to employ 1585
acceptable scientific methods in the selection of drugs or other 1586
modalities for treatment of disease; 1587

(3) Selling, giving away, personally furnishing, prescribing, 1588
or administering drugs for other than legal and legitimate 1589
therapeutic purposes or a plea of guilty to, a judicial finding of 1590
guilt of, or a judicial finding of eligibility for intervention in 1591
lieu of conviction of, a violation of any federal or state law 1592
regulating the possession, distribution, or use of any drug; 1593

(4) Willfully betraying a professional confidence. 1594

For purposes of this division, "willfully betraying a 1595
professional confidence" does not include providing any 1596
information, documents, or reports to a child fatality review 1597
board under sections 307.621 to 307.629 of the Revised Code and 1598
does not include the making of a report of an employee's use of a 1599
drug of abuse, or a report of a condition of an employee other 1600
than one involving the use of a drug of abuse, to the employer of 1601
the employee as described in division (B) of section 2305.33 of 1602
the Revised Code. Nothing in this division affects the immunity 1603
from civil liability conferred by that section upon a physician 1604
who makes either type of report in accordance with division (B) of 1605
that section. As used in this division, "employee," "employer," 1606
and "physician" have the same meanings as in section 2305.33 of 1607
the Revised Code. 1608

(5) Making a false, fraudulent, deceptive, or misleading 1609
statement in the solicitation of or advertising for patients; in 1610
relation to the practice of medicine and surgery, osteopathic 1611
medicine and surgery, podiatric medicine and surgery, or a limited 1612
branch of medicine; or in securing or attempting to secure any 1613
certificate to practice or certificate of registration issued by 1614
the board. 1615

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony criminal offense that is substantially related to the practice of medicine;

(10) Commission of an act that constitutes ~~a felony~~ in this state a criminal offense that is substantially related to the practice of medicine, regardless of the jurisdiction in which the act was committed;

~~(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;~~

~~(12) Commission of an act in the course of practice that~~

~~constitutes a misdemeanor in this state, regardless of the~~ 1647
~~jurisdiction in which the act was committed;~~ 1648

~~(13) A plea of guilty to, a judicial finding of guilt of, or~~ 1649
~~a judicial finding of eligibility for intervention in lieu of~~ 1650
~~conviction for, a misdemeanor involving moral turpitude;~~ 1651

~~(14) Commission of an act involving moral turpitude that~~ 1652
~~constitutes a misdemeanor in this state, regardless of the~~ 1653
~~jurisdiction in which the act was committed;~~ 1654

~~(15) Violation of the conditions of limitation placed by the~~ 1655
~~board upon a certificate to practice;~~ 1656

~~(16)~~(12) Failure to pay license renewal fees specified in 1657
this chapter; 1658

~~(17)~~(13) Except as authorized in section 4731.31 of the 1659
Revised Code, engaging in the division of fees for referral of 1660
patients, or the receiving of a thing of value in return for a 1661
specific referral of a patient to utilize a particular service or 1662
business; 1663

~~(18)~~(14) Subject to section 4731.226 of the Revised Code, 1664
violation of any provision of a code of ethics of the American 1665
medical association, the American osteopathic association, the 1666
American podiatric medical association, or any other national 1667
professional organizations that the board specifies by rule. The 1668
state medical board shall obtain and keep on file current copies 1669
of the codes of ethics of the various national professional 1670
organizations. The individual whose certificate is being suspended 1671
or revoked shall not be found to have violated any provision of a 1672
code of ethics of an organization not appropriate to the 1673
individual's profession. 1674

For purposes of this division, a "provision of a code of 1675
ethics of a national professional organization" does not include 1676
any provision that would preclude the making of a report by a 1677

physician of an employee's use of a drug of abuse, or of a 1678
condition of an employee other than one involving the use of a 1679
drug of abuse, to the employer of the employee as described in 1680
division (B) of section 2305.33 of the Revised Code. Nothing in 1681
this division affects the immunity from civil liability conferred 1682
by that section upon a physician who makes either type of report 1683
in accordance with division (B) of that section. As used in this 1684
division, "employee," "employer," and "physician" have the same 1685
meanings as in section 2305.33 of the Revised Code. 1686

~~(19)~~(15) Inability to practice according to acceptable and 1687
prevailing standards of care by reason of mental illness or 1688
physical illness, including, but not limited to, physical 1689
deterioration that adversely affects cognitive, motor, or 1690
perceptive skills. 1691

In enforcing this division, the board, upon a showing of a 1692
possible violation, may compel any individual authorized to 1693
practice by this chapter or who has submitted an application 1694
pursuant to this chapter to submit to a mental examination, 1695
physical examination, including an HIV test, or both a mental and 1696
a physical examination. The expense of the examination is the 1697
responsibility of the individual compelled to be examined. Failure 1698
to submit to a mental or physical examination or consent to an HIV 1699
test ordered by the board constitutes an admission of the 1700
allegations against the individual unless the failure is due to 1701
circumstances beyond the individual's control, and a default and 1702
final order may be entered without the taking of testimony or 1703
presentation of evidence. If the board finds an individual unable 1704
to practice because of the reasons set forth in this division, the 1705
board shall require the individual to submit to care, counseling, 1706
or treatment by physicians approved or designated by the board, as 1707
a condition for initial, continued, reinstated, or renewed 1708
authority to practice. An individual affected under this division 1709

shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's certificate. For the purpose of this division, any individual who applies for or receives a certificate to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

~~(20)~~(16) Except when civil penalties are imposed under section 4731.225 or 4731.281 of the Revised Code, and subject to section 4731.226 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board.

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

~~(21)~~(17) The violation of section 3701.79 of the Revised Code or of any abortion rule adopted by the public health council

pursuant to section 3701.341 of the Revised Code; 1742

~~(22)~~(18) Any of the following actions taken by the agency 1743
responsible for regulating the practice of medicine and surgery, 1744
osteopathic medicine and surgery, podiatric medicine and surgery, 1745
or the limited branches of medicine in another jurisdiction, for 1746
any reason other than the nonpayment of fees: the limitation, 1747
revocation, or suspension of an individual's license to practice; 1748
acceptance of an individual's license surrender; denial of a 1749
license; refusal to renew or reinstate a license; imposition of 1750
probation; or issuance of an order of censure or other reprimand; 1751

~~(23)~~(19) The violation of section 2919.12 of the Revised Code 1752
or the performance or inducement of an abortion upon a pregnant 1753
woman with actual knowledge that the conditions specified in 1754
division (B) of section 2317.56 of the Revised Code have not been 1755
satisfied or with a heedless indifference as to whether those 1756
conditions have been satisfied, unless an affirmative defense as 1757
specified in division (H)(2) of that section would apply in a 1758
civil action authorized by division (H)(1) of that section; 1759

~~(24)~~(20) The revocation, suspension, restriction, reduction, 1760
or termination of clinical privileges by the United States 1761
department of defense or department of veterans affairs or the 1762
termination or suspension of a certificate of registration to 1763
prescribe drugs by the drug enforcement administration of the 1764
United States department of justice; 1765

~~(25)~~(21) Termination or suspension from participation in the 1766
medicare or medicaid programs by the department of health and 1767
human services or other responsible agency for any act or acts 1768
that also would constitute a violation of division (B)(2), (3), 1769
(6), (8), or ~~(19)~~(15) of this section; 1770

~~(26)~~(22) Impairment of ability to practice according to 1771
acceptable and prevailing standards of care because of habitual or 1772

excessive use or abuse of drugs, alcohol, or other substances that 1773
impair ability to practice. 1774

For the purposes of this division, any individual authorized 1775
to practice by this chapter accepts the privilege of practicing in 1776
this state subject to supervision by the board. By filing an 1777
application for or holding a certificate to practice under this 1778
chapter, an individual shall be deemed to have given consent to 1779
submit to a mental or physical examination when ordered to do so 1780
by the board in writing, and to have waived all objections to the 1781
admissibility of testimony or examination reports that constitute 1782
privileged communications. 1783

If it has reason to believe that any individual authorized to 1784
practice by this chapter or any applicant for certification to 1785
practice suffers such impairment, the board may compel the 1786
individual to submit to a mental or physical examination, or both. 1787
The expense of the examination is the responsibility of the 1788
individual compelled to be examined. Any mental or physical 1789
examination required under this division shall be undertaken by a 1790
treatment provider or physician who is qualified to conduct the 1791
examination and who is chosen by the board. 1792

Failure to submit to a mental or physical examination ordered 1793
by the board constitutes an admission of the allegations against 1794
the individual unless the failure is due to circumstances beyond 1795
the individual's control, and a default and final order may be 1796
entered without the taking of testimony or presentation of 1797
evidence. If the board determines that the individual's ability to 1798
practice is impaired, the board shall suspend the individual's 1799
certificate or deny the individual's application and shall require 1800
the individual, as a condition for initial, continued, reinstated, 1801
or renewed certification to practice, to submit to treatment. 1802

Before being eligible to apply for reinstatement of a 1803
certificate suspended under this division, the impaired 1804

practitioner shall demonstrate to the board the ability to resume 1805
practice in compliance with acceptable and prevailing standards of 1806
care under the provisions of the practitioner's certificate. The 1807
demonstration shall include, but shall not be limited to, the 1808
following: 1809

(a) Certification from a treatment provider approved under 1810
section 4731.25 of the Revised Code that the individual has 1811
successfully completed any required inpatient treatment; 1812

(b) Evidence of continuing full compliance with an aftercare 1813
contract or consent agreement; 1814

(c) Two written reports indicating that the individual's 1815
ability to practice has been assessed and that the individual has 1816
been found capable of practicing according to acceptable and 1817
prevailing standards of care. The reports shall be made by 1818
individuals or providers approved by the board for making the 1819
assessments and shall describe the basis for their determination. 1820

The board may reinstate a certificate suspended under this 1821
division after that demonstration and after the individual has 1822
entered into a written consent agreement. 1823

When the impaired practitioner resumes practice, the board 1824
shall require continued monitoring of the individual. The 1825
monitoring shall include, but not be limited to, compliance with 1826
the written consent agreement entered into before reinstatement or 1827
with conditions imposed by board order after a hearing, and, upon 1828
termination of the consent agreement, submission to the board for 1829
at least two years of annual written progress reports made under 1830
penalty of perjury stating whether the individual has maintained 1831
sobriety. 1832

~~(27)~~(23) A second or subsequent violation of section 4731.66 1833
or 4731.69 of the Revised Code; 1834

~~(28)~~(24) Except as provided in division (N) of this section: 1835

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.

~~(29)~~(25) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

~~(30)~~(26) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's file;

~~(31)~~(27) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;

~~(32)~~(28) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;

~~(33)~~(29) Failure to comply with the terms of a consult

agreement entered into with a pharmacist pursuant to section 1867
4729.39 of the Revised Code; 1868

~~(34)~~(30) Failure to cooperate in an investigation conducted 1869
by the board under division (F) of this section, including failure 1870
to comply with a subpoena or order issued by the board or failure 1871
to answer truthfully a question presented by the board at a 1872
deposition or in written interrogatories, except that failure to 1873
cooperate with an investigation shall not constitute grounds for 1874
discipline under this section if a court of competent jurisdiction 1875
has issued an order that either quashes a subpoena or permits the 1876
individual to withhold the testimony or evidence in issue; 1877

~~(35)~~(31) Failure to supervise an acupuncturist in accordance 1878
with Chapter 4762. of the Revised Code and the board's rules for 1879
supervision of an acupuncturist; 1880

~~(36)~~(32) Failure to supervise an anesthesiologist assistant 1881
in accordance with Chapter 4760. of the Revised Code and the 1882
board's rules for supervision of an anesthesiologist assistant; 1883

~~(37)~~(33) Assisting suicide as defined in section 3795.01 of 1884
the Revised Code. 1885

(C) Disciplinary actions taken by the board under divisions 1886
(A) and (B) of this section shall be taken pursuant to an 1887
adjudication under Chapter 119. of the Revised Code, except that 1888
in lieu of an adjudication, the board may enter into a consent 1889
agreement with an individual to resolve an allegation of a 1890
violation of this chapter or any rule adopted under it. A consent 1891
agreement, when ratified by an affirmative vote of not fewer than 1892
six members of the board, shall constitute the findings and order 1893
of the board with respect to the matter addressed in the 1894
agreement. If the board refuses to ratify a consent agreement, the 1895
admissions and findings contained in the consent agreement shall 1896
be of no force or effect. 1897

If the board takes disciplinary action against an individual 1898
under division (B) of this section for a second or subsequent plea 1899
of guilty to, or judicial finding of guilt of, a violation of 1900
section 2919.123 of the Revised Code, the disciplinary action 1901
shall consist of a suspension of the individual's certificate to 1902
practice for a period of at least one year or, if determined 1903
appropriate by the board, a more serious sanction involving the 1904
individual's certificate to practice. Any consent agreement 1905
entered into under this division with an individual that pertains 1906
to a second or subsequent plea of guilty to, or judicial finding 1907
of guilt of, a violation of that section shall provide for a 1908
suspension of the individual's certificate to practice for a 1909
period of at least one year or, if determined appropriate by the 1910
board, a more serious sanction involving the individual's 1911
certificate to practice. 1912

(D) For purposes of ~~divisions~~ division (B)(10), ~~(12)~~, and 1913
~~(14)~~ of this section, the commission of the act may be established 1914
by a finding by the board, pursuant to an adjudication under 1915
Chapter 119. of the Revised Code, that the individual committed 1916
the act. The board does not have jurisdiction under ~~those~~ 1917
~~divisions~~ that division if the trial court renders a final 1918
judgment in the individual's favor and that judgment is based upon 1919
an adjudication on the merits. The board has jurisdiction under 1920
~~those divisions~~ that division if the trial court issues an order 1921
of dismissal upon technical or procedural grounds. 1922

(E) The sealing of conviction records by any court shall have 1923
no effect upon a prior board order entered under this section or 1924
upon the board's jurisdiction to take action under this section 1925
if, based upon a plea of guilty, a judicial finding of guilt, or a 1926
judicial finding of eligibility for intervention in lieu of 1927
conviction, the board issued a notice of opportunity for a hearing 1928
prior to the court's order to seal the records. The board shall 1929

not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F)(1) The board shall investigate evidence that appears to show that a person has violated any provision of this chapter or any rule adopted under it. Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of this chapter or any rule adopted under it. In the absence of bad faith, any person who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable in damages in a civil action as a result of the report or testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board.

(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4731.39 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case.

(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, the board may administer oaths, order the taking of depositions, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary and supervising member of the board. Before issuance of a subpoena for patient record information, the

secretary and supervising member shall determine whether there is 1962
probable cause to believe that the complaint filed alleges a 1963
violation of this chapter or any rule adopted under it and that 1964
the records sought are relevant to the alleged violation and 1965
material to the investigation. The subpoena may apply only to 1966
records that cover a reasonable period of time surrounding the 1967
alleged violation. 1968

On failure to comply with any subpoena issued by the board 1969
and after reasonable notice to the person being subpoenaed, the 1970
board may move for an order compelling the production of persons 1971
or records pursuant to the Rules of Civil Procedure. 1972

A subpoena issued by the board may be served by a sheriff, 1973
the sheriff's deputy, or a board employee designated by the board. 1974
Service of a subpoena issued by the board may be made by 1975
delivering a copy of the subpoena to the person named therein, 1976
reading it to the person, or leaving it at the person's usual 1977
place of residence. When the person being served is a person whose 1978
practice is authorized by this chapter, service of the subpoena 1979
may be made by certified mail, restricted delivery, return receipt 1980
requested, and the subpoena shall be deemed served on the date 1981
delivery is made or the date the person refuses to accept 1982
delivery. 1983

A sheriff's deputy who serves a subpoena shall receive the 1984
same fees as a sheriff. Each witness who appears before the board 1985
in obedience to a subpoena shall receive the fees and mileage 1986
provided for witnesses in civil cases in the courts of common 1987
pleas. 1988

(4) All hearings and investigations of the board shall be 1989
considered civil actions for the purposes of section 2305.252 of 1990
the Revised Code. 1991

(5) Information received by the board pursuant to an 1992

investigation is confidential and not subject to discovery in any 1993
civil action. 1994

The board shall conduct all investigations and proceedings in 1995
a manner that protects the confidentiality of patients and persons 1996
who file complaints with the board. The board shall not make 1997
public the names or any other identifying information about 1998
patients or complainants unless proper consent is given or, in the 1999
case of a patient, a waiver of the patient privilege exists under 2000
division (B) of section 2317.02 of the Revised Code, except that 2001
consent or a waiver of that nature is not required if the board 2002
possesses reliable and substantial evidence that no bona fide 2003
physician-patient relationship exists. 2004

The board may share any information it receives pursuant to 2005
an investigation, including patient records and patient record 2006
information, with law enforcement agencies, other licensing 2007
boards, and other governmental agencies that are prosecuting, 2008
adjudicating, or investigating alleged violations of statutes or 2009
administrative rules. An agency or board that receives the 2010
information shall comply with the same requirements regarding 2011
confidentiality as those with which the state medical board must 2012
comply, notwithstanding any conflicting provision of the Revised 2013
Code or procedure of the agency or board that applies when it is 2014
dealing with other information in its possession. In a judicial 2015
proceeding, the information may be admitted into evidence only in 2016
accordance with the Rules of Evidence, but the court shall require 2017
that appropriate measures are taken to ensure that confidentiality 2018
is maintained with respect to any part of the information that 2019
contains names or other identifying information about patients or 2020
complainants whose confidentiality was protected by the state 2021
medical board when the information was in the board's possession. 2022
Measures to ensure confidentiality that may be taken by the court 2023
include sealing its records or deleting specific information from 2024

its records. 2025

(6) On a quarterly basis, the board shall prepare a report 2026
that documents the disposition of all cases during the preceding 2027
three months. The report shall contain the following information 2028
for each case with which the board has completed its activities: 2029

(a) The case number assigned to the complaint or alleged 2030
violation; 2031

(b) The type of certificate to practice, if any, held by the 2032
individual against whom the complaint is directed; 2033

(c) A description of the allegations contained in the 2034
complaint; 2035

(d) The disposition of the case. 2036

The report shall state how many cases are still pending and 2037
shall be prepared in a manner that protects the identity of each 2038
person involved in each case. The report shall be a public record 2039
under section 149.43 of the Revised Code. 2040

(G) If the secretary and supervising member determine that 2041
there is clear and convincing evidence that an individual has 2042
violated division (B) of this section and that the individual's 2043
continued practice presents a danger of immediate and serious harm 2044
to the public, they may recommend that the board suspend the 2045
individual's certificate to practice without a prior hearing. 2046
Written allegations shall be prepared for consideration by the 2047
board. 2048

The board, upon review of those allegations and by an 2049
affirmative vote of not fewer than six of its members, excluding 2050
the secretary and supervising member, may suspend a certificate 2051
without a prior hearing. A telephone conference call may be 2052
utilized for reviewing the allegations and taking the vote on the 2053
summary suspension. 2054

The board shall issue a written order of suspension by 2055
certified mail or in person in accordance with section 119.07 of 2056
the Revised Code. The order shall not be subject to suspension by 2057
the court during pendency of any appeal filed under section 119.12 2058
of the Revised Code. If the individual subject to the summary 2059
suspension requests an adjudicatory hearing by the board, the date 2060
set for the hearing shall be within fifteen days, but not earlier 2061
than seven days, after the individual requests the hearing, unless 2062
otherwise agreed to by both the board and the individual. 2063

Any summary suspension imposed under this division shall 2064
remain in effect, unless reversed on appeal, until a final 2065
adjudicative order issued by the board pursuant to this section 2066
and Chapter 119. of the Revised Code becomes effective. The board 2067
shall issue its final adjudicative order within sixty days after 2068
completion of its hearing. A failure to issue the order within 2069
sixty days shall result in dissolution of the summary suspension 2070
order but shall not invalidate any subsequent, final adjudicative 2071
order. 2072

(H) If the board takes action under division (B)(9), ~~(11), or~~ 2073
~~(13)~~ of this section and the judicial finding of guilt, guilty 2074
plea, or judicial finding of eligibility for intervention in lieu 2075
of conviction is overturned on appeal, upon exhaustion of the 2076
criminal appeal, a petition for reconsideration of the order may 2077
be filed with the board along with appropriate court documents. 2078
Upon receipt of a petition of that nature and supporting court 2079
documents, the board shall reinstate the individual's certificate 2080
to practice. The board may then hold an adjudication under Chapter 2081
119. of the Revised Code to determine whether the individual 2082
committed the act in question. Notice of an opportunity for a 2083
hearing shall be given in accordance with Chapter 119. of the 2084
Revised Code. If the board finds, pursuant to an adjudication held 2085
under this division, that the individual committed the act or if 2086

no hearing is requested, the board may order any of the sanctions 2087
identified under division (B) of this section. 2088

(I) The certificate to practice issued to an individual under 2089
this chapter and the individual's practice in this state are 2090
automatically suspended as of the date of the individual's second 2091
or subsequent plea of guilty to, or judicial finding of guilt of, 2092
a violation of section 2919.123 of the Revised Code, or the date 2093
the individual pleads guilty to, is found by a judge or jury to be 2094
guilty of, or is subject to a judicial finding of eligibility for 2095
intervention in lieu of conviction in this state or treatment or 2096
intervention in lieu of conviction in another jurisdiction for any 2097
of the following criminal offenses in this state or a 2098
substantially equivalent criminal offense in another jurisdiction: 2099
aggravated murder, murder, voluntary manslaughter, felonious 2100
assault, kidnapping, rape, sexual battery, gross sexual 2101
imposition, aggravated arson, aggravated robbery, or aggravated 2102
burglary. Continued practice after suspension shall be considered 2103
practicing without a certificate. 2104

The board shall notify the individual subject to the 2105
suspension by certified mail or in person in accordance with 2106
section 119.07 of the Revised Code. If an individual whose 2107
certificate is automatically suspended under this division fails 2108
to make a timely request for an adjudication under Chapter 119. of 2109
the Revised Code, the board shall do whichever of the following is 2110
applicable: 2111

(1) If the automatic suspension under this division is for a 2112
second or subsequent plea of guilty to, or judicial finding of 2113
guilt of, a violation of section 2919.123 of the Revised Code, the 2114
board shall enter an order suspending the individual's certificate 2115
to practice for a period of at least one year or, if determined 2116
appropriate by the board, imposing a more serious sanction 2117
involving the individual's certificate to practice. 2118

(2) In all circumstances in which division (I)(1) of this section does not apply, enter a final order permanently revoking the individual's certificate to practice.

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate issued under this chapter shall not be effective unless or until accepted by the board. Reinstatement of a certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a certificate made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a certificate of registration in accordance with this chapter shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(N) Sanctions shall not be imposed under division (B)~~(28)~~(24) of this section against any person who waives deductibles and copayments as follows:

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

(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board.

(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board an educational and assessment program pursuant to an investigation the board conducts under this section;

(2) Select providers of educational and assessment services, including a quality intervention program panel of case reviewers;

(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.

(P) As used in this section, a "criminal offense that is substantially related" has the same meaning as in section 4743.06 of the Revised Code.

Sec. 4731.224. (A) Within sixty days after the imposition of any formal disciplinary action taken by any health care facility, including a hospital, health care facility operated by a health insuring corporation, ambulatory surgical center, or similar facility, against any individual holding a valid certificate to practice issued pursuant to this chapter, the chief administrator or executive officer of the facility shall report to the state

medical board the name of the individual, the action taken by the 2211
facility, and a summary of the underlying facts leading to the 2212
action taken. Upon request, the board shall be provided certified 2213
copies of the patient records that were the basis for the 2214
facility's action. Prior to release to the board, the summary 2215
shall be approved by the peer review committee that reviewed the 2216
case or by the governing board of the facility. As used in this 2217
division, "formal disciplinary action" means any action resulting 2218
in the revocation, restriction, reduction, or termination of 2219
clinical privileges for violations of professional ethics, or for 2220
reasons of medical incompetence, medical malpractice, or drug or 2221
alcohol abuse. "Formal disciplinary action" includes a summary 2222
action, an action that takes effect notwithstanding any appeal 2223
rights that may exist, and an action that results in an individual 2224
surrendering clinical privileges while under investigation and 2225
during proceedings regarding the action being taken or in return 2226
for not being investigated or having proceedings held. "Formal 2227
disciplinary action" does not include any action taken for the 2228
sole reason of failure to maintain records on a timely basis or 2229
failure to attend staff or section meetings. 2230

The filing or nonfiling of a report with the board, 2231
investigation by the board, or any disciplinary action taken by 2232
the board, shall not preclude any action by a health care facility 2233
to suspend, restrict, or revoke the individual's clinical 2234
privileges. 2235

In the absence of fraud or bad faith, no individual or entity 2236
that provides patient records to the board shall be liable in 2237
damages to any person as a result of providing the records. 2238

(B) If any individual authorized to practice under this 2239
chapter or any professional association or society of such 2240
individuals believes that a violation of any provision of this 2241
chapter, Chapter 4730., 4760., or 4762. of the Revised Code, or 2242

any rule of the board has occurred, the individual, association, 2243
or society shall report to the board the information upon which 2244
the belief is based. This division does not require any treatment 2245
provider approved by the board under section 4731.25 of the 2246
Revised Code or any employee, agent, or representative of such a 2247
provider to make reports with respect to an impaired practitioner 2248
participating in treatment or aftercare for substance abuse as 2249
long as the practitioner maintains participation in accordance 2250
with the requirements of section 4731.25 of the Revised Code, and 2251
as long as the treatment provider or employee, agent, or 2252
representative of the provider has no reason to believe that the 2253
practitioner has violated any provision of this chapter or any 2254
rule adopted under it, other than the provisions of division 2255
(B)~~(26)~~(22) of section 4731.22 of the Revised Code. This division 2256
does not require reporting by any member of an impaired 2257
practitioner committee established by a health care facility or by 2258
any representative or agent of a committee or program sponsored by 2259
a professional association or society of individuals authorized to 2260
practice under this chapter to provide peer assistance to 2261
practitioners with substance abuse problems with respect to a 2262
practitioner who has been referred for examination to a treatment 2263
program approved by the board under section 4731.25 of the Revised 2264
Code if the practitioner cooperates with the referral for 2265
examination and with any determination that the practitioner 2266
should enter treatment and as long as the committee member, 2267
representative, or agent has no reason to believe that the 2268
practitioner has ceased to participate in the treatment program in 2269
accordance with section 4731.25 of the Revised Code or has 2270
violated any provision of this chapter or any rule adopted under 2271
it, other than the provisions of division (B)~~(26)~~(22) of section 2272
4731.22 of the Revised Code. 2273

(C) Any professional association or society composed 2274
primarily of doctors of medicine and surgery, doctors of 2275

osteopathic medicine and surgery, doctors of podiatric medicine 2276
and surgery, or practitioners of limited branches of medicine that 2277
suspends or revokes an individual's membership for violations of 2278
professional ethics, or for reasons of professional incompetence 2279
or professional malpractice, within sixty days after a final 2280
decision shall report to the board, on forms prescribed and 2281
provided by the board, the name of the individual, the action 2282
taken by the professional organization, and a summary of the 2283
underlying facts leading to the action taken. 2284

The filing of a report with the board or decision not to file 2285
a report, investigation by the board, or any disciplinary action 2286
taken by the board, does not preclude a professional organization 2287
from taking disciplinary action against an individual. 2288

(D) Any insurer providing professional liability insurance to 2289
an individual authorized to practice under this chapter, or any 2290
other entity that seeks to indemnify the professional liability of 2291
such an individual, shall notify the board within thirty days 2292
after the final disposition of any written claim for damages where 2293
such disposition results in a payment exceeding twenty-five 2294
thousand dollars. The notice shall contain the following 2295
information: 2296

(1) The name and address of the person submitting the 2297
notification; 2298

(2) The name and address of the insured who is the subject of 2299
the claim; 2300

(3) The name of the person filing the written claim; 2301

(4) The date of final disposition; 2302

(5) If applicable, the identity of the court in which the 2303
final disposition of the claim took place. 2304

(E) The board may investigate possible violations of this 2305

chapter or the rules adopted under it that are brought to its 2306
attention as a result of the reporting requirements of this 2307
section, except that the board shall conduct an investigation if a 2308
possible violation involves repeated malpractice. As used in this 2309
division, "repeated malpractice" means three or more claims for 2310
medical malpractice within the previous five-year period, each 2311
resulting in a judgment or settlement in excess of twenty-five 2312
thousand dollars in favor of the claimant, and each involving 2313
negligent conduct by the practicing individual. 2314

(F) All summaries, reports, and records received and 2315
maintained by the board pursuant to this section shall be held in 2316
confidence and shall not be subject to discovery or introduction 2317
in evidence in any federal or state civil action involving a 2318
health care professional or facility arising out of matters that 2319
are the subject of the reporting required by this section. The 2320
board may use the information obtained only as the basis for an 2321
investigation, as evidence in a disciplinary hearing against an 2322
individual whose practice is regulated under this chapter, or in 2323
any subsequent trial or appeal of a board action or order. 2324

The board may disclose the summaries and reports it receives 2325
under this section only to health care facility committees within 2326
or outside this state that are involved in credentialing or 2327
recredentialing the individual or in reviewing the individual's 2328
clinical privileges. The board shall indicate whether or not the 2329
information has been verified. Information transmitted by the 2330
board shall be subject to the same confidentiality provisions as 2331
when maintained by the board. 2332

(G) Except for reports filed by an individual pursuant to 2333
division (B) of this section, the board shall send a copy of any 2334
reports or summaries it receives pursuant to this section to the 2335
individual who is the subject of the reports or summaries. The 2336
individual shall have the right to file a statement with the board 2337

concerning the correctness or relevance of the information. The 2338
statement shall at all times accompany that part of the record in 2339
contention. 2340

(H) An individual or entity that, pursuant to this section, 2341
reports to the board or refers an impaired practitioner to a 2342
treatment provider approved by the board under section 4731.25 of 2343
the Revised Code shall not be subject to suit for civil damages as 2344
a result of the report, referral, or provision of the information. 2345

(I) In the absence of fraud or bad faith, no professional 2346
association or society of individuals authorized to practice under 2347
this chapter that sponsors a committee or program to provide peer 2348
assistance to practitioners with substance abuse problems, no 2349
representative or agent of such a committee or program, and no 2350
member of the state medical board shall be held liable in damages 2351
to any person by reason of actions taken to refer a practitioner 2352
to a treatment provider approved under section 4731.25 of the 2353
Revised Code for examination or treatment. 2354

Sec. 4731.225. If the holder of a certificate issued under 2355
this chapter violates division (A), (B), or (C) of section 4731.66 2356
or section 4731.69 of the Revised Code, or if any other person 2357
violates division (B) or (C) of section 4731.66 or section 4731.69 2358
of the Revised Code, the state medical board, pursuant to an 2359
adjudication under Chapter 119. of the Revised Code and an 2360
affirmative vote of not fewer than six of its members, shall: 2361

(A) For a first violation, impose a civil penalty of not more 2362
than five thousand dollars; 2363

(B) For each subsequent violation, impose a civil penalty of 2364
not more than twenty thousand dollars and, if the violator is a 2365
certificate holder, proceed under division (B)~~(27)~~(23) of section 2366
4731.22 of the Revised Code. 2367

Sec. 4731.226. (A)(1) An individual whom the state medical board licenses, certificates, or otherwise legally authorizes to engage in the practice of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery may render the professional services of a doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. Division (A)(1) of this section does not preclude an individual of that nature from rendering professional services as a doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with this chapter, another chapter of the Revised Code, or rules of the state medical board adopted pursuant to this chapter.

(2) An individual whom the state medical board authorizes to engage in the practice of mechanotherapy may render the professional services of a mechanotherapist within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. Division (A)(2) of this section does not preclude an individual of that nature from rendering professional services as a mechanotherapist through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with this chapter, another chapter of the Revised Code,

or rules of the state medical board adopted pursuant to this 2400
chapter. 2401

(B) A corporation, limited liability company, partnership, or 2402
professional association described in division (A) of this section 2403
may be formed for the purpose of providing a combination of the 2404
professional services of the following individuals who are 2405
licensed, certificated, or otherwise legally authorized to 2406
practice their respective professions: 2407

(1) Optometrists who are authorized to practice optometry 2408
under Chapter 4725. of the Revised Code; 2409

(2) Chiropractors who are authorized to practice chiropractic 2410
under Chapter 4734. of the Revised Code; 2411

(3) Psychologists who are authorized to practice psychology 2412
under Chapter 4732. of the Revised Code; 2413

(4) Registered or licensed practical nurses who are 2414
authorized to practice nursing as registered nurses or as licensed 2415
practical nurses under Chapter 4723. of the Revised Code; 2416

(5) Pharmacists who are authorized to practice pharmacy under 2417
Chapter 4729. of the Revised Code; 2418

(6) Physical therapists who are authorized to practice 2419
physical therapy under sections 4755.40 to 4755.53 of the Revised 2420
Code; 2421

(7) Mechanotherapists who are authorized to practice 2422
mechanotherapy under section 4731.151 of the Revised Code; 2423

(8) Doctors of medicine and surgery, osteopathic medicine and 2424
surgery, or podiatric medicine and surgery who are authorized for 2425
their respective practices under this chapter. 2426

(C) Division (B) of this section shall apply notwithstanding 2427
a provision of a code of ethics described in division (B)~~(18)~~(14) 2428
of section 4731.22 of the Revised Code that prohibits either of 2429

the following: 2430

(1) A doctor of medicine and surgery, osteopathic medicine 2431
and surgery, or podiatric medicine and surgery from engaging in 2432
the doctor's authorized practice in combination with a person who 2433
is licensed, certificated, or otherwise legally authorized to 2434
engage in the practice of optometry, chiropractic, psychology, 2435
nursing, pharmacy, physical therapy, or mechanotherapy, but who is 2436
not also licensed, certificated, or otherwise legally authorized 2437
to practice medicine and surgery, osteopathic medicine and 2438
surgery, or podiatric medicine and surgery. 2439

(2) A mechanotherapist from engaging in the practice of 2440
mechanotherapy in combination with a person who is licensed, 2441
certificated, or otherwise legally authorized to engage in the 2442
practice of optometry, chiropractic, psychology, nursing, 2443
pharmacy, physical therapy, medicine and surgery, osteopathic 2444
medicine and surgery, or podiatric medicine and surgery, but who 2445
is not also licensed, certificated, or otherwise legally 2446
authorized to engage in the practice of mechanotherapy. 2447

Sec. 4731.25. The state medical board, in accordance with 2448
Chapter 119. of the Revised Code, shall adopt and may amend and 2449
rescind rules establishing standards for approval of physicians 2450
and facilities as treatment providers for impaired practitioners 2451
who are regulated under this chapter or Chapter 4730., 4760., or 2452
4762. of the Revised Code. The rules shall include standards for 2453
both inpatient and outpatient treatment. The rules shall provide 2454
that in order to be approved, a treatment provider must have the 2455
capability of making an initial examination to determine what type 2456
of treatment an impaired practitioner requires. Subject to the 2457
rules, the board shall review and approve treatment providers on a 2458
regular basis. The board, at its discretion, may withdraw or deny 2459
approval subject to the rules. 2460

An approved impaired practitioner treatment provider shall:	2461
(A) Report to the board the name of any practitioner	2462
suffering or showing evidence of suffering impairment as described	2463
in division (B)(5) of section 4730.25 of the Revised Code,	2464
division (B) (26) (22) of section 4731.22 of the Revised Code,	2465
division (B)(6) of section 4760.13 of the Revised Code, or	2466
division (B)(6) of section 4762.13 of the Revised Code who fails	2467
to comply within one week with a referral for examination;	2468
(B) Report to the board the name of any impaired practitioner	2469
who fails to enter treatment within forty-eight hours following	2470
the provider's determination that the practitioner needs	2471
treatment;	2472
(C) Require every practitioner who enters treatment to agree	2473
to a treatment contract establishing the terms of treatment and	2474
aftercare, including any required supervision or restrictions of	2475
practice during treatment or aftercare;	2476
(D) Require a practitioner to suspend practice upon entry	2477
into any required inpatient treatment;	2478
(E) Report to the board any failure by an impaired	2479
practitioner to comply with the terms of the treatment contract	2480
during inpatient or outpatient treatment or aftercare;	2481
(F) Report to the board the resumption of practice of any	2482
impaired practitioner before the treatment provider has made a	2483
clear determination that the practitioner is capable of practicing	2484
according to acceptable and prevailing standards of care;	2485
(G) Require a practitioner who resumes practice after	2486
completion of treatment to comply with an aftercare contract that	2487
meets the requirements of rules adopted by the board for approval	2488
of treatment providers;	2489
(H) Report the identity of any practitioner practicing under	2490

the terms of an aftercare contract to hospital administrators, 2491
medical chiefs of staff, and chairpersons of impaired practitioner 2492
committees of all health care institutions at which the 2493
practitioner holds clinical privileges or otherwise practices. If 2494
the practitioner does not hold clinical privileges at any health 2495
care institution, the treatment provider shall report the 2496
practitioner's identity to the impaired practitioner committee of 2497
the county medical society, osteopathic academy, or podiatric 2498
medical association in every county in which the practitioner 2499
practices. If there are no impaired practitioner committees in the 2500
county, the treatment provider shall report the practitioner's 2501
identity to the president or other designated member of the county 2502
medical society, osteopathic academy, or podiatric medical 2503
association. 2504

(I) Report to the board the identity of any practitioner who 2505
suffers a relapse at any time during or following aftercare. 2506

Any individual authorized to practice under this chapter who 2507
enters into treatment by an approved treatment provider shall be 2508
deemed to have waived any confidentiality requirements that would 2509
otherwise prevent the treatment provider from making reports 2510
required under this section. 2511

In the absence of fraud or bad faith, no person or 2512
organization that conducts an approved impaired practitioner 2513
treatment program, no member of such an organization, and no 2514
employee, representative, or agent of the treatment provider shall 2515
be held liable in damages to any person by reason of actions taken 2516
or recommendations made by the treatment provider or its 2517
employees, representatives, or agents. 2518

Sec. 4732.17. (A) The state board of psychology may refuse to 2519
issue a license to any applicant, may issue a reprimand, or 2520
suspend or revoke the license of any licensed psychologist or 2521

licensed school psychologist, on any of the following grounds:	2522
(1) Conviction of <u>or plea of guilty to a felony, or of any</u>	2523
<u>criminal offense involving moral turpitude that is substantially</u>	2524
<u>related to the practice of psychology</u> , in a court of this or any	2525
other state or in a federal court;	2526
(2) Using fraud or deceit in the procurement of the license	2527
to practice psychology or school psychology or knowingly assisting	2528
another in the procurement of such a license through fraud or	2529
deceit;	2530
(3) Accepting commissions or rebates or other forms of	2531
remuneration for referring persons to other professionals;	2532
(4) Willful, unauthorized communication of information	2533
received in professional confidence;	2534
(5) Being negligent in the practice of psychology or school	2535
psychology;	2536
(6) Using any controlled substance or alcoholic beverage to	2537
an extent that such use impairs the person's ability to perform	2538
the work of a psychologist or school psychologist with safety to	2539
the public;	2540
(7) Subject to section 4732.28 of the Revised Code, violating	2541
any rule of professional conduct promulgated by the board;	2542
(8) Practicing in an area of psychology for which the person	2543
is clearly untrained or incompetent;	2544
(9) An adjudication by a court, as provided in section	2545
5122.301 of the Revised Code, that the person is incompetent for	2546
the purpose of holding the license. Such person may have the	2547
person's license issued or restored only upon determination by a	2548
court that the person is competent for the purpose of holding the	2549
license and upon the decision by the board that such license be	2550
issued or restored. The board may require an examination prior to	2551

such issuance or restoration. 2552

(10) Waiving the payment of all or any part of a deductible 2553
or copayment that a patient, pursuant to a health insurance or 2554
health care policy, contract, or plan that covers psychological 2555
services, would otherwise be required to pay if the waiver is used 2556
as an enticement to a patient or group of patients to receive 2557
health care services from that provider; 2558

(11) Advertising that the person will waive the payment of 2559
all or any part of a deductible or copayment that a patient, 2560
pursuant to a health insurance or health care policy, contract, or 2561
plan that covers psychological services, would otherwise be 2562
required to pay; 2563

(12) Notwithstanding ~~division~~ divisions (A)(10) and (11) of 2564
this section, sanctions shall not be imposed against any licensee 2565
who waives deductibles and copayments: 2566

(a) In compliance with the health benefit plan that expressly 2567
allows such a practice. Waiver of the deductibles or copays shall 2568
be made only with the full knowledge and consent of the plan 2569
purchaser, payer, and third-party administrator. Such consent 2570
shall be made available to the board upon request. 2571

(b) For professional services rendered to any other person 2572
licensed pursuant to this chapter to the extent allowed by this 2573
chapter and the rules of the board. 2574

(B) Except as provided in section 4732.171 of the Revised 2575
Code, before the board may deny, suspend, or revoke a license 2576
under this section, or otherwise discipline the holder of a 2577
license, written charges shall be filed with the board by the 2578
secretary and a hearing shall be had thereon in accordance with 2579
Chapter 119. of the Revised Code. 2580

(C) As used in this section, a "criminal offense that is 2581
substantially related" has the same meaning as in section 4743.06 2582

of the Revised Code. 2583

Sec. 4733.20. (A) Pursuant to this section, the state board 2584
of registration for professional engineers and surveyors may fine, 2585
revoke, suspend, refuse to renew, or limit the registration, or 2586
reprimand, place on probation, deny an applicant the opportunity 2587
to sit for an examination or to have an examination scored, or 2588
impose any combination of these disciplinary measures on any 2589
applicant or registrant, or revoke the certificate of 2590
authorization of any holder found to be or to have been engaged in 2591
any one or more of the following acts or practices: 2592

(1) Any fraud or deceit in obtaining registration or a 2593
certificate of authorization; 2594

(2) Any gross negligence, incompetency, or misconduct in the 2595
practice of professional engineering or professional surveying as 2596
a registered professional engineer or registered professional 2597
surveyor; 2598

(3) Aiding or abetting any person to practice professional 2599
engineering or professional surveying illegally in the state; 2600

(4) Conviction of or plea of guilty to ~~any felony or crime~~ 2601
involving moral turpitude a criminal offense that is substantially 2602
related to the practice of professional engineering or 2603
professional surveying; 2604

(5) Violation of this chapter or any rule adopted by the 2605
board; 2606

(6) Violation of any condition of limitation placed by the 2607
board upon the registration of any professional engineer or 2608
professional surveyor; 2609

(7) Failure to abide by or comply with examination 2610
instructions. 2611

(B) The board shall cause to have prepared and shall adopt a 2612

code of ethics, which it shall make known to every registrant. The 2613
board may revise and amend this code of ethics from time to time 2614
in accordance with Chapter 119. of the Revised Code. 2615

(C) Any person may file with the board a complaint alleging 2616
fraud, deceit, gross negligence, incompetency, misconduct, or 2617
violation of this chapter or any rule adopted by the board 2618
pursuant to section 4733.07 of the Revised Code. Complaints shall 2619
be in writing. 2620

(D) The board may investigate any registrant or holder of a 2621
certificate of authorization to determine whether the registrant 2622
or certificate holder is or has been engaged in any one or more of 2623
the acts or practices listed in division (A) of this section. The 2624
board, by subpoena, may compel witnesses to appear and testify in 2625
relation to any investigation under this chapter and may require, 2626
by subpoena duces tecum, the production and copying of any book, 2627
paper, or document pertaining to an investigation. If a person 2628
fails to comply with the subpoena or subpoena duces tecum, the 2629
board may apply to the Franklin county court of common pleas for 2630
an order compelling the person to comply or, for the failure to do 2631
so, to be held in contempt of court. 2632

(E) If the board determines there is cause to believe that an 2633
applicant, registrant, or a holder of a certificate of 2634
authorization is or has been engaged in any act or practice listed 2635
in division (A) of this section, the board shall issue a written 2636
charge and notify the applicant, registrant, or certificate holder 2637
of the right to an adjudication hearing, in accordance with 2638
Chapter 119. of the Revised Code. If the accused applicant, 2639
registrant, or holder of a certificate of authorization fails or 2640
refuses to appear, or does not request a hearing within the time 2641
period specified in Chapter 119. of the Revised Code, the board 2642
may determine the validity of the charge and issue an adjudication 2643
order in accordance with Chapter 119. of the Revised Code. 2644

(F) If a majority of the board votes in favor of sustaining the charge, the board shall impose one or any combination of the following disciplinary measures:

(1) Reprimanding the individual;

(2) Imposing a fine on the individual of not more than one thousand dollars for each offense committed by the individual;

(3) Refusing to renew, suspending, or revoking the individual's registration, or revoking the holder's certificate of authorization;

(4) Refusing to allow an applicant to take an examination;

(5) Refusing to score an applicant's examination.

The board, for good cause shown, may reregister any person or reissue a certificate of authorization to any corporation, firm, partnership, association, or limited liability company whose registration or certificate has been revoked or suspended.

(G) Any applicant, registrant, or certificate holder aggrieved by any action of the board in fining the registrant or denying, suspending, refusing to renew, or revoking the registrant's registration or a certificate of authorization, or denying an applicant the opportunity to take an examination or to have an examination scored may appeal such action to the proper court under section 119.12 of the Revised Code.

(H) A new certificate of authorization to replace any certificate revoked, lost, destroyed, or mutilated, may be issued, subject to the rules of the board, upon payment of a fee established by the board at an amount adequate to cover the expense of issuing a duplicate certificate of authorization.

(I) As used in this section, a "criminal offense that is substantially related" has the same meaning as in section 4743.06 of the Revised Code.

Sec. 4734.31. (A) The state chiropractic board may take any 2675
of the actions specified in division (B) of this section against 2676
an individual who has applied for or holds a license to practice 2677
chiropractic in this state if any of the reasons specified in 2678
division (C) of this section for taking action against an 2679
individual are applicable. Except as provided in division (D) of 2680
this section, actions taken against an individual shall be taken 2681
in accordance with Chapter 119. of the Revised Code. The board may 2682
specify that any action it takes is a permanent action. The 2683
board's authority to take action against an individual is not 2684
removed or limited by the individual's failure to renew a license. 2685

(B) In its imposition of sanctions against an individual, the 2686
board may do any of the following: 2687

(1) Refuse to issue, renew, restore, or reinstate a license 2688
to practice chiropractic; 2689

(2) Reprimand or censure a license holder; 2690

(3) Place limits, restrictions, or probationary conditions on 2691
a license holder's practice; 2692

(4) Impose a civil fine of not more than five thousand 2693
dollars according to a schedule of fines specified in rules that 2694
the board shall adopt in accordance with ~~chapter~~ Chapter 119. of 2695
the Revised Code. 2696

(5) Suspend a license for a limited or indefinite period; 2697

(6) Revoke a license. 2698

(C) The board may take the actions specified in division (B) 2699
of this section for any of the following reasons: 2700

(1) A plea of guilty to, a judicial finding of guilt of, or a 2701
judicial finding of eligibility for intervention in lieu of 2702
conviction for, a felony criminal offense that is substantially 2703
related to the practice of chiropractic in any jurisdiction, in 2704

which case a certified copy of the court record shall be 2705
conclusive evidence of the conviction; 2706

(2) Commission of an act that constitutes a ~~felony~~ criminal 2707
offense that is substantially related to the practice of 2708
chiropractic in this state, regardless of the jurisdiction in 2709
which the act was committed; 2710

~~(3) A plea of guilty to, a judicial finding of guilt of, or a 2711
judicial finding of eligibility for intervention in lieu of 2712
conviction for, a misdemeanor involving moral turpitude, as 2713
determined by the board, in which case a certified copy of the 2714
court record shall be conclusive evidence of the matter;~~ 2715

~~(4) Commission of an act involving moral turpitude that 2716
constitutes a misdemeanor in this state, regardless of the 2717
jurisdiction in which the act was committed;~~ 2718

~~(5) A plea of guilty to, a judicial finding of guilt of, or a 2719
judicial finding of eligibility for intervention in lieu of 2720
conviction for, a misdemeanor committed in the course of practice, 2721
in which case a certified copy of the court record shall be 2722
conclusive evidence of the matter;~~ 2723

~~(6) Commission of an act in the course of practice that 2724
constitutes a misdemeanor in this state, regardless of the 2725
jurisdiction in which the act was committed;~~ 2726

~~(7) A violation or attempted violation of this chapter or the 2727
rules adopted under it governing the practice of chiropractic;~~ 2728

~~(8)~~ (4) Failure to cooperate in an investigation conducted by 2729
the board, including failure to comply with a subpoena or order 2730
issued by the board or failure to answer truthfully a question 2731
presented by the board at a deposition or in written 2732
interrogatories, except that failure to cooperate with an 2733
investigation shall not constitute grounds for discipline under 2734
this section if the board or a court of competent jurisdiction has 2735

issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

~~(9)~~(5) Engaging in an ongoing professional relationship with a person or entity that violates any provision of this chapter or the rules adopted under it, unless the chiropractor makes a good faith effort to have the person or entity comply with the provisions;

~~(10)~~(6) Retaliating against a chiropractor for the chiropractor's reporting to the board or any other agency with jurisdiction any violation of the law or for cooperating with the board of another agency in the investigation of any violation of the law;

~~(11)~~(7) Aiding, abetting, assisting, counseling, or conspiring with any person in that person's violation of any provision of this chapter or the rules adopted under it, including the practice of chiropractic without a license, or aiding, abetting, assisting, counseling, or conspiring with any person in that person's unlicensed practice of any other health care profession that has licensing requirements;

~~(12)~~(8) With respect to a report or record that is made, filed, or signed in connection with the practice of chiropractic, knowingly making or filing a report or record that is false, intentionally or negligently failing to file a report or record required by federal, state, or local law or willfully impeding or obstructing the required filing, or inducing another person to engage in any such acts;

~~(13)~~(9) Making a false, fraudulent, or deceitful statement to the board or any agent of the board during any investigation or other official proceeding conducted by the board under this chapter or in any filing that must be submitted to the board;

~~(14)~~(10) Attempting to secure a license or to corrupt the

outcome of an official board proceeding through bribery or any other improper means;	2767
	2768
(15) <u>(11)</u> Willfully obstructing or hindering the board or any agent of the board in the discharge of the board's duties;	2769
	2770
(16) <u>(12)</u> Habitually using drugs or intoxicants to the extent that the person is rendered unfit for the practice of chiropractic;	2771
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	2773
(17) <u>(13)</u> Inability to practice chiropractic according to acceptable and prevailing standards of care by reason of chemical dependency, mental illness, or physical illness, including conditions in which physical deterioration has adversely affected the person's cognitive, motor, or perceptive skills and conditions in which a chiropractor's continued practice may pose a danger to the chiropractor or the public;	2774
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(18) <u>(14)</u> Any act constituting gross immorality relative to the person's practice of chiropractic, including acts involving sexual abuse, sexual misconduct, or sexual exploitation;	2781
	2782
	2783
(19) <u>(15)</u> Exploiting a patient for personal or financial gain;	2784
(20) <u>(16)</u> Failing to maintain proper, accurate, and legible records in the English language documenting each patient's care, including, as appropriate, records of the following: dates of treatment, services rendered, examinations, tests, x-ray reports, referrals, and the diagnosis or clinical impression and clinical treatment plan provided to the patient;	2785
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(21) <u>(17)</u> Except as otherwise required by the board or by law, disclosing patient information gained during the chiropractor's professional relationship with a patient without obtaining the patient's authorization for the disclosure;	2791
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	2794
(22) <u>(18)</u> Commission of willful or gross malpractice, or willful or gross neglect, in the practice of chiropractic;	2795
	2796

(23) <u>(19)</u> Failing to perform or negligently performing an act	2797
recognized by the board as a general duty or the exercise of due	2798
care in the practice of chiropractic, regardless of whether injury	2799
results to a patient from the failure to perform or negligent	2800
performance of the act;	2801
(24) <u>(20)</u> Engaging in any conduct or practice that impairs or	2802
may impair the ability to practice chiropractic safely and	2803
skillfully;	2804
(25) <u>(21)</u> Practicing, or claiming to be capable of practicing,	2805
beyond the scope of the practice of chiropractic as established	2806
under this chapter and the rules adopted under this chapter;	2807
(26) <u>(22)</u> Accepting and performing professional	2808
responsibilities as a chiropractor when not qualified to perform	2809
those responsibilities, if the person knew or had reason to know	2810
that the person was not qualified to perform them;	2811
(27) <u>(23)</u> Delegating any of the professional responsibilities	2812
of a chiropractor to an employee or other individual when the	2813
delegating chiropractor knows or had reason to know that the	2814
employee or other individual is not qualified by training,	2815
experience, or professional licensure to perform the	2816
responsibilities;	2817
(28) <u>(24)</u> Delegating any of the professional responsibilities	2818
of a chiropractor to an employee or other individual in a	2819
negligent manner or failing to provide proper supervision of the	2820
employee or other individual to whom the responsibilities are	2821
delegated;	2822
(29) <u>(25)</u> Failing to refer a patient to another health care	2823
practitioner for consultation or treatment when the chiropractor	2824
knows or has reason to know that the referral is in the best	2825
interest of the patient;	2826
(30) <u>(26)</u> Obtaining or attempting to obtain any fee or other	2827

advantage by fraud or misrepresentation;	2828
(31) <u>(27)</u> Making misleading, deceptive, false, or fraudulent representations in the practice of chiropractic;	2829 2830
(32) <u>(28)</u> Being guilty of false, fraudulent, deceptive, or misleading advertising or other solicitations for patients or knowingly having professional connection with any person that advertises or solicits for patients in such a manner;	2831 2832 2833 2834
(33) <u>(29)</u> Violation of a provision of any code of ethics established or adopted by the board under section 4734.16 of the Revised Code;	2835 2836 2837
(34) <u>(30)</u> Failing to meet the examination requirements for receipt of a license specified under section 4734.20 of the Revised Code;	2838 2839 2840
(35) <u>(31)</u> Actions taken for any reason, other than nonpayment of fees, by the chiropractic licensing authority of another state or country;	2841 2842 2843
(36) <u>(32)</u> Failing to maintain clean and sanitary conditions at the clinic, office, or other place in which chiropractic services are provided;	2844 2845 2846
(37) <u>(33)</u> Except as provided in division (G) of this section:	2847
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the chiropractor's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that chiropractor;	2848 2849 2850 2851 2852 2853
(b) Advertising that the chiropractor will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the chiropractor's services, otherwise would be	2854 2855 2856 2857

required to pay. 2858

(D) The adjudication requirements of Chapter 119. of the 2859
Revised Code apply to the board when taking actions against an 2860
individual under this section, except as follows: 2861

(1) An applicant is not entitled to an adjudication for 2862
failing to meet the conditions specified under section 4734.20 of 2863
the Revised Code for receipt of a license that involve the board's 2864
examination on jurisprudence or the examinations of the national 2865
board of chiropractic examiners. 2866

(2) A person is not entitled to an adjudication if the person 2867
fails to make a timely request for a hearing, in accordance with 2868
Chapter 119. of the Revised Code. 2869

(3) In lieu of an adjudication, the board may accept the 2870
surrender of a license from a chiropractor. 2871

(4) In lieu of an adjudication, the board may enter into a 2872
consent agreement with an individual to resolve an allegation of a 2873
violation of this chapter or any rule adopted under it. A consent 2874
agreement, when ratified by the board, shall constitute the 2875
findings and order of the board with respect to the matter 2876
addressed in the agreement. If the board refuses to ratify a 2877
consent agreement, the admissions and findings contained in the 2878
consent agreement shall be of no force or effect. 2879

(E) This section does not require the board to hire, contract 2880
with, or retain the services of an expert witness when the board 2881
takes action against a chiropractor concerning compliance with 2882
acceptable and prevailing standards of care. As part of an action 2883
taken concerning compliance with acceptable and prevailing 2884
standards of care, the board may rely on the knowledge of its 2885
members for purposes of making a determination of compliance, 2886
notwithstanding any expert testimony presented by the chiropractor 2887
that contradicts the knowledge and opinions of the members of the 2888

board. 2889

(F) The sealing of conviction records by a court shall have 2890
no effect on a prior board order entered under this section or on 2891
the board's jurisdiction to take action under this section if, 2892
based on a plea of guilty, a judicial finding of guilt, or a 2893
judicial finding of eligibility for intervention in lieu of 2894
conviction, the board issued a notice of opportunity for a hearing 2895
prior to the court's order to seal the records. The board shall 2896
not be required to seal, destroy, redact, or otherwise modify its 2897
records to reflect the court's sealing of conviction records. 2898

(G) Actions shall not be taken pursuant to division 2899
(C)~~(37)~~(33) of this section against any chiropractor who waives 2900
deductibles and copayments as follows: 2901

(1) In compliance with the health benefit plan that expressly 2902
allows a practice of that nature. Waiver of the deductibles or 2903
copayments shall be made only with the full knowledge and consent 2904
of the plan purchaser, payer, and third-party administrator. 2905
Documentation of the consent shall be made available to the board 2906
upon request. 2907

(2) For professional services rendered to any other person 2908
licensed pursuant to this chapter, to the extent allowed by this 2909
chapter and the rules of the board. 2910

(H) As used in this section, a "criminal offense that is 2911
substantially related" has the same meaning as in section 4743.06 2912
of the Revised Code. 2913

Sec. 4734.39. (A) For purposes of the state chiropractic 2914
board's enforcement of division (C)~~(16)~~(12) or ~~(17)~~(13) of section 2915
4734.31 of the Revised Code, an individual who applies for or 2916
receives a license under this chapter accepts the privilege of 2917
practicing chiropractic in this state and, by so doing, shall be 2918

deemed to have given consent to submit to a mental or physical 2919
examination when directed to do so in writing by the board in its 2920
enforcement of those divisions, and to have waived all objections 2921
to the admissibility of testimony or examination reports that 2922
constitute a privileged communication. 2923

(B) If the board has reason to believe that a chiropractor or 2924
applicant suffers an impairment described in division (C)~~(16)~~(12) 2925
or ~~(17)~~(13) of section 4734.31 of the Revised Code, the board may 2926
compel the individual to submit to a mental or physical 2927
examination, or both. The expense of the examination is the 2928
responsibility of the individual compelled to be examined. Any 2929
mental or physical examination required under this section shall 2930
be undertaken by a provider who is qualified to conduct the 2931
examination and who is chosen by the board. 2932

Failure to submit to a mental or physical examination ordered 2933
by the board constitutes an admission of the allegations against 2934
the individual unless the failure is due to circumstances beyond 2935
the individual's control. A default and final order may be entered 2936
without the taking of testimony or presentation of evidence. 2937

If the board determines that an individual's ability to 2938
practice is impaired, the board shall suspend the individual's 2939
license or deny the individual's application and shall require the 2940
individual, as a condition for initial, continued, reinstated, 2941
restored, or renewed certification to practice, to submit to care, 2942
counseling, or treatment. 2943

(C) Before being eligible to apply for reinstatement of a 2944
license suspended under division (C)~~(16)~~(12) of section 4734.31 of 2945
the Revised Code or the chemical dependency provisions of division 2946
(C)~~(17)~~(13) of section 4731.34 of the Revised Code, the impaired 2947
individual shall demonstrate to the board the ability to resume 2948
practice in compliance with acceptable and prevailing standards of 2949
care in the practice of chiropractic. If rules have been adopted 2950

under section 4734.40 of the Revised Code, the demonstration shall 2951
include, but shall not be limited to, the following: 2952

(1) Certification from a treatment provider approved under 2953
section 4734.40 of the Revised Code that the individual has 2954
successfully completed any required inpatient treatment; 2955

(2) Evidence of continuing full compliance with an aftercare 2956
contract or consent agreement; 2957

(3) Two written reports indicating that the individual's 2958
ability to practice has been assessed and that the individual has 2959
been found capable of practicing according to acceptable and 2960
prevailing standards of care. The reports shall be made by 2961
individuals or providers approved by the board for making the 2962
assessments and shall describe the basis for their determination. 2963

The board may reinstate a license suspended under this 2964
division after that demonstration and after the individual has 2965
entered into a written consent agreement. 2966

When the impaired individual resumes practice, the board 2967
shall require continued monitoring of the individual. The 2968
monitoring shall include, but not be limited to, compliance with 2969
the written consent agreement entered into before reinstatement or 2970
with conditions imposed by board order after a hearing, and, upon 2971
termination of the consent agreement, submission to the board for 2972
at least two years of annual written progress reports made under 2973
penalty of perjury stating whether the individual has maintained 2974
sobriety. 2975

Sec. 4735.07. (A) The superintendent of real estate, with the 2976
consent of the Ohio real estate commission, may enter into 2977
agreements with recognized national testing services to administer 2978
the real estate broker's examination under the superintendent's 2979
supervision and control, consistent with the requirements of this 2980

chapter as to the contents of such examination. 2981

(B) No applicant for a real estate broker's license shall 2982
take the broker's examination who has not established to the 2983
satisfaction of the superintendent that the applicant: 2984

(1) Is honest, truthful, and of good reputation; 2985

(2)(a) Has not been convicted of or pleaded guilty to a 2986
~~felony or crime of moral turpitude~~ criminal offense that is 2987
substantially related to the practice of real estate broker, or if 2988
the applicant has been so convicted or so pleaded guilty, the 2989
superintendent has disregarded the conviction or guilty plea 2990
because the applicant has proven to the superintendent, by a 2991
preponderance of the evidence, that the applicant's activities and 2992
employment record since the conviction or guilty plea show that 2993
the applicant is honest, truthful, and of good reputation, and 2994
there is no basis in fact for believing that the applicant again 2995
will violate the laws involved; 2996

(b) Has not been finally adjudged by a court to have violated 2997
any municipal, state, or federal civil rights laws relevant to the 2998
protection of purchasers or sellers of real estate or, if the 2999
applicant has been so adjudged, at least two years have passed 3000
since the court decision and the superintendent has disregarded 3001
the adjudication because the applicant has proven, by a 3002
preponderance of the evidence, that the applicant's activities and 3003
employment record since the adjudication show that the applicant 3004
is honest, truthful, and of good reputation, and there is no basis 3005
in fact for believing that the applicant will again violate the 3006
laws involved. 3007

(3) Has not, during any period in which the applicant was 3008
licensed under this chapter, violated any provision of, or any 3009
rule adopted pursuant to, this chapter, or, if the applicant has 3010
violated any such provision or rule, has established to the 3011

satisfaction of the superintendent that the applicant will not
again violate such provision or rule;

(4) Is at least eighteen years of age;

(5) Has been a licensed real estate broker or salesperson for
at least two years; during at least two of the five years
preceding the person's application, has worked as a licensed real
estate broker or salesperson for an average of at least thirty
hours per week; and has completed one of the following:

(a) At least twenty real estate transactions, in which
property was sold for another by the applicant while acting in the
capacity of a real estate broker or salesperson;

(b) Such equivalent experience as is defined by rules adopted
by the commission.

(6)(a) If licensed as a real estate salesperson prior to
August 1, 2001, successfully has completed at an institution of
higher education all of the following:

(i) Thirty hours of classroom instruction in real estate
practice;

(ii) Thirty hours of classroom instruction that includes the
subjects of Ohio real estate law, municipal, state, and federal
civil rights law, new case law on housing discrimination,
desegregation issues, and methods of eliminating the effects of
prior discrimination. If feasible, the classroom instruction in
Ohio real estate law shall be taught by a member of the faculty of
an accredited law school. If feasible, the classroom instruction
in municipal, state, and federal civil rights law, new case law on
housing discrimination, desegregation issues, and methods of
eliminating the effects of prior discrimination shall be taught by
a staff member of the Ohio civil rights commission who is
knowledgeable with respect to those subjects. The requirements of
this division do not apply to an applicant who is admitted to

practice before the supreme court.	3043
(iii) Thirty hours of classroom instruction in real estate appraisal;	3044 3045
(iv) Thirty hours of classroom instruction in real estate finance;	3046 3047
(v) Three quarter hours, or its equivalent in semester hours, in financial management;	3048 3049
(vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management;	3050 3051
(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;	3052 3053
(viii) Three quarter hours, or its equivalent in semester hours, in business law.	3054 3055
(b) If licensed as a real estate salesperson on or after August 1, 2001, successfully has completed at an institution of higher education all of the following:	3056 3057 3058
(i) Forty hours of classroom instruction in real estate practice;	3059 3060
(ii) Forty hours of classroom instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the classroom instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the classroom instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of	3061 3062 3063 3064 3065 3066 3067 3068 3069 3070 3071 3072

this division do not apply to an applicant who is admitted to practice before the supreme court. (iii) Twenty hours of classroom instruction in real estate appraisal; (iv) Twenty hours of classroom instruction in real estate finance; (v) The training in the amount of hours specified under divisions (B)(6)(a)(v), (vi), (vii), and (viii) of this section. (c) Division (B)(6)(a) or (b) of this section does not apply to any applicant who holds a valid real estate salesperson's license issued prior to January 2, 1972. Divisions (B)(6)(a)(v), (vi), (vii), and (viii) or division (B)(6)(b)(v) of this section do not apply to any applicant who holds a valid real estate salesperson's license issued prior to January 3, 1984. (7) If licensed as a real estate salesperson on or after January 3, 1984, satisfactorily has completed a minimum of two years of post-secondary education, or its equivalent in semester or quarter hours, at an institution of higher education, and has fulfilled the requirements of division (B)(6)(a) or (b) of this section. The requirements of division (B)(6)(a) or (b) of this section may be included in the two years of post-secondary education, or its equivalent in semester or quarter hours, that is required by this division. (C) Each applicant for a broker's license shall be examined in the principles of real estate practice, Ohio real estate law, and financing and appraisal, and as to the duties of real estate brokers and real estate salespersons, the applicant's knowledge of real estate transactions and instruments relating to them, and the canons of business ethics pertaining to them. The commission from time to time shall promulgate such canons and cause them to be published in printed form.

(D) Examinations shall be administered with reasonable accommodations in accordance with the requirements of the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101. The contents of an examination shall be consistent with the requirements of division (B)(6) of this section and with the other specific requirements of this section. An applicant who has completed the requirements of division (B)(6) of this section at the time of application shall be examined no later than twelve months after the applicant is notified of admission to the examination.

(E) The superintendent may waive one or more of the requirements of this section in the case of an application from a nonresident real estate broker pursuant to a reciprocity agreement with the licensing authority of the state from which the nonresident applicant holds a valid real estate broker license.

(F) There shall be no limit placed on the number of times an applicant may retake the examination.

(G)(1) No later than twelve months after the date of issue of a real estate broker's license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of ten hours of classroom instruction in real estate brokerage at an institution of higher education or any other institution that is approved by the commission. That instruction shall include, but not be limited to, current issues in managing a real estate company or office.

If the required proof of completion is not submitted to the superintendent within twelve months of the date a license is issued under this section, the license of the real estate broker is suspended automatically without the taking of any action by the superintendent. The broker's license shall not be reactivated by the superintendent until it is established, to the satisfaction of the superintendent, that the requirements of this division have

been met and that the licensee is in compliance with this chapter. 3136
A licensee's license is revoked automatically without the taking 3137
of any action by the superintendent if the licensee fails to 3138
submit proof of completion of the education requirements specified 3139
under division (G)(1) of this section within twelve months of the 3140
date the license is suspended. 3141

(2) If the license of a real estate broker is suspended 3142
pursuant to division (G)(1) of this section, the license of a real 3143
estate salesperson associated with that broker correspondingly is 3144
suspended pursuant to division (H) of section 4735.20 of the 3145
Revised Code. However, the suspended license of the associated 3146
real estate salesperson shall be reactivated and no fee shall be 3147
charged or collected for that reactivation if all of the following 3148
occur: 3149

(a) That broker subsequently submits satisfactory proof to 3150
the superintendent that the broker has complied with the 3151
requirements of division (G)(1) of this section and requests that 3152
the broker's license as a real estate broker be reactivated; 3153

(b) The superintendent then reactivates the broker's license 3154
as a real estate broker; 3155

(c) The associated real estate salesperson intends to 3156
continue to be associated with that broker and otherwise is in 3157
compliance with this chapter. 3158

(H) As used in this section, a "criminal offense that is 3159
substantially related" has the same meaning as in section 4743.06 3160
of the Revised Code. 3161

Sec. 4735.09. (A) Application for a license as a real estate 3162
salesperson shall be made to the superintendent of real estate on 3163
forms furnished by the superintendent and signed by the applicant. 3164
The application shall be in the form prescribed by the 3165

superintendent and shall contain such information as is required 3166
by this chapter and the rules of the Ohio real estate commission. 3167
The application shall be accompanied by the recommendation of the 3168
real estate broker with whom the applicant is associated or with 3169
whom the applicant intends to be associated, certifying that the 3170
applicant is honest, truthful, and of good reputation, has not 3171
been convicted of or pleaded guilty to a felony or a crime 3172
involving moral turpitude criminal offense that is substantially 3173
related to the practice of real estate broker, and has not been 3174
finally adjudged by a court to have violated any municipal, state, 3175
or federal civil rights laws relevant to the protection of 3176
purchasers or sellers of real estate, which conviction, guilty 3177
plea, or adjudication the applicant has not disclosed to the 3178
superintendent, and recommending that the applicant be admitted to 3179
the real estate salesperson examination. 3180

(B) A fee of forty-nine dollars shall accompany the 3181
application, which fee includes the fee for the initial year of 3182
the licensing period, if a license is issued. The application fee 3183
shall be retained by the superintendent if the applicant is 3184
admitted to the examination for the license or the examination 3185
requirement is waived, but, if an applicant is not so admitted and 3186
a waiver is not involved, one-half of the fee shall be retained by 3187
the superintendent to cover the expenses of processing the 3188
application and the other one-half shall be returned to the 3189
applicant. A fee of forty-nine dollars shall be charged by the 3190
superintendent for each successive application made by the 3191
applicant. Four dollars of each application fee shall be credited 3192
to the real estate education and research fund. 3193

(C) There shall be no limit placed on the number of times an 3194
applicant may retake the examination. 3195

(D) The superintendent, with the consent of the commission, 3196
may enter into an agreement with a recognized national testing 3197

service to administer the real estate salesperson's examination 3198
under the superintendent's supervision and control, consistent 3199
with the requirements of this chapter as to the contents of the 3200
examination. 3201

If the superintendent, with the consent of the commission, 3202
enters into an agreement with a national testing service to 3203
administer the real estate salesperson's examination, the 3204
superintendent may require an applicant to pay the testing 3205
service's examination fee directly to the testing service. If the 3206
superintendent requires the payment of the examination fee 3207
directly to the testing service, each applicant shall submit to 3208
the superintendent a processing fee in an amount determined by the 3209
Ohio real estate commission pursuant to division (A)(1) of section 3210
4735.10 of the Revised Code. 3211

(E) The superintendent shall issue a real estate 3212
salesperson's license when satisfied that the applicant has 3213
received a passing score on each portion of the salesperson's 3214
examination as determined by rule by the real estate commission, 3215
except that the superintendent may waive one or more of the 3216
requirements of this section in the case of an applicant who is a 3217
licensed real estate salesperson in another state pursuant to a 3218
reciprocity agreement with the licensing authority of the state 3219
from which the applicant holds a valid real estate salesperson's 3220
license. 3221

(F) No applicant for a salesperson's license shall take the 3222
salesperson's examination who has not established to the 3223
satisfaction of the superintendent that the applicant: 3224

(1) Is honest, truthful, and of good reputation; 3225

(2)(a) Has not been convicted of or pleaded guilty to a 3226
felony or crime of moral turpitude criminal offense that is 3227
substantially related to the practice of salesperson or, if the 3228

applicant has been so convicted or so pleaded guilty, the 3229
superintendent has disregarded the conviction or guilty plea 3230
because the applicant has proven to the superintendent, by a 3231
preponderance of the evidence, that the applicant's activities and 3232
employment record since the conviction or guilty plea show that 3233
the applicant is honest, truthful, and of good reputation, and 3234
there is no basis in fact for believing that the applicant again 3235
will violate the laws involved; 3236

(b) Has not been finally adjudged by a court to have violated 3237
any municipal, state, or federal civil rights laws relevant to the 3238
protection of purchasers or sellers of real estate or, if the 3239
applicant has been so adjudged, at least two years have passed 3240
since the court decision and the superintendent has disregarded 3241
the adjudication because the applicant has proven, by a 3242
preponderance of the evidence, that the applicant is honest, 3243
truthful, and of good reputation, and there is no basis in fact 3244
for believing that the applicant again will violate the laws 3245
involved. 3246

(3) Has not, during any period in which the applicant was 3247
licensed under this chapter, violated any provision of, or any 3248
rule adopted pursuant to this chapter, or, if the applicant has 3249
violated such provision or rule, has established to the 3250
satisfaction of the superintendent that the applicant will not 3251
again violate such provision or rule; 3252

(4) Is at least eighteen years of age; 3253

(5) If born after the year 1950, has a high school diploma or 3254
its equivalent as recognized by the state department of education; 3255

(6)(a) If beginning instruction prior to August 1, 2001, has 3256
successfully completed at an institution of higher education all 3257
of the following: 3258

(i) Thirty hours of classroom instruction in real estate 3259

practice;	3260
(ii) Thirty hours of classroom instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the classroom instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the classroom instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.	3261 3262 3263 3264 3265 3266 3267 3268 3269 3270 3271 3272 3273 3274
(iii) Thirty hours of classroom instruction in real estate appraisal;	3275 3276
(iv) Thirty hours of classroom instruction in real estate finance.	3277 3278
(b) Any person who has not been licensed as a real estate salesperson or broker within a four-year period immediately preceding the person's current application for the salesperson's examination shall have successfully completed the classroom instruction required by division (F)(6)(a) of this section within a ten-year period immediately preceding the person's current application for the salesperson's examination.	3279 3280 3281 3282 3283 3284 3285
(7) If beginning instruction, as determined by the superintendent, on or after August 1, 2001, has successfully completed at an institution of higher education all of the following:	3286 3287 3288 3289
(a) Forty hours of classroom instruction in real estate	3290

practice; 3291

(b) Forty hours of classroom instruction that includes the 3292
subjects of Ohio real estate law, municipal, state, and federal 3293
civil rights law, new case law on housing discrimination, 3294
desegregation issues, and methods of eliminating the effects of 3295
prior discrimination. If feasible, the classroom instruction in 3296
Ohio real estate law shall be taught by a member of the faculty of 3297
an accredited law school. If feasible, the classroom instruction 3298
in municipal, state, and federal civil rights law, new case law on 3299
housing discrimination, desegregation issues, and methods of 3300
eliminating the effects of prior discrimination shall be taught by 3301
a staff member of the Ohio civil rights commission who is 3302
knowledgeable with respect to those subjects. The requirements of 3303
this division do not apply to an applicant who is admitted to 3304
practice before the supreme court. 3305

(c) Twenty hours of classroom instruction in real estate 3306
appraisal; 3307

(d) Twenty hours of classroom instruction in real estate 3308
finance. 3309

(G) No later than twelve months after the date of issue of a 3310
real estate salesperson license to a licensee, the licensee shall 3311
submit proof satisfactory to the superintendent, on forms made 3312
available by the superintendent, of completion, at an institution 3313
of higher education or any other institution approved by the 3314
commission, of ten hours of classroom instruction in real estate 3315
courses that cover current issues regarding consumers, real estate 3316
practice, ethics, and real estate law. 3317

If proof of completion of the required instruction is not 3318
submitted within twelve months of the date a license is issued 3319
under this section, the licensee's license is suspended 3320
automatically without the taking of any action by the 3321

superintendent. The superintendent immediately shall notify the 3322
broker with whom such salesperson is associated of the suspension 3323
of the salesperson's license. A salesperson whose license has been 3324
suspended under this division shall have twelve months after the 3325
date of the suspension of the salesperson's license to submit 3326
proof of successful completion of the instruction required under 3327
this division. No such license shall be reactivated by the 3328
superintendent until it is established, to the satisfaction of the 3329
superintendent, that the requirements of this division have been 3330
met and that the licensee is in compliance with this chapter. A 3331
licensee's license is revoked automatically without the taking of 3332
any action by the superintendent when the licensee fails to submit 3333
the required proof of completion of the education requirements 3334
under division (G) of this section within twelve months of the 3335
date the license is suspended. 3336

(H) Examinations shall be administered with reasonable 3337
accommodations in accordance with the requirements of the 3338
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 3339
U.S.C. 12101. The contents of an examination shall be consistent 3340
with the classroom instructional requirements of division (F)(6) 3341
or (7) of this section. An applicant who has completed the 3342
classroom instructional requirements of division (F)(6) or (7) of 3343
this section at the time of application shall be examined no later 3344
than twelve months after the applicant is notified of the 3345
applicant's admission to the examination. 3346

(I) As used in this section, a "criminal offense that is 3347
substantially related" has the same meaning as in section 4743.06 3348
of the Revised Code. 3349

Sec. 4735.13. (A) The license of a real estate broker shall 3350
be prominently displayed in the office or place of business of the 3351
broker, and no license shall authorize the licensee to do business 3352

except from the location specified in it. If the broker maintains 3353
more than one place of business within the state, the broker shall 3354
apply for and procure a duplicate license for each branch office 3355
maintained by the broker. Each branch office shall be in the 3356
charge of a licensed broker or salesperson. The branch office 3357
license shall be prominently displayed at the branch office 3358
location. 3359

(B) The license of each real estate salesperson shall be 3360
mailed to and remain in the possession of the licensed broker with 3361
whom the salesperson is or is to be associated until the licensee 3362
places the license on inactive status or until the salesperson 3363
leaves the brokerage or is terminated. The broker shall keep each 3364
salesperson's license in a way that it can, and shall on request, 3365
be made immediately available for public inspection at the office 3366
or place of business of the broker. Except as provided in 3367
divisions (G) and (H) of this section, immediately upon the 3368
salesperson's leaving the association or termination of the 3369
association of a real estate salesperson with the broker, the 3370
broker shall return the salesperson's license to the 3371
superintendent of real estate. 3372

The failure of a broker to return the license of a real 3373
estate salesperson or broker who leaves or who is terminated, via 3374
certified mail return receipt requested, within three business 3375
days of the receipt of a written request from the superintendent 3376
for the return of the license, is prima-facie evidence of 3377
misconduct under division (A)(6) of section 4735.18 of the Revised 3378
Code. 3379

(C) Any licensee who is convicted of or pleads guilty to a 3380
felony or a crime involving moral turpitude criminal offense that 3381
is substantially related to the practice of real estate broker or 3382
salesperson or of violating any federal, state, or municipal civil 3383
rights law pertaining to discrimination in housing, or any court 3384

that issues a finding of an unlawful discriminatory practice 3385
pertaining to housing accommodations described in division (H) of 3386
section 4112.02 of the Revised Code or that convicts a licensee of 3387
a violation of any municipal civil rights law pertaining to 3388
housing discrimination, shall notify the superintendent of the 3389
conviction, guilty plea, or finding within fifteen days. If a 3390
licensee fails to notify the superintendent within the required 3391
time, the superintendent immediately may revoke the license of the 3392
licensee. 3393

Any court that convicts a licensee of a violation of any 3394
municipal civil rights law pertaining to housing discrimination 3395
also shall notify the Ohio civil rights commission within fifteen 3396
days of the conviction. 3397

(D) In case of any change of business location, a broker 3398
shall give notice in writing to the superintendent, whereupon the 3399
superintendent shall issue new licenses for the unexpired period 3400
without charge. If a broker changes a business location without 3401
giving the required notice and without receiving new licenses that 3402
action is prima-facie evidence of misconduct under division (A)(6) 3403
of section 4735.18 of the Revised Code. 3404

(E) If a real estate broker desires to associate with another 3405
real estate broker in the capacity of a real estate salesperson, 3406
the broker shall apply to the superintendent to deposit the 3407
broker's real estate broker's license with the superintendent and 3408
for the issuance of a real estate salesperson's license. The 3409
application shall be made on a form prescribed by the 3410
superintendent and shall be accompanied by the recommendation of 3411
the real estate broker with whom the applicant intends to become 3412
associated and a fee of twenty-five dollars for the real estate 3413
salesperson's license. Four dollars of the fee shall be credited 3414
to the real estate education and research fund. If the 3415
superintendent is satisfied that the applicant is honest, 3416

truthful, and of good reputation, has not been convicted of or 3417
pleaded guilty to a felony or a crime involving moral turpitude 3418
criminal offense that is substantially related to the practice of 3419
real estate broker or salesperson, and has not been finally 3420
adjudged by a court to have violated any municipal, state, or 3421
federal civil rights laws relevant to the protection of purchasers 3422
or sellers of real estate, and that the association of the real 3423
estate broker and the applicant will be in the public interest, 3424
the superintendent shall grant the application and issue a real 3425
estate salesperson's license to the applicant. Any license so 3426
deposited with the superintendent shall be subject to this 3427
chapter. A broker who intends to deposit the broker's license with 3428
the superintendent, as provided in this section, shall give 3429
written notice of this fact in a format prescribed by the 3430
superintendent to all salespersons associated with the broker when 3431
applying to place the broker's license on deposit. 3432

(F) If a real estate broker desires to become a member or 3433
officer of a partnership, association, limited liability company, 3434
limited liability partnership, or corporation that is or intends 3435
to become a licensed real estate broker, the broker shall notify 3436
the superintendent of the broker's intentions. The notice of 3437
intention shall be on a form prescribed by the superintendent and 3438
shall be accompanied by a fee of twenty-five dollars. Four dollars 3439
of the fee shall be credited to the real estate education and 3440
research fund. 3441

No real estate broker who is a member or officer of a 3442
partnership, association, limited liability company, limited 3443
liability partnership, or corporation that is a licensed real 3444
estate broker shall perform any acts as a real estate broker other 3445
than as the agent of the partnership, association, limited 3446
liability company, limited liability partnership, or corporation, 3447
and such broker shall not have any real estate salespersons 3448

associated with the broker. 3449

(G) If a real estate broker or salesperson enters the armed 3450
forces, the broker or salesperson may place the broker's or 3451
salesperson's license on deposit with the Ohio real estate 3452
commission. The licensee shall not be required to renew the 3453
license until the renewal date that follows the date of discharge 3454
from the armed forces. Any license deposited with the commission 3455
shall be subject to this chapter. Any licensee whose license is on 3456
deposit under this division and who fails to meet the continuing 3457
education requirements of section 4735.141 of the Revised Code 3458
because the licensee is in the armed forces shall satisfy the 3459
commission that the licensee has complied with the continuing 3460
education requirements within twelve months of the licensee's 3461
discharge. The commission shall notify the licensee of the 3462
licensee's obligations under section 4735.141 of the Revised Code 3463
at the time the licensee applies for reactivation of the 3464
licensee's license. 3465

(H) If a licensed real estate salesperson submits an 3466
application to the superintendent to leave the association of one 3467
broker to associate with a different broker, the broker possessing 3468
the licensee's license need not return the salesperson's license 3469
to the superintendent. The superintendent may process the 3470
application regardless of whether the licensee's license is 3471
returned to the superintendent. 3472

(I) As used in this section, a "criminal offense that is 3473
substantially related" has the same meaning as in section 4743.06 3474
of the Revised Code. 3475

Sec. 4735.27. (A) An application to act as a foreign real 3476
estate dealer shall be in writing and filed with the 3477
superintendent of real estate. It shall be in the form the 3478
superintendent prescribes and shall contain the following 3479

information:	3480
(1) The name and address of the applicant;	3481
(2) A description of the applicant, including, if the applicant is a partnership, unincorporated association, or any similar form of business organization, the names and the residence and business addresses of all partners, officers, directors, trustees, or managers of the organization, and the limitation of the liability of any partner or member; and if the applicant is a corporation, a list of its officers and directors, and the residence and business addresses of each, and, if it is a foreign corporation, a copy of its articles of incorporation in addition;	3482 3483 3484 3485 3486 3487 3488 3489 3490
(3) The location and addresses of the principal office and all other offices of the applicant;	3491 3492
(4) A general description of the business of the applicant prior to the application, including a list of states in which the applicant is a licensed foreign real estate dealer;	3493 3494 3495
(5) The names and addresses of all salesmen <u>salespersons</u> of the applicant at the date of the application;	3496 3497
(6) The nature of the business of the applicant, and its places of business, for the ten-year period preceding the date of application.	3498 3499 3500
(B) Every nonresident applicant shall name a person within this state upon whom process against the applicant may be served and shall give the complete residence and business address of the person designated. Every applicant shall file an irrevocable written consent, executed and acknowledged by an individual duly authorized to give such consent, that actions growing out of a fraud committed by the applicant in connection with the sale in this state of foreign real estate may be commenced against it, in the proper court of any county in this state in which a cause of action for such fraud may arise or in which the plaintiff in such	3501 3502 3503 3504 3505 3506 3507 3508 3509 3510

action may reside, by serving on the secretary of state any proper 3511
process or pleading authorized by the laws of this state, in the 3512
event that the applicant if a resident of this state, or the 3513
person designated by the nonresident applicant, cannot be found at 3514
the address given. The consent shall stipulate that the service of 3515
process on the secretary of state shall be taken in all courts to 3516
be as valid and binding as if service had been made upon the 3517
foreign real estate dealer. If the applicant is a corporation or 3518
an unincorporated association, the consent shall be accompanied by 3519
a certified copy of the resolution of the board of directors, 3520
trustees, or managers of the corporation or association, 3521
authorizing such individual to execute the consent. 3522

(C) The superintendent may investigate any applicant for a 3523
dealer's license, and may require any additional information ~~he~~ 3524
the superintendent considers necessary to determine the business 3525
repute and qualifications of the applicant to act as a foreign 3526
real estate dealer. If the application for a dealer's license 3527
involves investigation outside this state, the superintendent may 3528
require the applicant to advance sufficient funds to pay any of 3529
the actual expenses of the investigation, and an itemized 3530
statement of such expense shall be furnished to the applicant. 3531

(D) Every applicant shall take a written examination, 3532
prescribed and conducted by the superintendent, which covers ~~his~~ 3533
the applicant's knowledge of the principles of real estate 3534
practice, real estate law, financing and appraisal, real estate 3535
transactions and instruments relating to them, canons of business 3536
ethics relating to real estate transactions, and the duties of 3537
foreign real estate dealers and ~~salesmen~~ salespersons. The fee for 3538
the examination, when administered by the superintendent, is 3539
seventy-five dollars. If the applicant does not appear for the 3540
examination, the fee shall be forfeited and a new application and 3541
fee shall be filed, unless good cause for the failure to appear is 3542

shown to the superintendent. The requirement of an examination may 3543
be waived in whole or in part by the superintendent if an 3544
applicant is licensed as a real estate broker by any state. 3545

Any applicant who fails the examination twice shall wait six 3546
months before applying to retake the examination. 3547

(E) No person shall take the foreign real estate dealer's 3548
examination who has not established to the satisfaction of the 3549
superintendent that ~~he~~ the person: 3550

(1) Has not been convicted of or pleaded guilty to a felony 3551
~~or a crime of moral turpitude~~ criminal offense that is 3552
substantially related to the practice of foreign real estate 3553
dealer or, if ~~he~~ the applicant has been so convicted or so pleaded 3554
guilty, the superintendent has disregarded the conviction or 3555
guilty plea because the applicant has proven to the 3556
superintendent, by a preponderance of the evidence, that ~~his~~ the 3557
applicant's activities and employment record since the conviction 3558
or guilty plea show that ~~he~~ the applicant is honest, truthful, and 3559
of good reputation, and there is no basis in fact for believing 3560
that ~~he~~ the applicant again will violate the laws involved; 3561

(2) Has not been finally adjudged by a court to have violated 3562
any municipal, state, or federal civil rights laws relevant to the 3563
protection of purchasers or sellers of real estate or, if ~~he~~ the 3564
applicant has been so adjudged, at least two years have passed 3565
since the court decision and the superintendent has disregarded 3566
the adjudication because the applicant has proven, by a 3567
preponderance of the evidence, that ~~his~~ the applicant's activities 3568
and employment record since the adjudication show that ~~he~~ the 3569
applicant is honest, truthful, and of good reputation, and there 3570
is no basis in fact for believing that ~~he~~ the applicant again will 3571
violate the laws involved; 3572

(3) Has not, during any period for which ~~he~~ the applicant was 3573

licensed under this chapter or any former section of the Revised 3574
Code applicable to licensed foreign real estate dealers or 3575
~~salesmen~~ salespersons, violated any provision of, or any rule 3576
adopted pursuant to, this chapter or that section, or, if ~~he~~ the 3577
applicant has violated any such provision or rule, has established 3578
to the satisfaction of the superintendent that ~~he~~ the applicant 3579
will not again violate the provision or rule. 3580

(F) If the superintendent finds that an applicant for a 3581
license as a foreign real estate dealer, or each named member, 3582
manager, or officer of a partnership, association, or corporate 3583
applicant is at least eighteen years of age, is of good business 3584
repute, has passed the examination required under this section or 3585
has had the requirement of an examination waived, and appears 3586
otherwise qualified, the superintendent shall issue a license to 3587
the applicant to engage in business in this state as a foreign 3588
real estate dealer. Dealers licensed pursuant to this section 3589
shall employ as ~~salesmen~~ salespersons of foreign real estate only 3590
persons licensed pursuant to section 4735.28 of the Revised Code. 3591
If at any time such ~~salesmen~~ salespersons resign or are discharged 3592
or new ~~salesmen~~ salespersons are added, the dealer forthwith shall 3593
notify the superintendent and shall file with the division of real 3594
estate the names and addresses of new ~~salesmen~~ salespersons. 3595

(G) If the applicant merely is renewing ~~his~~ the applicant's 3596
license for the previous year, the application need contain only 3597
the information required by divisions (A)(2), (3), and (6) of this 3598
section. 3599

(H) As used in this section, a "criminal offense that is 3600
substantially related" has the same meaning as in section 4743.06 3601
of the Revised Code. 3602

Sec. 4735.28. (A) An application to act as a foreign real 3603
estate ~~salesman~~ salesperson shall be in writing and filed with the 3604

superintendent of real estate. It shall be in the form the 3605
superintendent prescribes and shall contain the following 3606
information: 3607

(1) The name and complete residence and business addresses of 3608
the applicant; 3609

(2) The name of the foreign real estate dealer who is 3610
employing the applicant or who intends to employ ~~him~~ the 3611
applicant; 3612

(3) The age and education of the applicant, and ~~his~~ the 3613
applicant's experience in the sale of foreign real estate; whether 3614
~~he~~ the applicant has ever been licensed by the superintendent, and 3615
if so, when; whether ~~he~~ the applicant has ever been refused a 3616
license by the superintendent; and whether ~~he~~ the applicant has 3617
ever been licensed or refused a license or any similar permit by 3618
any division or superintendent of real estate, by whatsoever name 3619
known or designated, anywhere; 3620

(4) The nature of the employment, and the names and addresses 3621
of the employers, of the applicant for the period of ten years 3622
immediately preceding the date of the application. 3623

(B) Every applicant shall take a written examination, 3624
prescribed and conducted by the superintendent, which covers ~~his~~ 3625
the applicant's knowledge of the principles of real estate 3626
practice, real estate law, financing and appraisal, real estate 3627
transactions and instruments relating to them, canons of business 3628
ethics relating to real estate transactions, and the duties of 3629
foreign real estate ~~salesmen~~ salespersons. The fee for the 3630
examination, when administered by the superintendent, is fifty 3631
dollars. If the applicant does not appear for the examination, the 3632
fee shall be forfeited and a new application and fee shall be 3633
filed, unless good cause for the failure to appear is shown to the 3634
superintendent. The requirement of an examination may be waived in 3635

whole or in part by the superintendent if an applicant is licensed 3636
as a real estate broker or ~~salesman~~ salesperson by any state. 3637

Any applicant who fails the examination twice shall wait six 3638
months before applying to retake the examination. 3639

(C) No person shall take the foreign real estate ~~salesman's~~ 3640
salesperson's examination who has not established to the 3641
satisfaction of the superintendent that ~~he~~ the person: 3642

(1) Has not been convicted of or pleaded guilty to a felony 3643
~~or a crime of moral turpitude~~ criminal offense that is 3644
substantially related to the practice of foreign real estate 3645
salesperson or, if ~~he~~ the applicant has been so convicted or 3646
pleaded guilty, the superintendent has disregarded the conviction 3647
or guilty plea because the applicant has proven to the 3648
superintendent, by a preponderance of the evidence, that ~~his~~ the 3649
applicant's activities and employment record since the conviction 3650
or plea of guilty show that ~~he~~ the applicant is honest, truthful, 3651
and of good reputation, and there is no basis in fact for 3652
believing that ~~he~~ the applicant again will violate the laws 3653
involved; 3654

(2) Has not been finally adjudged by a court to have violated 3655
any municipal, state, or federal civil rights laws relevant to the 3656
protection of purchasers or sellers of real estate or, if ~~he~~ the 3657
applicant has been so adjudged, at least two years have passed 3658
since the court decision and the superintendent has disregarded 3659
the adjudication because the applicant has proven, by a 3660
preponderance of the evidence, that ~~his~~ the applicant's activities 3661
and employment record since the adjudication show that ~~he~~ the 3662
applicant is honest, truthful, and of good reputation, and there 3663
is no basis in fact for believing that ~~he~~ the applicant will again 3664
violate the laws; 3665

(3) Has not, during any period for which ~~he~~ the applicant was 3666

licensed under this chapter or any former section of the Revised Code ~~aplicable~~ applicable to licensed foreign real estate dealers or ~~salesmen~~ salespersons, violated any provision of, or any rule adopted pursuant to, this chapter or that section, or, if ~~he~~ the applicant has violated any such provision or rule, has established to the satisfaction of the superintendent that ~~he~~ the applicant will not again violate the provision or rule.

(D) Every ~~salesman~~ salesperson of foreign real estate shall be licensed by the superintendent of real estate and shall be employed only by the licensed foreign real estate dealer specified on ~~his~~ the salesperson's license.

(E) If the superintendent finds that the applicant is of good business repute, appears to be qualified to act as a foreign real estate ~~salesman~~ salesperson, and has fully complied with the provisions of this chapter, and that the dealer in the application is a licensed foreign real estate dealer, the superintendent, upon payment of the fees prescribed by section 4735.15 of the Revised Code, shall issue a license to the applicant authorizing ~~him~~ the applicant to act as ~~salesman~~ a salesperson for the dealer named in the application.

(F) As used in this section, a "criminal offense that is substantially related" has the same meaning as in section 4743.06 of the Revised Code.

Sec. 4738.04. ~~Each~~ As used in this section, a "criminal offense that is substantially related" has the same meaning as in section 4743.06 of the Revised Code.

Each person applying for a motor vehicle salvage dealer license or a salvage motor vehicle auction license or a salvage motor vehicle pool license shall make out and deliver to the registrar of motor vehicles, upon a blank to be furnished by the registrar for that purpose, a separate application for license for

each county in which the business is to be conducted. The 3698
application for each type of license shall be in the form 3699
prescribed by the registrar and shall be signed and sworn to by 3700
the applicant. The application for a license for a motor vehicle 3701
salvage dealer, a salvage motor vehicle auction, or salvage motor 3702
vehicle pool, in addition to other information as is required by 3703
the registrar, shall include the following: 3704

(A) Name of applicant and location of principal place of 3705
business; 3706

(B) Name or style under which business is to be conducted 3707
and, if a corporation, the state of incorporation; 3708

(C) Name and address of each owner or partner and, if a 3709
corporation, the names of the officers and directors; 3710

(D) The county in which the business is to be conducted and 3711
the address of each place of business therein; 3712

(E) A financial statement of the applicant showing the true 3713
financial condition as of a date not earlier than six months prior 3714
to the date of the application; 3715

(F) A statement of the previous history, record, and 3716
association of the applicant and of each owner, partner, officer, 3717
and director, which statement shall be sufficient to establish to 3718
the satisfaction of the registrar the reputation in business of 3719
the applicant; 3720

(G) A statement showing whether the applicant has previously 3721
been convicted of or pleaded guilty to a felony criminal offense 3722
that is substantially related to the profession of motor vehicle 3723
salvage dealer, salvage motor vehicle auction, or salvage motor 3724
vehicle pool; 3725

(H) A statement showing whether the applicant has previously 3726
applied for a license under this chapter and the result of the 3727

application, and whether the applicant has ever been the holder of 3728
any such license which was revoked or suspended; 3729

(I) If the applicant is a corporation or partnership, a 3730
statement showing whether any of the partners, officers, or 3731
directors have been refused a license under this chapter, or have 3732
been the holder of any such license which was revoked or 3733
suspended. 3734

Sec. 4738.07. The As used in this section, a "criminal 3735
offense that is substantially related" has the same meaning as in 3736
section 4743.06 of the Revised Code. 3737

The registrar of motor vehicles shall deny the application of 3738
any person for a license under this chapter and refuse to issue 3739
him a license if the registrar finds that the applicant: 3740

(A) Has made false statement of a material fact in his 3741
application; 3742

(B) Has not complied with sections 4738.01 to 4738.15 of the 3743
Revised Code: 3744

(C) Is of bad business repute or has habitually defaulted on 3745
financial obligations; 3746

(D) Has been convicted of or pleaded guilty to a felony 3747
criminal offense that is substantially related to the profession 3748
of motor vehicle salvage dealer, salvage motor vehicle auction, or 3749
salvage motor vehicle pool; 3750

(E) Has been guilty of a fraudulent act in connection with 3751
dealing in salvage motor vehicles or when operating as a motor 3752
vehicle salvage dealer, salvage motor vehicle auction, or salvage 3753
motor vehicle pool; 3754

(F) Is insolvent; 3755

(G) Is of insufficient responsibility to assure the prompt 3756

payment of any final judgments which might reasonably be entered 3757
against him because of the transaction of his business during the 3758
period of the license applied for; 3759

(H) Has no established place of business; 3760

(I) Has less than twelve months prior to said application, 3761
been denied a license under this chapter. 3762

If the applicant is a corporation or partnership, the 3763
registrar may refuse to issue a license if any officer, director, 3764
or partner of the applicant has been guilty of any act or omission 3765
which would be cause for refusing or revoking a license issued to 3766
the officer, director, or partner as an individual. The 3767
registrar's finding may be based upon facts contained in the 3768
application or upon any other information which he may have. 3769
Immediately upon denying an application for any of the reasons in 3770
this section, the registrar shall enter a final order together 3771
with his findings and certify the same to the motor vehicle 3772
salvage dealer's licensing board. 3773

An applicant who has been refused a license may appeal from 3774
the action of the registrar to the motor vehicle salvage dealer's 3775
licensing board in the manner prescribed in section 4738.12 of the 3776
Revised Code. 3777

Sec. 4738.18. (A) Any person licensed under division (A) of 3778
section 4738.03 of the Revised Code who wishes to purchase salvage 3779
motor vehicles at salvage motor vehicle auctions or salvage motor 3780
vehicle pools shall make application to the registrar of motor 3781
vehicles for a buyer's identification card. The application shall 3782
be on a form prescribed by the registrar and shall contain the 3783
applicant's name, principal business address, the license number 3784
under which the applicant will be making purchases, and such other 3785
information as the registrar requires. In lieu of directly 3786
obtaining a buyer's identification card or in addition thereto, 3787

any person licensed under division (A) of section 4738.03 of the Revised Code may designate up to two employees to act as buyers for the licensee. The licensee shall make application for a buyer's identification card for each employee in the same manner as for a card for the licensee.

(B) The fee for each buyer's identification card shall be thirty-five dollars.

(C) Beginning on ~~the effective date of this amendment~~ September 16, 2004, each buyer's identification card shall expire biennially on a day within the two-year cycle that is prescribed by the registrar, unless sooner suspended or revoked. Before the first day after the day prescribed by the registrar in the year that the card expires, each cardholder shall file an application for renewal of the card, in a form that the registrar prescribes. A buyer's identification card is nontransferable. If the holder of a card no longer possesses a valid salvage motor vehicle dealer's license, or if an employee of the licensee leaves the employment of the licensee, the buyer's identification card of that person is invalid and the holder shall return the card to the registrar.

(D) Any person who holds a valid salvage motor vehicle dealer's license from another state that imposes qualifications and requirements with respect to the license that are equivalent to those required by Chapter 4738. of the Revised Code may make application and receive a buyer's identification card. The person shall make application to the registrar who shall, based upon the registrar's investigation, issue a buyer's identification card to those applicants who the registrar determines are qualified.

(E) All applicants for a buyer's identification card must be of good financial repute and not have been convicted of or pleaded guilty to a felony criminal offense that is substantially related to the purchase of salvage motor vehicles as verified by a report from a law enforcement agency and credit report furnished to the

registrar by the applicant. 3820

(F) The registrar may revoke or suspend the license of any 3821
salvage motor vehicle dealer who allows the dealer's card or the 3822
card of any employee to be used by any unauthorized person. 3823

(G) As used in this section, a "criminal offense that is 3824
substantially related" has the same meaning as in section 4743.06 3825
of the Revised Code. 3826

Sec. 4740.06. (A) Any individual who applies for a license 3827
shall file a written application with the appropriate section of 3828
the Ohio construction industry licensing board, accompanied with 3829
the application fee as determined pursuant to section 4740.09 of 3830
the Revised Code. The individual shall file the application not 3831
more than sixty days nor less than thirty days prior to the date 3832
of the examination. The application shall be on the form the 3833
section prescribes and verified by the applicant's oath. The 3834
applicant shall provide information satisfactory to the section 3835
showing that the applicant meets the requirements of division (B) 3836
of this section. 3837

(B) To qualify to take an examination, an individual shall: 3838

(1) Be at least eighteen years of age; 3839

(2) Be a United States citizen or legal alien who produces 3840
valid documentation to demonstrate the individual is a legal 3841
resident of the United States; 3842

(3) Either have been a tradesperson in the type of licensed 3843
trade for which the application is filed for not less than five 3844
years immediately prior to the date the application is filed, be 3845
an engineer, have three years of business experience in the 3846
construction industry, or have other experience acceptable to the 3847
appropriate section of the board; 3848

(4) Maintain contractor's liability insurance, including 3849

without limitation, complete operations coverage, in an amount the 3850
appropriate section of the board determines; 3851

(5) Not have done any of the following: 3852

(a) Been convicted of or pleaded guilty to a ~~misdemeanor~~ 3853
~~involving moral turpitude or of any felony~~ criminal offense that 3854
is substantially related to the construction profession; 3855

(b) Violated this chapter or any rule adopted pursuant to it; 3856

(c) Obtained or renewed a license issued pursuant to this 3857
chapter, or any order, ruling, or authorization of the board or a 3858
section of the board by fraud, misrepresentation, or deception; 3859

(d) Engaged in fraud, misrepresentation, or deception in the 3860
conduct of business. 3861

(C) When an applicant for licensure as a contractor in a 3862
licensed trade meets the qualifications set forth in division (B) 3863
of this section and passes the required examination, the 3864
appropriate section of the board, within ninety days after the 3865
application was filed, shall authorize the administrative section 3866
of the board to license the applicant for the type of contractor's 3867
license for which the applicant qualifies. A section of the board 3868
may withdraw its authorization to the administrative section for 3869
issuance of a license for good cause shown, on the condition that 3870
notice of that withdrawal is given prior to the administrative 3871
section's issuance of the license. 3872

(D) Each license expires one year after the date of issue. An 3873
individual holding a valid, unexpired license may renew the 3874
license, without reexamination, by submitting an application to 3875
the appropriate section of the board not more than ninety calendar 3876
days before the expiration of the license, along with the renewal 3877
fee the section requires and proof of compliance with the 3878
applicable continuing education requirements. The applicant shall 3879
provide information in the renewal application satisfactory to 3880

demonstrate to the appropriate section that the applicant 3881
continues to meet the requirements of division (B) of this 3882
section. 3883

Upon application and within one calendar year after a license 3884
has expired, a section may waive any of the requirements for 3885
renewal of a license upon finding that an applicant substantially 3886
meets the renewal requirements or that failure to timely apply for 3887
renewal is due to excusable neglect. A section that waives 3888
requirements for renewal of a license may impose conditions upon 3889
the licensee and assess a late filing fee of not more than double 3890
the usual renewal fee. An applicant shall satisfy any condition 3891
the section imposes before a license is reissued. 3892

(E) An individual holding a valid license may request the 3893
section of the board that authorized that license to place the 3894
license in inactive status under conditions, and for a period of 3895
time, as that section determines. 3896

(F) Except for the ninety-day extension provided for a 3897
license assigned to a business entity under division (D) of 3898
section 4740.07 of the Revised Code, a license held by an 3899
individual immediately terminates upon the death of the 3900
individual. 3901

(G) Nothing in any license issued by the Ohio construction 3902
industry licensing board shall be construed to limit or eliminate 3903
any requirement of or any license issued by the Ohio fire marshal. 3904

(H) As used in this section, a "criminal offense that is 3905
substantially related" has the same meaning as in section 4743.06 3906
of the Revised Code. 3907

Sec. 4740.10. (A) The appropriate section of the Ohio 3908
construction industry licensing board may take any of the 3909
following actions against a licensee who violates Chapter 4740. of 3910

the Revised Code:	3911
(1) Impose a fine on the licensee, not exceeding one thousand dollars per violation per day;	3912 3913
(2) Direct the administrative section to suspend the licensee's license for a period of time the section establishes;	3914 3915
(3) Direct the administrative section to revoke the licensee's license;	3916 3917
(4) Require the licensee to complete additional continuing education course work. Any continuing education course work completed pursuant to this division may not count toward any other continuing education requirements this chapter establishes.	3918 3919 3920 3921
(5) Direct the administrative section to refuse to issue or renew a license if the section finds that the applicant or licensee has done any of the following:	3922 3923 3924
(a) Been convicted of <u>or pleaded guilty to a misdemeanor involving moral turpitude or a felony criminal offense that is substantially related to the construction profession;</u>	3925 3926 3927
(b) Violated any provision of this chapter or the rules adopted pursuant thereto;	3928 3929
(c) Obtained a license or any order, ruling, or authorization of the board by fraud, misrepresentation, or deception;	3930 3931
(d) Engaged in fraud, misrepresentation, or deception in the conduct of business.	3932 3933
(B) The appropriate section of the board shall determine the length of time that a license is to be suspended and whether or when an individual whose license has been revoked may apply for reinstatement. The appropriate section of the board may accept or refuse an application for reinstatement and may require an examination for reinstatement.	3934 3935 3936 3937 3938 3939
(C) The appropriate section of the board may investigate any	3940

alleged violation of this chapter or the rules adopted pursuant to 3941
it. If, after an investigation, a section determines that any 3942
person has engaged or is engaging in any practice that violates 3943
this chapter or the rules adopted pursuant to it, that section may 3944
apply to the court of common pleas of the county in which the 3945
violation occurred or is occurring for an injunction or other 3946
appropriate relief to enjoin or terminate the violation. 3947

(D) Any person who wishes to make a complaint against a 3948
person who holds a license shall submit the complaint in writing 3949
to the appropriate section of the board within three years after 3950
the date of the action or event upon which the complaint is based. 3951

(E) As used in this section, a "criminal offense that is 3952
substantially related" has the same meaning as in section 4743.06 3953
of the Revised Code. 3954

Sec. 4741.22. The As used in this section, a "criminal 3955
offense that is substantially related" has the same meaning as in 3956
section 4743.06 of the Revised Code. 3957

The state veterinary medical licensing board may refuse to 3958
issue or renew a license, limited license, registration, or 3959
temporary permit to or of any applicant who, and may issue a 3960
reprimand to, suspend or revoke the license, limited license, 3961
registration, or the temporary permit of, or impose a civil 3962
penalty pursuant to this section upon any person holding a 3963
license, limited license, or temporary permit to practice 3964
veterinary medicine or any person registered as a registered 3965
veterinary technician who: 3966

(A) In the conduct of the person's practice does not conform 3967
to the rules of the board or the standards of the profession 3968
governing proper, humane, sanitary, and hygienic methods to be 3969
used in the care and treatment of animals; 3970

(B) Uses fraud, misrepresentation, or deception in any application or examination for licensure, or any other documentation created in the course of practicing veterinary medicine;	3971 3972 3973 3974
(C) Is found to be physically or psychologically addicted to alcohol or an illegal or controlled substance, as defined in section 3719.01 of the Revised Code, to such a degree as to render the person unfit to practice veterinary medicine;	3975 3976 3977 3978
(D) Directly or indirectly employs or lends the person's services to a solicitor for the purpose of obtaining patients;	3979 3980
(E) Obtains a fee on the assurance that an incurable disease can be cured;	3981 3982
(F) Advertises in a manner that violates section 4741.21 of the Revised Code;	3983 3984
(G) Divides fees or charges or has any arrangement to share fees or charges with any other person, except on the basis of services performed;	3985 3986 3987
(H) Sells any biologic containing living, dead, or sensitized organisms or products of those organisms, except in a manner that the board by rule has prescribed;	3988 3989 3990
(I) Is convicted of or pleads guilty to any felony or crime involving illegal or prescription drugs <u>a criminal offense that is substantially related to the practice of veterinary medicine or registered veterinary technician</u> , or fails to report to the board within sixty days of the individual's conviction of, plea of guilty to, or treatment in lieu of conviction involving a felony, misdemeanor of the first degree, or offense involving illegal or prescription drugs <u>criminal offense that is substantially related to the practice of veterinary medicine or registered veterinary technician</u> ;	3991 3992 3993 3994 3995 3996 3997 3998 3999 4000

(J) Is convicted of any violation of section 959.13 of the Revised Code;	4001 4002
(K) Swears falsely in any affidavit required to be made by the person in the course of the practice of veterinary medicine;	4003 4004
(L) Fails to report promptly to the proper official any known reportable disease;	4005 4006
(M) Fails to report promptly vaccinations or the results of tests when required to do so by law or rule;	4007 4008
(N) Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in Chapter 2111. of the Revised Code, and has not been restored to legal capacity for that purpose;	4009 4010 4011 4012
(O) Permits a person who is not a licensed veterinarian, a veterinary student, or a registered veterinary technician to engage in work or perform duties in violation of this chapter;	4013 4014 4015
(P) Is guilty of gross incompetence or gross negligence;	4016
(Q) Has had a license to practice veterinary medicine or a license, registration, or certificate to engage in activities as a registered veterinary technician revoked, suspended, or acted against by disciplinary action by an agency similar to this board of another state, territory, or country or the District of Columbia;	4017 4018 4019 4020 4021 4022
(R) Is or has practiced with a revoked, suspended, inactive, expired, or terminated license or registration;	4023 4024
(S) Represents self as a specialist unless certified as a specialist by the board;	4025 4026
(T) In the person's capacity as a veterinarian or registered veterinary technician makes or files a report, health certificate, vaccination certificate, or other document that the person knows is false or negligently or intentionally fails to file a report or	4027 4028 4029 4030

record required by any applicable state or federal law; 4031

(U) Fails to use reasonable care in the administration of 4032
drugs or acceptable scientific methods in the selection of those 4033
drugs or other modalities for treatment of a disease or in conduct 4034
of surgery; 4035

(V) Makes available a dangerous drug, as defined in section 4036
4729.01 of the Revised Code, to any person other than for the 4037
specific treatment of an animal patient; 4038

(W) Refuses to permit a board investigator or the board's 4039
designee to inspect the person's business premises during regular 4040
business hours, except as provided in division (A) of section 4041
4741.26 of the Revised Code; 4042

(X) Violates any order of the board or fails to comply with a 4043
subpoena of the board; 4044

(Y) Fails to maintain medical records as required by rule of 4045
the board; 4046

(Z) Engages in cruelty to animals; 4047

(AA) Uses, prescribes, or sells any veterinary prescription 4048
drug or biologic, or prescribes any extra-label use of any 4049
over-the-counter drug or dangerous drug in the absence of a valid 4050
veterinary-client-patient relationship. 4051

Before the board may revoke, deny, refuse to renew, or 4052
suspend a license, registration, or temporary permit or otherwise 4053
discipline the holder of a license, registration, or temporary 4054
permit, the executive director shall file written charges with the 4055
board. The board shall conduct a hearing on the charges as 4056
provided in Chapter 119. of the Revised Code. 4057

If the board, after a hearing conducted pursuant to Chapter 4058
119. of the Revised Code, revokes, refuses to renew, or suspends a 4059
license, registration, or temporary permit for a violation of this 4060

section, section 4741.23, division (C) or (D) of section 4741.19, 4061
or division (B), (C), or (D) of section 4741.21 of the Revised 4062
Code, the board may impose a civil penalty upon the holder of the 4063
license, permit, or registration of not less than one hundred 4064
dollars or more than one thousand dollars. In addition to the 4065
civil penalty and any other penalties imposed pursuant to this 4066
chapter, the board may assess any holder of a license, permit, or 4067
registration the costs of the hearing conducted under this section 4068
if the board determines that the holder has violated any provision 4069
for which the board may impose a civil penalty under this section. 4070

Sec. 4743.06. (A) As used in this section: 4071

(1) A "criminal offense that is substantially related" means 4072
that the nature of the felony or misdemeanor offense for which the 4073
person was convicted or to which the person pleaded guilty has a 4074
direct bearing on the fitness or ability of the person to perform 4075
one or more of the duties or responsibilities necessarily related 4076
to a particular occupation, profession, or trade regulated by 4077
Title XLVII of the Revised Code. 4078

(2) A "board, commission, or agency" includes only those 4079
boards, commissions, or agencies subject to section 4701.16, 4080
4703.15, 4707.02, 4707.15, 4709.13, 4712.03, 4715.30, 4717.14, 4081
4719.03, 4723.28, 4725.53, 4727.15, 4728.13, 4729.16, 4729.53, 4082
4729.56, 4731.22, 4732.17, 4733.20, 4734.31, 4735.07, 4735.09, 4083
4735.13, 4735.27, 4735.28, 4738.04, 4738.07, 4738.18, 4740.06, 4084
4740.10, 4741.22, 4747.12, 4749.03, 4749.04, 4749.06, 4751.10, 4085
4753.10, 4755.10, 4755.47, 4755.64, 4757.36, 4758.30, 4759.07, 4086
4760.13, 4761.09, 4762.13, 4763.11, 4765.18, 4779.28, or 4781.09 4087
of the Revised Code. 4088

(B) Within ninety days of the effective date of this section, 4089
each board, commission, or agency shall adopt rules that identify 4090
each criminal offense that is substantially related to the 4091

occupation, profession, or trade under its supervision or 4092
regulation. 4093

(C) Each board, commission, or agency shall keep records of 4094
the number of licenses, permits, registrations, and certificates 4095
denied, revoked, or suspended because the applicant or license, 4096
permit, registration, or certificate holder is convicted of or 4097
pleads guilty to a criminal offense that is substantially related 4098
to the occupation, profession, or trade under the supervision or 4099
regulation of the board, commission, or agency and of the reasons 4100
for the denial, revocation, or suspension. 4101

(D) In the absence of fraud or bad faith, there is no private 4102
cause of action for damages against any board, commission, or 4103
agency; a current or former board, commission, or agency member; 4104
an agent of a board, commission, or agency; a person formally 4105
requested by a board, commission, or agency to be a representative 4106
of the entity; or an employee of a board, commission, or agency 4107
that grants a license, permit, registration, or certificate to a 4108
person who is convicted of or pleads guilty to a criminal offense 4109
if that person subsequent to receiving the license, permit, 4110
registration, or certificate commits another criminal offense. 4111

Sec. 4747.12. The As used in this section, a "criminal 4112
offense that is substantially related" has the same meaning as in 4113
section 4743.06 of the Revised Code. 4114

The hearing aid dealers and fitters licensing board may 4115
revoke or suspend a license or permit if the person who holds such 4116
license or permit: 4117

(A) Is convicted of or pleads guilty to a felony or a 4118
misdemeanor involving moral turpitude criminal offense that is 4119
substantially related to the practice of hearing aid dealer or 4120
fitter. The record of conviction or guilty plea, or a copy thereof 4121
certified by the clerk of the court or by the judge in whose court 4122

the conviction or guilty plea occurs, is conclusive evidence of 4123
such conviction; 4124

(B) Procured a license or permit by fraud or deceit practiced 4125
upon the board; 4126

(C) Obtained any fee or made any sale of a hearing aid by 4127
fraud or misrepresentation; 4128

(D) Knowingly employed any person without a license or a 4129
person whose license was suspended or revoked to engage in the 4130
fitting or sale of hearing aids; 4131

(E) Used or caused or promoted the use of any advertising 4132
matter, promotional literature, testimonial, guarantee, warranty, 4133
label, brand, insignia, or any other representation, however 4134
disseminated or published, which is misleading, deceptive, or 4135
untruthful; 4136

(F) Advertised a particular model or type of hearing aid for 4137
sale when purchasers or prospective purchasers responding to the 4138
advertisement cannot purchase the specified model or type of 4139
hearing aid; 4140

(G) Represented or advertised that the service or advice of a 4141
person licensed to practice medicine will be used or made 4142
available in the selection, fitting, adjustment, maintenance, or 4143
repair of hearing aids when such is not true, or using the words 4144
"doctor," "clinic," or similar words, abbreviations, or symbols 4145
which connote the medical profession when such use is not 4146
accurate; 4147

(H) Is found by the board to be a person of habitual 4148
intemperance or gross immorality; 4149

(I) Advertised a manufacturer's product or used a 4150
manufacturer's name or trademark in a manner which suggested the 4151
existence of a relationship with the manufacturer which did not or 4152

does not exist; 4153

(J) Fitted or sold, or attempted to fit or sell, a hearing aid to a person without first utilizing the appropriate procedures and instruments required for proper fitting of hearing aids; 4154
4155
4156

(K) Engaged in the fitting and sale of hearing aids under a false name or an alias; 4157
4158

(L) Engaged in the practice of dealing in or fitting of hearing aids while suffering from a contagious or infectious disease; 4159
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4161

(M) Was found by the board to be guilty of gross incompetence or negligence in the fitting or sale of hearing aids; 4162
4163

(N) Permitted another person to use ~~his~~ the licensee's license. 4164
4165

Sec. 4749.03. (A)(1) Any individual, including a partner in a partnership, may be licensed as a private investigator under a class B license, or as a security guard provider under a class C license, or as a private investigator and a security guard provider under a class A license, if the individual meets all of the following requirements: 4166
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(a) Has a good reputation for integrity, has not been convicted of or pleaded guilty to a felony criminal offense that is substantially related to the practice of private investigator or security guard provider within the last twenty years ~~or any offense involving moral turpitude~~, and has not been adjudicated incompetent for the purpose of holding the license, as provided in section 5122.301 of the Revised Code, without having been restored to legal capacity for that purpose. 4172
4173
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(b) Depending upon the class of license for which application is made, for a continuous period of at least two years immediately preceding application for a license, has been engaged in 4180
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investigatory or security services work for a law enforcement or 4183
other public agency engaged in investigatory activities, or for a 4184
private investigator or security guard provider, or engaged in the 4185
practice of law, or has acquired equivalent experience as 4186
determined by rule of the director of public safety. 4187

(c) Demonstrates competency as a private investigator or 4188
security guard provider by passing an examination devised for this 4189
purpose by the director, except that any individually licensed 4190
person who qualifies a corporation for licensure shall not be 4191
required to be reexamined if the person qualifies the corporation 4192
in the same capacity that the person was individually licensed. 4193

(d) Submits evidence of comprehensive general liability 4194
insurance coverage, or other equivalent guarantee approved by the 4195
director in such form and in principal amounts satisfactory to the 4196
director, but not less than one hundred thousand dollars for each 4197
person and three hundred thousand dollars for each occurrence for 4198
bodily injury liability, and one hundred thousand dollars for 4199
property damage liability. 4200

(e) Pays the requisite examination and license fees. 4201

(2) A corporation may be licensed as a private investigator 4202
under a class B license, or as a security guard provider under a 4203
class C license, or as a private investigator and a security guard 4204
provider under a class A license, if an application for licensure 4205
is filed by an officer of the corporation and the officer, another 4206
officer, or the qualifying agent of the corporation satisfies the 4207
requirements of divisions (A)(1) and (F)(1) of this section. 4208
Officers and the statutory agent of a corporation shall be 4209
determined in accordance with Chapter 1701. of the Revised Code. 4210

(3) At least one partner in a partnership shall be licensed 4211
as a private investigator, or as a security guard provider, or as 4212
a private investigator and a security guard provider. Partners in 4213

a partnership shall be determined as provided for in Chapter 1775. 4214
of the Revised Code. 4215

(B) An application for a class A, B, or C license shall be 4216
completed in the form the director prescribes. In the case of an 4217
individual, the application shall state the applicant's name, 4218
birth date, citizenship, physical description, current residence, 4219
residences for the preceding ten years, current employment, 4220
employment for the preceding seven years, experience 4221
qualifications, the location of each of the applicant's offices in 4222
this state, and any other information that is necessary in order 4223
for the director to comply with the requirements of this chapter. 4224
In the case of a corporation, the application shall state the name 4225
of the officer or qualifying agent filing the application; the 4226
state in which the corporation is incorporated and the date of 4227
incorporation; the states in which the corporation is authorized 4228
to transact business; the name of its qualifying agent; the name 4229
of the officer or qualifying agent of the corporation who 4230
satisfies the requirements of divisions (A)(1) and (F)(1) of this 4231
section and the birth date, citizenship, physical description, 4232
current residence, residences for the preceding ten years, current 4233
employment, employment for the preceding seven years, and 4234
experience qualifications of that officer or qualifying agent; and 4235
other information that the director requires. A corporation may 4236
specify in its application information relative to one or more 4237
individuals who satisfy the requirements of divisions (A)(1) and 4238
(F)(1) of this section. 4239

The application described in this division shall be 4240
accompanied by all of the following: 4241

(1) One recent full-face photograph of the applicant or, in 4242
the case of a corporation, of each officer or qualifying agent 4243
specified in the application as satisfying the requirements of 4244
divisions (A)(1) and (F)(1) of this section; 4245

(2) Character references from at least five reputable 4246
citizens for the applicant or, in the case of a corporation, for 4247
each officer or qualifying agent specified in the application as 4248
satisfying the requirements of divisions (A)(1) and (F)(1) of this 4249
section, each of whom has known the applicant, officer, or 4250
qualifying agent for at least five years preceding the 4251
application, and none of whom are connected with the applicant, 4252
officer, or qualifying agent by blood or marriage; 4253

(3) An examination fee of twenty-five dollars for the 4254
applicant or, in the case of a corporation, for each officer or 4255
qualifying agent specified in the application as satisfying the 4256
requirements of divisions (A)(1) and (F)(1) of this section, and a 4257
license fee in the amount the director determines, not to exceed 4258
three hundred seventy-five dollars. The license fee shall be 4259
refunded if a license is not issued. 4260

(C)(1) Each individual applying for a license and each 4261
individual specified by a corporation as an officer or qualifying 4262
agent in an application shall submit one complete set of 4263
fingerprints directly to the superintendent of the bureau of 4264
criminal identification and investigation for the purpose of 4265
conducting a criminal records check. The individual shall provide 4266
the fingerprints using a method the superintendent prescribes 4267
pursuant to division (C)(2) of section 109.572 of the Revised Code 4268
and fill out the form the superintendent prescribes pursuant to 4269
division (C)(1) of section 109.572 of the Revised Code. An 4270
applicant who intends to carry a firearm as defined in section 4271
2923.11 of the Revised Code in the course of business or 4272
employment shall so notify the superintendent. This notification 4273
is in addition to any other requirement related to carrying a 4274
firearm that applies to the applicant. The individual or 4275
corporation requesting the criminal records check shall pay the 4276
fee the superintendent prescribes. 4277

(2) The superintendent shall conduct the criminal records 4278
check as set forth in division (B) of section 109.572 of the 4279
Revised Code. If an applicant intends to carry a firearm in the 4280
course of business or employment, the superintendent shall make a 4281
request to the federal bureau of investigation for any information 4282
and review the information the bureau provides pursuant to 4283
division (B)(2) of section 109.572 of the Revised Code. The 4284
superintendent shall submit all results of the completed 4285
investigation to the director of public safety. 4286

(3) If the director determines that the applicant, officer, 4287
or qualifying agent meets the requirements of divisions (A)(1)(a), 4288
(b), and (d) of this section and that an officer or qualifying 4289
agent meets the requirement of division (F)(1) of this section, 4290
the director shall notify the applicant, officer, or agent of the 4291
time and place for the examination. If the director determines 4292
that an applicant does not meet the requirements of divisions 4293
(A)(1)(a), (b), and (d) of this section, the director shall notify 4294
the applicant that the applicant's application is refused and 4295
refund the license fee. If the director determines that none of 4296
the individuals specified in the application of a corporation as 4297
satisfying the requirements of divisions (A)(1) and (F)(1) of this 4298
section meet the requirements of divisions (A)(1)(a), (b), and (d) 4299
and (F)(1) of this section, the director shall notify the 4300
corporation that its application is refused and refund the license 4301
fee. If the bureau assesses the director a fee for any 4302
investigation, the director, in addition to any other fee assessed 4303
pursuant to this chapter, may assess the applicant, officer, or 4304
qualifying agent, as appropriate, a fee that is equal to the fee 4305
assessed by the bureau. 4306

(D) If upon application, investigation, and examination, the 4307
director finds that the applicant or, in the case of a 4308
corporation, any officer or qualifying agent specified in the 4309

application as satisfying the requirements of divisions (A)(1) and 4310
(F)(1) of this section, meets the applicable requirements, the 4311
director shall issue the applicant or the corporation a class A, 4312
B, or C license. The director also shall issue an identification 4313
card to an applicant, but not an officer or qualifying agent of a 4314
corporation, who meets the applicable requirements. The license 4315
and identification card shall state the licensee's name, the 4316
classification of the license, the location of the licensee's 4317
principal place of business in this state, and the expiration date 4318
of the license, and, in the case of a corporation, it also shall 4319
state the name of each officer or qualifying agent who satisfied 4320
the requirements of divisions (A)(1) and (F)(1) of this section. 4321

Licenses expire on the first day of March following the date 4322
of initial issue, and on the first day of March of each year 4323
thereafter. Annual renewals shall be according to the standard 4324
renewal procedures contained in Chapter 4745. of the Revised Code, 4325
upon payment of an annual renewal fee the director determines, not 4326
to exceed two hundred seventy-five dollars. No license shall be 4327
renewed if the licensee or, in the case of a corporation, each 4328
officer or qualifying agent who qualified the corporation for 4329
licensure no longer meets the applicable requirements of this 4330
section. No license shall be renewed unless the licensee provides 4331
evidence of workers' compensation risk coverage and unemployment 4332
compensation insurance coverage, other than for clerical employees 4333
and excepting sole proprietors who are exempted therefrom, as 4334
provided for in Chapters 4123. and 4141. of the Revised Code, 4335
respectively, as well as the licensee's state tax identification 4336
number. No reexamination shall be required for renewal of a 4337
current license. 4338

For purposes of this chapter, a class A, B, or C license 4339
issued to a corporation shall be considered as also having 4340
licensed the individuals who qualified the corporation for 4341

licensure, for as long as they are associated with the 4342
corporation. 4343

For purposes of this division, "sole proprietor" means an 4344
individual licensed under this chapter who does not employ any 4345
other individual. 4346

(E) The director may issue a duplicate copy of a license 4347
issued under this section for the purpose of replacement of a 4348
lost, spoliated, or destroyed license, upon payment of a fee the 4349
director determines, not exceeding twenty-five dollars. Any change 4350
in license classification requires new application and application 4351
fees. 4352

(F)(1) In order to qualify a corporation for a class A, B, or 4353
C license, an officer or qualifying agent may qualify another 4354
corporation for similar licensure, provided that the officer or 4355
qualifying agent is actively engaged in the business of both 4356
corporations. 4357

(2) Each officer or qualifying agent who qualifies a 4358
corporation for class A, B, or C licensure shall surrender any 4359
personal license of a similar nature that the officer or 4360
qualifying agent possesses. 4361

(3) Upon written notification to the director, completion of 4362
an application similar to that for original licensure, surrender 4363
of the corporation's current license, and payment of a twenty-five 4364
dollar fee, a corporation's class A, B, or C license may be 4365
transferred to another corporation. 4366

(4) Upon written notification to the director, completion of 4367
an application similar to that for an individual seeking class A, 4368
B, or C licensure, payment of a twenty-five dollar fee, and, if 4369
the individual was the only individual that qualified a 4370
corporation for licensure, surrender of the corporation's license, 4371
any officer or qualifying agent who qualified a corporation for 4372

licensure under this chapter may obtain a similar license in the 4373
individual's own name without reexamination. A request by an 4374
officer or qualifying agent for an individual license shall not 4375
affect a corporation's license unless the individual is the only 4376
individual that qualified the corporation for licensure or all the 4377
other individuals who qualified the corporation for licensure 4378
submit such requests. 4379

(G) If a corporation is for any reason no longer associated 4380
with an individual who qualified it for licensure under this 4381
chapter, an officer of the corporation shall notify the director 4382
of that fact by certified mail, return receipt requested, within 4383
ten days after the association terminates. If the notification is 4384
so given, the individual was the only individual that qualified 4385
the corporation for licensure, and the corporation submits the 4386
name of another officer or qualifying agent to qualify the 4387
corporation for the license within thirty days after the 4388
association terminates, the corporation may continue to operate in 4389
the business of private investigation, the business of security 4390
services, or both businesses in this state under that license for 4391
ninety days after the association terminates. If the officer or 4392
qualifying agent whose name is submitted satisfies the 4393
requirements of divisions (A)(1) and (F)(1) of this section, the 4394
director shall issue a new license to the corporation within that 4395
ninety-day period. The names of more than one individual may be 4396
submitted. 4397

(H) As used in this section, a "criminal offense that is 4398
substantially related" has the same meaning as in section 4743.06 4399
of the Revised Code. 4400

Sec. 4749.04. (A) The director of public safety may revoke, 4401
suspend, or refuse to renew, when a renewal form has been 4402
submitted, the license of any private investigator or security 4403

guard provider, or the registration of any employee of a private 4404
investigator or security guard provider, for any of the following: 4405

(1) Violation of any of the provisions of division (B) or (C) 4406
of section 4749.13 of the Revised Code; 4407

(2) Conviction of or plea of guilty to a felony or a crime 4408
involving moral turpitude criminal offense that is substantially 4409
related to the practice of private investigator or security guard 4410
provider; 4411

(3) Violation of any rule of the director governing private 4412
investigators, the business of private investigation, security 4413
guard providers, or the business of security services; 4414

(4) Testifying falsely under oath, or suborning perjury, in 4415
any judicial proceeding; 4416

(5) Failure to satisfy the requirements specified in division 4417
(D) of section 4749.03 of the Revised Code. 4418

Any person whose license or registration is revoked, 4419
suspended, or not renewed when a renewal form is submitted may 4420
appeal in accordance with Chapter 119. of the Revised Code. 4421

(B) In lieu of suspending, revoking, or refusing to renew the 4422
class A, B, or C license, or of suspending, revoking, or refusing 4423
to renew the registration of an employee of a class A, B, or C 4424
licensee, the director may impose a civil penalty of not more than 4425
one hundred dollars for each calendar day of a violation of any of 4426
the provisions of this section or of division (B) or (C) of 4427
section 4749.13 of the Revised Code or of a violation of any rule 4428
of the director governing private investigators, the business of 4429
private investigation, security guard providers, or the business 4430
of security services. 4431

(C) As used in this section, a "criminal offense that is 4432
substantially related" has the same meaning as in section 4743.06 4433

of the Revised Code. 4434

Sec. 4749.06. (A) Each class A, B, or C licensee shall 4435
register the licensee's investigator or security guard employees, 4436
with the department of public safety, which shall maintain a 4437
record of each licensee and registered employee and make it 4438
available, upon request, to any law enforcement agency. The class 4439
A, B, or C licensee shall file an application to register a new 4440
employee no sooner than three days nor later than seven calendar 4441
days after the date on which the employee is hired. 4442

(B)(1) Each employee's registration application shall be 4443
accompanied by one recent photograph of the employee, the 4444
employee's physical description, and the registration fee the 4445
director determines, not to exceed forty dollars. 4446

(2) The employee shall submit one complete set of 4447
fingerprints directly to the superintendent of the bureau of 4448
criminal identification and investigation for the purpose of 4449
conducting a criminal records check. The employee shall provide 4450
the fingerprints using a method the superintendent prescribes 4451
pursuant to division (C)(2) of section 109.572 of the Revised Code 4452
and fill out the form the superintendent prescribes pursuant to 4453
division (C)(1) of section 109.572 of the Revised Code. An 4454
employee who intends to carry a firearm as defined in section 4455
2923.11 of the Revised Code in the course of business or 4456
employment shall so notify the superintendent. This notification 4457
is in addition to any other requirement related to carrying a 4458
firearm that applies to the employee. The individual or 4459
corporation requesting the criminal records check shall pay the 4460
fee the superintendent prescribes. 4461

The superintendent shall conduct the criminal records check 4462
as set forth in division (B) of section 109.572 of the Revised 4463
Code. If an employee intends to carry a firearm in the course of 4464

business or employment, pursuant to division (B)(2) of section 4465
109.572 of the Revised Code the superintendent shall make a 4466
request of the federal bureau of investigation for any information 4467
and review the information the bureau provides. The superintendent 4468
shall submit all results of the completed investigation to the 4469
director of public safety. 4470

(3) If, after investigation, the bureau finds that the 4471
employee has not been convicted of or pleaded guilty to a felony 4472
criminal offense that is substantially related to the practice of 4473
private investigator or security guard provider within the last 4474
twenty years, the director shall issue to the employee an 4475
identification card bearing the license number and signature of 4476
the licensee, which in the case of a corporation shall be the 4477
signature of its president or its qualifying agent, and containing 4478
the employee's name, address, age, physical description, and right 4479
thumb print or other identifying mark as the director prescribes, 4480
a recent photograph of the employee, and the employee's signature. 4481
The director may issue a duplicate of a lost, spoliated, or 4482
destroyed identification card issued under this section, upon 4483
payment of a fee fixed by the director, not exceeding five 4484
dollars. 4485

(C) Except as provided in division (E) of this section, no 4486
class A, B, or C licensee shall permit an employee, other than an 4487
individual who qualified a corporation for licensure, to engage in 4488
the business of private investigation, the business of security 4489
services, or both businesses until the employee receives an 4490
identification card from the department, except that pending the 4491
issuance of an identification card, a class A, B, or C licensee 4492
may offer for hire security guard or investigator employees 4493
provided the licensee obtains a waiver from the person who 4494
receives, for hire, security guard or investigative services, 4495
acknowledging that the person is aware the employees have not 4496

completed their registration and agreeing to their employment. 4497

(D) If a class A, B, or C licensee, or a registered employee 4498
of a class A, B, or C licensee, intends to carry a firearm, as 4499
defined in section 2923.11 of the Revised Code, in the course of 4500
engaging in the business or employment, the licensee or registered 4501
employee shall satisfactorily complete a firearms basic training 4502
program that includes twenty hours of handgun training and five 4503
hours of training in the use of other firearms, if any other 4504
firearm is to be used, or equivalency training, if authorized, or 4505
shall be a former peace officer who previously had successfully 4506
completed a firearms training course, shall receive a certificate 4507
of satisfactory completion of that program or written evidence of 4508
approval of the equivalency training, shall file an application 4509
for registration, shall receive a firearm-bearer notation on the 4510
licensee's or registered employee's identification card, and shall 4511
annually requalify on a firearms range, all as described in 4512
division (A) of section 4749.10 of the Revised Code. A private 4513
investigator, security guard provider, or employee is authorized 4514
to carry a firearm only in accordance with that division. 4515

(E) This section does not apply to commissioned peace 4516
officers, as defined in division (B) of section 2935.01 of the 4517
Revised Code, working for, either as an employee or independent 4518
contractor, a class A, B, or C licensee. For purposes of this 4519
chapter, a commissioned peace officer is an employee exempt from 4520
registration. 4521

(F) The registration of an investigator or security guard 4522
employee expires annually on the anniversary date of its initial 4523
issuance. Annual renewals shall be made pursuant to procedures the 4524
director establishes by rule and upon payment of a renewal fee the 4525
director determines, not to exceed thirty-five dollars. The 4526
director shall not renew the registration of any investigator or 4527
security guard employee who no longer meets the requirements of 4528

this section. No background check is required for annual renewal, 4529
but an investigator or security guard employee shall report any 4530
felony conviction to the employer and the director of public 4531
safety as a condition of continued registration. 4532

(G) As used in this section, a "criminal offense that is 4533
substantially related" has the same meaning as in section 4743.06 4534
of the Revised Code. 4535

Sec. 4751.10. ~~The~~ As used in this section, a "criminal 4536
offense that is substantially related" has the same meaning as in 4537
section 4743.06 of the Revised Code. 4538

The license or registration, or both, or the temporary 4539
license of any person practicing or offering to practice nursing 4540
home administration, shall be revoked or suspended by the board of 4541
examiners of nursing home administrators if such licensee or 4542
temporary licensee: 4543

(A) Is unfit or incompetent by reason of negligence, habits, 4544
or other causes; 4545

(B) Has willfully or repeatedly violated any of the 4546
provisions of Chapter 4751. of the Revised Code or the regulations 4547
adopted thereunder; or willfully or repeatedly acted in a manner 4548
inconsistent with the health and safety of the patients of the 4549
nursing home in which ~~he~~ the licensee or temporary licensee is the 4550
administrator; 4551

(C) Is guilty of fraud or deceit in the practice of nursing 4552
home administration or in ~~his~~ the licensee's or temporary 4553
licensee's admission to such practice; 4554

(D) Has been convicted in a court of competent jurisdiction, 4555
either within or without this state, of or pleaded guilty to a 4556
felony criminal offense that is substantially related to the 4557
practice of nursing home administration. 4558

Proceedings under this section shall be instituted by the 4559
board or shall be begun by filing with the board charges in 4560
writing and under oath. 4561

Sec. 4753.10. ~~In~~ As used in this section, a "criminal offense 4562
that is substantially related" has the same meaning as in section 4563
4743.06 of the Revised Code. 4564

In accordance with Chapter 119. of the Revised Code, the 4565
board of speech-language pathology and audiology may reprimand or 4566
place on probation a speech-language pathologist or audiologist or 4567
suspend, revoke, or refuse to issue or renew the license of a 4568
speech-language pathologist or audiologist. Disciplinary actions 4569
may be taken by the board for conduct that may result from but not 4570
necessarily be limited to: 4571

(A) Fraud, deception, or misrepresentation in obtaining or 4572
attempting to obtain a license; 4573

(B) Fraud, deception, or misrepresentation in using a 4574
license; 4575

(C) Altering a license; 4576

(D) Aiding or abetting unlicensed practice; 4577

(E) Committing fraud, deception, or misrepresentation in the 4578
practice of speech-language pathology or audiology including: 4579

(1) Making or filing a false report or record in the practice 4580
of speech-language pathology or audiology; 4581

(2) Submitting a false statement to collect a fee; 4582

(3) Obtaining a fee through fraud, deception, or 4583
misrepresentation, or accepting commissions or rebates or other 4584
forms of remuneration for referring persons to others. 4585

(F) Using or promoting or causing the use of any misleading, 4586
deceiving, improbable, or untruthful advertising matter, 4587

promotional literature, testimonial, guarantee, warranty, label,	4588
brand, insignia, or any other representation;	4589
(G) Falsely representing the use or availability of services	4590
or advice of a physician;	4591
(H) Misrepresenting the applicant, licensee, or holder by	4592
using the word "doctor" or any similar word, abbreviation, or	4593
symbol if the use is not accurate or if the degree was not	4594
obtained from an accredited institution;	4595
(I) Committing any act of dishonorable, immoral, or	4596
unprofessional conduct while engaging in the practice of	4597
speech-language pathology or audiology;	4598
(J) Engaging in illegal, incompetent, or habitually negligent	4599
practice;	4600
(K) Providing professional services while:	4601
(1) Mentally incompetent;	4602
(2) Under the influence of alcohol;	4603
(3) Using any narcotic or controlled substance or other drug	4604
that is in excess of therapeutic amounts or without valid medical	4605
indication.	4606
(L) Providing services or promoting the sale of devices,	4607
appliances, or products to a person who cannot reasonably be	4608
expected to benefit from such services, devices, appliances, or	4609
products in accordance with results obtained utilizing appropriate	4610
assessment procedures and instruments;	4611
(M) Violating this chapter or any lawful order given or rule	4612
adopted by the board;	4613
(N) Being convicted of or pleading guilty or nolo contendere	4614
to a felony or to a crime involving moral turpitude <u>criminal</u>	4615
<u>offense that is substantially related to the practice of</u>	4616
<u>speech-language pathology or audiology, whether or not any appeal</u>	4617

or other proceeding is pending to have the conviction or plea set
aside;

(O) Being disciplined by a licensing or disciplinary
authority of this or any other state or country or convicted or
disciplined by a court of this or any other state or country for
an act that would be grounds for disciplinary action under this
section.

After revocation of a license under this section, application
may be made to the board for reinstatement. The board, in
accordance with an order of revocation as issued under Chapter
119. of the Revised Code, may require an examination for such
reinstatement.

If any person has engaged in any practice which constitutes
an offense under the provisions of this chapter or rules
promulgated thereunder by the board, the board may apply to the
court of common pleas of the county for an injunction or other
appropriate order restraining such conduct, and the court may
issue such order.

Any person who wishes to make a complaint against any person
licensed pursuant to this chapter shall submit the complaint in
writing to the board within one year from the date of the action
or event upon which the complaint is based. The board shall
determine whether the allegations in the complaint are of a
sufficiently serious nature to warrant formal disciplinary charges
against the licensee pursuant to this section. If the board
determines that formal disciplinary charges are warranted, it
shall proceed in accordance with the procedures established in
Chapter 119. of the Revised Code.

Sec. 4755.10. (A) In accordance with Chapter 119. of the
Revised Code, the occupational therapy section of the Ohio
occupational therapy, physical therapy, and athletic trainers

board may suspend, revoke, or refuse to issue or renew an 4649
occupational therapist or occupational therapy assistant license, 4650
or reprimand or place a license holder on probation, for any of 4651
the following: 4652

(1) Conviction of ~~an~~ or plea of guilty to a criminal offense 4653
~~involving moral turpitude or a felony reasonably that is~~ 4654
substantially related to the practice of occupational therapy, 4655
regardless of the state or country in which the conviction or 4656
guilty plea occurred; 4657

(2) Violation of any provision of sections 4755.01 to 4755.12 4658
of the Revised Code; 4659

(3) Violation of any lawful order or rule of the occupational 4660
therapy section; 4661

(4) Obtaining a license or any order, ruling, or 4662
authorization by means of fraud, misrepresentation, or concealment 4663
of material facts; 4664

(5) Negligence or gross misconduct in the pursuit of the 4665
profession of occupational therapy; 4666

(6) Accepting commissions or rebates or other forms of 4667
remuneration for referring persons to other professionals; 4668

(7) Communicating, willfully and without authorization, 4669
information received in professional confidence; 4670

(8) Using any narcotic or alcohol to an extent that it 4671
impairs the ability to perform the work of an occupational 4672
therapist or occupational therapy assistant with safety to the 4673
public; 4674

(9) Practicing in an area of occupational therapy for which 4675
the individual is clearly untrained or incompetent; 4676

(10) Failing the licensing examination; 4677

(11) Aiding or abetting the unlicensed practice of 4678

occupational therapy; 4679

(12) Having been disciplined by the occupational therapy 4680
licensing authority of another state or country for an act that 4681
would constitute grounds for discipline under this section; 4682

(13) Except as provided in division (B) of this section: 4683

(a) Waiving the payment of all or any part of a deductible or 4684
copayment that a patient, pursuant to a health insurance or health 4685
care policy, contract, or plan that covers occupational therapy, 4686
would otherwise be required to pay if the waiver is used as an 4687
enticement to a patient or group of patients to receive health 4688
care services from that provider; 4689

(b) Advertising that the individual will waive the payment of 4690
all or any part of a deductible or copayment that a patient, 4691
pursuant to a health insurance or health care policy, contract, or 4692
plan that covers occupational therapy, would otherwise be required 4693
to pay. 4694

(B) Sanctions shall not be imposed under division (A)(13) of 4695
this section against any individual who waives deductibles and 4696
copayments as follows: 4697

(1) In compliance with the health benefit plan that expressly 4698
allows such a practice. Waiver of the deductibles or copayments 4699
shall be made only with the full knowledge and consent of the plan 4700
purchaser, payer, and third-party administrator. Documentation of 4701
the consent shall be made available to the section upon request. 4702

(2) For professional services rendered to any other person 4703
licensed pursuant to sections 4755.01 to 4755.12 of the Revised 4704
Code to the extent allowed by those sections and the rules of the 4705
occupational therapy section. 4706

(C) The suspension or revocation of a license under this 4707
section is not effective until either the order for suspension or 4708

revocation has been affirmed following an adjudication hearing, or 4709
the time for requesting a hearing has elapsed. 4710

When a license is revoked under this section, application for 4711
reinstatement may not be made sooner than one year after the date 4712
of revocation. The occupational therapy section may accept or 4713
refuse an application for reinstatement and may require that the 4714
applicant pass an examination as a condition of reinstatement. 4715

When a license holder is placed on probation under this 4716
section, the occupational therapy section's probation order shall 4717
be accompanied by a statement of the conditions under which the 4718
individual may be removed from probation and restored to 4719
unrestricted practice. 4720

(D) If any person other than a licensed occupational 4721
therapist or an occupational therapy assistant has engaged in any 4722
practice that is prohibited under sections 4755.01 to 4755.12 of 4723
the Revised Code or the rules of the occupational therapy section, 4724
the section may apply to the court of common pleas of the county 4725
in which the violation occurred, for an injunction or other 4726
appropriate order restraining this conduct, and the court shall 4727
issue this order. 4728

(E) As used in this section, a "criminal offense that is 4729
substantially related" has the same meaning as in section 4743.06 4730
of the Revised Code. 4731

Sec. 4755.47. (A) In accordance with Chapter 119. of the 4732
Revised Code, the physical therapy section of the Ohio 4733
occupational therapy, physical therapy, and athletic trainers 4734
board may refuse to grant a license to an applicant for an initial 4735
or renewed license as a physical therapist or physical therapist 4736
assistant or, by vote of at least five members, may suspend or 4737
revoke the license of a physical therapist or physical therapist 4738
assistant or reprimand or place a license holder on probation, on 4739

any of the following grounds:	4740
(1) Habitual indulgence in the use of controlled substances, other habit-forming drugs, or alcohol to an extent that affects the individual's professional competency;	4741 4742 4743
(2) Conviction of <u>or plea of guilty to a felony or a crime involving moral turpitude criminal offense that is substantially related to the practice of physical therapy</u> , regardless of the state or country in which the conviction <u>or guilty plea</u> occurred;	4744 4745 4746 4747
(3) Obtaining or attempting to obtain a license by fraud or deception;	4748 4749
(4) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the applicant or licensee is incompetent for the purpose of holding the license and has not thereafter been restored to legal capacity for that purpose;	4750 4751 4752 4753
(5) Subject to section 4755.471 of the Revised Code, violation of the code of ethics of the American physical therapy association;	4754 4755 4756
(6) Violation of sections 4755.40 to 4755.56 of the Revised Code or any order issued or rule adopted under those sections;	4757 4758
(7) Failure of the licensing examination;	4759
(8) Aiding or abetting the unlicensed practice of physical therapy;	4760 4761
(9) Having been disciplined by the physical therapy licensing authority of another state or country for an act that would constitute grounds for discipline under this section;	4762 4763 4764
(10) Except as provided in division (B) of this section:	4765
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay if the waiver is used as an	4766 4767 4768 4769

enticement to a patient or group of patients to receive health 4770
care services from that provider; 4771

(b) Advertising that the individual will waive the payment of 4772
all or any part of a deductible or copayment that a patient, 4773
pursuant to a health insurance or health care policy, contract, or 4774
plan that covers physical therapy, would otherwise be required to 4775
pay. 4776

(B) Sanctions shall not be imposed under division (A)(10) of 4777
this section against any individual who waives deductibles and 4778
copayments as follows: 4779

(1) In compliance with the health benefit plan that expressly 4780
allows such a practice. Waiver of the deductibles or copayments 4781
shall be made only with the full knowledge and consent of the plan 4782
purchaser, payer, and third-party administrator. Documentation of 4783
the consent shall be made available to the section upon request. 4784

(2) For professional services rendered to any other person 4785
licensed pursuant to sections 4755.40 to 4755.56 of the Revised 4786
Code to the extent allowed by those sections and the rules of the 4787
physical therapy section. 4788

(C) When a license is revoked under this section, application 4789
for reinstatement may not be made sooner than one year after the 4790
date of revocation. The physical therapy section may accept or 4791
refuse an application for reinstatement and may require that the 4792
applicant pass an examination as a condition for reinstatement. 4793

When a license holder is placed on probation under this 4794
section, the physical therapy section's order for placement on 4795
probation shall be accompanied by a statement of the conditions 4796
under which the individual may be removed from probation and 4797
restored to unrestricted practice. 4798

(D) As used in this section, a "criminal offense that is 4799
substantially related" has the same meaning as in section 4743.06 4800

of the Revised Code. 4801

Sec. 4755.64. (A) In accordance with Chapter 119. of the 4802
Revised Code, the athletic trainers section of the Ohio 4803
occupational therapy, physical therapy, and athletic trainers 4804
board may suspend, revoke, or refuse to issue or renew an athletic 4805
trainers license, or reprimand or place a licensee on probation, 4806
for any of the following: 4807

(1) Conviction of ~~an~~ or plea of guilty to a criminal offense 4808
involving moral turpitude substantially related to the practice of 4809
athletic trainer, regardless of the state or country in which the 4810
conviction or guilty plea occurred; 4811

(2) Violation of sections 4755.61 to 4755.65 of the Revised 4812
Code or any order or rule adopted thereunder; 4813

(3) Obtaining a license through fraud, false or misleading 4814
representation, or concealment of material facts; 4815

(4) Negligence or gross misconduct in the practice of 4816
athletic training; 4817

(5) Violating the standards of ethical conduct in the 4818
practice of athletic training as adopted by the athletic trainers 4819
section under section 4755.61 of the Revised Code; 4820

(6) Using any controlled substance or alcohol to the extent 4821
that the ability to practice athletic training at a level of 4822
competency is impaired; 4823

(7) Practicing in an area of athletic training for which the 4824
individual is clearly untrained or incompetent, or practiced 4825
without the referral of a practitioner licensed under Chapter 4826
4731. of the Revised Code, a dentist licensed under Chapter 4715. 4827
of the Revised Code, a chiropractor licensed under Chapter 4734. 4828
of the Revised Code, or a physical therapist licensed under this 4829
chapter; 4830

(8) Employing, directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;

(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;

(10) Failing the licensing examination;

(11) Aiding or abetting the unlicensed practice of athletic training;

(12) Having been disciplined by the athletic training licensing authority of another state or country for an act that would constitute grounds for discipline under this section.

(B) If the athletic trainers section places a licensee on probation under division (A) of this section, the section's order for placement on probation shall be accompanied by a written statement of the conditions under which the person may be removed from probation and restored to unrestricted practice.

(C) A licensee whose license has been revoked under division (A) of this section may apply to the athletic trainers section for reinstatement of the license one year following the date of revocation. The athletic trainers section may accept or deny the application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement.

(D) As used in this section, a "criminal offense that is substantially related" has the same meaning as in section 4743.06 of the Revised Code.

Sec. 4757.36. (A) The professional standards committees of the counselor, social worker, and marriage and family therapist board, in accordance with Chapter 119. of the Revised Code, may

refuse to issue a license or certificate of registration applied 4861
for under this chapter; refuse to renew a license or certificate 4862
of registration issued under this chapter; suspend, revoke, or 4863
otherwise restrict a license or certificate of registration issued 4864
under this chapter; or reprimand a person holding a license or 4865
certificate of registration issued under this chapter. Such 4866
actions may be taken by the appropriate committee if the applicant 4867
for a license or certificate of registration or the person holding 4868
a license or certificate of registration has: 4869

(1) Committed a violation of any provision of this chapter or 4870
rules adopted under it; 4871

(2) Knowingly made a false statement on an application for 4872
licensure or registration, or for renewal of a license or 4873
certificate of registration; 4874

(3) Accepted a commission or rebate for referring persons to 4875
any professionals licensed, certified, or registered by any court 4876
or board, commission, department, division, or other agency of the 4877
state, including, but not limited to, individuals practicing 4878
counseling, social work, or marriage and family therapy or 4879
practicing in fields related to counseling, social work, or 4880
marriage and family therapy; 4881

(4) Failed to comply with section 4757.12 of the Revised 4882
Code; 4883

(5) Been convicted in this or any other state of ~~any crime~~ 4884
that is a felony or pleaded guilty in this state or any other 4885
state to a criminal offense that is substantially related to the 4886
practice of counselor, social worker, or marriage and family 4887
therapist in this state; 4888

(6) Had the ability to perform properly as a professional 4889
clinical counselor, professional counselor, independent marriage 4890
and family therapist, marriage and family therapist, social work 4891

assistant, social worker, or independent social worker impaired 4892
due to the use of alcohol or other drugs or any other physical or 4893
mental condition; 4894

~~(7) Been convicted in this state or in any other state of a 4895
misdemeanor committed in the course of practice as a professional 4896
clinical counselor, professional counselor, independent marriage 4897
and family therapist, marriage and family therapist, social work 4898
assistant, social worker, or independent social worker;~~ 4899

~~(8)~~ Practiced outside the scope of practice applicable to 4900
that person; 4901

~~(9)~~(8) Practiced without complying with the supervision 4902
requirements specified under sections 4757.21 and 4757.26, and 4903
division (F) of section 4757.30, of the Revised Code; 4904

~~(10)~~(9) Violated the person's code of ethical practice 4905
adopted by rule of the board pursuant to section 4757.11 of the 4906
Revised Code; 4907

~~(11)~~(10) Had a license or certificate of registration revoked 4908
or suspended, or voluntarily surrendered a license or certificate 4909
of registration in another state or jurisdiction for an offense 4910
that would be a violation of this chapter. 4911

(B) One year or more after the date of suspension or 4912
revocation of a license or certificate of registration under this 4913
section, application may be made to the appropriate professional 4914
standards committee for reinstatement. The committee may accept or 4915
refuse an application for reinstatement. If a license has been 4916
suspended or revoked, the committee may require an examination for 4917
reinstatement. 4918

(C) As used in this section, a "criminal offense that is 4919
substantially related" has the same meaning as in section 4743.06 4920
of the Revised Code. 4921

Sec. 4758.30. (A) The chemical dependency professionals 4922
board, in accordance with Chapter 119. of the Revised Code, may 4923
refuse to issue a license or certificate applied for under this 4924
chapter; refuse to renew a license or certificate issued under 4925
this chapter; suspend, revoke, or otherwise restrict a license or 4926
certificate issued under this chapter; or reprimand an individual 4927
holding a license or certificate issued under this chapter. These 4928
actions may be taken by the board regarding the applicant for a 4929
license or certificate or the individual holding a license or 4930
certificate for one or more of the following reasons: 4931

(1) Violation of any provision of this chapter or rules 4932
adopted under it; 4933

(2) Knowingly making a false statement on an application for 4934
a license or certificate or for renewal, restoration, or 4935
reinstatement of a license or certificate; 4936

(3) Acceptance of a commission or rebate for referring an 4937
individual to a person who holds a license or certificate issued 4938
by, or who is registered with, an entity of state government, 4939
including persons practicing chemical dependency counseling, 4940
alcohol and other drug prevention services, or fields related to 4941
chemical dependency counseling or alcohol and other drug 4942
prevention services; 4943

(4) Conviction in this or any other state of ~~any crime that~~ 4944
~~is a felony or plea of guilty in this state or any other state to~~ 4945
a criminal offense that is substantially related to the practice 4946
of chemical dependency professional in this state; 4947

(5) ~~Conviction in this or any other state of a misdemeanor~~ 4948
~~committed in the course of practice as an independent chemical~~ 4949
~~dependency counselor, chemical dependency counselor III, chemical~~ 4950
~~dependency counselor II, chemical dependency counselor I, chemical~~ 4951
~~dependency counselor assistant, prevention specialist II,~~ 4952

prevention specialist I, or registered applicant;	4953
(6) Inability to practice as an independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, chemical dependency counselor I, chemical dependency counselor assistant, prevention specialist II, prevention specialist I, or registered applicant due to abuse of or dependency on alcohol or other drugs or other physical or mental condition;	4954 4955 4956 4957 4958 4959 4960
(7) <u>(6)</u> Practicing outside the individual's scope of practice;	4961
(8) <u>(7)</u> Practicing without complying with the supervision requirements specified under section 4758.56, 4758.59, or 4758.61 of the Revised Code;	4962 4963 4964
(9) <u>(8)</u> Violation of the code of ethical practice and professional conduct for chemical dependency counseling or alcohol and other drug prevention services adopted by the board pursuant to section 4758.23 of the Revised Code;	4965 4966 4967 4968
(10) <u>(9)</u> Revocation of a license or certificate or voluntary surrender of a license or certificate in another state or jurisdiction for an offense that would be a violation of this chapter.	4969 4970 4971 4972
(B) An individual whose license or certificate has been suspended or revoked under this section may apply to the board for reinstatement after an amount of time the board shall determine in accordance with rules adopted under section 4758.20 of the Revised Code. The board may accept or refuse an application for reinstatement. The board may require an examination for reinstatement of a license or certificate that has been suspended or revoked.	4973 4974 4975 4976 4977 4978 4979 4980
<u>(C) As used in this section, a "criminal offense that is substantially related" has the same meaning as in section 4743.06 of the Revised Code.</u>	4981 4982 4983

Sec. 4759.07. (A) The Ohio board of dietetics may, in 4984
accordance with Chapter 119. of the Revised Code, refuse to issue, 4985
review, or renew, or may suspend, revoke, or impose probationary 4986
conditions upon any license or permit to practice dietetics, if 4987
the applicant has: 4988

(1) Violated sections 4759.02 to 4759.10 of the Revised Code 4989
or rules adopted under those sections; 4990

(2) Knowingly made a false statement in ~~his~~ an application 4991
for licensure or license renewal; 4992

(3) Been convicted of ~~any crime constituting a felony or~~ 4993
pleaded guilty to in this or any other state a criminal offense 4994
that is substantially related to the practice of dietetics; 4995

(4) Been impaired in ~~his~~ ability to perform as a licensed 4996
dietitian due to the use of a controlled substance or alcoholic 4997
beverage; 4998

(5) ~~Been convicted of a misdemeanor committed in the course~~ 4999
~~of his work as a dietitian in this or any other state;~~ 5000

~~(6)~~ A record of incompetent or negligent conduct in ~~his~~ the 5001
practice of dietetics. 5002

(B) One year or more after the date of suspension or 5003
revocation of a license or permit, an application for 5004
reinstatement of the license or permit may be made to the board. 5005
The board shall grant or deny reinstatement with a hearing, at the 5006
request of the applicant, in accordance with Chapter 119. of the 5007
Revised Code and may impose conditions upon the reinstatement, 5008
including the requirement of passing an examination approved by 5009
the board. 5010

(C) As used in this section, a "criminal offense that is 5011
substantially related" has the same meaning as in section 4743.06 5012
of the Revised Code. 5013

Sec. 4760.13. (A) The state medical board, by an affirmative 5014
vote of not fewer than six members, may revoke or may refuse to 5015
grant a certificate of registration as an anesthesiologist 5016
assistant to a person found by the board to have committed fraud, 5017
misrepresentation, or deception in applying for or securing the 5018
certificate. 5019

(B) The board, by an affirmative vote of not fewer than six 5020
members, shall, to the extent permitted by law, limit, revoke, or 5021
suspend an individual's certificate of registration as an 5022
anesthesiologist assistant, refuse to issue a certificate to an 5023
applicant, refuse to reinstate a certificate, or reprimand or 5024
place on probation the holder of a certificate for any of the 5025
following reasons: 5026

(1) Permitting the holder's name or certificate to be used by 5027
another person; 5028

(2) Failure to comply with the requirements of this chapter, 5029
Chapter 4731. of the Revised Code, or any rules adopted by the 5030
board; 5031

(3) Violating or attempting to violate, directly or 5032
indirectly, or assisting in or abetting the violation of, or 5033
conspiring to violate, any provision of this chapter, Chapter 5034
4731. of the Revised Code, or the rules adopted by the board; 5035

(4) A departure from, or failure to conform to, minimal 5036
standards of care of similar practitioners under the same or 5037
similar circumstances whether or not actual injury to the patient 5038
is established; 5039

(5) Inability to practice according to acceptable and 5040
prevailing standards of care by reason of mental illness or 5041
physical illness, including physical deterioration that adversely 5042
affects cognitive, motor, or perceptive skills; 5043

(6) Impairment of ability to practice according to acceptable 5044
and prevailing standards of care because of habitual or excessive 5045
use or abuse of drugs, alcohol, or other substances that impair 5046
ability to practice; 5047

(7) Willfully betraying a professional confidence; 5048

(8) Making a false, fraudulent, deceptive, or misleading 5049
statement in securing or attempting to secure a certificate of 5050
registration to practice as an anesthesiologist assistant. 5051

As used in this division, "false, fraudulent, deceptive, or 5052
misleading statement" means a statement that includes a 5053
misrepresentation of fact, is likely to mislead or deceive because 5054
of a failure to disclose material facts, is intended or is likely 5055
to create false or unjustified expectations of favorable results, 5056
or includes representations or implications that in reasonable 5057
probability will cause an ordinarily prudent person to 5058
misunderstand or be deceived. 5059

(9) The obtaining of, or attempting to obtain, money or a 5060
thing of value by fraudulent misrepresentations in the course of 5061
practice; 5062

(10) A plea of guilty to, a judicial finding of guilt of, or 5063
a judicial finding of eligibility for intervention in lieu of 5064
conviction for, a felony criminal offense that is substantially 5065
related to the practice of anesthesiologist assistant; 5066

(11) Commission of an act that constitutes a felony criminal 5067
offense that is substantially related to the practice of 5068
anesthesiologist assistant in this state, regardless of the 5069
jurisdiction in which the act was committed; 5070

(12) ~~A plea of guilty to, a judicial finding of guilt of, or~~ 5071
~~a judicial finding of eligibility for intervention in lieu of~~ 5072
~~conviction for, a misdemeanor committed in the course of practice;~~ 5073

~~(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;~~ 5074
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~~(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;~~ 5077
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~~(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;~~ 5080
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~~(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;~~ 5083
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~~(17)~~(13) Any of the following actions taken by the state agency responsible for regulating the practice of anesthesiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; 5088
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~~(18)~~(14) Violation of the conditions placed by the board on a certificate of registration; 5096
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~~(19)~~(15) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; 5098
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~~(20)~~(16) Failure to cooperate in an investigation conducted by the board under section 4760.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at 5101
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a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

~~(21)~~(17) Failure to comply with any code of ethics established by the national commission for the certification of anesthesiologist assistants;

~~(22)~~(18) Failure to notify the state medical board of the revocation or failure to maintain certification from the national commission for certification of anesthesiologist assistants.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an anesthesiologist assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

(D) For purposes of ~~divisions~~ division (B)(11), ~~(14), and~~ ~~(15)~~ of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or certificate holder committed the act in question. The board shall have no jurisdiction under ~~these divisions~~ this division in cases where the trial court renders a final judgment in the certificate holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under ~~these~~

~~divisions~~ this division in cases where the trial court issues an 5137
order of dismissal on technical or procedural grounds. 5138

(E) The sealing of conviction records by any court shall have 5139
no effect on a prior board order entered under the provisions of 5140
this section or on the board's jurisdiction to take action under 5141
the provisions of this section if, based upon a plea of guilty, a 5142
judicial finding of guilt, or a judicial finding of eligibility 5143
for intervention in lieu of conviction, the board issued a notice 5144
of opportunity for a hearing prior to the court's order to seal 5145
the records. The board shall not be required to seal, destroy, 5146
redact, or otherwise modify its records to reflect the court's 5147
sealing of conviction records. 5148

(F) For purposes of this division, any individual who holds a 5149
certificate of registration issued under this chapter, or applies 5150
for a certificate of registration, shall be deemed to have given 5151
consent to submit to a mental or physical examination when 5152
directed to do so in writing by the board and to have waived all 5153
objections to the admissibility of testimony or examination 5154
reports that constitute a privileged communication. 5155

(1) In enforcing division (B)(5) of this section, the board, 5156
on a showing of a possible violation, may compel any individual 5157
who holds a certificate of registration issued under this chapter 5158
or who has applied for a certificate of registration pursuant to 5159
this chapter to submit to a mental or physical examination, or 5160
both. A physical examination may include an HIV test. The expense 5161
of the examination is the responsibility of the individual 5162
compelled to be examined. Failure to submit to a mental or 5163
physical examination or consent to an HIV test ordered by the 5164
board constitutes an admission of the allegations against the 5165
individual unless the failure is due to circumstances beyond the 5166
individual's control, and a default and final order may be entered 5167
without the taking of testimony or presentation of evidence. If 5168

the board finds an anesthesiologist assistant unable to practice 5169
because of the reasons set forth in division (B)(5) of this 5170
section, the board shall require the anesthesiologist assistant to 5171
submit to care, counseling, or treatment by physicians approved or 5172
designated by the board, as a condition for an initial, continued, 5173
reinstated, or renewed certificate of registration. An individual 5174
affected by this division shall be afforded an opportunity to 5175
demonstrate to the board the ability to resume practicing in 5176
compliance with acceptable and prevailing standards of care. 5177

(2) For purposes of division (B)(6) of this section, if the 5178
board has reason to believe that any individual who holds a 5179
certificate of registration issued under this chapter or any 5180
applicant for a certificate of registration suffers such 5181
impairment, the board may compel the individual to submit to a 5182
mental or physical examination, or both. The expense of the 5183
examination is the responsibility of the individual compelled to 5184
be examined. Any mental or physical examination required under 5185
this division shall be undertaken by a treatment provider or 5186
physician qualified to conduct such examination and chosen by the 5187
board. 5188

Failure to submit to a mental or physical examination ordered 5189
by the board constitutes an admission of the allegations against 5190
the individual unless the failure is due to circumstances beyond 5191
the individual's control, and a default and final order may be 5192
entered without the taking of testimony or presentation of 5193
evidence. If the board determines that the individual's ability to 5194
practice is impaired, the board shall suspend the individual's 5195
certificate or deny the individual's application and shall require 5196
the individual, as a condition for an initial, continued, 5197
reinstated, or renewed certificate of registration, to submit to 5198
treatment. 5199

Before being eligible to apply for reinstatement of a 5200

certificate suspended under this division, the anesthesiologist 5201
assistant shall demonstrate to the board the ability to resume 5202
practice in compliance with acceptable and prevailing standards of 5203
care. The demonstration shall include the following: 5204

(a) Certification from a treatment provider approved under 5205
section 4731.25 of the Revised Code that the individual has 5206
successfully completed any required inpatient treatment; 5207

(b) Evidence of continuing full compliance with an aftercare 5208
contract or consent agreement; 5209

(c) Two written reports indicating that the individual's 5210
ability to practice has been assessed and that the individual has 5211
been found capable of practicing according to acceptable and 5212
prevailing standards of care. The reports shall be made by 5213
individuals or providers approved by the board for making such 5214
assessments and shall describe the basis for their determination. 5215

The board may reinstate a certificate suspended under this 5216
division after such demonstration and after the individual has 5217
entered into a written consent agreement. 5218

When the impaired anesthesiologist assistant resumes 5219
practice, the board shall require continued monitoring of the 5220
anesthesiologist assistant. The monitoring shall include 5221
monitoring of compliance with the written consent agreement 5222
entered into before reinstatement or with conditions imposed by 5223
board order after a hearing, and, on termination of the consent 5224
agreement, submission to the board for at least two years of 5225
annual written progress reports made under penalty of 5226
falsification stating whether the anesthesiologist assistant has 5227
maintained sobriety. 5228

(G) If the secretary and supervising member determine that 5229
there is clear and convincing evidence that an anesthesiologist 5230
assistant has violated division (B) of this section and that the 5231

individual's continued practice presents a danger of immediate and 5232
serious harm to the public, they may recommend that the board 5233
suspend the individual's certificate or registration without a 5234
prior hearing. Written allegations shall be prepared for 5235
consideration by the board. 5236

The board, on review of the allegations and by an affirmative 5237
vote of not fewer than six of its members, excluding the secretary 5238
and supervising member, may suspend a certificate without a prior 5239
hearing. A telephone conference call may be utilized for reviewing 5240
the allegations and taking the vote on the summary suspension. 5241

The board shall issue a written order of suspension by 5242
certified mail or in person in accordance with section 119.07 of 5243
the Revised Code. The order shall not be subject to suspension by 5244
the court during pendency of any appeal filed under section 119.12 5245
of the Revised Code. If the anesthesiologist assistant requests an 5246
adjudicatory hearing by the board, the date set for the hearing 5247
shall be within fifteen days, but not earlier than seven days, 5248
after the anesthesiologist assistant requests the hearing, unless 5249
otherwise agreed to by both the board and the certificate holder. 5250

A summary suspension imposed under this division shall remain 5251
in effect, unless reversed on appeal, until a final adjudicative 5252
order issued by the board pursuant to this section and Chapter 5253
119. of the Revised Code becomes effective. The board shall issue 5254
its final adjudicative order within sixty days after completion of 5255
its hearing. Failure to issue the order within sixty days shall 5256
result in dissolution of the summary suspension order, but shall 5257
not invalidate any subsequent, final adjudicative order. 5258

(H) If the board takes action under division (B)(11), ~~(13)~~, 5259
~~or (14)~~ of this section, and the judicial finding of guilt, guilty 5260
plea, or judicial finding of eligibility for intervention in lieu 5261
of conviction is overturned on appeal, on exhaustion of the 5262
criminal appeal, a petition for reconsideration of the order may 5263

be filed with the board along with appropriate court documents. On 5264
receipt of a petition and supporting court documents, the board 5265
shall reinstate the certificate of registration. The board may 5266
then hold an adjudication under Chapter 119. of the Revised Code 5267
to determine whether the individual committed the act in question. 5268
Notice of opportunity for hearing shall be given in accordance 5269
with Chapter 119. of the Revised Code. If the board finds, 5270
pursuant to an adjudication held under this division, that the 5271
individual committed the act, or if no hearing is requested, it 5272
may order any of the sanctions specified in division (B) of this 5273
section. 5274

(I) The certificate of registration of an anesthesiologist 5275
assistant and the assistant's practice in this state are 5276
automatically suspended as of the date the anesthesiologist 5277
assistant pleads guilty to, is found by a judge or jury to be 5278
guilty of, or is subject to a judicial finding of eligibility for 5279
intervention in lieu of conviction in this state or treatment of 5280
intervention in lieu of conviction in another jurisdiction for any 5281
~~of the following criminal offenses in this state or a~~ offense that 5282
is substantially equivalent criminal offense in another 5283
~~jurisdiction: aggravated murder, murder, voluntary manslaughter,~~ 5284
~~felonious assault, kidnapping, rape, sexual battery, gross sexual~~ 5285
~~imposition, aggravated arson, aggravated robbery, or aggravated~~ 5286
~~burglary~~ related to the practice of anesthesiologist assistant. 5287
Continued practice after the suspension shall be considered 5288
practicing without a certificate. 5289

The board shall notify the individual subject to the 5290
suspension by certified mail or in person in accordance with 5291
section 119.07 of the Revised Code. If an individual whose 5292
certificate is suspended under this division fails to make a 5293
timely request for an adjudication under Chapter 119. of the 5294
Revised Code, the board shall enter a final order permanently 5295

revoking the individual's certificate of registration. 5296

(J) In any instance in which the board is required by Chapter 5297
119. of the Revised Code to give notice of opportunity for hearing 5298
and the individual subject to the notice does not timely request a 5299
hearing in accordance with section 119.07 of the Revised Code, the 5300
board is not required to hold a hearing, but may adopt, by an 5301
affirmative vote of not fewer than six of its members, a final 5302
order that contains the board's findings. In the final order, the 5303
board may order any of the sanctions identified under division (A) 5304
or (B) of this section. 5305

(K) Any action taken by the board under division (B) of this 5306
section resulting in a suspension shall be accompanied by a 5307
written statement of the conditions under which the 5308
anesthesiologist assistant's certificate may be reinstated. The 5309
board shall adopt rules in accordance with Chapter 119. of the 5310
Revised Code governing conditions to be imposed for reinstatement. 5311
Reinstatement of a certificate suspended pursuant to division (B) 5312
of this section requires an affirmative vote of not fewer than six 5313
members of the board. 5314

(L) When the board refuses to grant a certificate of 5315
registration as an anesthesiologist assistant to an applicant, 5316
revokes an individual's certificate of registration, refuses to 5317
renew a certificate of registration, or refuses to reinstate an 5318
individual's certificate of registration, the board may specify 5319
that its action is permanent. An individual subject to a permanent 5320
action taken by the board is forever thereafter ineligible to hold 5321
a certificate of registration as an anesthesiologist assistant and 5322
the board shall not accept an application for reinstatement of the 5323
certificate or for issuance of a new certificate. 5324

(M) Notwithstanding any other provision of the Revised Code, 5325
all of the following apply: 5326

(1) The surrender of a certificate of registration issued 5327
under this chapter is not effective unless or until accepted by 5328
the board. Reinstatement of a certificate surrendered to the board 5329
requires an affirmative vote of not fewer than six members of the 5330
board. 5331

(2) An application made under this chapter for a certificate 5332
of registration may not be withdrawn without approval of the 5333
board. 5334

(3) Failure by an individual to renew a certificate of 5335
registration in accordance with section 4760.06 of the Revised 5336
Code shall not remove or limit the board's jurisdiction to take 5337
disciplinary action under this section against the individual. 5338

(N) As used in this section, a "criminal offense that is 5339
substantially related" has the same meaning as in section 4743.06 5340
of the Revised Code. 5341

Sec. 4761.09. (A) The Ohio respiratory care board may refuse 5342
to issue or renew a license or a limited permit, may issue a 5343
reprimand, may suspend or permanently revoke a license or limited 5344
permit, or may place a license or limited permit holder on 5345
probation, on any of the following grounds: 5346

(1) A plea of guilty to, a judicial finding of guilt of, or a 5347
judicial finding of eligibility for intervention in lieu of 5348
conviction for ~~an a criminal~~ offense ~~involving moral turpitude or~~ 5349
~~of a felony~~ that is substantially related to the practice of 5350
respiratory care, in which case a certified copy of the court 5351
record shall be conclusive evidence of the matter; 5352

(2) Violating any provision of this chapter or an order or 5353
rule of the board; 5354

(3) Assisting another person in that person's violation of 5355
any provision of this chapter or an order or rule of the board; 5356

(4) Obtaining a license or limited permit by means of fraud, false or misleading representation, or concealment of material facts or making any other material misrepresentation to the board;	5357 5358 5359
(5) Being guilty of negligence or gross misconduct in the practice of respiratory care;	5360 5361
(6) Violating the standards of ethical conduct adopted by the board, in the practice of respiratory care;	5362 5363
(7) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;	5364 5365 5366
(8) Using any dangerous drug, as defined in section 4729.01 of the Revised Code, or alcohol to the extent that the use impairs the ability to practice respiratory care at an acceptable level of competency;	5367 5368 5369 5370
(9) Practicing respiratory care while mentally incompetent;	5371
(10) Accepting commissions, rebates, or other forms of remuneration for patient referrals;	5372 5373
(11) Practicing in an area of respiratory care for which the person is clearly untrained or incompetent or practicing in a manner that conflicts with section 4761.17 of the Revised Code;	5374 5375 5376
(12) Employing, directing, or supervising a person who is not authorized to practice respiratory care under this chapter in the performance of respiratory care procedures;	5377 5378 5379
(13) Misrepresenting educational attainments or authorized functions for the purpose of obtaining some benefit related to the practice of respiratory care;	5380 5381 5382
(14) Assisting suicide as defined in section 3795.01 of the Revised Code.	5383 5384
Before the board may take any action under this section, other than issuance of a summary suspension order under division	5385 5386

(C) of this section, the executive director of the board shall 5387
prepare and file written charges with the board. Disciplinary 5388
actions taken by the board under this section shall be taken 5389
pursuant to an adjudication under Chapter 119. of the Revised 5390
Code, except that in lieu of an adjudication, the board may enter 5391
into a consent agreement to resolve an allegation of a violation 5392
of this chapter or any rule adopted under it. A consent agreement, 5393
when ratified by the board, shall constitute the findings and 5394
order of the board with respect to the matter addressed in the 5395
agreement. If the board refuses to ratify a consent agreement, the 5396
admissions and findings contained in the consent agreement shall 5397
be of no effect. 5398

(B) If the board orders a license or limited permit holder 5399
placed on probation, the order shall be accompanied by a written 5400
statement of the conditions under which the person may be restored 5401
to practice. 5402

The person may reapply to the board for original issuance of 5403
a license after one year following the date the license was 5404
denied. 5405

A person may apply to the board for the reinstatement of a 5406
license or limited permit after one year following the date of 5407
suspension or refusal to renew. The board may accept or refuse the 5408
application for reinstatement and may require that the applicant 5409
pass a reexamination as a condition of eligibility for 5410
reinstatement. 5411

(C) If the president and secretary of the board determine 5412
that there is clear and convincing evidence that a license or 5413
limited permit holder has committed an act that is grounds for 5414
board action under division (A) of this section and that continued 5415
practice by the license or permit holder presents a danger of 5416
immediate and serious harm to the public, the president and 5417
secretary may recommend that the board suspend the license or 5418

limited permit without a prior hearing. The president and 5419
secretary shall submit in writing to the board the allegations 5420
causing them to recommend the suspension. 5421

On review of the allegations, the board, by a vote of not 5422
less than seven of its members, may suspend a license or limited 5423
permit without a prior hearing. The board may review the 5424
allegations and vote on the suspension by a telephone conference 5425
call. 5426

If the board votes to suspend a license or limited permit 5427
under this division, the board shall issue a written order of 5428
summary suspension to the license or limited permit holder in 5429
accordance with section 119.07 of the Revised Code. If the license 5430
or limited permit holder requests a hearing by the board, the 5431
board shall conduct the hearing in accordance with Chapter 119. of 5432
the Revised Code. Notwithstanding section 119.12 of the Revised 5433
Code, a court of common pleas shall not grant a suspension of the 5434
board's order of summary suspension pending determination of an 5435
appeal filed under that section. 5436

Any order of summary suspension issued under this division 5437
shall remain in effect until a final adjudication order issued by 5438
the board pursuant to division (A) of this section becomes 5439
effective. The board shall issue its final adjudication order 5440
regarding an order of summary suspension issued under this 5441
division not later than sixty days after completion of its 5442
hearing. Failure to issue the order within sixty days shall result 5443
in immediate dissolution of the suspension order, but shall not 5444
invalidate any subsequent, final adjudication order. 5445

(D) As used in this section, a "criminal offense that is 5446
substantially related" has the same meaning as in section 4743.06 5447
of the Revised Code. 5448

Sec. 4762.13. (A) The state medical board, by an affirmative 5449

vote of not fewer than six members, may revoke or may refuse to 5450
grant a certificate of registration as an acupuncturist to a 5451
person found by the board to have committed fraud, 5452
misrepresentation, or deception in applying for or securing the 5453
certificate. 5454

(B) The board, by an affirmative vote of not fewer than six 5455
members, shall, to the extent permitted by law, limit, revoke, or 5456
suspend an individual's certificate of registration as an 5457
acupuncturist, refuse to issue a certificate to an applicant, 5458
refuse to reinstate a certificate, or reprimand or place on 5459
probation the holder of a certificate for any of the following 5460
reasons: 5461

(1) Permitting the holder's name or certificate to be used by 5462
another person; 5463

(2) Failure to comply with the requirements of this chapter, 5464
Chapter 4731. of the Revised Code, or any rules adopted by the 5465
board; 5466

(3) Violating or attempting to violate, directly or 5467
indirectly, or assisting in or abetting the violation of, or 5468
conspiring to violate, any provision of this chapter, Chapter 5469
4731. of the Revised Code, or the rules adopted by the board; 5470

(4) A departure from, or failure to conform to, minimal 5471
standards of care of similar practitioners under the same or 5472
similar circumstances whether or not actual injury to the patient 5473
is established; 5474

(5) Inability to practice according to acceptable and 5475
prevailing standards of care by reason of mental illness or 5476
physical illness, including physical deterioration that adversely 5477
affects cognitive, motor, or perceptive skills; 5478

(6) Impairment of ability to practice according to acceptable 5479
and prevailing standards of care because of habitual or excessive 5480

use or abuse of drugs, alcohol, or other substances that impair 5481
ability to practice; 5482

(7) Willfully betraying a professional confidence; 5483

(8) Making a false, fraudulent, deceptive, or misleading 5484
statement in soliciting or advertising for patients or in securing 5485
or attempting to secure a certificate of registration to practice 5486
as an acupuncturist. 5487

As used in this division, "false, fraudulent, deceptive, or 5488
misleading statement" means a statement that includes a 5489
misrepresentation of fact, is likely to mislead or deceive because 5490
of a failure to disclose material facts, is intended or is likely 5491
to create false or unjustified expectations of favorable results, 5492
or includes representations or implications that in reasonable 5493
probability will cause an ordinarily prudent person to 5494
misunderstand or be deceived. 5495

(9) Representing, with the purpose of obtaining compensation 5496
or other advantage personally or for any other person, that an 5497
incurable disease or injury, or other incurable condition, can be 5498
permanently cured; 5499

(10) The obtaining of, or attempting to obtain, money or a 5500
thing of value by fraudulent misrepresentations in the course of 5501
practice; 5502

(11) A plea of guilty to, a judicial finding of guilt of, or 5503
a judicial finding of eligibility for intervention in lieu of 5504
conviction for, a felony criminal offense that is substantially 5505
related to the practice of acupuncture; 5506

(12) Commission of an act that constitutes a felony criminal 5507
offense that is substantially related to the practice of 5508
acupuncture in this state, regardless of the jurisdiction in which 5509
the act was committed; 5510

~~(13) A plea of guilty to, a judicial finding of guilt of, or
a judicial finding of eligibility for intervention in lieu of
conviction for, a misdemeanor committed in the course of practice;~~

~~(14) A plea of guilty to, a judicial finding of guilt of, or
a judicial finding of eligibility for intervention in lieu of
conviction for, a misdemeanor involving moral turpitude;~~

~~(15) Commission of an act in the course of practice that
constitutes a misdemeanor in this state, regardless of the
jurisdiction in which the act was committed;~~

~~(16) Commission of an act involving moral turpitude that
constitutes a misdemeanor in this state, regardless of the
jurisdiction in which the act was committed;~~

~~(17) A plea of guilty to, a judicial finding of guilt of, or
a judicial finding of eligibility for intervention in lieu of
conviction for violating any state or federal law regulating the
possession, distribution, or use of any drug, including
trafficking in drugs;~~

~~(18)~~(14) Any of the following actions taken by the state
agency responsible for regulating the practice of acupuncture in
another jurisdiction, for any reason other than the nonpayment of
fees: the limitation, revocation, or suspension of an individual's
license to practice; acceptance of an individual's license
surrender; denial of a license; refusal to renew or reinstate a
license; imposition of probation; or issuance of an order of
censure or other reprimand;

~~(19)~~(15) Violation of the conditions placed by the board on a
certificate of registration;

~~(20)~~(16) Failure to use universal blood and body fluid
precautions established by rules adopted under section 4731.051 of
the Revised Code;

~~(21)~~(17) Failure to cooperate in an investigation conducted 5541
by the board under section 4762.14 of the Revised Code, including 5542
failure to comply with a subpoena or order issued by the board or 5543
failure to answer truthfully a question presented by the board at 5544
a deposition or in written interrogatories, except that failure to 5545
cooperate with an investigation shall not constitute grounds for 5546
discipline under this section if a court of competent jurisdiction 5547
has issued an order that either quashes a subpoena or permits the 5548
individual to withhold the testimony or evidence in issue; 5549

~~(22)~~(18) Failure to comply with the standards of the national 5550
certification commission for acupuncture and oriental medicine 5551
regarding professional ethics, commitment to patients, commitment 5552
to the profession, and commitment to the public. 5553

(C) Disciplinary actions taken by the board under divisions 5554
(A) and (B) of this section shall be taken pursuant to an 5555
adjudication under Chapter 119. of the Revised Code, except that 5556
in lieu of an adjudication, the board may enter into a consent 5557
agreement with an acupuncturist or applicant to resolve an 5558
allegation of a violation of this chapter or any rule adopted 5559
under it. A consent agreement, when ratified by an affirmative 5560
vote of not fewer than six members of the board, shall constitute 5561
the findings and order of the board with respect to the matter 5562
addressed in the agreement. If the board refuses to ratify a 5563
consent agreement, the admissions and findings contained in the 5564
consent agreement shall be of no force or effect. 5565

(D) For purposes of ~~divisions~~ division (B)(12), ~~(15)~~, and 5566
~~(16)~~ of this section, the commission of the act may be established 5567
by a finding by the board, pursuant to an adjudication under 5568
Chapter 119. of the Revised Code, that the applicant or 5569
certificate holder committed the act in question. The board shall 5570
have no jurisdiction under ~~these divisions~~ this division in cases 5571
where the trial court renders a final judgment in the certificate 5572

holder's favor and that judgment is based upon an adjudication on 5573
the merits. The board shall have jurisdiction under ~~these~~ 5574
~~divisions~~ this division in cases where the trial court issues an 5575
order of dismissal upon technical or procedural grounds. 5576

(E) The sealing of conviction records by any court shall have 5577
no effect upon a prior board order entered under the provisions of 5578
this section or upon the board's jurisdiction to take action under 5579
the provisions of this section if, based upon a plea of guilty, a 5580
judicial finding of guilt, or a judicial finding of eligibility 5581
for intervention in lieu of conviction, the board issued a notice 5582
of opportunity for a hearing prior to the court's order to seal 5583
the records. The board shall not be required to seal, destroy, 5584
redact, or otherwise modify its records to reflect the court's 5585
sealing of conviction records. 5586

(F) For purposes of this division, any individual who holds a 5587
certificate of registration issued under this chapter, or applies 5588
for a certificate of registration, shall be deemed to have given 5589
consent to submit to a mental or physical examination when 5590
directed to do so in writing by the board and to have waived all 5591
objections to the admissibility of testimony or examination 5592
reports that constitute a privileged communication. 5593

(1) In enforcing division (B)(5) of this section, the board, 5594
upon a showing of a possible violation, may compel any individual 5595
who holds a certificate of registration issued under this chapter 5596
or who has applied for a certificate of registration pursuant to 5597
this chapter to submit to a mental examination, physical 5598
examination, including an HIV test, or both a mental and physical 5599
examination. The expense of the examination is the responsibility 5600
of the individual compelled to be examined. Failure to submit to a 5601
mental or physical examination or consent to an HIV test ordered 5602
by the board constitutes an admission of the allegations against 5603
the individual unless the failure is due to circumstances beyond 5604

the individual's control, and a default and final order may be 5605
entered without the taking of testimony or presentation of 5606
evidence. If the board finds an acupuncturist unable to practice 5607
because of the reasons set forth in division (B)(5) of this 5608
section, the board shall require the acupuncturist to submit to 5609
care, counseling, or treatment by physicians approved or 5610
designated by the board, as a condition for an initial, continued, 5611
reinstated, or renewed certificate of registration. An individual 5612
affected by this division shall be afforded an opportunity to 5613
demonstrate to the board the ability to resume practicing in 5614
compliance with acceptable and prevailing standards of care. 5615

(2) For purposes of division (B)(6) of this section, if the 5616
board has reason to believe that any individual who holds a 5617
certificate of registration issued under this chapter or any 5618
applicant for a certificate of registration suffers such 5619
impairment, the board may compel the individual to submit to a 5620
mental or physical examination, or both. The expense of the 5621
examination is the responsibility of the individual compelled to 5622
be examined. Any mental or physical examination required under 5623
this division shall be undertaken by a treatment provider or 5624
physician qualified to conduct such examination and chosen by the 5625
board. 5626

Failure to submit to a mental or physical examination ordered 5627
by the board constitutes an admission of the allegations against 5628
the individual unless the failure is due to circumstances beyond 5629
the individual's control, and a default and final order may be 5630
entered without the taking of testimony or presentation of 5631
evidence. If the board determines that the individual's ability to 5632
practice is impaired, the board shall suspend the individual's 5633
certificate or deny the individual's application and shall require 5634
the individual, as a condition for an initial, continued, 5635
reinstated, or renewed certificate of registration, to submit to 5636

treatment. 5637

Before being eligible to apply for reinstatement of a 5638
certificate suspended under this division, the acupuncturist shall 5639
demonstrate to the board the ability to resume practice in 5640
compliance with acceptable and prevailing standards of care. The 5641
demonstration shall include the following: 5642

(a) Certification from a treatment provider approved under 5643
section 4731.25 of the Revised Code that the individual has 5644
successfully completed any required inpatient treatment; 5645

(b) Evidence of continuing full compliance with an aftercare 5646
contract or consent agreement; 5647

(c) Two written reports indicating that the individual's 5648
ability to practice has been assessed and that the individual has 5649
been found capable of practicing according to acceptable and 5650
prevailing standards of care. The reports shall be made by 5651
individuals or providers approved by the board for making such 5652
assessments and shall describe the basis for their determination. 5653

The board may reinstate a certificate suspended under this 5654
division after such demonstration and after the individual has 5655
entered into a written consent agreement. 5656

When the impaired acupuncturist resumes practice, the board 5657
shall require continued monitoring of the acupuncturist. The 5658
monitoring shall include monitoring of compliance with the written 5659
consent agreement entered into before reinstatement or with 5660
conditions imposed by board order after a hearing, and, upon 5661
termination of the consent agreement, submission to the board for 5662
at least two years of annual written progress reports made under 5663
penalty of falsification stating whether the acupuncturist has 5664
maintained sobriety. 5665

(G) If the secretary and supervising member determine that 5666
there is clear and convincing evidence that an acupuncturist has 5667

violated division (B) of this section and that the individual's 5668
continued practice presents a danger of immediate and serious harm 5669
to the public, they may recommend that the board suspend the 5670
individual's certificate of registration without a prior hearing. 5671
Written allegations shall be prepared for consideration by the 5672
board. 5673

The board, upon review of the allegations and by an 5674
affirmative vote of not fewer than six of its members, excluding 5675
the secretary and supervising member, may suspend a certificate 5676
without a prior hearing. A telephone conference call may be 5677
utilized for reviewing the allegations and taking the vote on the 5678
summary suspension. 5679

The board shall issue a written order of suspension by 5680
certified mail or in person in accordance with section 119.07 of 5681
the Revised Code. The order shall not be subject to suspension by 5682
the court during pendency of any appeal filed under section 119.12 5683
of the Revised Code. If the acupuncturist requests an adjudicatory 5684
hearing by the board, the date set for the hearing shall be within 5685
fifteen days, but not earlier than seven days, after the 5686
acupuncturist requests the hearing, unless otherwise agreed to by 5687
both the board and the certificate holder. 5688

A summary suspension imposed under this division shall remain 5689
in effect, unless reversed on appeal, until a final adjudicative 5690
order issued by the board pursuant to this section and Chapter 5691
119. of the Revised Code becomes effective. The board shall issue 5692
its final adjudicative order within sixty days after completion of 5693
its hearing. Failure to issue the order within sixty days shall 5694
result in dissolution of the summary suspension order, but shall 5695
not invalidate any subsequent, final adjudicative order. 5696

(H) If the board takes action under division (B)(11), ~~(13)~~, 5697
~~or (14)~~ of this section, and the judicial finding of guilt, guilty 5698
plea, or judicial finding of eligibility for intervention in lieu 5699

of conviction is overturned on appeal, upon exhaustion of the 5700
criminal appeal, a petition for reconsideration of the order may 5701
be filed with the board along with appropriate court documents. 5702
Upon receipt of a petition and supporting court documents, the 5703
board shall reinstate the certificate of registration. The board 5704
may then hold an adjudication under Chapter 119. of the Revised 5705
Code to determine whether the individual committed the act in 5706
question. Notice of opportunity for hearing shall be given in 5707
accordance with Chapter 119. of the Revised Code. If the board 5708
finds, pursuant to an adjudication held under this division, that 5709
the individual committed the act, or if no hearing is requested, 5710
it may order any of the sanctions specified in division (B) of 5711
this section. 5712

(I) The certificate of registration of an acupuncturist and 5713
the acupuncturist's practice in this state are automatically 5714
suspended as of the date the acupuncturist pleads guilty to, is 5715
found by a judge or jury to be guilty of, or is subject to a 5716
judicial finding of eligibility for intervention in lieu of 5717
conviction in this state or treatment or intervention in lieu of 5718
conviction in another jurisdiction for any ~~of the following~~ 5719
criminal ~~offenses in this state or a~~ offense that is substantially 5720
~~equivalent criminal offense in another jurisdiction:~~ aggravated 5721
~~murder, murder, voluntary manslaughter, felonious assault,~~ 5722
~~kidnapping, rape, sexual battery, gross sexual imposition,~~ 5723
~~aggravated arson, aggravated robbery, or aggravated burglary~~ 5724
related to the practice of acupuncture. Continued practice after 5725
the suspension shall be considered practicing without a 5726
certificate. 5727

The board shall notify the individual subject to the 5728
suspension by certified mail or in person in accordance with 5729
section 119.07 of the Revised Code. If an individual whose 5730
certificate is suspended under this division fails to make a 5731

timely request for an adjudication under Chapter 119. of the 5732
Revised Code, the board shall enter a final order permanently 5733
revoking the individual's certificate of registration. 5734

(J) In any instance in which the board is required by Chapter 5735
119. of the Revised Code to give notice of opportunity for hearing 5736
and the individual subject to the notice does not timely request a 5737
hearing in accordance with section 119.07 of the Revised Code, the 5738
board is not required to hold a hearing, but may adopt, by an 5739
affirmative vote of not fewer than six of its members, a final 5740
order that contains the board's findings. In the final order, the 5741
board may order any of the sanctions identified under division (A) 5742
or (B) of this section. 5743

(K) Any action taken by the board under division (B) of this 5744
section resulting in a suspension shall be accompanied by a 5745
written statement of the conditions under which the 5746
acupuncturist's certificate may be reinstated. The board shall 5747
adopt rules in accordance with Chapter 119. of the Revised Code 5748
governing conditions to be imposed for reinstatement. 5749
Reinstatement of a certificate suspended pursuant to division (B) 5750
of this section requires an affirmative vote of not fewer than six 5751
members of the board. 5752

(L) When the board refuses to grant a certificate of 5753
registration as an acupuncturist to an applicant, revokes an 5754
individual's certificate of registration, refuses to renew a 5755
certificate of registration, or refuses to reinstate an 5756
individual's certificate of registration, the board may specify 5757
that its action is permanent. An individual subject to a permanent 5758
action taken by the board is forever thereafter ineligible to hold 5759
a certificate of registration as an acupuncturist and the board 5760
shall not accept an application for reinstatement of the 5761
certificate or for issuance of a new certificate. 5762

(M) Notwithstanding any other provision of the Revised Code, 5763

all of the following apply: 5764

(1) The surrender of a certificate of registration as an 5765
acupuncturist issued under this chapter is not effective unless or 5766
until accepted by the board. Reinstatement of a certificate 5767
surrendered to the board requires an affirmative vote of not fewer 5768
than six members of the board. 5769

(2) An application made under this chapter for a certificate 5770
of registration may not be withdrawn without approval of the 5771
board. 5772

(3) Failure by an individual to renew a certificate of 5773
registration in accordance with section 4762.06 of the Revised 5774
Code shall not remove or limit the board's jurisdiction to take 5775
disciplinary action under this section against the individual. 5776

(N) As used in this section, a "criminal offense that is 5777
substantially related" has the same meaning as in section 4743.06 5778
of the Revised Code. 5779

Sec. 4763.11. (A) Within five business days after a person 5780
files a signed written complaint against a person certified, 5781
registered, or licensed under this chapter with the division of 5782
real estate, the superintendent of real estate shall acknowledge 5783
receipt of the complaint or request and send a notice to the 5784
certificate holder, registrant, or licensee describing the acts of 5785
which there is a complaint. The acknowledgement to the complainant 5786
and the notice to the certificate holder, registrant, or licensee 5787
shall state that an informal meeting will be held with the 5788
complainant, the certificate holder, registrant, or licensee, and 5789
an investigator from the investigation and audit section of the 5790
division, if the complainant and certificate holder, registrant, 5791
or licensee both file a request for such a meeting within ten 5792
business days thereafter on a form the superintendent provides. 5793

(B) If the complainant and certificate holder, registrant, or licensee both file with the division requests for an informal meeting, the superintendent shall notify the complainant and certificate holder, registrant, or licensee of the date of the meeting, which shall be within twenty business days thereafter, except that the complainant, certificate holder, registrant, or licensee may request an extension of up to fifteen business days for good cause shown. If the complainant and certificate holder, registrant, or licensee reach an accommodation at an informal meeting, the investigator shall so report to the superintendent and to the complainant and certificate holder, registrant, or licensee and the complaint file shall be closed, unless, based upon the investigator's report, the superintendent finds evidence that the certificate holder, registrant, or licensee has violated division (G) of this section.

(C) If the complainant and certificate holder, registrant, or licensee fail to agree to an informal meeting or fail to reach an accommodation, or if the superintendent finds evidence of a violation of division (G) of this section pursuant to an investigation conducted pursuant to division (B)(9) of section 4763.03 of the Revised Code, the superintendent shall, within five business days of such determination, notify the complainant and certificate holder, registrant, or licensee and investigate the conduct of the certificate holder, registrant, or licensee against whom the complaint is filed.

(D) Within sixty business days after receipt of the complaint, or, if an informal meeting is held, within sixty days after such meeting, the investigator shall file a written report of the results of the investigation with the superintendent. Within ten business days thereafter, the superintendent shall review the report and determine whether there exists reasonable and substantial evidence of a violation of division (G) of this

section by the certificate holder, registrant, or licensee. If the 5826
superintendent finds such evidence exists, within five business 5827
days of that determination, the superintendent shall notify the 5828
complainant and certificate holder, registrant, or licensee of the 5829
determination. The certificate holder, registrant, or licensee may 5830
request a hearing pursuant to Chapter 119. of the Revised Code. If 5831
the superintendent finds that such evidence does not exist, within 5832
five business days thereafter, the superintendent shall notify the 5833
complainant and certificate holder, registrant, or licensee of 5834
that determination and the basis for the determination. Within 5835
fifteen business days after the superintendent notifies the 5836
complainant and certificate holder, registrant, or licensee that 5837
such evidence does not exist, the complainant may file with the 5838
division a request that the real estate appraiser board review the 5839
determination. If the complainant files such request, the board 5840
shall review the determination at the next regularly scheduled 5841
meeting held at least fifteen business days after the request is 5842
filed but no longer than six months after the request is filed. 5843
The board may hear the testimony of the complainant, certificate 5844
holder, registrant, or licensee at the meeting upon the request of 5845
that party. If the board affirms the determination of the 5846
superintendent, the superintendent shall notify the complainant 5847
and the certificate holder, registrant, or licensee within five 5848
business days thereafter. If the board reverses the determination 5849
of the superintendent, a hearing shall be held and the complainant 5850
and certificate holder, registrant, or licensee notified as 5851
provided in this division. 5852

(E) The board shall review the referee's or examiner's report 5853
and the evidence at the next regularly scheduled board meeting 5854
held at least fifteen business days after receipt of the referee's 5855
or examiner's report. The board may hear the testimony of the 5856
complainant, certificate holder, registrant, or licensee upon 5857
request. If the complainant is the Ohio civil rights commission, 5858

the board shall review the complaint 5859

(F) If the board determines that a licensee, registrant, or 5860
certificate holder has violated this chapter for which 5861
disciplinary action may be taken under division (G) of this 5862
section, after review of the referee's or examiner's report and 5863
the evidence as provided in division (E) of this section, the 5864
board shall order the disciplinary action the board considers 5865
appropriate, which may include, but is not limited to, any of the 5866
following: 5867

(1) Reprimand of the certificate holder, registrant, or 5868
licensee; 5869

(2) Suspension of the certificate, registration, or license 5870
for a specific period of time; 5871

(3) Suspension of the certificate, registration, or license 5872
until the certificate holder, registrant, or licensee complies 5873
with conditions the board sets, including but not limited to, 5874
successful completion of the real estate appraiser examination 5875
described in division (D) of section 4763.05 of the Revised Code 5876
or completion of a specific number of hours of continuing 5877
education instruction in courses or seminars approved by the 5878
board; 5879

(4) Revocation of the certificate, registration, or license. 5880

The decision and order of the board is final, subject to 5881
review in the manner provided for in Chapter 119. of the Revised 5882
Code and appeal to any court of common pleas. 5883

(G) The board shall take any disciplinary action authorized 5884
by this section against a certificate holder, registrant, or 5885
licensee who is found to have committed any of the following acts, 5886
omissions, or violations during the appraiser's certification, 5887
registration, or licensure: 5888

(1) Procuring or attempting to procure a certificate,	5889
registration, or license pursuant to this chapter by knowingly	5890
making a false statement, submitting false information, refusing	5891
to provide complete information in response to a question in an	5892
application for certification, registration, or licensure, or by	5893
any means of fraud or misrepresentation;	5894
(2) Paying, or attempting to pay, anything of value, other	5895
than the fees or assessments required by this chapter, to any	5896
member or employee of the board for the purpose of procuring a	5897
certificate, registration, or license;	5898
(3) Being convicted in a criminal proceeding for <u>or pleading</u>	5899
<u>guilty to a felony or a crime involving moral turpitude</u> <u>criminal</u>	5900
<u>offense that is substantially related to the practice of</u>	5901
<u>appraiser</u> ;	5902
(4) Dishonesty, fraud, or misrepresentation, with the intent	5903
to either benefit the certificate holder, registrant, or licensee	5904
or another person or injure another person;	5905
(5) Violation of any of the standards for the development or	5906
communication of real estate appraisals set forth in this chapter	5907
and rules of the board;	5908
(6) Failure or refusal to exercise reasonable diligence in	5909
developing an appraisal, preparing an appraisal report, or	5910
communicating an appraisal;	5911
(7) Negligence or incompetence in developing an appraisal, in	5912
preparing an appraisal report, or in communicating an appraisal;	5913
(8) Willfully disregarding or violating this chapter or the	5914
rules adopted thereunder;	5915
(9) Accepting an appraisal assignment where the employment is	5916
contingent upon the appraiser preparing or reporting a	5917
predetermined estimate, analysis, or opinion, or where the fee to	5918

be paid for the appraisal is contingent upon the opinion, 5919
conclusion, or valuation attained or upon the consequences 5920
resulting from the appraisal assignment; 5921

(10) Violating the confidential nature of governmental 5922
records to which the certificate holder, registrant, or licensee 5923
gained access through employment or engagement as an appraiser by 5924
a governmental agency; 5925

(11) Entry of final judgment against the certificate holder, 5926
registrant, or licensee on the grounds of fraud, deceit, 5927
misrepresentation, or gross negligence in the making of any 5928
appraisal of real estate; 5929

(12) Violating any federal or state civil rights law; 5930

(13) Having published advertising, whether printed, radio, 5931
display, or of any other nature, which was misleading or 5932
inaccurate in any material particular, or in any way having 5933
misrepresented any appraisal or specialized service; 5934

(14) Failing to maintain records for five years as required 5935
by section 4763.14 of the Revised Code. 5936

(H) The board immediately shall notify the superintendent of 5937
real estate of any disciplinary action taken under this section 5938
against a certificate holder, registrant, or licensee who also is 5939
licensed under Chapter 4735. of the Revised Code, and also shall 5940
notify any other federal, state, or local agency and any other 5941
public or private association that the board determines is 5942
responsible for licensing or otherwise regulating the professional 5943
or business activity of the appraiser. Additionally, the board 5944
shall notify the complainant and any other party who may have 5945
suffered financial loss because of the certificate holder's, 5946
registrant's, or licensee's violations, that the complainant or 5947
other party may sue for recovery under section 4763.16 of the 5948
Revised Code. The notice provided under this division shall 5949

specify the conduct for which the certificate holder, registrant, 5950
or licensee was disciplined and the disciplinary action taken by 5951
the board and the result of that conduct. 5952

(I) A certificate holder, registrant, or licensee shall 5953
notify the board of the existence of a criminal conviction or 5954
guilty plea of the type described in division (G)(3) of this 5955
section within fifteen days of the conviction or guilty plea. 5956

(J) If the board determines that a certificate holder, 5957
registrant, or licensee has violated this chapter for which 5958
disciplinary action may be taken under division (G) of this 5959
section as a result of an investigation conducted by the 5960
superintendent upon the superintendent's own motion or upon the 5961
request of the board, the superintendent shall notify the 5962
certificate holder, registrant, or licensee of the certificate 5963
holder's, registrant's, or licensee's right to a hearing pursuant 5964
to Chapter 119. of the Revised Code and to an appeal of a final 5965
determination of such administrative proceedings to any court of 5966
common pleas. 5967

(K) As used in this section, a "criminal offense that is 5968
substantially related" has the same meaning as in section 4743.06 5969
of the Revised Code. 5970

Sec. 4765.18. The As used in this section, a "criminal 5971
offense that is substantially related" has the same meaning as in 5972
section 4743.06 of the Revised Code. 5973

The state board of emergency medical services may suspend or 5974
revoke a certificate of accreditation or a certificate of approval 5975
issued under section 4765.17 of the Revised Code for any of the 5976
following reasons: 5977

(A) Violation of this chapter or any rule adopted under it; 5978

(B) Furnishing of false, misleading, or incomplete 5979

information to the board; 5980

(C) The signing of an application or the holding of a 5981
certificate of accreditation by a person who has pleaded guilty to 5982
or has been convicted of a ~~felony, or has pleaded guilty to or~~ 5983
~~been convicted of a crime involving moral turpitude~~ criminal 5984
offense that is substantially related to the practice of emergency 5985
medical services; 5986

(D) The signing of an application or the holding of a 5987
certificate of accreditation by a person who is addicted to the 5988
use of any controlled substance or has been adjudicated 5989
incompetent for that purpose by a court, as provided in section 5990
5122.301 of the Revised Code; 5991

(E) Violation of any commitment made in an application for a 5992
certificate of accreditation or certificate of approval; 5993

(F) Presentation to prospective students of misleading, 5994
false, or fraudulent information relating to the emergency medical 5995
services training program or emergency medical services continuing 5996
education program, employment opportunities, or opportunities for 5997
enrollment in accredited institutions of higher education after 5998
entering or completing courses offered by the operator of a 5999
program; 6000

(G) Failure to maintain in a safe and sanitary condition 6001
premises and equipment used in conducting courses of study; 6002

(H) Failure to maintain financial resources adequate for the 6003
satisfactory conduct of courses of study or to retain a sufficient 6004
number of certified instructors; 6005

(I) Discrimination in the acceptance of students upon the 6006
basis of race, color, religion, sex, or national origin. 6007

Sec. 4779.28. (A) The board may, pursuant to an adjudication 6008
under Chapter 119. of the Revised Code and by a vote of not fewer 6009

than four of its members, limit, revoke, or suspend a license 6010
issued under this chapter, refuse to issue a license to an 6011
applicant, or reprimand or place on probation a license holder for 6012
any of the following reasons: 6013

(1) Conviction of, or a plea of guilty to, a ~~misdemeanor or~~ 6014
~~felony involving moral turpitude~~ criminal offense that is 6015
substantially related to the practice of orthotics, prosthetics, 6016
or pedorthics; 6017

(2) Any violation of this chapter; 6018

(3) Committing fraud, misrepresentation, or deception in 6019
applying for or securing a license issued under this chapter; 6020

(4) Habitual use of drugs or intoxicants to the extent that 6021
it renders the person unfit to practice; 6022

(5) Violation of any rule adopted by the board under section 6023
4779.08 of the Revised Code; 6024

(6) A departure from, or failure to conform to, minimal 6025
standards of care of similar orthotists, prosthetists, 6026
orthotists-prosthetists, or pedorthists under the same or similar 6027
circumstances, regardless of whether actual injury to a patient is 6028
established; 6029

(7) Obtaining or attempting to obtain money or anything of 6030
value by fraudulent misrepresentation in the course of practice; 6031

(8) Publishing a false, fraudulent, deceptive, or misleading 6032
statement; 6033

(9) Waiving the payment of all or part of a deductible or 6034
copayment that a patient, pursuant to a health insurance or health 6035
care policy, contract, or plan, would otherwise be required to 6036
pay, if the waiver is used as an enticement to a patient or group 6037
of patients to receive health care services from a person who 6038
holds a license issued under this chapter; 6039

(10) Advertising that a person who holds a license issued under this chapter will waive the payment of all or part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan, that covers the person's services, would otherwise be required to pay.

(B) For the purpose of investigating whether a person is engaging or has engaged in conduct described in division (A) of this section, the board may administer oaths, order the taking of depositions, issue subpoenas, examine witnesses, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony.

(C) As used in this section, a "criminal offense that is substantially related" has the same meaning as in section 4743.06 of the Revised Code.

Sec. 4781.09. (A) The manufactured homes commission may deny, suspend, revoke, or refuse to renew the license of any manufactured home installer for any of the following reasons:

(1) Failure to satisfy the requirements of section 4781.08 or 4781.10 of the Revised Code;

(2) Violation of this chapter or any rule adopted pursuant to it;

(3) Making a material misstatement in an application for a license;

(4) Installing manufactured housing without a license or without being under the supervision of a licensed manufactured housing installer;

(5) Failure to appear for a hearing before the commission or to comply with any final adjudication order of the commission issued pursuant to this chapter;

(6) Conviction of ~~a felony or a crime involving moral~~

~~turpitude~~ or plea of guilty to a criminal offense that is 6070
substantially related to the practice of manufactured home 6071
installer; 6072

(7) Having had a license revoked, suspended, or denied by the 6073
commission during the preceding two years; 6074

(8) Having had a license revoked, suspended, or denied by 6075
another state or jurisdiction during the preceding two years; 6076

(9) Engaging in conduct in another state or jurisdiction that 6077
would violate this chapter if committed in this state. 6078

(10) Failing to provide written notification of an 6079
installation pursuant to division (D) of section 4781.11 of the 6080
Revised Code to a county treasurer or county auditor. 6081

(B)(1) Any person whose license or license application is 6082
revoked, suspended, denied, or not renewed or upon whom a civil 6083
penalty is imposed pursuant to division (C) of this section may 6084
request an adjudication hearing on the matter within thirty days 6085
after receipt of the notice of the action. The hearing shall be 6086
held in accordance with Chapter 119. of the Revised Code. 6087

(2) Any licensee or applicant may appeal an order made 6088
pursuant to an adjudication hearing in the manner provided in 6089
section 119.12 of the Revised Code. 6090

(C) As an alternative to suspending, revoking, or refusing to 6091
renew a manufactured housing ~~installer's~~ installer license, the 6092
commission may impose a civil penalty of not less than one hundred 6093
dollars or more than five hundred dollars per violation of this 6094
chapter or any rule adopted pursuant to it. The commission shall 6095
deposit penalties in the occupational licensing and regulatory 6096
fund pursuant to section 4743.05 of the Revised Code. 6097

(D) A person whose license is suspended, revoked, or not 6098
renewed may apply for a new license two years after the date on 6099

which the license was suspended, revoked, or not renewed. 6100

(E) As used in this section, a "criminal offense that is 6101
substantially related" has the same meaning as in section 4743.06 6102
of the Revised Code. 6103

Section 2. That existing sections 3923.233, 3923.301, 6104
4701.16, 4703.15, 4707.02, 4707.15, 4709.13, 4712.03, 4715.30, 6105
4717.14, 4719.03, 4723.07, 4723.28, 4723.34, 4725.53, 4727.15, 6106
4728.13, 4729.16, 4729.53, 4729.56, 4731.22, 4731.224, 4731.225, 6107
4731.226, 4731.25, 4732.17, 4733.20, 4734.31, 4734.39, 4735.07, 6108
4735.09, 4735.13, 4735.27, 4735.28, 4738.04, 4738.07, 4738.18, 6109
4740.06, 4740.10, 4741.22, 4747.12, 4749.03, 4749.04, 4749.06, 6110
4751.10, 4753.10, 4755.10, 4755.47, 4755.64, 4757.36, 4758.30, 6111
4759.07, 4760.13, 4761.09, 4762.13, 4763.11, 4765.18, 4779.28, and 6112
4781.09 of the Revised Code are hereby repealed. 6113

Section 3. Sections 3923.233, 3923.301, 4701.16, 4703.15, 6114
4707.02, 4707.15, 4709.13, 4712.03, 4715.30, 4717.14, 4719.03, 6115
4723.07, 4723.28, 4723.34, 4725.53, 4727.15, 4728.13, 4729.16, 6116
4729.53, 4729.56, 4731.22, 4731.224, 4731.225, 4731.226, 4731.25, 6117
4732.17, 4733.20, 4734.31, 4734.39, 4735.07, 4735.09, 4735.13, 6118
4735.27, 4735.28, 4738.04, 4738.07, 4738.18, 4740.06, 4740.10, 6119
4741.22, 4747.12, 4749.03, 4749.04, 4749.06, 4751.10, 4753.10, 6120
4755.10, 4755.47, 4755.64, 4757.36, 4758.30, 4759.07, 4760.13, 6121
4761.09, 4762.13, 4763.11, 4765.18, 4779.28, and 4781.09 of the 6122
Revised Code, as amended by this act, shall take effect ninety 6123
days after the effective date of this act. 6124