

As Introduced

**129th General Assembly
Regular Session
2011-2012**

H. B. No. 453

Representative Grossman

**Cosponsors: Representatives Martin, Stebelton, Thompson, Adams, J.,
Hagan, C., Hackett, Roegner, Fedor**

—

A B I L L

To amend sections 119.062, 119.07, 3711.14, 4713.01, 1
4713.02, 4713.03, 4713.06, 4713.07, 4713.08, 2
4713.081, 4713.09, 4713.10, 4713.14, 4713.141, 3
4713.16, 4713.20, 4713.21, 4713.22, 4713.24, 4
4713.25, 4713.26, 4713.28, 4713.29, 4713.30, 5
4713.31, 4713.32, 4713.34, 4713.35, 4713.37, 6
4713.41, 4713.42, 4713.44, 4713.45, 4713.48, 7
4713.55, 4713.56, 4713.58, 4713.60, 4713.61, 8
4713.62, 4713.63, 4713.64, 4715.30, 4717.14, 9
4723.281, 4725.24, 4730.25, 4731.22, 4734.36, 10
4734.37, 4757.361, 4760.13, 4762.13, 4774.13, 11
4779.29, and 5123.0414; to enact new section 12
4713.39 and sections 4713.66 and 4713.67; and to 13
repeal sections 4713.17 and 4713.39 of the Revised 14
Code to make changes to the Cosmetology Licensing 15
Law and to change the method by which state 16
agencies send notice of a party's right to a 17
hearing under the Administrative Procedure Act. 18

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

Section 1. That sections 119.062, 119.07, 3711.14, 4713.01, 19

4713.02, 4713.03, 4713.06, 4713.07, 4713.08, 4713.081, 4713.09, 20
4713.10, 4713.14, 4713.141, 4713.16, 4713.20, 4713.21, 4713.22, 21
4713.24, 4713.25, 4713.26, 4713.28, 4713.29, 4713.30, 4713.31, 22
4713.32, 4713.34, 4713.35, 4713.37, 4713.41, 4713.42, 4713.44, 23
4713.45, 4713.48, 4713.55, 4713.56, 4713.58, 4713.60, 4713.61, 24
4713.62, 4713.63, 4713.64, 4715.30, 4717.14, 4723.281, 4725.24, 25
4730.25, 4731.22, 4734.36, 4734.37, 4757.361, 4760.13, 4762.13, 26
4774.13, 4779.29, and 5123.0414 be amended and new section 4713.39 27
and sections 4713.66 and 4713.67 of the Revised Code be enacted to 28
read as follows: 29

Sec. 119.062. (A) Notwithstanding section 119.06 of the 30
Revised Code, the registrar of motor vehicles is not required to 31
hold any hearing in connection with an order canceling or 32
suspending a motor vehicle driver's or commercial driver's license 33
pursuant to section 2903.06, 2903.08, 2907.24, 2921.331, 4549.02, 34
4549.021, or 5743.99 or any provision of Chapter 2925., 4509., 35
4510., or 4511. of the Revised Code or in connection with an 36
out-of-service order issued under Chapter 4506. of the Revised 37
Code. 38

(B) Notwithstanding section 119.07 of the Revised Code, the 39
registrar is not required to use ~~registered mail, return a~~ 40
delivery system with traceable delivery and signature receipt 41
~~requested, or to make personal delivery~~ in connection with an 42
order canceling or suspending a motor vehicle driver's or 43
commercial driver's license or a notification to a person to 44
surrender a certificate of registration and registration plates. 45

Sec. 119.07. Except when a statute prescribes a notice and 46
the persons to whom it shall be given, in all cases in which 47
section 119.06 of the Revised Code requires an agency to afford an 48
opportunity for a hearing prior to the issuance of an order, the 49

agency shall give notice to the party informing the party of the 50
party's right to a hearing. Notice shall be given ~~by registered~~ 51
~~mail, return receipt requested, and~~ using a delivery system that 52
delivers letters, packages, and other materials in the ordinary 53
course of business, with traceable delivery and signature receipt, 54
or by personal delivery. The notice shall include the charges or 55
other reasons for the proposed action, the law or rule directly 56
involved, and a statement informing the party that the party is 57
entitled to a hearing if the party requests it within thirty days 58
of the time of ~~mailing~~ sending or delivering the notice. The 59
notice shall also inform the party that at the hearing the party 60
may appear in person, by the party's attorney, or by such other 61
representative as is permitted to practice before the agency, or 62
may present the party's position, arguments, or contentions in 63
writing and that at the hearing the party may present evidence and 64
examine witnesses appearing for and against the party. A copy of 65
the notice shall be mailed to attorneys or other representatives 66
of record representing the party. This paragraph does not apply to 67
situations in which such section provides for a hearing only when 68
it is requested by the party. 69

When a statute specifically permits the suspension of a 70
license without a prior hearing, notice of the agency's order 71
shall be sent to the party ~~by registered mail, return receipt~~ 72
~~requested~~ using a delivery system that delivers letters, packages, 73
and other materials in the ordinary course of business, with 74
traceable delivery and signature receipt, or delivered in person, 75
not later than the business day next succeeding such order. The 76
notice shall state the reasons for the agency's action, cite the 77
law or rule directly involved, and state that the party will be 78
afforded a hearing if the party requests it within thirty days of 79
the time of ~~mailing~~ sending or delivering the notice. A copy of 80
the notice shall be mailed to attorneys or other representatives 81
of record representing the party. 82

Whenever a party requests a hearing in accordance with this section and section 119.06 of the Revised Code, the agency shall immediately set the date, time, and place for the hearing and forthwith notify the party thereof. The date set for the hearing shall be within fifteen days, but not earlier than seven days, after the party has requested a hearing, unless otherwise agreed to by both the agency and the party.

When any notice sent ~~by registered mail, as required by~~ in accordance with sections 119.01 to 119.13 of the Revised Code, is returned because the party fails to claim the notice, the agency shall send the notice by ordinary mail to the party at the party's last known address and shall obtain a certificate of mailing. Service by ordinary mail is complete when the certificate of mailing is obtained unless the notice is returned showing failure of delivery.

If any notice ~~sent by registered or ordinary mail~~ is returned for failure of delivery, the agency either shall make personal delivery of the notice by an employee or agent of the agency or shall cause a summary of the substantive provisions of the notice to be published once a week for three consecutive weeks in a newspaper of general circulation in the county where the last known address of the party is located. When notice is given by publication, a proof of publication affidavit, with the first publication of the notice set forth in the affidavit, shall be mailed by ordinary mail to the party at the party's last known address and the notice shall be deemed received as of the date of the last publication. An employee or agent of the agency may make personal delivery of the notice upon a party at any time.

Refusal of delivery by personal service or by mail is not failure of delivery and service is deemed to be complete. Failure of delivery occurs only when a mailed notice is returned by the ~~postal authorities~~ delivering entity marked undeliverable, address

or addressee unknown, or forwarding address unknown or expired. A 115
party's last known address is the mailing address of the party 116
appearing in the records of the agency. 117

The failure of an agency to give the notices for any hearing 118
required by sections 119.01 to 119.13 of the Revised Code in the 119
manner provided in this section shall invalidate any order entered 120
pursuant to the hearing. 121

Sec. 3711.14. (A) In accordance with Chapter 119. of the 122
Revised Code, the director of health may do any of the following: 123

(1) Impose a civil penalty of not less than one thousand 124
dollars and not more than two hundred fifty thousand dollars on a 125
person who violates a provision of this chapter or the rules 126
adopted under it; 127

(2) Summarily suspend, in accordance with division (B) of 128
this section, a license issued under this chapter if the director 129
believes there is clear and convincing evidence that the continued 130
operation of a maternity unit, newborn care nursery, or maternity 131
home presents a danger of immediate and serious harm to the 132
public; 133

(3) Revoke a license issued under this chapter if the 134
director determines that a violation of a provision of this 135
chapter or the rules adopted under it has occurred in such a 136
manner as to pose an imminent threat of serious physical or 137
life-threatening danger. 138

(B) If the director suspends a license under division (A)(2) 139
of this section, the director shall issue a written order of 140
suspension and cause it to be delivered by ~~certified mail a~~ 141
delivery system or in person in accordance with section 119.07 of 142
the Revised Code. The order shall not be subject to suspension by 143
the court while an appeal filed under section 119.12 of the 144

Revised Code is pending. If the individual subject to the suspension requests an adjudication, the date set for the adjudication shall be within fifteen days but not earlier than seven days after the individual makes the request, unless another date is agreed to by both the individual and the director. The summary suspension shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter 119. of the Revised Code becomes effective.

The director shall issue a final adjudication order not later than ninety days after completion of the adjudication. If the director does not issue a final order within the ninety-day period, the summary suspension shall be void, but any final adjudication order issued subsequent to the ninety-day period shall not be affected.

(C) If the director issues an order revoking or suspending a license issued under this chapter and the license holder continues to operate a maternity unit, newborn care nursery, or maternity home, the director may ask the attorney general to apply to the court of common pleas of the county in which the person is located for an order enjoining the person from operating the unit, nursery, or home. The court shall grant the order on a showing that the person is operating the unit, nursery, or home.

Sec. 4713.01. As used in this chapter:

"Apprentice instructor" means ~~a person~~ an individual holding a practicing license issued by the state board of cosmetology who is engaged in learning or acquiring knowledge of the occupation of an instructor of a branch of cosmetology at a school of cosmetology.

"Beauty salon" means ~~any premises, building, or part of a building~~ a salon in which ~~a person~~ an individual is authorized to

engage in all branches of cosmetology. ~~"Beauty salon" does not~~ 176
~~include a barber shop licensed under Chapter 4709. of the Revised~~ 177
~~Code in which a person engages in the practice of manicuring.~~ 178

"Biennial licensing period" means the two-year period 179
beginning on the first day of February of an odd-numbered year and 180
ending on the last day of January of the next odd-numbered year. 181

"Braider" means an individual who engages in the practice of 182
braiding but no other branch of cosmetology. 183

~~"Braiding instructor" means intertwinning the hair in a~~ 184
~~systematic motion to create patterns in a three dimensional form,~~ 185
~~inverting the hair against the scalp along part of a straight or~~ 186
~~curved row of intertwinning hair, or twisting the hair in a~~ 187
~~systematic motion, and includes extending the hair with natural or~~ 188
~~synthetic hair fibers an individual who teaches the theory and~~ 189
~~practice of braiding, but no other branch of cosmetology, at a~~ 190
~~school of cosmetology.~~ 191

"Braiding salon" means a salon in which an individual engages 192
in the practice of braiding but no other branch of cosmetology. 193

"Branch of cosmetology" means the practice of braiding, 194
practice of cosmetology, practice of esthetics, practice of hair 195
design, practice of manicuring, ~~or~~ practice of natural hair 196
styling, or practice of threading. 197

"Cosmetic therapy" has the same meaning as in section 4731.15 198
of the Revised Code. 199

"Cosmetologist" means ~~a person~~ an individual authorized to 200
engage in all branches of cosmetology. 201

"Cosmetology" means the art or practice of embellishment, 202
cleaning, beautification, and styling of hair, wigs, postiches, 203
face, body, or nails and tanning of the skin. 204

"Cosmetology instructor" means ~~a person~~ an individual 205

authorized to teach the theory and practice of all branches of 206
cosmetology at a school of cosmetology. 207

"Esthetician" means ~~a person~~ an individual who engages in the 208
practice of esthetics but no other branch of cosmetology. 209

"Esthetics instructor" means ~~a person~~ an individual who 210
teaches the theory and practice of esthetics, but no other branch 211
of cosmetology, at a school of cosmetology. 212

"Esthetics salon" means ~~any premises, building, or part of a~~ 213
~~building~~ a salon in which ~~a person~~ an individual engages in the 214
practice of esthetics but no other branch of cosmetology. 215

"Hair designer" means ~~a person~~ an individual who engages in 216
the practice of hair design but no other branch of cosmetology. 217

"Hair design instructor" means ~~a person~~ an individual who 218
teaches the theory and practice of hair design, but no other 219
branch of cosmetology, at a school of cosmetology. 220

"Hair design salon" means ~~any premises, building, or part of~~ 221
~~a building~~ a salon in which ~~a person~~ an individual engages in the 222
practice of hair design but no other branch of cosmetology. 223

"Independent contractor license" means a license to practice 224
a branch of cosmetology at a salon in which the license holder 225
rents ~~booth~~ space. 226

"Instructor license" means a license to teach the theory and 227
practice of a branch of cosmetology at a school of cosmetology. 228

"Managing braider" means an individual authorized to manage a 229
braiding salon, but no other type of salon, and engage in the 230
practice of braiding, but no other branch of cosmetology. 231

"Managing cosmetologist" means ~~a person~~ an individual 232
authorized to manage a beauty salon and engage in all branches of 233
cosmetology. 234

"Managing esthetician" means ~~a person~~ an individual 235

authorized to manage an esthetics salon, but no other type of 236
salon, and engage in the practice of esthetics, but no other 237
branch of cosmetology. 238

"Managing hair designer" means ~~a person~~ an individual 239
authorized to manage a hair design salon, but no other type of 240
salon, and engage in the practice of hair design, but no other 241
branch of cosmetology. 242

"Managing license" means a license to manage a salon ~~and~~ 243
~~practice the~~ offering a branch of cosmetology ~~practiced at the~~ 244
~~salon~~ appropriate to the license. 245

"Managing manicurist" means ~~a person~~ an individual authorized 246
to manage a nail salon, but no other type of salon, and engage in 247
the practice of manicuring, but no other branch of cosmetology. 248

"Managing natural hair stylist" means ~~a person~~ an individual 249
authorized to manage a natural hair style salon, but no other type 250
of salon, and engage in the practice of natural hair styling, but 251
no other branch of cosmetology. 252

"Managing threader" means an individual authorized to manage 253
a threading salon, but no other type of salon, and engage in the 254
practice of threading, but no other branch of cosmetology. 255

"Manicurist" means ~~a person~~ an individual who engages in the 256
practice of manicuring but no other branch of cosmetology. 257

"Manicurist instructor" means ~~a person~~ an individual who 258
teaches the theory and practice of manicuring, but no other branch 259
of cosmetology, at a school of cosmetology. 260

"Nail salon" means ~~any premises, building, or part of a~~ 261
~~building~~ a salon in which ~~a person~~ an individual engages in the 262
practice of manicuring but no other branch of cosmetology. ~~"Nail~~ 263
~~salon" does not include a barber shop licensed under Chapter 4709.~~ 264
~~of the Revised Code in which a person engages in the practice of~~ 265

~~manicuring.~~ 266

"Natural hair stylist" means ~~a person~~ an individual who 267
engages in the practice of natural hair styling but no other 268
branch of cosmetology. 269

"Natural hair style instructor" means ~~a person~~ an individual 270
who teaches the theory and practice of natural hair styling, but 271
no other branch of cosmetology, at a school of cosmetology. 272

"Natural hair style salon" means ~~any premises, building, or~~ 273
~~part of a building~~ a salon in which ~~a person~~ an individual engages 274
in the practice of natural hair styling but no other branch of 275
cosmetology. 276

"Practice of braiding" means utilizing the technique of 277
intertwining hair in a systematic motion to create patterns in a 278
three dimensional form, including patterns that are inverted, 279
upright, or singled against the scalp that follow along straight 280
or curved partings. It may include twisting or locking the hair 281
while adding bulk or length with human hair, synthetic hair, or 282
both and using simple devices such as clips, combs, and hairpins. 283
"Practice of braiding" does not include any of the following: 284
application of weaving, bonding, and fusion of individual strands 285
or wefts; application of dyes, reactive chemicals, or other 286
preparations to alter the color or straighten, curl, or alter the 287
structure of hair; embellishing or beautifying hair by cutting or 288
singeing, except as needed to finish the ends of synthetic fibers 289
used to add bulk to or lengthen hair. 290

"Practice of cosmetology" means the practice of all branches 291
of cosmetology. 292

"Practice of esthetics" means the application of cosmetics, 293
tonics, antiseptics, creams, lotions, or other preparations for 294
the purpose of skin beautification and includes preparation of the 295
skin by manual massage techniques or by use of electrical, 296

mechanical, or other apparatus. It also includes enhancing the 297
skin by skin care, facials, body treatments, hair removal, and 298
other treatments; applying permanent cosmetics to the eyes, 299
eyebrows, and lips; and applying eyelash extensions. 300

"Practice of hair design" means embellishing or beautifying 301
hair, wigs, or hairpieces by arranging, dressing, pressing, 302
curling, waving, permanent waving, cleansing, cutting, singeing, 303
bleaching, coloring, braiding, weaving, or similar work. "Practice 304
of hair design" includes utilizing techniques performed by hand 305
that result in tension on hair roots such as twisting, wrapping, 306
weaving, extending, locking, or braiding of the hair. 307

"Practice of manicuring" means ~~manicuring~~ cleaning, trimming, 308
shaping the free edge of, or applying polish to the nails of any 309
~~person, individual;~~ applying artificial or sculptured nails to any 310
~~person;~~ massaging the hands and lower arms up to the elbow of any 311
~~person;~~ massaging the feet and lower legs up to the knee of any 312
~~person;~~ using lotions or softeners on the hands and feet; or any 313
combination of these ~~four~~ types of services. 314

"Practice of natural hair styling" means utilizing techniques 315
performed by hand that result in tension on hair roots such as 316
twisting, wrapping, weaving, extending, locking, or braiding of 317
the hair. "Practice of natural hair styling" does not include the 318
application of dyes, reactive chemicals, or other preparations to 319
alter the color or to straighten, curl, or alter the structure of 320
the hair. "Practice of natural hair styling" also does not include 321
embellishing or beautifying hair by cutting or singeing, except as 322
needed to finish off the end of a braid, or by dressing, pressing, 323
curling, waving, permanent waving, or similar work. 324

"Practice of threading" means removing unwanted hair 325
utilizing techniques performed by hand. "Practice of threading" 326
does not include the use of chemical applications such as waxes 327
and depilatories. 328

"Practicing license" means a license to practice a branch of
cosmetology. 329
330

"Salon" means ~~a beauty salon, esthetics salon, hair design~~ 331
~~salon, nail salon, or natural hair style salon~~ any premises, 332
building, or part of a building in which an individual engages in 333
the practice of one or more branches of cosmetology. "Salon" does 334
not include a barber shop licensed under Chapter 4709. of the 335
Revised Code. "Salon" does not mean a tanning facility, although a 336
tanning facility may be located in a salon. 337

"School of cosmetology" means any premises, building, or part 338
of a building in which students are instructed in the theories and 339
practices of one or more branches of cosmetology. 340

"Student" means ~~a person~~ an individual, other than an 341
apprentice instructor, who is engaged in learning or acquiring 342
knowledge of the practice of a branch of cosmetology at a school 343
of cosmetology. 344

"Tanning facility" means ~~a room or booth that houses~~ any 345
premises, building, or part of a building that contains one or 346
more rooms or booths with equipment or beds used for tanning human 347
skin by the use of fluorescent sun lamps using ultraviolet or 348
other artificial radiation. 349

"Threading salon" means a salon in which an individual 350
engages in the practice of threading but no other branch of 351
cosmetology. 352

"Threader" means an individual who engages in the practice of 353
threading but no other branch of cosmetology. 354

"Threading instructor" means an individual who teaches the 355
theory and practice of threading, but no other branch of 356
cosmetology, at a school of cosmetology. 357

Sec. 4713.02. (A) ~~There is hereby created the~~ The state board 358

of cosmetology, ~~consisting of all of~~ is hereby created to regulate 359
the practice of cosmetology and all of its branches to protect the 360
public and individuals practicing in accordance with this chapter. 361

(B) The board shall consist of the following members 363
appointed by the governor, with the advice and consent of the 364
senate: 365

(1) ~~One person~~ Two individuals holding a current, valid 366
cosmetologist, managing cosmetologist, or cosmetology instructor 367
~~license licenses~~ at the time of appointment; 368

(2) ~~Two persons~~ individuals holding current, valid managing 369
cosmetologist licenses and actively engaged in managing beauty 370
salons at the time of appointment; 371

(3) ~~One person~~ individual who holds a current, valid 372
independent contractor license at the time of appointment or the 373
owner or manager of a licensed salon in which at least one ~~person~~ 374
individual holding a current, valid independent contractor license 375
practices a branch of cosmetology; 376

(4) ~~One person~~ individual who represents individuals who 377
teach the theory and practice of a branch of cosmetology at a 378
vocational school; 379

(5) One owner of a licensed school of cosmetology; 380

(6) One owner of at least five licensed salons; 381

(7) ~~One person~~ individual who is either a certified nurse 382
practitioner or clinical nurse specialist holding a certificate of 383
authority issued under Chapter 4723. of the Revised Code, or a 384
physician authorized under Chapter 4731. of the Revised Code to 385
practice medicine and surgery or osteopathic medicine and surgery; 386

(8) ~~One person~~ individual representing the general public. 387

~~(B)~~(C) The superintendent of public instruction shall 388

nominate three ~~persons~~ individuals for the governor to choose from 389
when making an appointment under division ~~(A)~~(B)(4) of this 390
section. 391

~~(C)~~(D) All members shall be at least twenty-five years of 392
age, residents of the state, and citizens of the United States. No 393
more than two members, at any time, shall be graduates of the same 394
school of cosmetology. 395

~~Except for the initial members appointed under divisions~~ 396
~~(A)(3) and (4) of this section, terms~~ Terms of office are for five 397
years. ~~The term of the initial member appointed under division~~ 398
~~(A)(3) of this section shall be three years. The term of the~~ 399
~~initial member appointed under division (A)(4) of this section~~ 400
~~shall be four years.~~ Terms shall commence on the first day of 401
November and end on the thirty-first day of October. Each member 402
shall hold office from the date of appointment until the end of 403
the term for which appointed. In case of a vacancy occurring on 404
the board, the governor shall, in the same manner prescribed for 405
the regular appointment to the board, fill the vacancy by 406
appointing a member. Any member appointed to fill a vacancy 407
occurring prior to the expiration of the term for which the 408
member's predecessor was appointed shall hold office for the 409
remainder of such term. Any member shall continue in office 410
subsequent to the expiration date of the member's term until the 411
member's successor takes office, or until a period of sixty days 412
has elapsed, whichever occurs first. Before entering upon the 413
discharge of the duties of the office of member, each member shall 414
take, and file with the secretary of state, the oath of office 415
required by Section 7 of Article XV, Ohio Constitution. 416

The members of the board shall receive an amount fixed 417
pursuant to Chapter 124. of the Revised Code per diem for every 418
meeting of the board which they attend, together with their 419
necessary expenses, and mileage for each mile necessarily 420

traveled. 421

The members of the board shall annually elect, from among 422
their number, a chairperson and a vice-chairperson. The executive 423
director appointed under section 4713.06 of the Revised Code shall 424
serve as the board's secretary. 425

The board shall prescribe the duties of its officers and 426
establish an office within Franklin ~~County~~ county. The board shall 427
keep all records and files at the office and have the records and 428
files at all reasonable hours open to public inspection in 429
accordance with section 143.49 of the Revised Code and any rules 430
adopted by the board in compliance with the state's record 431
retention policy. The board also shall adopt a seal. 432

Sec. 4713.03. The state board of cosmetology shall hold a 433
~~meeting~~ meetings to transact its business at least four times a 434
year. The board may hold additional meetings as, in its judgment, 435
are necessary. The board shall meet at the times and places it 436
selects. 437

Sec. 4713.06. The state board of cosmetology shall annually 438
appoint an executive director. The executive director may not be a 439
member of the board. The executive director, before entering upon 440
the discharge of the executive director's duties, shall file with 441
the secretary of state a good and sufficient bond payable to the 442
state, to ensure the faithful performance of duties of the office 443
of executive director. The bond shall be in an amount the board 444
requires. The premium of the bond shall be paid from 445
appropriations made to the board for operating purposes. 446

The ~~board~~ executive director shall carry out the 447
administrative functions of the board and implement the policies 448
developed by the board to regulate the practice of cosmetology. 449

The executive director shall employ those staff members and 450

consultants necessary to implement the board's regulatory purpose 451
and the policies it develops. The executive director may employ 452
inspectors, examiners, consultants on contents of examinations, 453
and clerks, or other individuals as necessary for the 454
administration of this chapter. All inspectors and examiners shall 455
be licensed cosmetologists. 456

~~The board may appoint~~ executive director shall delegate to 457
inspectors of authority to inspect and investigate all facilities 458
regulated by this chapter, including tanning facilities as needed 459
~~to make periodic inspections as the board specifies, to ensure~~ 460
compliance with this chapter, the rules adopted under it, and the 461
board's policies. 462

Sec. 4713.07. (A) The state board of cosmetology shall do all 463
of the following: 464

~~(A)~~(1) Regulate the practice of cosmetology and all of its 465
branches in this state; 466

(2) Investigate or inspect in accordance with section 4713.67 467
of the Revised Code the activities or premises of a license holder 468
or unlicensed person who is alleged to have violated any section 469
of this chapter or any rule adopted under it; 470

(3) Adopt rules in accordance with section 4713.08 of the 471
Revised Code; 472

(4) Prescribe and make available application forms to be used 473
by persons individuals seeking admission to an examination 474
conducted under section 4713.24 of the Revised Code or persons 475
seeking a license issued under this chapter; 476

~~(B)~~(5) Prescribe and make available application forms to be 477
used by persons seeking renewal of a license issued under this 478
chapter; 479

~~(C)~~(6) Report to the proper prosecuting officer all 480

violations of section 4713.14 of the Revised Code of which the board is aware;

~~(D)(7)~~ Submit a written report annually to the governor that provides all of the following:

~~(1)(a)~~ A discussion of the conditions in this state of the branches of cosmetology;

~~(2)(b)~~ A brief summary of the board's proceedings during the year the report covers;

~~(3)(c)~~ A statement of all money that the board received and expended during the year the report covers.

~~(E)(8)~~ Keep a record of all of the following:

~~(1)(a)~~ The board's proceedings;

~~(2)(b)~~ The name and last known physical address, electronic mail address, and telephone number of each person issued a license under ~~section 4713.28, 4713.30, 4713.31, 4713.34, or 4713.39 of the Revised Code~~ this chapter;

~~(3)~~ ~~The name and address of each salon issued a license under section 4713.41 of the Revised Code and each school of cosmetology issued a license under section 4713.44 of the Revised Code;~~

~~(4)~~ ~~The name and address of each tanning facility issued a permit under section 4713.48 of the Revised Code;~~

~~(5)(c)~~ The date and number of each license and permit that the board issues;

~~(F)(9)~~ All other duties that this chapter imposes on the board.

(B) The board may delegate any of the duties listed in division (A) of this section to the executive director or to an individual designated by the executive director.

Sec. 4713.08. (A) The state board of cosmetology shall adopt 509
rules in accordance with Chapter 119. of the Revised Code as 510
necessary to implement this chapter. The rules shall do all of the 511
following: 512

(1) Govern the practice of the branches of cosmetology and 513
management of salons; 514

(2) Specify conditions a person must satisfy to qualify for a 515
temporary pre-examination work permit under section 4713.22 of the 516
Revised Code and the conditions and method of renewing a temporary 517
pre-examination work permit under that section; 518

(3) Provide for the conduct of examinations under section 519
4713.24 of the Revised Code; 520

(4) Specify conditions under which the board will take into 521
account, under section 4713.32 of the Revised Code, instruction an 522
applicant for a license under section 4713.28, 4713.30, or 4713.31 523
of the Revised Code received more than five years before the date 524
of application for the license; 525

(5) Provide for the granting of waivers under section 4713.29 526
of the Revised Code; 527

(6) Specify conditions an applicant must satisfy for the 528
board to issue the applicant a license under section 4713.34 of 529
the Revised Code without the applicant taking an examination 530
conducted under section 4713.24 of the Revised Code; 531

(7) Specify locations in which glamour photography services 532
in which a branch of cosmetology is practiced may be provided; 533

(8) Establish conditions and the fee for a temporary special 534
occasion work permit under section 4713.37 of the Revised Code and 535
specify the amount of time such a permit is valid; 536

(9) Specify conditions an applicant must satisfy for the 537
board to issue the applicant an independent contractor license 538

under section 4713.39 of the Revised Code and the fee for issuance	539
and renewal of the license;	540
(10) Establish conditions under which food may be sold at a	541
salon;	542
(11) Specify which professions regulated by a professional	543
regulatory board of this state may be practiced in a salon under	544
section 4713.42 of the Revised Code;	545
(12) Establish standards for the provision of cosmetic	546
therapy, massage therapy, or other professional service in a salon	547
pursuant to section 4713.42 of the Revised Code;	548
(13) Establish standards for board approval of, and the	549
granting of credits for, training in branches of cosmetology at	550
schools of cosmetology licensed in this state;	551
(14) Establish sanitary standards for the practice of the	552
branches of cosmetology, salons, and schools of cosmetology;	553
(15) Establish the application process for obtaining a	554
tanning facility permit under section 4713.48 of the Revised Code,	555
including the amount of the fee for an initial or renewed permit;	556
(16) Establish standards for installing and operating a	557
tanning facility in a manner that ensures the health and safety of	558
consumers, including standards that do all of the following:	559
(a) Establish a maximum safe time of exposure to radiation	560
and a maximum safe temperature at which sun lamps may be operated;	561
(b) Require consumers to wear protective eyeglasses and be	562
supervised as to the length of time consumers use the facility;	563
(c) Require the operator to prohibit consumers from standing	564
too close to sun lamps and to post signs warning consumers of the	565
potential effects of radiation on persons taking certain	566
medications and of the possible relationship of the radiation to	567
skin cancer;	568

(d) Require the installation of protective shielding for sun lamps and handrails for consumers;	569 570
(e) Require floors to be dry during operation of lamps;	571
(f) Require a consumer who is under the age of eighteen to obtain written consent from the consumer's parent or legal guardian prior to receiving tanning services.	572 573 574
(17)(a) If the board, under section 4713.61 of the Revised Code, develops a procedure for classifying licenses inactive <u>in escrow</u> , do both of the following:	575 576 577
(i) Establish a fee for having a license classified inactive <u>in escrow</u> that reflects the cost to the board of providing the inactive <u>escrow</u> license service;	578 579 580
(ii) Specify the continuing education that a person whose license has been classified inactive <u>in escrow</u> must complete to have the license restored. The continuing education shall be sufficient to ensure the minimum competency in the use or administration of a new procedure or product required by a licensee necessary to protect public health and safety. The requirement shall not exceed the cumulative number of hours of continuing education that the person would have been required to complete had the person retained an active license.	581 582 583 584 585 586 587 588 589
(b) In addition, the board may specify the conditions and method for granting a temporary work permit to practice a branch of cosmetology to a person whose license has been classified inactive <u>in escrow</u> .	590 591 592 593
(18) Establish a fee for approval of a continuing education program under section 4713.62 of the Revised Code that is adequate to cover any expense the board incurs in the approval process;	594 595 596
(19) Anything else necessary to implement this chapter.	597
(B)(1) The rules adopted under division (A)(2) of this	598

section may establish additional conditions for a temporary 599
pre-examination work permit under section 4713.22 of the Revised 600
Code that are applicable to persons who practice a branch of 601
cosmetology in another state or country. 602

(2) The rules adopted under division (A)(17)(b) of this 603
section may establish additional conditions for a temporary work 604
permit that are applicable to persons who practice a branch of 605
cosmetology in another state. 606

(C) The conditions specified in rules adopted under division 607
(A)(6) of this section may include that an applicant is applying 608
for a license to practice a branch of cosmetology for which the 609
board determines an examination is unnecessary. 610

(D) The rules adopted under division (A)(11) of this section 611
shall not include a profession if practice of the profession in a 612
salon is a violation of a statute or rule governing the 613
profession. 614

(E) The sanitary standards established under division (A)(14) 615
of this section shall focus in particular on precautions to be 616
employed to prevent infectious or contagious diseases being 617
created or spread. The board shall consult with the Ohio 618
department of health when establishing the sanitary standards. 619

(F) The fee established by rules adopted under division 620
(A)(15) of this section shall cover the cost the board incurs in 621
inspecting tanning facilities and enforcing the board's rules but 622
may not exceed one hundred dollars per location of such 623
facilities. 624

Sec. 4713.081. The state board of cosmetology shall furnish a 625
copy of the sanitary standards established by rules adopted under 626
section 4713.08 of the Revised Code to each person to whom the 627
board issues a practicing license, managing license, or license to 628

operate a salon or school of cosmetology. The board also shall 629
furnish a copy of the sanitary standards to each ~~person~~ individual 630
providing cosmetic therapy, massage therapy, or other professional 631
service in a salon under section 4713.42 of the Revised Code. A 632
salon or school of cosmetology provided a copy of the sanitary 633
standards shall post the standards in a public and conspicuous 634
place in the salon or school. 635

Sec. 4713.09. The state board of cosmetology may adopt rules 636
in accordance with ~~Chapter 119.~~ section 4713.08 of the Revised 637
Code to establish a continuing education requirement, not to 638
exceed ~~eight~~ twelve hours in a biennial licensing period, as a 639
condition of renewal for a practicing license, managing license, 640
or instructor license. 641

In addition to any continuing education required by the 642
board's rules, an independent contractor shall complete a minimum 643
of four hours of instruction in business and tax as a condition of 644
license renewal. 645

An individual's completion of any corrective action course 646
required under division (B) of section 4713.64 of the Revised Code 647
shall not be accepted by the board as meeting any part of a 648
continuing education requirement established under this section or 649
the instruction required by this section. 650

Sec. 4713.10. (A) The state board of cosmetology shall charge 651
and collect the following fees: 652

~~(A)(1)~~ For a temporary pre-examination work permit under 653
section 4713.22 of the Revised Code, ~~five~~ seven dollars and fifty 654
cents; 655

~~(B)(2)~~ For initial application to take an examination under 656
section 4713.24 of the Revised Code, ~~twenty~~ thirty-one dollars and 657

fifty cents; 658

~~(C)~~(3) For application to take an examination under section 659
4713.24 of the Revised Code by an applicant who has previously 660
applied to take, but failed to appear for, the examination, forty 661
dollars; 662

~~(D)~~(4) For application to re-take an examination under 663
section 4713.24 of the Revised Code by an applicant who has 664
previously appeared for, but failed to pass, the examination, 665
~~twenty~~ thirty-one dollars and fifty cents; 666

~~(E)~~(5) For the issuance of a license under section 4713.28, 667
4713.30, or 4713.31 of the Revised Code, ~~thirty~~ forty-five 668
dollars; 669

~~(F)~~(6) For the issuance of a license under section 4713.34 of 670
the Revised Code, ~~sixty~~ seventy dollars; 671

~~(G)~~(7) For renewal of a license issued under section 4713.28, 672
4713.30, 4713.31, or 4713.34 of the Revised Code, ~~thirty~~ 673
forty-five dollars; 674

~~(H)~~(8) For the issuance or renewal of a cosmetology school 675
license, two hundred fifty dollars; 676

~~(I)~~(9) For the inspection and issuance of a new salon license 677
or the change of name or ownership of a salon license under 678
section 4713.41 of the Revised Code, ~~sixty~~ seventy-five dollars; 679

~~(J)~~(10) For the renewal of a salon license under section 680
4713.41 of the Revised Code, ~~fifty~~ sixty dollars; 681

~~(K)~~(11) For the restoration of ~~an expired a~~ license ~~that may~~ 682
~~be restored pursuant to~~ under section 4713.63 of the Revised Code, 683
~~and in addition to the payments for all lapsed renewal fees,~~ 684
~~thirty dollars~~ an amount equal to two times the current renewal 685
fee plus, if the license has not been valid for more than one 686
license renewal period, forty-five dollars for each renewal period 687

that has elapsed since the license was last issued or renewed; 688

~~(L)~~ (12) For the issuance of a duplicate of any license, 689
fifteen forty-five dollars; 690

~~(M)~~ (13) For the preparation and mailing of a licensee's 691
records to another state for a reciprocity license or for the 692
preparation and mailing of an unlicensed individual's records to 693
another state, fifty dollars; 694

~~(N)~~ (14) For the processing of any fees related to a check 695
from a licensee returned to the board for insufficient funds, an 696
additional twenty thirty dollars; 697

(15) For the processing of any renewal fee not paid by the 698
license expiration date, forty-five dollars; 699

(16) For the restoration of a license in escrow to a current 700
active status, thirty dollars. 701

(B) The board may establish an installment plan for the 702
payment of fines and fees and may reduce fees as considered 703
appropriate by the executive director. 704

(C) At the request of a person who is temporarily unable to 705
pay a fee imposed under division (A) of this section, or on its 706
own motion, the board may extend the date payment is due by up to 707
ninety days. If the fee remains unpaid after the date payment is 708
due, the amount of the fee shall be certified to the attorney 709
general for collection in the form and manner prescribed by the 710
attorney general. The attorney general may assess the collection 711
cost to the amount certified in such a manner and amount as 712
prescribed by the attorney general. 713

Sec. 4713.14. No person shall do any of the following: 714

(A) Use fraud or deceit in making application for a license 715
or permit; 716

(B) Aid or abet any person:	717
(1) Violating this chapter or a rule adopted under it;	718
(2) Obtaining a license or permit fraudulently;	719
(3) Falsely pretending to hold a current, valid license or permit.	720 721
(C) Practice a branch of cosmetology, for pay, free, or otherwise, without one of the following authorizing the practice of that branch of cosmetology:	722 723 724
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	725 726
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	727 728
(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	729 730
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code.	731 732 733
(D) Employ a person <u>an individual</u> to practice a branch of cosmetology if the person <u>individual</u> does not hold one of the following authorizing the practice of that branch of cosmetology:	734 735 736
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	737 738
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	739 740
(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	741 742
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code.	743 744 745

(E) Manage a salon without a current, valid license issued 746
under section 4713.30 or 4713.34 of the Revised Code to manage 747
that type of salon; 748

(F) Except for apprentice instructors and as provided in 749
section 4713.45 of the Revised Code, teach the theory or practice 750
of a branch of cosmetology at a school of cosmetology without 751
either of the following authorizing the teaching of that branch of 752
cosmetology: 753

(1) A current, valid license under section 4713.31 or 4713.34 754
of the Revised Code; 755

(2) A current, valid temporary special occasion work permit 756
issued under section 4713.37 of the Revised Code. 757

(G) Advertise or operate a glamour photography service in 758
which a branch of cosmetology is practiced unless the ~~person~~ 759
individual practicing the branch of cosmetology holds either of 760
the following authorizing the practice of that branch of 761
cosmetology: 762

(1) A current, valid license under section 4713.28, 4713.30, 763
or 4713.34 of the Revised Code; 764

(2) A current, valid temporary special occasion work permit 765
issued under section 4713.37 of the Revised Code. 766

(H) Advertise or operate a glamour photography service in 767
which a branch of cosmetology is practiced at a location not 768
specified by rules adopted under section 4713.08 of the Revised 769
Code; 770

(I) Practice a branch of cosmetology at a salon ~~in which the~~ 771
~~person rents booth space~~ as an independent contractor without a 772
current, valid independent contractor license issued under section 773
4713.39 of the Revised Code; 774

(J) Operate a salon without a current, valid license under 775

section 4713.41 of the Revised Code; 776

(K) Provide cosmetic therapy or massage therapy at a salon 777
for pay, free, or otherwise without a current, valid certificate 778
issued by the state medical board under section 4731.15 of the 779
Revised Code or provide any other professional service at a salon 780
for pay, free, or otherwise without a current, valid license or 781
certificate issued by the professional regulatory board of this 782
state that regulates the profession; 783

(L) Teach a branch of cosmetology at a salon, unless the 784
~~person~~ individual receiving the instruction holds either of the 785
following authorizing the practice of that branch of cosmetology: 786

(1) A current, valid license under section 4713.28, 4713.30, 787
or 4713.34 of the Revised Code; 788

(2) A current, valid temporary pre-examination work permit 789
issued under section 4713.22 of the Revised Code. 790

(M) Operate a school of cosmetology without a current, valid 791
license under section 4713.44 of the Revised Code; 792

(N) ~~At a salon or school of cosmetology, do either of the~~ 793
~~following:~~ 794

~~(1)~~ Use or possess a cosmetic product containing an 795
ingredient that the United States food and drug administration has 796
prohibited by regulation; 797

~~(2)~~(O) Use a cosmetic product in a manner inconsistent with a 798
restriction established by the United States food and drug 799
administration by regulation; 800

~~(3)~~(P) Use or possess a liquid nail monomer containing any 801
trace of methyl methacrylate (MMA). 802

~~(4)~~(Q) While in charge of a salon or school of cosmetology, 803
permit any ~~person~~ individual to sleep in, or use for residential 804
purposes, any room used wholly or in part as the salon or school 805

of cosmetology; 806

~~(P)~~(R) Maintain, as an established place of business for the 807
practice of one or more of the branches of cosmetology, a room 808
used wholly or in part for sleeping or residential purposes; 809

~~(Q)~~(S) Treat as an independent contractor for purposes of 810
federal or state taxes or workers' compensation an individual the 811
person hired, sets the schedule of, or compensates by commission 812
or otherwise; 813

(T) Operate a tanning facility that is offered to the public 814
for a fee or ~~other compensation~~ otherwise without a current, valid 815
permit under section 4713.48 of the Revised Code; 816

(U) Use any of the services or arts that are part of the 817
practice of a branch of cosmetology to treat or attempt to cure a 818
physical or mental disease or ailment. 819

Sec. 4713.141. An inspector employed by the state board of 820
cosmetology may take a sample of a product used or sold in a salon 821
or school of cosmetology for the purpose of examining the sample, 822
or causing an examination of the sample to be made, to determine 823
whether division (N), (O), or (P) of section 4713.14 of the 824
Revised Code has been violated. 825

Should the results of the test prove that division (N), (O), 826
or (P) of section 4713.14 of the Revised Code has been violated, 827
the board shall take action in accordance with section 4713.64 of 828
the Revised Code. A fine imposed under that section shall include 829
the cost of the test. The person's license may be suspended or 830
revoked. 831

Sec. 4713.16. (A) This chapter does not prohibit any of the 832
following: 833

~~(A)~~(1) Practicing a branch of cosmetology without a license 834

if the ~~person~~ individual does so for free at the ~~person's~~ 835
individual's home for a family member who resides in the same 836
household as the ~~person~~ individual; 837

~~(B)~~(2) The retail sale, or trial demonstration by application 838
to the skin for purposes of retail sale, of cosmetics, 839
preparations, tonics, antiseptics, creams, lotions, wigs, or 840
hairpieces without a practicing license; 841

~~(C)~~(3) The retailing, at a salon, of cosmetics, preparations, 842
tonics, antiseptics, creams, lotions, wigs, hairpieces, clothing, 843
or any other items that pose no risk of creating unsanitary 844
conditions at the salon; 845

~~(D)~~(4) The provision of glamour photography services at a 846
licensed salon if either of the following is the case: 847

~~(1)~~(a) A branch of cosmetology is not practiced as part of 848
the services. 849

~~(2)~~(b) If a branch of cosmetology is practiced as part of the 850
services, the part of the services that is a branch of cosmetology 851
is performed by a ~~person~~ an individual who holds either of the 852
following authorizing the ~~person~~ individual to practice that 853
branch of cosmetology: 854

~~(a)~~(i) A current, valid license under section 4713.28, 855
4713.30, or 4713.34 of the Revised Code; 856

~~(b)~~(ii) A current, valid temporary special occasion work 857
permit issued under section 4713.37 of the Revised Code. 858

~~(E)~~(5) A student engaging, as a student, in work connected 859
with a branch of cosmetology taught at the school of cosmetology 860
at which the student is enrolled. 861

(B) The following are exempt from the provisions of this 862
chapter, except, as applicable, section 4713.42 of the Revised 863
Code: 864

(1) All individuals authorized to practice medicine, surgery, dentistry, and nursing or any of its branches in this state, insofar as their usual and ordinary vocations and professions are concerned; 865
866
867
868

(2) Commissioned surgical and medical officers of the United States army, navy, air force, or marine hospital service when engaged in the actual performance of their official duties, and attendants attached to same; 869
870
871
872

(3) Barbers, insofar as their usual and ordinary vocation and profession is concerned; 873
874

(4) Funeral directors, embalmers, and apprentices licensed or registered under Chapter 4717. of the Revised Code; 875
876

(5) Persons who are engaged in the retail sale, cleaning, or beautification of wigs and hairpieces but who do not engage in any other act constituting the practice of a branch of cosmetology; 877
878
879

(6) Volunteers of hospitals, and homes as defined in section 3721.01 of the Revised Code, who render service to registered patients and inpatients who reside in such hospitals or homes. Such volunteers shall not use or work with any chemical products such as permanent wave, hair dye, or chemical hair relaxer, which without proper training would pose a health or safety problem to the patient. 880
881
882
883
884
885
886

(7) Nurse aides and other employees of hospitals and homes as defined in section 3721.01 of the Revised Code, who practice a branch of cosmetology on registered patients only as part of general patient care services and who do not charge patients directly on a fee for service basis; 887
888
889
890
891

(8) Cosmetic therapists and massage therapists who hold current, valid certificates to practice cosmetic or massage therapy issued by the state medical board under section 4731.15 of the Revised Code, to the extent their actions are authorized by 892
893
894
895

their certificates to practice; 896

(9) Inmates who provide services related to a branch of 897
cosmetology to other inmates, except when those services are 898
provided in a licensed school of cosmetology within a state 899
correctional institution for females. 900

(C) The director of rehabilitation and correction shall 901
oversee the services described in division (B)(9) of this section 902
with respect to sanitation and adopt rules governing those types 903
of services provided by inmates. 904

Sec. 4713.20. ~~(A)~~ Each ~~person~~ individual who seeks admission 905
to an examination conducted under section 4713.24 of the Revised 906
Code ~~and each person who seeks a license under this chapter shall~~ 907
~~do all~~ submit both of the following+ 908

~~(1) Submit to the state board of cosmetology a written~~ 909
~~application containing:~~ 910

~~(A) As part of a license application, proof of the following+:~~ 911

~~(a) If the person seeks admission to an examination, that the~~ 912
~~person individual~~ satisfies all conditions to obtain the license 913
for which the examination is conducted, other than the requirement 914
to have passed the examination; 915

~~(b) If the person seeks a license, that the person satisfies~~ 916
~~all conditions for obtaining the license.~~ 917

~~(2) Pay to the board the applicable fee;~~ 918

~~(3) Verify by oath that the application is true.~~ 919

~~(B) An application to operate a salon or school of~~ 920
~~cosmetology may be submitted by the owner, manager, or person in~~ 921
~~charge of the salon or school~~ A set of the individual's 922
fingerprint impressions. 923

Sec. 4713.21. Both of the following may apply again under 924
section 4713.20 of the Revised Code for admission to an 925
examination conducted under section 4713.24 of the Revised Code: 926

(A) ~~A person~~ An individual who failed to appear for an 927
examination that the ~~person~~ individual was previously scheduled to 928
take; 929

(B) ~~A person~~ An individual who appeared for a previously 930
scheduled examination but failed to pass it. 931

Sec. 4713.22. (A) The state board of cosmetology shall issue 932
a temporary pre-examination work permit to ~~a person~~ an individual 933
who applies under section 4713.20 of the Revised Code for 934
admission to an examination conducted under section 4713.24 of the 935
Revised Code, if the ~~person~~ individual satisfies all of the 936
following conditions: 937

(1) Is seeking a practicing license; 938

(2) Has not previously failed an examination conducted under 939
section 4713.24 of the Revised Code to determine the applicant's 940
fitness to practice the branch of cosmetology for which the ~~person~~ 941
individual seeks a license; 942

(3) Pays to the board the applicable fee; 943

(4) Satisfies all other conditions established by rules 944
adopted under section 4713.08 of the Revised Code. 945

(B) ~~A person~~ An individual issued a temporary pre-examination 946
work permit may practice the branch of cosmetology for which the 947
~~person~~ individual seeks a license until the date the ~~person~~ 948
individual is scheduled to take an examination under section 949
4713.24 of the Revised Code. The ~~person~~ individual shall practice 950
under the supervision of ~~a person~~ an individual holding a current, 951
valid managing license ~~appropriate for the type of salon in which~~ 952

~~the permit holder practices.~~ A temporary pre-examination work 953
permit is renewable in accordance with rules adopted under section 954
4713.08 of the Revised Code. 955

Sec. 4713.24. (A) The state board of cosmetology shall 956
conduct an examination for each ~~person~~ individual who satisfies 957
the requirements established by section 4713.20 of the Revised 958
Code for admission to the examination. The board may develop and 959
administer the appropriate examination or enter into an agreement 960
with a national testing service to develop the examination, 961
administer it, or both. ~~The~~ 962

(B) The examination shall be specific to the type of license 963
the ~~person~~ individual seeks and satisfy all of the following 964
conditions: 965

~~(A)~~(1) Include both practical demonstrations and written or 966
oral tests related to the type of license the ~~person~~ individual 967
seeks; 968

~~(B)~~(2) Relate only to a branch of cosmetology, managing 969
license, or both, but not be confined to any special system or 970
method; 971

~~(C)~~(3) Be consistent in both practical and technical 972
requirements for the type of license the ~~person~~ individual seeks; 973

~~(D)~~(4) Be of sufficient thoroughness to satisfy the board as 974
to the ~~person's~~ individual's skill in and knowledge of the branch 975
of cosmetology, managing license, or both, for which the 976
examination is conducted. 977

(C) The board shall adopt rules regarding the equipment or 978
supplies an individual is required to bring to the examination. 979

(D) The questions developed for the examination and the 980
practical demonstrations used in the testing process shall not be 981
released by the board. 982

(E) The examination papers and the scored results of the 983
practical demonstrations of each individual examined by the board 984
shall be open for inspection by the individual or the individual's 985
attorney for at least ninety days following the announcement of 986
the individual's grade, except for papers that under the terms of 987
a contract with a testing service are not available for 988
inspection. On written request of an individual or the 989
individual's attorney made to the board not later than ninety days 990
after announcement of the individual's grade, the board shall have 991
the individual's examination papers re-graded manually. 992

Sec. 4713.25. The state board of cosmetology may administer a 993
separate managing braider examination for individuals who complete 994
a managing braider training course separate from a braider 995
training course. The board may combine the managing braider 996
examination with the braider examination for individuals who 997
complete a combined three hundred-hour braider and managing 998
braider training course. 999

The board may administer a separate managing cosmetologist 1000
examination for ~~persons~~ individuals who complete a managing 1001
cosmetologist training course separate from a cosmetologist 1002
training course. The board may combine the managing cosmetologist 1003
examination with the cosmetologist examination for ~~persons~~ 1004
individuals who complete a combined eighteen hundred-hour 1005
cosmetologist and managing cosmetologist training course. 1006

The board may administer a separate managing esthetician 1007
examination for ~~persons~~ individuals who complete a managing 1008
esthetician training course separate from an esthetician training 1009
course. The board may combine the managing esthetician examination 1010
with the esthetician examination for ~~persons~~ individuals who 1011
complete a combined seven hundred fifty-hour esthetician and 1012
managing esthetician training course. 1013

The board may administer a separate managing hair designer examination for ~~persons~~ individuals who complete a managing hair designer training course separate from a hair designer training course. The board may combine the managing hair designer examination with the hair designer examination for ~~persons~~ individuals who complete a combined one thousand four hundred forty-hour hair designer and managing hair designer training course.

The board may administer a separate managing manicurist examination for ~~persons~~ individuals who complete a managing manicurist training course separate from a manicurist training course. The board may combine the managing manicurist examination with the manicurist examination for ~~persons~~ individuals who complete a combined three hundred-hour manicurist and managing manicurist training course.

The board may administer a separate managing natural hair stylist examination for ~~persons~~ individuals who complete a managing natural hair stylist training course separate from a natural hair stylist training course. The board may combine the managing natural hair stylist examination with the natural hair stylist examination for ~~persons~~ individuals who complete a combined six hundred-hour natural hair stylist and managing natural hair stylist training course.

The board may administer a separate managing threader examination for individuals who complete a managing threader training course separate from a threader training course. The board may combine the managing threader examination with the threader examination for individuals who complete a combined three hundred-hour threader and managing threader training course.

Sec. 4713.26. Each ~~person~~ individual admitted to an examination conducted under section 4713.24 of the Revised Code

shall furnish the ~~person's~~ individual's own model. 1045

Sec. 4713.28. (A) An individual who seeks a practicing 1046
license from the state board of cosmetology shall submit a written 1047
application on a form furnished by the board. The application 1048
shall contain all of the following: 1049

(1) The name of the individual and any other identifying 1050
information required by the board; 1051

(2) A recent photograph of the individual that meets 1052
specifications established by the board; 1053

(3) A photocopy of the individual's current driver's license 1054
or other proof of legal residence in this state or a contiguous 1055
state; 1056

(4) Proof that the individual is qualified to take the 1057
applicable examination as required by section 4713.20 of the 1058
Revised Code; 1059

(5) An oath verifying the application is true; 1060

(6) The applicable fee. 1061

(B) The ~~state board of cosmetology~~ shall issue a practicing 1062
license to an applicant who, except as provided in section 4713.30 1063
of the Revised Code, satisfies all of the following applicable 1064
conditions: 1065

~~(A)~~(1) Is at least sixteen years of age; 1066

~~(B)~~(2) Is of good moral character; 1067

~~(C)~~(3) Has the equivalent of an Ohio ~~public~~ high school ~~tenth~~ 1068
grade-education diploma; 1069

~~(D)~~(4) Passes an examination conducted under section 4713.24 1070
of the Revised Code for the branch of cosmetology the applicant 1071
seeks to practice; 1072

(E) (5) Pays to the board the applicable fee;	1073
(F) (6) Shows proof of legal residency in the United States;	1074
<u>(7) In the case of an applicant for an initial braider</u>	1075
<u>license, has successfully completed at least one hundred fifty</u>	1076
<u>hours of instruction in a school of cosmetology licensed in this</u>	1077
<u>state in subjects related to sanitation, scalp care, anatomy, hair</u>	1078
<u>braiding, communication skills, and laws and rules governing the</u>	1079
<u>practice of cosmetology;</u>	1080
<u>(8) In the case of an applicant for an initial cosmetologist</u>	1081
<u>license, has successfully completed at least fifteen <u>one thousand</u></u>	1082
<u>five</u> hundred hours of board-approved cosmetology training in a	1083
school of cosmetology licensed in this state, except that only one	1084
thousand hours of board-approved cosmetology training in a school	1085
of cosmetology licensed in this state is required of a person	1086
licensed as a barber under Chapter 4709. of the Revised Code;	1087
(G) (9) In the case of an applicant for an initial esthetician	1088
license, has successfully completed at least six hundred hours of	1089
board-approved esthetics training in a school of cosmetology	1090
licensed in this state;	1091
(H) (10) In the case of an applicant for an initial hair	1092
designer license, has successfully completed at least one thousand	1093
two hundred hours of board-approved hair designer training in a	1094
school of cosmetology licensed in this state, except that only one	1095
thousand hours of board-approved hair designer training in a	1096
school of cosmetology licensed in this state is required of a	1097
person licensed as a barber under Chapter 4709. of the Revised	1098
Code;	1099
(I) (11) In the case of an applicant for an initial manicurist	1100
license, has successfully completed at least two hundred hours of	1101
board-approved manicurist training in a school of cosmetology	1102
licensed in this state;	1103

~~(F)~~(12) In the case of an applicant for an initial natural hair stylist license, has successfully completed at least four hundred fifty hours of instruction in subjects relating to sanitation, scalp care, anatomy, hair styling, communication skills, and laws and rules governing the practice of cosmetology;

(13) In the case of an applicant for an initial threader license, has successfully completed at least one hundred fifty hours of instruction in a school of cosmetology licensed in this state in subjects related to sanitation, anatomy, threading, communication skills, and laws and rules governing the practice of cosmetology.

Sec. 4713.29. In accordance with rules adopted under section 4713.08 of the Revised Code, the state board of cosmetology, upon a vote of the majority of the board, may waive a condition established by section 4713.28 of the Revised Code for a license to practice a branch of cosmetology for an applicant who practices that branch of cosmetology in a state or country that does not license or register branches of cosmetology.

Sec. 4713.30. (A) An individual who seeks a managing license from the state board of cosmetology shall submit a written application on a form furnished by the board. The application shall contain all of the following:

(1) The name of the individual and any other identifying information required by the board;

(2) A recent photograph of the individual that meets specifications established by the board;

(3) A photocopy of the individual's current driver's license or other proof of legal residence in this state or a contiguous state;

(4) Proof that the individual is qualified to take the

applicable examination as required by section 4713.20 of the 1134
Revised Code; 1135

(5) An oath verifying the application is true; 1136

(6) The applicable fee. 1137

(B) The ~~state board of cosmetology~~ shall issue a managing 1138
license to an applicant who satisfies all of the following 1139
applicable conditions: 1140

~~(A)~~(1) Is at least sixteen years of age; 1141

~~(B)~~(2) Is of good moral character; 1142

~~(C)~~(3) Has the equivalent of an Ohio ~~public high school tenth~~ 1143
grade education diploma; 1144

~~(D)~~(4) Pays to the board the applicable fee; 1145

~~(E)~~(5) Passes the appropriate managing license examination; 1146

~~(F)~~(6) Has a current, active practicing license or is 1147
qualified to sit for an examination for both a practicing license 1148
and a managing license at the same time; 1149

(7) In the case of an applicant for an initial managing 1150
braider license, does either of the following: 1151

(a) Has the licensed managing braider, licensed managing 1152
cosmetologist, or owner of a licensed braiding salon or licensed 1153
beauty salon located in this or another state for whom the 1154
applicant performed services in a licensed salon certify to the 1155
board that the applicant has practiced braiding for at least two 1156
thousand hours as a braider in a licensed braiding salon or as a 1157
cosmetologist in a licensed beauty salon; 1158

(b) Has a school of cosmetology licensed in this state 1159
certify to the board that the applicant has successfully 1160
completed, in addition to the hours required for licensure as a 1161
braider or a cosmetologist, at least one hundred fifty hours of 1162

board-approved managing braider training. 1163

(8) In the case of an applicant for an initial managing 1164
cosmetologist license, does either of the following: 1165

~~(1)~~(a) Has a licensed managing cosmetologist or owner of a 1166
licensed beauty salon located in this or another state for whom 1167
the applicant performed services in a licensed salon certify to 1168
the board that the applicant has practiced as a cosmetologist for 1169
at least two thousand hours in a licensed beauty salon; 1170

~~(2)~~(b) Has a school of cosmetology licensed in this state 1171
certify to the board that the applicant has successfully 1172
completed, in addition to the hours required for licensure as a 1173
cosmetologist, at least three hundred hours of board-approved 1174
managing cosmetologist training. 1175

~~(G)~~(9) In the case of an applicant for an initial managing 1176
esthetician license, does either of the following: 1177

~~(1)~~(a) Has the licensed managing esthetician, licensed 1178
managing cosmetologist, or owner of a licensed esthetics salon or 1179
licensed beauty salon located in this or another state for whom 1180
the applicant performed services in a licensed salon certify to 1181
the board that the applicant has practiced esthetics for at least 1182
two thousand hours as an esthetician in a licensed esthetics salon 1183
or as a cosmetologist in a licensed beauty salon; 1184

~~(2)~~(b) Has a school of cosmetology licensed in this state 1185
certify to the board that the applicant has successfully 1186
completed, in addition to the hours required for licensure as an 1187
esthetician or cosmetologist, at least one hundred fifty hours of 1188
board-approved managing esthetician training. 1189

~~(H)~~(10) In the case of an applicant for an initial managing 1190
hair designer license, does either of the following: 1191

~~(1)~~(a) Has the licensed managing hair designer, licensed 1192

managing cosmetologist, or owner of a licensed hair design salon 1193
or licensed beauty salon located in this or another state for whom 1194
the applicant performed services in a licensed salon certify to 1195
the board that the applicant has practiced hair design for at 1196
least two thousand hours as a hair designer in a licensed hair 1197
design salon or as a cosmetologist in a licensed beauty salon; 1198

~~(2)~~(b) Has a school of cosmetology licensed in this state 1199
certify to the board that the applicant has successfully 1200
completed, in addition to the hours required for licensure as a 1201
hair designer or cosmetologist, at least two hundred forty hours 1202
of board-approved managing hair designer training. 1203

~~(I)~~(11) In the case of an applicant for an initial managing 1204
manicurist license, does either of the following: 1205

~~(1)~~(a) Has the licensed managing manicurist, licensed 1206
managing cosmetologist, or owner of a licensed nail salon, 1207
licensed beauty salon, or licensed barber shop located in this or 1208
another state for whom the applicant performed services in a 1209
licensed salon or barber shop certify to the board that the 1210
applicant has practiced manicuring for at least two thousand hours 1211
as a manicurist in a licensed nail salon or licensed barber shop 1212
or as a cosmetologist in a licensed beauty salon or licensed 1213
barber shop; 1214

~~(2)~~(b) Has a school of cosmetology licensed in this state 1215
certify to the board that the applicant has successfully 1216
completed, in addition to the hours required for licensure as a 1217
manicurist or cosmetologist, at least one hundred hours of 1218
board-approved managing manicurist training. 1219

~~(J)~~(12) In the case of an applicant for an initial managing 1220
natural hair stylist license, does either of the following: 1221

~~(1)~~(a) Has the licensed managing natural hair stylist, 1222
licensed managing cosmetologist, or owner of a licensed natural 1223

hair style salon or licensed beauty salon located in this or 1224
another state for whom the applicant performed services in a 1225
licensed salon certify to the board that the applicant has 1226
practiced natural hair styling for at least two thousand hours as 1227
a natural hair stylist in a licensed natural hair style salon or 1228
as a cosmetologist in a licensed beauty salon; 1229

~~(2)~~(b) Has a school of cosmetology licensed in this state 1230
certify to the board that the applicant has successfully 1231
completed, in addition to the hours required for licensure as 1232
natural hair stylist or cosmetologist, at least one hundred fifty 1233
hours of board-approved managing natural hair stylist training. 1234

(13) In the case of an applicant for an initial managing 1235
threader license, does either of the following: 1236

(a) Has the licensed managing threader, licensed managing 1237
cosmetologist, or owner of a licensed threading salon or licensed 1238
beauty salon in which the applicant has been employed in this or 1239
another state for whom the applicant performed services in a 1240
licensed salon certify to the board that the applicant has 1241
practiced threading for at least two thousand hours as a threader 1242
in a licensed threading salon or as a cosmetologist in a licensed 1243
beauty salon; 1244

(b) Has a school of cosmetology licensed in this state 1245
certify to the board that the applicant has successfully 1246
completed, in addition to the hours required for licensure as a 1247
threader or a cosmetologist, at least one hundred fifty hours of 1248
board-approved managing threader training. 1249

Sec. 4713.31. (A) An individual who seeks an instructor 1250
license from the state board of cosmetology shall submit a written 1251
application on a form furnished by the board. The application 1252
shall contain all of the following: 1253

<u>(1) The name of the individual and any other identifying information required by the board;</u>	1254 1255
<u>(2) A recent photograph of the individual that meets specifications established by the board;</u>	1256 1257
<u>(3) A photocopy of the individual's current driver's license or other proof of legal residence in this state or a contiguous state;</u>	1258 1259 1260
<u>(4) Proof that the individual satisfies all conditions to obtain the license;</u>	1261 1262
<u>(5) An oath verifying the application is true;</u>	1263
<u>(6) The applicable fee.</u>	1264
<u>(B) The state board of cosmetology shall issue an instructor license to an applicant who satisfies all of the following applicable conditions:</u>	1265 1266 1267
<u>(A)(1) Is at least eighteen years of age;</u>	1268
<u>(B)(2) Is of good moral character;</u>	1269
<u>(C)(3) Has the equivalent of an Ohio public <u>high</u> school twelfth grade education <u>diploma</u>;</u>	1270 1271
<u>(D)(4) Pays to the board the applicable fee;</u>	1272
<u>(E)(5) In the case of an applicant for an initial braiding instructor license, holds a current, valid managing braider license or managing cosmetologist license and does either of the following:</u>	1273 1274 1275 1276
<u>(a) Has the licensed managing braider, licensed managing cosmetologist, or owner of a licensed braiding salon or licensed beauty salon in which the applicant has been employed in this or another state for whom the applicant performed services in a licensed salon certify to the board that the applicant has engaged in the practice of braiding in a licensed braiding salon or the</u>	1277 1278 1279 1280 1281 1282

practice of cosmetology in a licensed beauty salon for at least 1283
two thousand hours; 1284

(b) Has a school of cosmetology licensed in this state 1285
certify to the board that the applicant has successfully completed 1286
at least one hundred fifty hours of board-approved braiding 1287
instructor training as an apprentice instructor. 1288

(6) In the case of an applicant for an initial cosmetology 1289
instructor license, holds a current, valid managing cosmetologist 1290
license issued in this state and does either of the following: 1291

~~(1)~~(a) Has the licensed managing cosmetologist or owner of 1292
the licensed beauty salon in which the applicant has been employed 1293
in this or another state for whom the applicant performed services 1294
in a licensed salon certify to the board that the applicant has 1295
engaged in the practice of cosmetology in a licensed beauty salon 1296
for at least two thousand hours; 1297

~~(2)~~(b) Has a school of cosmetology licensed in this state 1298
certify to the board that the applicant has successfully completed 1299
one thousand hours of board-approved cosmetology instructor 1300
training as an apprentice instructor. 1301

~~(F)~~(7) In the case of an applicant for an initial esthetics 1302
instructor license, holds a current, valid managing esthetician or 1303
managing cosmetologist license issued in this state and does 1304
either of the following: 1305

~~(1)~~(a) Has the licensed managing esthetician, licensed 1306
managing cosmetologist, or owner of the licensed esthetics salon 1307
or licensed beauty salon in which the applicant has been employed 1308
in this or another state for whom the applicant performed services 1309
in a licensed salon certify to the board that the applicant has 1310
engaged in the practice of esthetics in a licensed esthetics salon 1311
or practice of cosmetology in a licensed beauty salon for at least 1312
two thousand hours; 1313

~~(2)~~(b) Has a school of cosmetology licensed in this state 1314
certify to the board that the applicant has successfully completed 1315
at least five hundred hours of board-approved esthetics instructor 1316
training as an apprentice instructor. 1317

~~(G)~~(8) In the case of an applicant for an initial hair design 1318
instructor license, holds a current, valid managing hair designer 1319
or managing cosmetologist license and does either of the 1320
following: 1321

~~(1)~~(a) Has the licensed managing hair designer, licensed 1322
managing cosmetologist, or owner of the licensed hair design salon 1323
or licensed beauty salon in which the applicant has been employed 1324
in this or another state for whom the applicant performed services 1325
in a licensed salon certify to the board that the applicant has 1326
engaged in the practice of hair design in a licensed hair design 1327
salon or practice of cosmetology in a licensed beauty salon for at 1328
least two thousand hours; 1329

~~(2)~~(b) Has a school of cosmetology licensed in this state 1330
certify to the board that the applicant has successfully completed 1331
at least eight hundred hours of board-approved hair design 1332
instructor's training as an apprentice instructor. 1333

~~(H)~~(9) In the case of an applicant for an initial manicurist 1334
instructor license, holds a current, valid managing manicurist or 1335
managing cosmetologist license and does either of the following: 1336

~~(1)~~(a) Has the licensed managing manicurist, licensed 1337
managing cosmetologist, or owner of the licensed nail salon or 1338
licensed beauty salon in which the applicant has been employed in 1339
this or another state for whom the applicant performed services in 1340
a licensed salon certify to the board that the applicant has 1341
engaged in the practice of manicuring in a licensed nail salon or 1342
practice of cosmetology in a licensed beauty salon for at least 1343
two thousand hours; 1344

~~(2)~~(b) Has a school of cosmetology licensed in this state 1345
certify to the board that the applicant has successfully completed 1346
at least three hundred hours of board-approved manicurist 1347
instructor training as an apprentice instructor. 1348

~~(1)~~(10) In the case of an applicant for an initial natural 1349
hair style instructor license, holds a current, valid managing 1350
natural hair stylist or managing cosmetologist license and does 1351
either of the following: 1352

~~(1)~~(a) Has the licensed managing natural hair stylist, 1353
licensed managing cosmetologist, or owner of the licensed natural 1354
hair style salon or licensed beauty salon in which the applicant 1355
has been employed in this or another state for whom the applicant 1356
performed services in a licensed salon certify to the board that 1357
the applicant has engaged in the practice of natural hair styling 1358
in a licensed natural hair style salon or practice of cosmetology 1359
in a licensed beauty salon for at least two thousand hours; 1360

~~(2)~~(b) Has a school of cosmetology licensed in this state 1361
certify to the board that the applicant has successfully completed 1362
at least four hundred hours of board-approved natural hair style 1363
instructor training as an apprentice instructor. 1364

(11) In the case of an applicant for an initial threading 1365
instructor license, holds a current, valid managing threader 1366
license or managing cosmetologist license and does either of the 1367
following: 1368

(a) Has the licensed managing threader, licensed managing 1369
cosmetologist, or owner of the licensed threading salon or 1370
licensed beauty salon in which the applicant has been employed in 1371
this or another state for whom the applicant performed services in 1372
a licensed salon certify to the board that the applicant has 1373
engaged in the practice of threading in a licensed threading salon 1374
or the practice of cosmetology in a licensed beauty salon for at 1375

least two thousand hours; 1376

(b) Has a school of cosmetology licensed in this state 1377
certify to the board that the applicant has successfully completed 1378
at least one hundred fifty hours of board-approved threading 1379
instructor training as an apprentice instructor. 1380

Sec. 4713.32. When determining the total hours of instruction 1381
received by an applicant for a license under ~~section 4713.28,~~ 1382
~~4713.30, or 4713.31 of the Revised Code~~ this chapter, the state 1383
board of cosmetology shall not take into account more than ten 1384
hours of instruction per day. The board shall take into account 1385
instruction received more than five years prior to the date of 1386
application for the license in accordance with rules adopted under 1387
section 4713.08 of the Revised Code. 1388

Sec. 4713.34. The state board of cosmetology shall issue a 1389
license to practice a branch of cosmetology, managing license, or 1390
instructor license to an applicant who is licensed or registered 1391
in another state or country to practice that branch of 1392
cosmetology, manage that type of salon, or teach the theory and 1393
practice of that branch of cosmetology, as appropriate, if all of 1394
the following conditions are satisfied: 1395

(A) The applicant satisfies all of the following conditions: 1396

(1) Is not less than eighteen years of age; 1397

(2) Is of good moral character; 1398

(3) Shows proof of legal residence in the United States; 1399

(4) Provides a recent photograph of the applicant that meets 1400
specifications established by the board; 1401

(5) In the case of an applicant for a practicing license or 1402
managing license, passes an a practical and theory examination 1403
conducted under section 4713.24 of the Revised Code for the 1404

license the applicant seeks, unless the applicant satisfies 1405
conditions specified in rules adopted under section 4713.08 of the 1406
Revised Code for the board to issue the applicant a license 1407
without taking the examination; 1408

~~(4)~~(6) Pays the applicable fee. 1409

(B) At the time the applicant obtained the license or 1410
registration in the other state or country, the requirements in 1411
this state for obtaining the license the applicant seeks were 1412
substantially equal to the other state or country's requirements. 1413

(C) The jurisdiction that issued the applicant's license or 1414
registration extends similar reciprocity to ~~persons~~ individuals 1415
holding a license issued by the board. 1416

Sec. 4713.35. ~~A person~~ An individual who holds a current, 1417
valid braider license issued by the state board of cosmetology may 1418
engage in the practice of braiding but no other branch of 1419
cosmetology. 1420

An individual who holds a current, valid cosmetologist 1421
license issued by the ~~state board of cosmetology~~ may engage in the 1422
practice of one or more branches of cosmetology as the ~~person~~ 1423
individual chooses. 1424

~~A person~~ An individual who holds a current, valid esthetician 1425
license issued by the board may engage in the practice of 1426
esthetics ~~but no.~~ The individual may not engage in any other 1427
branch of cosmetology, except to the extent that the activities 1428
included in the practice of threading are also part of the 1429
practice of esthetics. 1430

~~A person~~ An individual who holds a current, valid hair 1431
designer license issued by the board may engage in the practice of 1432
hair design ~~but no.~~ The individual may not engage in any other 1433
branch of cosmetology, except to the extent that the activities 1434

included in the practice of braiding are also part of the practice 1435
of hair design. 1436

~~A person~~ An individual who holds a current, valid manicurist 1437
license issued by the board may engage in the practice of 1438
manicuring but no other branch of cosmetology. 1439

~~A person~~ An individual who holds a current, valid natural 1440
hair stylist license issued by the board may engage in the 1441
practice of natural hair styling ~~but no~~. The individual may not 1442
engage in any other branch of cosmetology, except to the extent 1443
that the activities included in the practice of braiding are also 1444
part of the practice of natural hair styling. 1445

An individual who holds a current, valid threading license 1446
issued by the board may engage in the practice of threading but no 1447
other branch of cosmetology. 1448

An individual who holds a current, valid managing braider 1449
license issued by the board may manage a braiding salon, but no 1450
other type of salon, and engage in the practice of braiding but no 1451
other branch of cosmetology. 1452

~~A person~~ An individual who holds a current, valid managing 1453
cosmetologist license issued by the board may manage all types of 1454
salons and engage in the practice of one or more branches of 1455
cosmetology as the ~~person~~ individual chooses. 1456

~~A person~~ An individual who holds a current, valid managing 1457
esthetician license issued by the board may manage an esthetics 1458
salon, but no other type of salon, ~~and~~. The individual may engage 1459
in the practice of esthetics, ~~but no~~ may not engage in any other 1460
branch of cosmetology, except to the extent that the activities 1461
included in the practice of threading are also part of the 1462
practice of esthetics. 1463

~~A person~~ An individual who holds a current, valid managing 1464
hair designer license issued by the board may manage a hair design 1465

salon, but no other type of salon, ~~and~~. The individual may engage 1466
in the practice of hair design, but ~~ne may not engage in any~~ other 1467
branch of cosmetology, except to the extent that the activities 1468
included in the practice of braiding are also part of the practice 1469
of hair design. 1470

~~A person~~ An individual who holds a current, valid managing 1471
manicurist license issued by the board may manage a nail salon, 1472
but no other type of salon, and engage in the practice of 1473
manicuring, but no other branch of cosmetology. 1474

~~A person~~ An individual who holds a current, valid managing 1475
natural hair stylist license issued by the board may manage a 1476
natural hair style salon, but no other type of salon, ~~and~~. The 1477
individual may engage in the practice of natural hair styling, but 1478
~~ne may not engage in any~~ other branch of cosmetology, except to 1479
the extent that the activities included in the practice of 1480
braiding are also part of the practice of natural hair styling. 1481

An individual who holds a current, valid managing threading 1482
license issued by the board may manage a threading salon, but no 1483
other type of salon, and engage in the practice of threading, but 1484
no other branch of cosmetology. 1485

An individual who holds a current, valid braiding instructor 1486
license issued by the board may teach at a school of cosmetology 1487
the theory and practice of braiding, but no other branch of 1488
cosmetology. 1489

~~A person~~ An individual who holds a current, valid cosmetology 1490
instructor license issued by the board may teach the theory and 1491
practice of one or more branches of cosmetology at a school of 1492
cosmetology as the ~~person~~ individual chooses. 1493

~~A person~~ An individual who holds a current, valid esthetics 1494
instructor license issued by the board may teach at a school of 1495
cosmetology the theory and practice of esthetics, but ~~ne may not~~ 1496

teach the theory and practice of any other branch of cosmetology, 1497
at a school of cosmetology except to the extent that the theory 1498
and practice of threading are also part of the theory and practice 1499
of esthetics. 1500

~~A person~~ An individual who holds a current, valid hair design 1501
instructor license issued by the board may teach at a school of 1502
cosmetology the theory and practice of hair design, but ~~no~~ may not 1503
teach the theory and practice of any other branch of cosmetology, 1504
at a school of cosmetology except to the extent that the theory 1505
and practice of braiding are also part of the theory and practice 1506
of hair design. 1507

~~A person~~ An individual who holds a current, valid manicurist 1508
instructor license issued by the board may teach the theory and 1509
practice of manicuring, but no other branch of cosmetology, at a 1510
school of cosmetology. 1511

~~A person~~ An individual who holds a current, valid natural 1512
hair style instructor license issued by the board may teach at a 1513
school of cosmetology the theory and practice of natural hair 1514
styling, but ~~no~~ may not teach the theory and practice of any other 1515
branch of cosmetology, at a school of cosmetology except to the 1516
extent that the theory and practice of braiding are also part of 1517
the theory and practice of natural hair styling. 1518

An individual who holds a current threading instructor 1519
license issued by the board may teach the theory and practice of 1520
threading, but no other branch of cosmetology, at a school of 1521
cosmetology. 1522

Sec. 4713.37. (A) The state board of cosmetology may issue a 1523
temporary special occasion work permit to ~~a person~~ an individual 1524
who satisfies all of the following conditions: 1525

(1) Has been licensed or registered in another state or 1526

country to practice a branch of cosmetology or teach the theory 1527
and practice of a branch of cosmetology for at least five years; 1528

(2) Is a recognized expert in the practice or teaching of the 1529
branch of cosmetology the ~~person~~ individual practices or teaches; 1530

(3) Is to practice that branch of cosmetology or teach the 1531
theory and practice of that branch of cosmetology in this state as 1532
part of a promotional or instructional program for not more than 1533
the amount of time a temporary special occasion work permit is 1534
effective; 1535

(4) Satisfies all other conditions for a temporary special 1536
occasion work permit established by rules adopted under section 1537
4713.08 of the Revised Code; 1538

(5) Pays the fee established by rules adopted under section 1539
4713.08 of the Revised Code. 1540

(B) ~~A person~~ An individual issued a temporary special 1541
occasion work permit may practice the branch of cosmetology the 1542
~~person~~ individual practices in another state or country, or teach 1543
the theory and practice of the branch of cosmetology the ~~person~~ 1544
individual teaches in another state or country, until the 1545
expiration date of the permit. A temporary special occasion work 1546
permit is valid for the period of time specified in rules adopted 1547
under section 4713.08 of the Revised Code. 1548

Sec. 4713.39. (A) An individual who holds a current valid 1549
manager's license shall be granted a license to practice as an 1550
independent contractor in the branch of cosmetology for which the 1551
manager's license was issued if the individual does all of the 1552
following: 1553

(1) Completes an application on a form furnished by the state 1554
board of cosmetology that includes the individual's name, physical 1555
and electronic mail address, telephone number, and any other 1556

information required by rules adopted by the board under section 1557
4713.08 of the Revised Code; 1558

(2) Submits to the board a signed statement attesting that 1559
the individual will comply with division (B) of this section. 1560

(B) The holder of an independent contractor license shall do 1561
all of the following: 1562

(1) Practice in a space the individual rents in a licensed 1563
salon and post the independent contractor license in that space; 1564

(2) Supply all of the supplies the individual will use in the 1565
practice; 1566

(3) Set the individual's own schedule; 1567

(4) Pay all applicable taxes and comply with any applicable 1568
state or federal law or local ordinance; 1569

(5) Pay for any insurance coverage. 1570

(C) An independent contractor who rents space in a salon 1571
shall enter into a contract with the salon or the salon's owner. 1572
The contract shall specify the business relationship between the 1573
parties and the responsibilities of each party. The salon or salon 1574
owner shall comply with all applicable state and federal laws and 1575
local ordinances. 1576

Sec. 4713.41. (A) A person who seeks a license to operate a 1577
salon from the state board of cosmetology shall submit a written 1578
application on a form furnished by the board. The application 1579
shall contain all of the following: 1580

(1) The name of the person, the location of the salon, and 1581
any other identifying information required by the board; 1582

(2) A recent photograph of the individual signing the 1583
application that meets specifications established by the board; 1584

(3) A photocopy of the current driver's license of the 1585

<u>individual signing the application or other proof of the</u>	1586
<u>individual's legal residence in this state or a contiguous state;</u>	1587
<u>(4) Proof that the person satisfies all conditions to obtain</u>	1588
<u>the license;</u>	1589
<u>(5) An oath verifying the application is true;</u>	1590
<u>(6) The applicable fee.</u>	1591
<u>An application for a license to operate a salon may be</u>	1592
<u>submitted by the owner, manager, or individual in charge of the</u>	1593
<u>salon.</u>	1594
<u>(B) The state board of cosmetology shall issue a license to</u>	1595
<u>operate a salon to an applicant who pays the applicable fee and</u>	1596
<u>affirms that all of the following conditions will be met:</u>	1597
<u>(A)(1) A person (a) <u>An individual</u> holding a current, valid</u>	1598
<u>managing cosmetologist license or license to manage that type of</u>	1599
<u>salon has charge of and immediate supervision over the salon at</u>	1600
<u>all times when the salon is open for business except as permitted</u>	1601
<u>under division (A)(2)(B)(1)(b) of this section.</u>	1602
<u>(2)(b) A business establishment that is engaged primarily in</u>	1603
<u>retail sales but is also licensed as a salon shall have a person</u>	1604
<u><u>an individual</u> holding a current, valid managing license for that</u>	1605
<u>type of salon in charge of and in immediate supervision of the</u>	1606
<u>salon during posted or advertised service hours, if the practice</u>	1607
<u>of cosmetology is restricted to those posted or advertised service</u>	1608
<u>hours.</u>	1609
<u>(B)(2) The salon is equipped to do all of the following:</u>	1610
<u>(1)(a) Provide potable running hot and cold water and proper</u>	1611
<u>drainage;</u>	1612
<u>(2)(b) Sanitize all instruments and supplies used in the</u>	1613
<u>branch of cosmetology provided at the salon;</u>	1614
<u>(3)(c) If cosmetic therapy, massage therapy, or other</u>	1615

professional service is provided at the salon under section 1616
4713.42 of the Revised Code, sanitize all instruments and supplies 1617
used in the cosmetic therapy, massage therapy, or other 1618
professional service. 1619

~~(C)~~(3) Except as provided in sections 4713.42 and 4713.49 of 1620
the Revised Code, only the branch of cosmetology that the salon is 1621
licensed to provide is practiced at the salon. 1622

~~(D)~~(4) The salon is kept in a clean and sanitary condition 1623
and properly ventilated. 1624

~~(E)~~(5) No food is sold at the salon in a manner inconsistent 1625
with rules adopted under section 4713.08 of the Revised Code. 1626

Sec. 4713.42. ~~A person~~ An individual holding a current, valid 1627
certificate issued under section 4731.15 of the Revised Code to 1628
provide cosmetic therapy or massage therapy may provide cosmetic 1629
therapy or massage therapy, as appropriate, in a salon. ~~A person~~ 1630
An individual holding a current, valid license or certificate 1631
issued by a professional regulatory board of this state may 1632
practice the ~~person's~~ individual's profession in a salon if the 1633
~~person's~~ individual's profession is authorized by rules adopted 1634
under section 4713.08 of the Revised Code to practice in a salon. 1635

~~A person~~ An individual providing cosmetic therapy, massage 1636
therapy, or other professional service in a salon pursuant to this 1637
section shall satisfy the standards established by rules adopted 1638
under section 4713.08 of the Revised Code. 1639

Sec. 4713.44. (A) A person who seeks a license to operate a 1640
school of cosmetology from the state board of cosmetology shall 1641
submit a written application on a form furnished by the board. The 1642
form shall contain all of the following: 1643

(1) The name of the person, the location of the school, and 1644
any other identifying information required by the board; 1645

(2) A recent photograph of the individual signing the application that meets specifications established by the board; 1646
1647

(3) Proof that the person satisfies all conditions to obtain the license; 1648
1649

(4) An oath verifying the application is true; 1650

(5) The applicable fee. 1651

An application for a license to operate a school of cosmetology may be submitted by the owner, manager, or individual in charge of the school. 1652
1653
1654

(B) The ~~state board of cosmetology~~ shall issue a license to operate a school of cosmetology to an applicant who pays the applicable fee and satisfies all of the following requirements: 1655
1656
1657

~~(A)~~(1) Maintains a course of practical training and technical instruction for the branch or branches of cosmetology to be taught at the school equal to the requirements for admission to an examination under section 4713.24 of the Revised Code that a ~~person~~ an individual must pass to obtain a license to practice that branch or those branches of cosmetology; 1658
1659
1660
1661
1662
1663

~~(B)~~(2) Possesses or makes available apparatus and equipment sufficient for the ready and full teaching of all subjects of the curriculum; 1664
1665
1666

~~(C)~~(3) Maintains ~~persons~~ individuals licensed under section 4713.31 or 4713.34 of the Revised Code to teach the theory and practice of the branches of cosmetology; 1667
1668
1669

~~(D)~~(4) Notifies the board of the enrollment of each new student, keeps a record devoted to the different practices, establishes grades, and holds examinations in order to certify the students' completion of the prescribed course of study before the issuance of certificates of completion; 1670
1671
1672
1673
1674

~~(E)~~(5) In the case of a school of cosmetology that offers 1675

clock hours for the purpose of satisfying minimum hours of 1676
training and instruction, keeps a daily record of the attendance 1677
of each student; 1678

~~(F)~~(6) On the date that an apprentice cosmetology instructor 1679
begins cosmetology instructor training at the school, certifies 1680
the name of the apprentice cosmetology instructor to the board 1681
along with the date on which the apprentice's instructor training 1682
began; 1683

~~(G)~~(7) Instructs not more than six apprentice cosmetology 1684
instructors at any one time; 1685

~~(H)~~(8) Files with the board a good and sufficient surety bond 1686
executed by the person, firm, or corporation operating the school 1687
of cosmetology as principal and by a surety company as surety in 1688
the amount of ten thousand dollars; ~~provided, except~~ that this 1689
requirement does not apply to a vocational program conducted by a 1690
city, exempted village, local, or joint vocational school 1691
district. The bond shall be in the form prescribed by the board 1692
and be conditioned upon the school's continued instruction in the 1693
theory and practice of the branches of cosmetology. Every bond 1694
shall continue in effect until notice of its termination is given 1695
to the board by registered mail and every bond shall so provide. 1696

Sec. 4713.45. (A) A school of cosmetology may do the 1697
following: 1698

(1) In accordance with rules adopted under section 4713.08 of 1699
the Revised Code, a school of cosmetology operated by a public 1700
entity may offer clock hours, credit hours, or competency-based 1701
credits, and a school of cosmetology that is operated by a private 1702
person may offer clock or credit hours, for the purpose of 1703
satisfying minimum hours of training and instruction; 1704

(2) Allow an apprentice cosmetology instructor the regular 1705

quota of students prescribed by the state board of cosmetology if 1706
a cosmetology instructor is present; 1707

(3) Compensate an apprentice cosmetology instructor; 1708

(4) Subject to division (B) of this section, employ ~~a person~~ 1709
an individual who does not hold a current, valid instructor 1710
license to teach subjects related to a branch of cosmetology. 1711

(B) A school of cosmetology shall have a licensed cosmetology 1712
instructor present when ~~a person~~ an individual employed pursuant 1713
to division (A)(4) of this section teaches at the school, unless 1714
the ~~person~~ individual is one of the following: 1715

(1) ~~A person~~ An individual with a current, valid teacher's 1716
certificate or educator license issued by the state board of 1717
education; 1718

(2) ~~A person~~ An individual with a bachelor's degree in the 1719
subject the ~~person~~ individual teaches at the school; 1720

(3) ~~A person~~ An individual also employed by a university or 1721
college to teach the subject the ~~person~~ individual teaches at the 1722
school. 1723

Sec. 4713.48. (A) The state board of cosmetology shall issue 1724
a permit to operate a tanning facility to an applicant if all of 1725
the following conditions are satisfied: 1726

(1) The applicant applies in accordance with the application 1727
process adopted by rules adopted under section 4713.08 of the 1728
Revised Code. 1729

(2) The applicant pays to the treasurer of state the fee 1730
established by those rules. 1731

(3) An initial inspection of the premises indicates that the 1732
tanning facility has been installed and will be operated in 1733
accordance with those rules. 1734

(B) A permit holder shall post the permit in a public and 1735
conspicuous place on any premises where the tanning facility is 1736
located. A person shall obtain a separate permit for each of the 1737
premises owned or operated by that person at which the person 1738
seeks to operate a tanning facility. 1739

(C) A To continue operating, a permit holder may shall 1740
biennially renew a the permit by the last day of January of each 1741
odd-numbered year upon. The board shall renew the permit upon the 1742
holder's payment to the treasurer of state of the biennial renewal 1743
fee. 1744

Sec. 4713.55. Every license issued by the state board of 1745
cosmetology shall be signed by the chairperson and attested by the 1746
executive director thereof, with the seal of the board attached. 1747

The board shall specify on each practicing license that the 1748
board issues the branch of cosmetology that the license entitles 1749
the holder to practice. The board shall specify on each managing 1750
license that the board issues the type of salon that the license 1751
entitles the holder to manage and the branch of cosmetology that 1752
the license entitles the holder to practice. The board shall 1753
specify on each instructor license that the board issues the 1754
branch of cosmetology that the license entitles the holder to 1755
teach. The board shall specify on each salon license that the 1756
board issues the branch of cosmetology that the license entitles 1757
the holder to offer. The board shall specify on each independent 1758
contractor license that the board issues the branch of cosmetology 1759
that the license entitles the holder to offer within a licensed 1760
salon. Such licenses are prima-facie evidence of the right of the 1761
holder to practice or teach the branch of cosmetology, or manage 1762
the type of salon, that the license specifies. 1763

Sec. 4713.56. Every holder of a practicing license, managing 1764

license, instructor license, or independent contractor license 1765
issued by the state board of cosmetology shall display the license 1766
in a public and conspicuous place in the place of employment of 1767
the holder. 1768

Every holder of a license to operate a salon issued by the 1769
board shall display the license in a public and conspicuous place 1770
in the salon. 1771

Every holder of a license to operate a school of cosmetology 1772
issued by the board shall display the license in a public and 1773
conspicuous place in the school. 1774

Every ~~person~~ individual who provides cosmetic therapy, 1775
massage therapy, or other professional service in a salon under 1776
section 4713.42 of the Revised Code shall display the ~~person's~~ 1777
individual's professional license or certificate in a public and 1778
conspicuous place in the room used for the therapy or other 1779
service. 1780

Sec. 4713.58. (A) Except as provided in division (B) of this 1781
section, on payment of the renewal fee and submission of proof 1782
satisfactory to the state board of cosmetology that any applicable 1783
continuing education requirements have been completed, ~~a person~~ an 1784
individual currently licensed as: 1785

(1) A braiding instructor who has previously been licensed as 1786
a braider or a managing braider, is entitled to the reissuance of 1787
a braider or managing braider license; 1788

(2) A cosmetology instructor who has previously been licensed 1789
as a cosmetologist or a managing cosmetologist, is entitled to the 1790
reissuance of a cosmetologist or managing cosmetologist license; 1791

~~(2)~~(3) An esthetics instructor who has previously been 1792
licensed as an esthetician or a managing esthetician, is entitled 1793
to the reissuance of an esthetician or managing esthetician 1794

license; 1795

~~(3)~~(4) A hair design instructor who has previously been 1796
licensed as a hair designer or a managing hair designer, is 1797
entitled to the reissuance of a hair designer or managing hair 1798
designer license; 1799

~~(4)~~(5) A manicurist instructor who has previously been 1800
licensed as a manicurist or a managing manicurist, is entitled to 1801
the reissuance of a manicurist or managing manicurist license; 1802

~~(5)~~(6) A natural hair style instructor who has previously 1803
been licensed as a natural hair stylist or a managing natural hair 1804
stylist, is entitled to the reissuance of a natural hair stylist 1805
or managing natural hair stylist license; 1806

(7) A threading instructor who has previously been licensed 1807
as a threader or a managing threader, is entitled to the 1808
reissuance of a threader or managing threader license. 1809

(B) No ~~person~~ individual is entitled to the reissuance of a 1810
license under division (A) of this section if the license was 1811
revoked or suspended or the ~~person~~ individual has an outstanding 1812
unpaid fine levied under section 4713.64 of the Revised Code. 1813

Sec. 4713.60. (A) Except as provided in division (C) of this 1814
section, ~~a person~~ an individual seeking a renewal of a license to 1815
practice a branch of cosmetology, managing license, or instructor 1816
license shall include in the renewal application proof 1817
satisfactory to the board of completion of any applicable 1818
continuing education requirements established by rules adopted 1819
under section 4713.09 of the Revised Code. 1820

(B) If an applicant fails to provide satisfactory proof of 1821
completion of any applicable continuing education requirements, 1822
the board shall notify the applicant that the application is 1823
incomplete. The board shall not renew the license until the 1824

applicant provides satisfactory proof of completion of any 1825
applicable continuing education requirements. The board may 1826
provide the applicant with an extension of up to ninety days in 1827
which to complete the continuing education requirement. In 1828
providing for the extension, the board may charge the licensee a 1829
fine of up to one hundred dollars. 1830

(C) The board may waive, or extend the period for completing, 1831
any continuing education requirement if a licensee applies to the 1832
board and provides proof satisfactory to the board of being unable 1833
to complete the requirement within the time allowed because of any 1834
of the following: 1835

(1) An emergency; 1836

(2) An unusual or prolonged illness; 1837

(3) Active duty service in any branch of the armed forces of 1838
the United States. 1839

The board shall determine the period of time during which 1840
each extension is effective and shall inform the applicant. The 1841
board shall also inform the applicant of the continuing education 1842
requirements that must be met to have the license renewed. If an 1843
extension is granted for less than one year, the continuing 1844
education requirement for that year, in addition to the required 1845
continuing education for the succeeding year, must be completed in 1846
the succeeding year. In all other cases the board may waive all or 1847
part of the continuing education requirement on a case-by-case 1848
basis. Any required continuing education shall be completed and 1849
satisfactory proof of its completion submitted to the board by a 1850
date specified by the board. Every license which has not been 1851
renewed in any odd-numbered year by the last day of January and 1852
for which the continuing education requirement has not been waived 1853
or extended shall be considered ~~expired~~ no longer valid. 1854

Sec. 4713.61. (A) If the state board of cosmetology adopts a continuing education requirement under section 4713.09 of the Revised Code, it may develop a procedure by which ~~a person~~ an individual who holds a license to practice a branch of cosmetology, managing license, or instructor license and who is not currently engaged in the practice of the branch of cosmetology, managing a salon, or teaching the theory and practice of the branch of cosmetology, but who desires to be so engaged in the future, may apply to the board to have the ~~person's~~ individual's license classified inactive in escrow. If the board develops such a procedure, ~~a person~~ an individual seeking to have the ~~person's~~ individual's license classified inactive in escrow shall apply to the board on a form provided by the board and pay the fee established by rules adopted under section 4713.08 of the Revised Code.

(B) The board shall not restore ~~an inactive~~ a license in escrow until the later of the following:

(1) The date that the ~~person~~ individual holding the license submits proof satisfactory to the board that the ~~person~~ individual has completed the continuing education that a rule adopted under section 4713.08 of the Revised Code requires;

(2) The last day of January of the next odd-numbered year following the year the license is classified inactive in escrow.

(C) ~~A person~~ An individual who holds ~~an inactive~~ a license in escrow may engage in the practice of a branch of cosmetology if the ~~person~~ individual holds a temporary work permit as specified in rules adopted by the board under section 4713.08 of the Revised Code.

Sec. 4713.62. (A) ~~A person~~ An individual holding a practicing license, managing license, or instructor license may satisfy a

continuing education requirement established by rules adopted 1885
under section 4713.09 of the Revised Code only by completing 1886
continuing education programs approved under division (B) of this 1887
section or developed under division (C) of this section. 1888

(B) The state board of cosmetology shall approve a continuing 1889
education program if all of the following conditions are 1890
satisfied: 1891

(1) The person operating the program submits to the board a 1892
written application for approval. 1893

(2) The person operating the program pays to the board a fee 1894
established by rules adopted under section 4713.08 of the Revised 1895
Code. 1896

(3) The program is operated by an employee, officer, or 1897
director of a nonprofit professional association, college or 1898
university, vocational school, postsecondary proprietary school of 1899
cosmetology licensed by the board, salon licensed by the board, or 1900
manufacturer of supplies or equipment used in the practice of a 1901
branch of cosmetology. 1902

(4) The program will do at least one of the following: 1903

(a) Enhance the professional competency of the affected 1904
licensees; 1905

(b) Protect the public; 1906

(c) Educate the affected licensees in the application of the 1907
laws and rules regulating the practice of a branch of cosmetology. 1908

(5) The person operating the program provides the board a 1909
tentative schedule of when the program will be available so that 1910
the board can make the schedule readily available to all licensees 1911
throughout the state. 1912

Sec. 4713.63. A practicing license, managing license, or 1913

instructor license that has not been renewed for any reason other than because it has been revoked, suspended, or classified ~~inactive in escrow~~, or because the license holder has been given a waiver or extension under section 4713.60 of the Revised Code, is ~~expired no longer valid. An expired~~ The license may be restored if the ~~person~~ individual who held the license meets all of the following applicable conditions:

(A) Pays to the state board of cosmetology the restoration fee, ~~the current renewal fee, and any applicable late fees;~~

(B) ~~Pays a lapsed renewal fee of forty five dollars per license renewal period that has elapsed since the license was last issued or renewed;~~

~~(C)~~ In the case of a practicing license or managing license that has not been ~~expired~~ valid for more than two consecutive license renewal periods, completes eight hours of continuing education for each license renewal period that has elapsed since the license was last issued or renewed, up to a maximum of twenty-four hours. At least four of those hours shall include a course pertaining to sanitation and safety methods.

~~The board shall deposit all fees it receives under division (B) of this section into the general revenue fund.~~

Sec. 4713.64. (A) ~~In accordance with Chapter 119. of the Revised Code, the~~ The state board of cosmetology may ~~deny, revoke, or suspend a license or permit issued by the board or impose a fine~~ take disciplinary action for any of the following:

(1) Failure to comply with the requirements of this chapter or rules adopted under it;

(2) Continued practice by ~~a person~~ an individual knowingly having an infectious or contagious disease;

(3) Habitual drunkenness or addiction to any habit-forming drug;	1943 1944
(4) Willful false and fraudulent or deceptive advertising;	1945
(5) Falsification of any record or application required to be filed with the board;	1946 1947
(6) <u>Failure to cooperate with an investigation or an inspection;</u>	1948 1949
<u>(7) Failure to respond to a subpoena;</u>	1950
<u>(8) Failure to pay a fine or abide by a suspension order issued by the board.</u>	1951 1952
(B) <u>On determining that there is cause for disciplinary action, the board may do one or more of the following:</u>	1953 1954
<u>(1) Deny, revoke, or suspend a license or permit issued by the board;</u>	1955 1956
<u>(2) Impose a fine;</u>	1957
<u>(3) Require the holder of a license or permit to take corrective action courses.</u>	1958 1959
<u>(C) The board shall take disciplinary action 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 the holder of the license or permit. When ratified by a majority vote of a quorum of the board members, a consent agreement constitutes 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 it are of no effect.</u>	1960 1961 1962 1963 1964 1965 1966 1967 1968
<u>(D) The amount and content of corrective action courses and other relevant criteria shall be determined by the board.</u>	1969 1970
<u>(E)(1) The board may impose a separate fine for each offense</u>	1971

listed in division (A) of this section. The amount of a fine shall 1972
be not more than five hundred dollars if the violator has not 1973
previously been fined for that offense. The fine shall be not more 1974
than one thousand dollars if the violator has been fined for the 1975
same offense once before. The fine shall be not more than one 1976
thousand five hundred dollars if the violator has been fined for 1977
the same offense two or more times before. 1978

~~(C)~~(2) The board shall issue an order notifying a violator of 1979
a fine imposed under division (E)(1) of this section. The notice 1980
shall specify the date by which the fine is to be paid. The date 1981
must be less than forty-five days after the order is issued. 1982

(3) At the request of a violator who is temporarily unable to 1983
pay a fine, or on its own motion, the board may extend the date by 1984
which the fine is to be paid to up to ninety days after the date 1985
the order is issued. 1986

(4) If a violator fails to pay a fine not later than the date 1987
specified in the board's order and does not request an extension 1988
not later than ten days after the date the order is issued or 1989
fails to pay the fine not later than the extended date, the board 1990
shall add to the fine an additional penalty equal to ten per cent 1991
of the fine. 1992

(5) If a violator fails to pay a fine not later than ninety 1993
days after the board issues an order, the board shall add to the 1994
fine interest at a rate specified by the board in rules adopted 1995
under section 4713.08 of the Revised Code. 1996

(6) If the fine, including any interest or additional 1997
penalty, remains unpaid on the ninety-first day after the board 1998
issues an order under division (E)(2) of this section, the amount 1999
of the fine and any interest or additional penalty shall be 2000
certified to the attorney general for collection in the form and 2001
manner prescribed by the attorney general. The attorney general 2002

may assess the collection cost to the amount certified in such a 2003
manner and amount as prescribed by the attorney general. 2004

(F) If a person fails to request a hearing ~~within~~ or consent 2005
agreement not later than thirty days ~~of~~ after the date the board, 2006
in accordance with section 119.07 of the Revised Code, notifies 2007
the person of the board's intent to act against the person under 2008
division (A) of this section, the board by a majority vote of a 2009
quorum of the board members may take the action against the person 2010
without holding an adjudication hearing. 2011

~~(D)~~(G) The board, after a hearing in accordance with Chapter 2012
119. of the Revised Code or pursuant to a consent agreement, may 2013
suspend a ~~tanning facility~~ license or permit if the ~~owner~~ license 2014
or ~~operator~~ permit holder fails to correct an unsafe condition 2015
that exists in violation of the board's rules or fails to 2016
cooperate in an inspection ~~of the tanning facility~~. ~~If~~ 2017

If a violation of this chapter or rules adopted under it has 2018
resulted in a condition reasonably believed by an inspector to 2019
create an immediate danger to the health and safety of any person 2020
using ~~the tanning~~ a facility, the inspector may suspend the 2021
license or permit of the facility or the person responsible for 2022
the violation without a prior hearing or an opportunity for a 2023
consent agreement until the condition is corrected or until a 2024
hearing in accordance with Chapter 119. of the Revised Code is 2025
held or a consent agreement is entered into and the board either 2026
upholds the suspension or reinstates the license or permit. 2027

Sec. 4713.66. The state board of cosmetology or the executive 2028
director acting for the board may compel, by order or subpoena, 2029
the attendance of witnesses to testify in relation to any matter 2030
over which the board has jurisdiction that is the subject of 2031
inquiry or investigation by the board and may require the 2032
production of any book, paper, document, or testimony pertaining 2033

to that matter. For this purpose, the board or director has the 2034
same power as the judge of a court of common pleas to administer 2035
oaths and to compel the attendance of witnesses and punish 2036
witnesses for refusal to testify. 2037

Service of a subpoena may be made by sheriffs or constables, 2038
or by certified mail, return receipt requested. A subpoena shall 2039
be considered served on the date delivery is made or the date the 2040
intended recipient refuses to accept delivery. 2041

Witnesses shall receive, after their appearance, the fees and 2042
mileage provided for in section 119.094 of the Revised Code. If 2043
two or more witnesses travel together in the same vehicle, the 2044
mileage fee shall be paid to only one of them, but the witnesses 2045
may agree to divide the fee among them in any manner. 2046

Should a person fail to obey an order or subpoena issued 2047
under this section, on application by the board or director 2048
setting forth the failure, the court of common pleas of any county 2049
may issue a subpoena or subpoena duces tecum ordering the person 2050
to appear and testify before the board and produce books, records, 2051
or papers, as required. On the filing of the order, the clerk of 2052
court, under the court's seal, shall issue process of subpoena for 2053
the person to appear before the board or the director at a time 2054
and place named in the subpoena, and each day thereafter until the 2055
examination of the person is completed. The subpoena may require 2056
that the person bring to the examination any books, records, or 2057
papers required by the order. The clerk shall also issue, under 2058
the seal of the court, such other orders, in reference to the 2059
examination, appearance, and production of books, records, or 2060
papers, as the court directs. If a person so summoned by subpoena 2061
fails to obey the subpoena, to give testimony, to answer questions 2062
as required, or to obey an order of the court, the court, on 2063
motion supported by proof, may order an attachment for contempt to 2064

be issued against the person. If the person is brought before the 2065
court by virtue of the attachment and upon a hearing the 2066
disobedience appears, the court may order the person to be 2067
committed and kept in close custody. 2068

Sec. 4713.67. (A) The state board of cosmetology, on its own 2069
motion or on receipt of a written complaint, may investigate or 2070
inspect the activities or premises of a person who is alleged to 2071
have violated this chapter or rules adopted under it, regardless 2072
of whether the person holds a license issued under this chapter. 2073

(B) If, based on its investigation, the board determines that 2074
there is reasonable cause to believe that a person has violated 2075
this chapter or rules adopted under it, the board shall afford the 2076
person an opportunity for a hearing. Notice shall be given and any 2077
hearing conducted in accordance with Chapter 119. of the Revised 2078
Code. 2079

(C) The board shall maintain a transcript of the hearing and 2080
issue a written opinion to all parties, citing its findings and 2081
ground for any action it takes. Any action shall be taken in 2082
accordance with section 4713.64 of the Revised Code. 2083

Sec. 4715.30. (A) An applicant for or holder of a certificate 2084
or license issued under this chapter is subject to disciplinary 2085
action by the state dental board for any of the following reasons: 2086
2087

(1) Employing or cooperating in fraud or material deception 2088
in applying for or obtaining a license or certificate; 2089

(2) Obtaining or attempting to obtain money or anything of 2090
value by intentional misrepresentation or material deception in 2091
the course of practice; 2092

(3) Advertising services in a false or misleading manner or 2093
violating the board's rules governing time, place, and manner of 2094

advertising;	2095
(4) Conviction of a misdemeanor committed in the course of practice or of any felony;	2096 2097
(5) Engaging in lewd or immoral conduct in connection with the provision of dental services;	2098 2099
(6) Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes, or conviction of violating any law of this state or the federal government regulating the possession, distribution, or use of any drug;	2100 2101 2102 2103 2104
(7) Providing or allowing dental hygienists, expanded function dental auxiliaries, or other practitioners of auxiliary dental occupations working under the certificate or license holder's supervision, or a dentist holding a temporary limited continuing education license under division (C) of section 4715.16 of the Revised Code working under the certificate or license holder's direct supervision, to provide dental care that departs from or fails to conform to accepted standards for the profession, whether or not injury to a patient results;	2105 2106 2107 2108 2109 2110 2111 2112 2113
(8) Inability to practice under accepted standards of the profession because of physical or mental disability, dependence on alcohol or other drugs, or excessive use of alcohol or other drugs;	2114 2115 2116 2117
(9) Violation of any provision of this chapter or any rule adopted thereunder;	2118 2119
(10) Failure to use universal blood and body fluid precautions established by rules adopted under section 4715.03 of the Revised Code;	2120 2121 2122
(11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or	2123 2124

health care policy, contract, or plan that covers dental services, 2125
would otherwise be required to pay if the waiver is used as an 2126
enticement to a patient or group of patients to receive health 2127
care services from that provider; 2128

(12) Advertising that the certificate or license holder will 2129
waive the payment of all or any part of a deductible or copayment 2130
that a patient, pursuant to a health insurance or health care 2131
policy, contract, or plan that covers dental services, would 2132
otherwise be required to pay; 2133

(13) Failure to comply with section 4729.79 of the Revised 2134
Code, unless the state board of pharmacy no longer maintains a 2135
drug database pursuant to section 4729.75 of the Revised Code. 2136

(B) A manager, proprietor, operator, or conductor of a dental 2137
facility shall be subject to disciplinary action if any dentist, 2138
dental hygienist, expanded function dental auxiliary, or qualified 2139
personnel providing services in the facility is found to have 2140
committed a violation listed in division (A) of this section and 2141
the manager, proprietor, operator, or conductor knew of the 2142
violation and permitted it to occur on a recurring basis. 2143

(C) Subject to Chapter 119. of the Revised Code, the board 2144
may take one or more of the following disciplinary actions if one 2145
or more of the grounds for discipline listed in divisions (A) and 2146
(B) of this section exist: 2147

(1) Censure the license or certificate holder; 2148

(2) Place the license or certificate on probationary status 2149
for such period of time the board determines necessary and require 2150
the holder to: 2151

(a) Report regularly to the board upon the matters which are 2152
the basis of probation; 2153

(b) Limit practice to those areas specified by the board; 2154

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

(3) Suspend the certificate or license;

(4) Revoke the certificate or license.

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

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

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

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

suspension of a license or certificate under division (E) of this section. 2186
2187

(E) If the board has reason to believe that a license or certificate holder represents a clear and immediate danger to the public health and safety if the holder is allowed to continue to practice, or if the holder has failed to comply with an order under division (D) of this section, the board may apply to the court of common pleas of the county in which the holder resides for an order temporarily suspending the holder's license or certificate, without a prior hearing being afforded by the board, until the board conducts an adjudication hearing pursuant to Chapter 119. of the Revised Code. If the court temporarily suspends a holder's license or certificate, the board shall give written notice of the suspension personally or by certified mail to the license or certificate holder. Such notice shall include specific facts and reasons for finding a clear and immediate danger to the public health and safety and shall inform the license or certificate holder of the right to a hearing pursuant to Chapter 119. of the Revised Code. 2188
2189
2190
2191
2192
2193
2194
2195
2196
2197
2198
2199
2200
2201
2202
2203
2204

(F) Any holder of a certificate or license issued under this chapter who has pleaded guilty to, has been convicted of, or has had a judicial finding of eligibility for intervention in lieu of conviction entered against the holder in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or who has pleaded guilty to, has been convicted of, or has had a judicial finding of eligibility for treatment or intervention in lieu of conviction entered against the holder in another jurisdiction for any substantially equivalent criminal offense, is automatically suspended from practice under this chapter in this state and any certificate or license issued to the holder under 2205
2206
2207
2208
2209
2210
2211
2212
2213
2214
2215
2216
2217

this chapter is automatically suspended, as of the date of the 2218
guilty plea, conviction, or judicial finding, whether the 2219
proceedings are brought in this state or another jurisdiction. 2220
Continued practice by an individual after the suspension of the 2221
individual's certificate or license under this division shall be 2222
considered practicing without a certificate or license. The board 2223
shall notify the suspended individual of the suspension of the 2224
individual's certificate or license under this division by 2225
~~certified mail~~ a delivery system or in person in accordance with 2226
section 119.07 of the Revised Code. If an individual whose 2227
certificate or license is suspended under this division fails to 2228
make a timely request for an adjudicatory hearing, the board shall 2229
enter a final order revoking the individual's certificate or 2230
license. 2231

(G) Notwithstanding divisions (A)(11) and (12) of this 2232
section, sanctions shall not be imposed against any licensee who 2233
waives deductibles and copayments: 2234

(1) In compliance with the health benefit plan that expressly 2235
allows such a practice. Waiver of the deductibles or copayments 2236
shall be made only with the full knowledge and consent of the plan 2237
purchaser, payer, and third-party administrator. Such consent 2238
shall be made available to the board upon request. 2239

(2) For professional services rendered to any other person 2240
licensed pursuant to this chapter to the extent allowed by this 2241
chapter and the rules of the board. 2242

(H) In no event shall the board consider or raise during a 2243
hearing required by Chapter 119. of the Revised Code the 2244
circumstances of, or the fact that the board has received, one or 2245
more complaints about a person unless the one or more complaints 2246
are the subject of the hearing or resulted in the board taking an 2247
action authorized by this section against the person on a prior 2248
occasion. 2249

Sec. 4717.14. (A) The board of embalmers and funeral 2250
directors may refuse to grant or renew, or may suspend or revoke, 2251
any license issued under this chapter for any of the following 2252
reasons: 2253

(1) The license was obtained by fraud or misrepresentation 2254
either in the application or in passing the examination. 2255

(2) The applicant or licensee has been convicted of or has 2256
pleaded guilty to a felony or of any crime involving moral 2257
turpitude. 2258

(3) The applicant or licensee has purposely violated any 2259
provision of sections 4717.01 to 4717.15 or a rule adopted under 2260
any of those sections; division (A) or (B) of section 4717.23; 2261
division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), 2262
or divisions (H) to (K) of section 4717.26; division (D)(1) of 2263
section 4717.27; or divisions (A) to (C) of section 4717.28 of the 2264
Revised Code; any rule or order of the department of health or a 2265
board of health of a health district governing the disposition of 2266
dead human bodies; or any other rule or order applicable to the 2267
applicant or licensee. 2268

(4) The applicant or licensee has committed immoral or 2269
unprofessional conduct. 2270

(5) The applicant or licensee knowingly permitted an 2271
unlicensed person, other than a person serving an apprenticeship, 2272
to engage in the profession or business of embalming or funeral 2273
directing under the applicant's or licensee's supervision. 2274

(6) The applicant or licensee has been habitually 2275
intoxicated, or is addicted to the use of morphine, cocaine, or 2276
other habit-forming or illegal drugs. 2277

(7) The applicant or licensee has refused to promptly submit 2278
the custody of a dead human body upon the express order of the 2279

person legally entitled to the body. 2280

(8) The licensee loaned the licensee's own license, or the 2281
applicant or licensee borrowed or used the license of another 2282
person, or knowingly aided or abetted the granting of an improper 2283
license. 2284

(9) The applicant or licensee transferred a license to 2285
operate a funeral home, embalming facility, or crematory from one 2286
owner or operator to another, or from one location to another, 2287
without notifying the board. 2288

(10) The applicant or licensee ~~mislead~~ misled the public by 2289
using false or deceptive advertising. 2290

(B)(1) The board of embalmers and funeral directors shall 2291
refuse to grant or renew, or shall suspend or revoke, an 2292
embalmer's, funeral director's, funeral home, or embalming 2293
facility license only in accordance with Chapter 119. of the 2294
Revised Code. 2295

(2) The board shall send to the crematory review board 2296
written notice that it proposes to refuse to issue or renew, or 2297
proposes to suspend or revoke, a license to operate a crematory 2298
facility. If, after the conclusion of the adjudicatory hearing on 2299
the matter conducted under division (E) of section 4717.03 of the 2300
Revised Code, the board of embalmers and funeral directors finds 2301
that any of the circumstances described in divisions (A)(1) to 2302
(10) of this section apply to the person named in its proposed 2303
action, the board may issue a final order under division (E) of 2304
section 4717.03 of the Revised Code refusing to issue or renew, or 2305
suspending or revoking, the person's license to operate a 2306
crematory facility. 2307

(C) If the board of embalmers and funeral directors 2308
determines that there is clear and convincing evidence that any of 2309
the circumstances described in divisions (A)(1) to (10) of this 2310

section apply to the holder of a license issued under this chapter 2311
and that the licensee's continued practice presents a danger of 2312
immediate and serious harm to the public, the board may suspend 2313
the licensee's license without a prior adjudicatory hearing. The 2314
executive director of the board shall prepare written allegations 2315
for consideration by the board. 2316

The board, after reviewing the written allegations, may 2317
suspend a license without a prior hearing. 2318

The board shall issue a written order of suspension by 2319
~~certified mail~~ a delivery system or in person in accordance with 2320
section 119.07 of the Revised Code. Such an order is not subject 2321
to suspension by the court during the pendency of any appeal filed 2322
under section 119.12 of the Revised Code. If the holder of an 2323
embalmer's, funeral director's, funeral home, or embalming 2324
facility license requests an adjudicatory hearing by the board, 2325
the date set for the hearing shall be within fifteen days, but not 2326
earlier than seven days, after the licensee has requested a 2327
hearing, unless the board and the licensee agree to a different 2328
time for holding the hearing. 2329

Upon issuing a written order of suspension to the holder of a 2330
license to operate a crematory facility, the board of embalmers 2331
and funeral directors shall send written notice of the issuance of 2332
the order to the crematory review board. The crematory review 2333
board shall hold an adjudicatory hearing on the order under 2334
division (E) of section 4717.03 of the Revised Code within fifteen 2335
days, but not earlier than seven days, after the issuance of the 2336
order, unless the crematory review board and the licensee agree to 2337
a different time for holding the adjudicatory hearing. 2338

Any summary suspension imposed under this division shall 2339
remain in effect, unless reversed on appeal, until a final 2340
adjudicatory order issued by the board of embalmers and funeral 2341
directors pursuant to this division and Chapter 119. of the 2342

Revised Code, or division (E) of section 4717.03 of the Revised Code, as applicable, becomes effective. The board of embalmers and funeral directors shall issue its final adjudicatory order within sixty days after the completion of its hearing or, in the case of the summary suspension of a license to operate a crematory facility, within sixty days after completion of the adjudicatory hearing by the crematory review board. A failure to issue the order within that time results in the dissolution of the summary suspension order, but does not invalidate any subsequent final adjudicatory order.

(D) If the board of embalmers and funeral directors suspends or revokes a license held by a funeral director or a funeral home for any reason identified in division (A) of this section, the board may file a complaint with the court of common pleas in the county where the violation occurred requesting appointment of a receiver and the sequestration of the assets of the funeral home that held the suspended or revoked license or the licensed funeral home that employs the funeral director that held the suspended or revoked license. If the court of common pleas is satisfied with the application for a receivership, the court may appoint a receiver.

The board or a receiver may employ and procure whatever assistance or advice is necessary in the receivership or liquidation and distribution of the assets of the funeral home, and, for that purpose, may retain officers or employees of the funeral home as needed. All expenses of the receivership or liquidation shall be paid from the assets of the funeral home and shall be a lien on those assets, and that lien shall be a priority to any other lien.

(E) Any holder of a license issued under this chapter who has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in

lieu of conviction entered against the individual in this state 2375
for aggravated murder, murder, voluntary manslaughter, felonious 2376
assault, kidnapping, rape, sexual battery, gross sexual 2377
imposition, aggravated arson, aggravated robbery, or aggravated 2378
burglary, or who has pleaded guilty to, has been found by a judge 2379
or jury to be guilty of, or has had a judicial finding of 2380
eligibility for treatment in lieu of conviction entered against 2381
the individual in another jurisdiction for any substantially 2382
equivalent criminal offense, is hereby suspended from practice 2383
under this chapter by operation of law, and any license issued to 2384
the individual under this chapter is hereby suspended by operation 2385
of law as of the date of the guilty plea, verdict or finding of 2386
guilt, or judicial finding of eligibility for treatment in lieu of 2387
conviction, regardless of whether the proceedings are brought in 2388
this state or another jurisdiction. The board shall notify the 2389
suspended individual of the suspension of the individual's license 2390
by the operation of this division by ~~certified mail~~ a delivery 2391
system or in person in accordance with section 119.07 of the 2392
Revised Code. If an individual whose license is suspended under 2393
this division fails to make a timely request for an adjudicatory 2394
hearing, the board shall enter a final order revoking the license. 2395

(F) No person whose license has been suspended or revoked 2396
under or by the operation of this section shall practice embalming 2397
or funeral directing or operate a funeral home, embalming 2398
facility, or crematory facility until the board has reinstated the 2399
person's license. 2400

Sec. 4723.281. (A) As used in this section, with regard to 2401
offenses committed in Ohio, "aggravated murder," "murder," 2402
"voluntary manslaughter," "felonious assault," "kidnapping," 2403
"rape," "sexual battery," "gross sexual imposition," "aggravated 2404
arson," "aggravated robbery," and "aggravated burglary" mean such 2405
offenses as defined in Title XXIX of the Revised Code; with regard 2406

to offenses committed in other jurisdictions, the terms mean 2407
offenses comparable to offenses defined in Title XXIX of the 2408
Revised Code. 2409

(B) When there is clear and convincing evidence that 2410
continued practice by an individual licensed under this chapter 2411
presents a danger of immediate and serious harm to the public, as 2412
determined on consideration of the evidence by the president and 2413
the executive director of the board of nursing, the president and 2414
director shall impose on the individual a summary suspension 2415
without a hearing. An individual serving as president or executive 2416
director in the absence of the president or executive director may 2417
take any action that this section requires or authorizes the 2418
president or executive director to take. 2419

Immediately following the decision to impose a summary 2420
suspension, the board shall issue a written order of suspension 2421
and cause it to be delivered by ~~certified mail~~ a delivery system 2422
or in person in accordance with section 119.07 of the Revised 2423
Code. The order shall not be subject to suspension by the court 2424
during the pendency of any appeal filed under section 119.12 of 2425
the Revised Code. If the individual subject to the suspension 2426
requests an adjudication, the date set for the adjudication shall 2427
be within fifteen days but not earlier than seven days after the 2428
individual makes the request, unless another date is agreed to by 2429
both the individual and the board. The summary suspension shall 2430
remain in effect, unless reversed by the board, until a final 2431
adjudication order issued by the board pursuant to this section 2432
and Chapter 119. of the Revised Code becomes effective. 2433

The board shall issue its final adjudication order within 2434
ninety days after completion of the adjudication. If the board 2435
does not issue a final order within the ninety-day period, the 2436
summary suspension shall be void, but any final adjudication order 2437

issued subsequent to the ninety-day period shall not be affected. 2438

(C) The license or certificate issued to an individual under 2439
this chapter is automatically suspended on that individual's 2440
conviction of, plea of guilty to, or judicial finding with regard 2441
to any of the following: aggravated murder, murder, voluntary 2442
manslaughter, felonious assault, kidnapping, rape, sexual battery, 2443
gross sexual imposition, aggravated arson, aggravated robbery, or 2444
aggravated burglary. The suspension shall remain in effect from 2445
the date of the conviction, plea, or finding until an adjudication 2446
is held under Chapter 119. of the Revised Code. If the board has 2447
knowledge that an automatic suspension has occurred, it shall 2448
notify the individual subject to the suspension. If the individual 2449
is notified and either fails to request an adjudication within the 2450
time periods established by Chapter 119. of the Revised Code or 2451
fails to participate in the adjudication, the board shall enter a 2452
final order permanently revoking the person's license or 2453
certificate. 2454

Sec. 4725.24. If the secretary of the state board of 2455
optometry and the board's supervising member of investigations 2456
determine that there is clear and convincing evidence that an 2457
optometrist has violated division (B) of section 4725.19 of the 2458
Revised Code and that the optometrist's continued practice 2459
presents a danger of immediate and serious harm to the public, 2460
they may recommend that the board suspend without a prior hearing 2461
the optometrist's certificate of licensure and any other 2462
certificates held by the optometrist. Written allegations shall be 2463
prepared for consideration by the full board. 2464

The board, upon review of those allegations and by an 2465
affirmative vote of three members other than the secretary and 2466
supervising member may order the suspension without a prior 2467
hearing. A telephone conference call may be utilized for reviewing 2468

the allegations and taking the vote on the summary suspension. 2469

The board shall issue a written order of suspension by 2470
~~certified mail~~ a delivery system or in person in accordance with 2471
section 119.07 of the Revised Code. The order shall not be subject 2472
to suspension by the court during pendency of any appeal filed 2473
under section 119.12 of the Revised Code. If the individual 2474
subject to the summary suspension requests an adjudicatory hearing 2475
by the board, the date set for the hearing shall be within fifteen 2476
days, but not earlier than seven days, after the individual 2477
requests the hearing, unless otherwise agreed to by both the board 2478
and the individual. 2479

Any summary suspension imposed under this division shall 2480
remain in effect, unless reversed on appeal, until a final 2481
adjudicative order issued by the board pursuant to section 4725.19 2482
of the Revised Code and Chapter 119. of the Revised Code becomes 2483
effective. The board shall issue its final adjudicative order 2484
within sixty days after completion of its hearing. A failure to 2485
issue the order within sixty days shall result in dissolution of 2486
the summary suspension order but shall not invalidate any 2487
subsequent, final adjudicative order. 2488

Sec. 4730.25. (A) The state medical board, by an affirmative 2489
vote of not fewer than six members, may revoke or may refuse to 2490
grant a certificate to practice as a physician assistant or a 2491
certificate to prescribe to a person found by the board to have 2492
committed fraud, misrepresentation, or deception in applying for 2493
or securing the certificate. 2494

(B) The board, by an affirmative vote of not fewer than six 2495
members, shall, to the extent permitted by law, limit, revoke, or 2496
suspend an individual's certificate to practice as a physician 2497
assistant or certificate to prescribe, refuse to issue a 2498
certificate to an applicant, refuse to reinstate a certificate, or 2499

reprimand or place on probation the holder of a certificate for 2500
any of the following reasons: 2501

(1) Failure to practice in accordance with the conditions 2502
under which the supervising physician's supervision agreement with 2503
the physician assistant was approved, including the requirement 2504
that when practicing under a particular supervising physician, the 2505
physician assistant must practice only according to the physician 2506
supervisory plan the board approved for that physician or the 2507
policies of the health care facility in which the supervising 2508
physician and physician assistant are practicing; 2509

(2) Failure to comply with the requirements of this chapter, 2510
Chapter 4731. of the Revised Code, or any rules adopted by the 2511
board; 2512

(3) Violating or attempting to violate, directly or 2513
indirectly, or assisting in or abetting the violation of, or 2514
conspiring to violate, any provision of this chapter, Chapter 2515
4731. of the Revised Code, or the rules adopted by the board; 2516

(4) Inability to practice according to acceptable and 2517
prevailing standards of care by reason of mental illness or 2518
physical illness, including physical deterioration that adversely 2519
affects cognitive, motor, or perceptive skills; 2520

(5) Impairment of ability to practice according to acceptable 2521
and prevailing standards of care because of habitual or excessive 2522
use or abuse of drugs, alcohol, or other substances that impair 2523
ability to practice; 2524

(6) Administering drugs for purposes other than those 2525
authorized under this chapter; 2526

(7) Willfully betraying a professional confidence; 2527

(8) Making a false, fraudulent, deceptive, or misleading 2528
statement in soliciting or advertising for employment as a 2529

physician assistant; in connection with any solicitation or 2530
advertisement for patients; in relation to the practice of 2531
medicine as it pertains to physician assistants; or in securing or 2532
attempting to secure a certificate to practice as a physician 2533
assistant, a certificate to prescribe, or approval of a 2534
supervision agreement. 2535

As used in this division, "false, fraudulent, deceptive, or 2536
misleading statement" means a statement that includes a 2537
misrepresentation of fact, is likely to mislead or deceive because 2538
of a failure to disclose material facts, is intended or is likely 2539
to create false or unjustified expectations of favorable results, 2540
or includes representations or implications that in reasonable 2541
probability will cause an ordinarily prudent person to 2542
misunderstand or be deceived. 2543

(9) Representing, with the purpose of obtaining compensation 2544
or other advantage personally or for any other person, that an 2545
incurable disease or injury, or other incurable condition, can be 2546
permanently cured; 2547

(10) The obtaining of, or attempting to obtain, money or 2548
anything of value by fraudulent misrepresentations in the course 2549
of practice; 2550

(11) A plea of guilty to, a judicial finding of guilt of, or 2551
a judicial finding of eligibility for intervention in lieu of 2552
conviction for, a felony; 2553

(12) Commission of an act that constitutes a felony in this 2554
state, regardless of the jurisdiction in which the act was 2555
committed; 2556

(13) A plea of guilty to, a judicial finding of guilt of, or 2557
a judicial finding of eligibility for intervention in lieu of 2558
conviction for, a misdemeanor committed in the course of practice; 2559

(14) A plea of guilty to, a judicial finding of guilt of, or 2560

a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 2561
2562

(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; 2563
2564
2565

(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; 2566
2567
2568

(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; 2569
2570
2571
2572
2573

(18) Any of the following actions taken by the state agency responsible for regulating the practice of physician assistants in another state, 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; 2574
2575
2576
2577
2578
2579
2580
2581

(19) A departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether actual injury to a patient is established; 2582
2583
2584
2585

(20) Violation of the conditions placed by the board on a certificate to practice as a physician assistant, a certificate to prescribe, a physician supervisory plan, or supervision agreement; 2586
2587
2588

(21) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; 2589
2590
2591

(22) Failure to cooperate in an investigation conducted by 2592
the board under section 4730.26 of the Revised Code, including 2593
failure to comply with a subpoena or order issued by the board or 2594
failure to answer truthfully a question presented by the board at 2595
a deposition or in written interrogatories, except that failure to 2596
cooperate with an investigation shall not constitute grounds for 2597
discipline under this section if a court of competent jurisdiction 2598
has issued an order that either quashes a subpoena or permits the 2599
individual to withhold the testimony or evidence in issue; 2600

(23) Assisting suicide as defined in section 3795.01 of the 2601
Revised Code; 2602

(24) Prescribing any drug or device to perform or induce an 2603
abortion, or otherwise performing or inducing an abortion. 2604

(C) Disciplinary actions taken by the board under divisions 2605
(A) and (B) of this section shall be taken pursuant to an 2606
adjudication under Chapter 119. of the Revised Code, except that 2607
in lieu of an adjudication, the board may enter into a consent 2608
agreement with a physician assistant or applicant to resolve an 2609
allegation of a violation of this chapter or any rule adopted 2610
under it. A consent agreement, when ratified by an affirmative 2611
vote of not fewer than six members of the board, shall constitute 2612
the findings and order of the board with respect to the matter 2613
addressed in the agreement. If the board refuses to ratify a 2614
consent agreement, the admissions and findings contained in the 2615
consent agreement shall be of no force or effect. 2616

(D) For purposes of divisions (B)(12), (15), and (16) of this 2617
section, the commission of the act may be established by a finding 2618
by the board, pursuant to an adjudication under Chapter 119. of 2619
the Revised Code, that the applicant or certificate holder 2620
committed the act in question. The board shall have no 2621
jurisdiction under these divisions in cases where the trial court 2622
renders a final judgment in the certificate holder's favor and 2623

that judgment is based upon an adjudication on the merits. The 2624
board shall have jurisdiction under these divisions in cases where 2625
the trial court issues an order of dismissal upon technical or 2626
procedural grounds. 2627

(E) The sealing of conviction records by any court shall have 2628
no effect upon a prior board order entered under the provisions of 2629
this section or upon the board's jurisdiction to take action under 2630
the provisions of this section if, based upon a plea of guilty, a 2631
judicial finding of guilt, or a judicial finding of eligibility 2632
for intervention in lieu of conviction, the board issued a notice 2633
of opportunity for a hearing prior to the court's order to seal 2634
the records. The board shall not be required to seal, destroy, 2635
redact, or otherwise modify its records to reflect the court's 2636
sealing of conviction records. 2637

(F) For purposes of this division, any individual who holds a 2638
certificate issued under this chapter, or applies for a 2639
certificate issued under this chapter, shall be deemed to have 2640
given consent to submit to a mental or physical examination when 2641
directed to do so in writing by the board and to have waived all 2642
objections to the admissibility of testimony or examination 2643
reports that constitute a privileged communication. 2644

(1) In enforcing division (B)(4) of this section, the board, 2645
upon a showing of a possible violation, may compel any individual 2646
who holds a certificate issued under this chapter or who has 2647
applied for a certificate pursuant to this chapter to submit to a 2648
mental examination, physical examination, including an HIV test, 2649
or both a mental and physical examination. The expense of the 2650
examination is the responsibility of the individual compelled to 2651
be examined. Failure to submit to a mental or physical examination 2652
or consent to an HIV test ordered by the board constitutes an 2653
admission of the allegations against the individual unless the 2654
failure is due to circumstances beyond the individual's control, 2655

and a default and final order may be entered without the taking of 2656
testimony or presentation of evidence. If the board finds a 2657
physician assistant unable to practice because of the reasons set 2658
forth in division (B)(4) of this section, the board shall require 2659
the physician assistant to submit to care, counseling, or 2660
treatment by physicians approved or designated by the board, as a 2661
condition for an initial, continued, reinstated, or renewed 2662
certificate. An individual affected under this division shall be 2663
afforded an opportunity to demonstrate to the board the ability to 2664
resume practicing in compliance with acceptable and prevailing 2665
standards of care. 2666

(2) For purposes of division (B)(5) of this section, if the 2667
board has reason to believe that any individual who holds a 2668
certificate issued under this chapter or any applicant for a 2669
certificate suffers such impairment, the board may compel the 2670
individual to submit to a mental or physical examination, or both. 2671
The expense of the examination is the responsibility of the 2672
individual compelled to be examined. Any mental or physical 2673
examination required under this division shall be undertaken by a 2674
treatment provider or physician qualified to conduct such 2675
examination and chosen by the board. 2676

Failure to submit to a mental or physical examination ordered 2677
by the board constitutes an admission of the allegations against 2678
the individual unless the failure is due to circumstances beyond 2679
the individual's control, and a default and final order may be 2680
entered without the taking of testimony or presentation of 2681
evidence. If the board determines that the individual's ability to 2682
practice is impaired, the board shall suspend the individual's 2683
certificate or deny the individual's application and shall require 2684
the individual, as a condition for initial, continued, reinstated, 2685
or renewed certification to practice or prescribe, to submit to 2686
treatment. 2687

Before being eligible to apply for reinstatement of a 2688
certificate suspended under this division, the physician assistant 2689
shall demonstrate to the board the ability to resume practice or 2690
prescribing in compliance with acceptable and prevailing standards 2691
of care. The demonstration shall include the following: 2692

(a) Certification from a treatment provider approved under 2693
section 4731.25 of the Revised Code that the individual has 2694
successfully completed any required inpatient treatment; 2695

(b) Evidence of continuing full compliance with an aftercare 2696
contract or consent agreement; 2697

(c) Two written reports indicating that the individual's 2698
ability to practice has been assessed and that the individual has 2699
been found capable of practicing according to acceptable and 2700
prevailing standards of care. The reports shall be made by 2701
individuals or providers approved by the board for making such 2702
assessments and shall describe the basis for their determination. 2703

The board may reinstate a certificate suspended under this 2704
division after such demonstration and after the individual has 2705
entered into a written consent agreement. 2706

When the impaired physician assistant resumes practice or 2707
prescribing, the board shall require continued monitoring of the 2708
physician assistant. The monitoring shall include compliance with 2709
the written consent agreement entered into before reinstatement or 2710
with conditions imposed by board order after a hearing, and, upon 2711
termination of the consent agreement, submission to the board for 2712
at least two years of annual written progress reports made under 2713
penalty of falsification stating whether the physician assistant 2714
has maintained sobriety. 2715

(G) If the secretary and supervising member determine that 2716
there is clear and convincing evidence that a physician assistant 2717
has violated division (B) of this section and that the 2718

individual's continued practice or prescribing presents a danger 2719
of immediate and serious harm to the public, they may recommend 2720
that the board suspend the individual's certificate to practice or 2721
prescribe without a prior hearing. Written allegations shall be 2722
prepared for consideration by the board. 2723

The board, upon review of those allegations and by an 2724
affirmative vote of not fewer than six of its members, excluding 2725
the secretary and supervising member, may suspend a certificate 2726
without a prior hearing. A telephone conference call may be 2727
utilized for reviewing the allegations and taking the vote on the 2728
summary suspension. 2729

The board shall issue a written order of suspension by 2730
~~certified mail~~ a delivery system or in person in accordance with 2731
section 119.07 of the Revised Code. The order shall not be subject 2732
to suspension by the court during pendency of any appeal filed 2733
under section 119.12 of the Revised Code. If the physician 2734
assistant requests an adjudicatory hearing by the board, the date 2735
set for the hearing shall be within fifteen days, but not earlier 2736
than seven days, after the physician assistant requests the 2737
hearing, unless otherwise agreed to by both the board and the 2738
certificate holder. 2739

A summary suspension imposed under this division shall remain 2740
in effect, unless reversed on appeal, until a final adjudicative 2741
order issued by the board pursuant to this section and Chapter 2742
119. of the Revised Code becomes effective. The board shall issue 2743
its final adjudicative order within sixty days after completion of 2744
its hearing. Failure to issue the order within sixty days shall 2745
result in dissolution of the summary suspension order, but shall 2746
not invalidate any subsequent, final adjudicative order. 2747

(H) If the board takes action under division (B)(11), (13), 2748
or (14) of this section, and the judicial finding of guilt, guilty 2749
plea, or judicial finding of eligibility for intervention in lieu 2750

of conviction is overturned on appeal, upon exhaustion of the 2751
criminal appeal, a petition for reconsideration of the order may 2752
be filed with the board along with appropriate court documents. 2753
Upon receipt of a petition and supporting court documents, the 2754
board shall reinstate the certificate to practice or prescribe. 2755
The board may then hold an adjudication under Chapter 119. of the 2756
Revised Code to determine whether the individual committed the act 2757
in question. Notice of opportunity for hearing shall be given in 2758
accordance with Chapter 119. of the Revised Code. If the board 2759
finds, pursuant to an adjudication held under this division, that 2760
the individual committed the act, or if no hearing is requested, 2761
it may order any of the sanctions identified under division (B) of 2762
this section. 2763

(I) The certificate to practice issued to a physician 2764
assistant and the physician assistant's practice in this state are 2765
automatically suspended as of the date the physician assistant 2766
pleads guilty to, is found by a judge or jury to be guilty of, or 2767
is subject to a judicial finding of eligibility for intervention 2768
in lieu of conviction in this state or treatment or intervention 2769
in lieu of conviction in another state for any of the following 2770
criminal offenses in this state or a substantially equivalent 2771
criminal offense in another jurisdiction: aggravated murder, 2772
murder, voluntary manslaughter, felonious assault, kidnapping, 2773
rape, sexual battery, gross sexual imposition, aggravated arson, 2774
aggravated robbery, or aggravated burglary. Continued practice 2775
after the suspension shall be considered practicing without a 2776
certificate. 2777

The board shall notify the individual subject to the 2778
suspension by ~~certified mail~~ a delivery system or in person in 2779
accordance with section 119.07 of the Revised Code. If an 2780
individual whose certificate is suspended under this division 2781
fails to make a timely request for an adjudication under Chapter 2782

119. of the Revised Code, the board shall enter a final order 2783
permanently revoking the individual's certificate to practice. 2784

(J) In any instance in which the board is required by Chapter 2785
119. of the Revised Code to give notice of opportunity for hearing 2786
and the individual subject to the notice does not timely request a 2787
hearing in accordance with section 119.07 of the Revised Code, the 2788
board is not required to hold a hearing, but may adopt, by an 2789
affirmative vote of not fewer than six of its members, a final 2790
order that contains the board's findings. In that final order, the 2791
board may order any of the sanctions identified under division (A) 2792
or (B) of this section. 2793

(K) Any action taken by the board under division (B) of this 2794
section resulting in a suspension shall be accompanied by a 2795
written statement of the conditions under which the physician 2796
assistant's certificate may be reinstated. The board shall adopt 2797
rules in accordance with Chapter 119. of the Revised Code 2798
governing conditions to be imposed for reinstatement. 2799
Reinstatement of a certificate suspended pursuant to division (B) 2800
of this section requires an affirmative vote of not fewer than six 2801
members of the board. 2802

(L) When the board refuses to grant to an applicant a 2803
certificate to practice as a physician assistant or a certificate 2804
to prescribe, revokes an individual's certificate, refuses to 2805
issue a certificate, or refuses to reinstate an individual's 2806
certificate, the board may specify that its action is permanent. 2807
An individual subject to a permanent action taken by the board is 2808
forever thereafter ineligible to hold the certificate and the 2809
board shall not accept an application for reinstatement of the 2810
certificate or for issuance of a new certificate. 2811

(M) Notwithstanding any other provision of the Revised Code, 2812
all of the following apply: 2813

(1) The surrender of a certificate issued under this chapter 2814
is not effective unless or until accepted by the board. 2815
Reinstatement of a certificate surrendered to the board requires 2816
an affirmative vote of not fewer than six members of the board. 2817

(2) An application made under this chapter for a certificate, 2818
approval of a physician supervisory plan, or approval of a 2819
supervision agreement may not be withdrawn without approval of the 2820
board. 2821

(3) Failure by an individual to renew a certificate in 2822
accordance with section 4730.14 or section 4730.48 of the Revised 2823
Code shall not remove or limit the board's jurisdiction to take 2824
disciplinary action under this section against the individual. 2825

Sec. 4731.22. (A) The state medical board, by an affirmative 2826
vote of not fewer than six of its members, may revoke or may 2827
refuse to grant a certificate to a person found by the board to 2828
have committed fraud during the administration of the examination 2829
for a certificate to practice or to have committed fraud, 2830
misrepresentation, or deception in applying for or securing any 2831
certificate to practice or certificate of registration issued by 2832
the board. 2833

(B) The board, by an affirmative vote of not fewer than six 2834
members, shall, to the extent permitted by law, limit, revoke, or 2835
suspend an individual's certificate to practice, refuse to 2836
register an individual, refuse to reinstate a certificate, or 2837
reprimand or place on probation the holder of a certificate for 2838
one or more of the following reasons: 2839

(1) Permitting one's name or one's certificate to practice or 2840
certificate of registration to be used by a person, group, or 2841
corporation when the individual concerned is not actually 2842
directing the treatment given; 2843

(2) Failure to maintain minimal standards applicable to the 2844
selection or administration of drugs, or failure to employ 2845
acceptable scientific methods in the selection of drugs or other 2846
modalities for treatment of disease; 2847

(3) Selling, giving away, personally furnishing, prescribing, 2848
or administering drugs for other than legal and legitimate 2849
therapeutic purposes or a plea of guilty to, a judicial finding of 2850
guilt of, or a judicial finding of eligibility for intervention in 2851
lieu of conviction of, a violation of any federal or state law 2852
regulating the possession, distribution, or use of any drug; 2853

(4) Willfully betraying a professional confidence. 2854

For purposes of this division, "willfully betraying a 2855
professional confidence" does not include providing any 2856
information, documents, or reports to a child fatality review 2857
board under sections 307.621 to 307.629 of the Revised Code and 2858
does not include the making of a report of an employee's use of a 2859
drug of abuse, or a report of a condition of an employee other 2860
than one involving the use of a drug of abuse, to the employer of 2861
the employee as described in division (B) of section 2305.33 of 2862
the Revised Code. Nothing in this division affects the immunity 2863
from civil liability conferred by that section upon a physician 2864
who makes either type of report in accordance with division (B) of 2865
that section. As used in this division, "employee," "employer," 2866
and "physician" have the same meanings as in section 2305.33 of 2867
the Revised Code. 2868

(5) Making a false, fraudulent, deceptive, or misleading 2869
statement in the solicitation of or advertising for patients; in 2870
relation to the practice of medicine and surgery, osteopathic 2871
medicine and surgery, podiatric medicine and surgery, or a limited 2872
branch of medicine; or in securing or attempting to secure any 2873
certificate to practice or certificate of registration issued by 2874
the board. 2875

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;

(10) Commission of an act that constitutes a felony in this state, 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 jurisdiction in which the act was committed;

(13) A plea of guilty to, a judicial finding of guilt of, or 2907
a judicial finding of eligibility for intervention in lieu of 2908
conviction for, a misdemeanor involving moral turpitude; 2909

(14) Commission of an act involving moral turpitude that 2910
constitutes a misdemeanor in this state, regardless of the 2911
jurisdiction in which the act was committed; 2912

(15) Violation of the conditions of limitation placed by the 2913
board upon a certificate to practice; 2914

(16) Failure to pay license renewal fees specified in this 2915
chapter; 2916

(17) Except as authorized in section 4731.31 of the Revised 2917
Code, engaging in the division of fees for referral of patients, 2918
or the receiving of a thing of value in return for a specific 2919
referral of a patient to utilize a particular service or business; 2920

(18) Subject to section 4731.226 of the Revised Code, 2921
violation of any provision of a code of ethics of the American 2922
medical association, the American osteopathic association, the 2923
American podiatric medical association, or any other national 2924
professional organizations that the board specifies by rule. The 2925
state medical board shall obtain and keep on file current copies 2926
of the codes of ethics of the various national professional 2927
organizations. The individual whose certificate is being suspended 2928
or revoked shall not be found to have violated any provision of a 2929
code of ethics of an organization not appropriate to the 2930
individual's profession. 2931

For purposes of this division, a "provision of a code of 2932
ethics of a national professional organization" does not include 2933
any provision that would preclude the making of a report by a 2934
physician of an employee's use of a drug of abuse, or of a 2935
condition of an employee other than one involving the use of a 2936
drug of abuse, to the employer of the employee as described in 2937

division (B) of section 2305.33 of the Revised Code. Nothing in 2938
this division affects the immunity from civil liability conferred 2939
by that section upon a physician who makes either type of report 2940
in accordance with division (B) of that section. As used in this 2941
division, "employee," "employer," and "physician" have the same 2942
meanings as in section 2305.33 of the Revised Code. 2943

(19) Inability to practice according to acceptable and 2944
prevailing standards of care by reason of mental illness or 2945
physical illness, including, but not limited to, physical 2946
deterioration that adversely affects cognitive, motor, or 2947
perceptive skills. 2948

In enforcing this division, the board, upon a showing of a 2949
possible violation, may compel any individual authorized to 2950
practice by this chapter or who has submitted an application 2951
pursuant to this chapter to submit to a mental examination, 2952
physical examination, including an HIV test, or both a mental and 2953
a physical examination. The expense of the examination is the 2954
responsibility of the individual compelled to be examined. Failure 2955
to submit to a mental or physical examination or consent to an HIV 2956
test ordered by the board constitutes an admission of the 2957
allegations against the individual unless the failure is due to 2958
circumstances beyond the individual's control, and a default and 2959
final order may be entered without the taking of testimony or 2960
presentation of evidence. If the board finds an individual unable 2961
to practice because of the reasons set forth in this division, the 2962
board shall require the individual to submit to care, counseling, 2963
or treatment by physicians approved or designated by the board, as 2964
a condition for initial, continued, reinstated, or renewed 2965
authority to practice. An individual affected under this division 2966
shall be afforded an opportunity to demonstrate to the board the 2967
ability to resume practice in compliance with acceptable and 2968
prevailing standards under the provisions of the individual's 2969

certificate. For the purpose of this division, any individual who 2970
applies for or receives a certificate to practice under this 2971
chapter accepts the privilege of practicing in this state and, by 2972
so doing, shall be deemed to have given consent to submit to a 2973
mental or physical examination when directed to do so in writing 2974
by the board, and to have waived all objections to the 2975
admissibility of testimony or examination reports that constitute 2976
a privileged communication. 2977

(20) Except when civil penalties are imposed under section 2978
4731.225 or 4731.281 of the Revised Code, and subject to section 2979
4731.226 of the Revised Code, violating or attempting to violate, 2980
directly or indirectly, or assisting in or abetting the violation 2981
of, or conspiring to violate, any provisions of this chapter or 2982
any rule promulgated by the board. 2983

This division does not apply to a violation or attempted 2984
violation of, assisting in or abetting the violation of, or a 2985
conspiracy to violate, any provision of this chapter or any rule 2986
adopted by the board that would preclude the making of a report by 2987
a physician of an employee's use of a drug of abuse, or of a 2988
condition of an employee other than one involving the use of a 2989
drug of abuse, to the employer of the employee as described in 2990
division (B) of section 2305.33 of the Revised Code. Nothing in 2991
this division affects the immunity from civil liability conferred 2992
by that section upon a physician who makes either type of report 2993
in accordance with division (B) of that section. As used in this 2994
division, "employee," "employer," and "physician" have the same 2995
meanings as in section 2305.33 of the Revised Code. 2996

(21) The violation of section 3701.79 of the Revised Code or 2997
of any abortion rule adopted by the public health council pursuant 2998
to section 3701.341 of the Revised Code; 2999

(22) Any of the following actions taken by an agency 3000
responsible for authorizing, certifying, or regulating an 3001

individual to practice a health care occupation or provide health 3002
care services in this state or another jurisdiction, for any 3003
reason other than the nonpayment of fees: the limitation, 3004
revocation, or suspension of an individual's license to practice; 3005
acceptance of an individual's license surrender; denial of a 3006
license; refusal to renew or reinstate a license; imposition of 3007
probation; or issuance of an order of censure or other reprimand; 3008

(23) The violation of section 2919.12 of the Revised Code or 3009
the performance or inducement of an abortion upon a pregnant woman 3010
with actual knowledge that the conditions specified in division 3011
(B) of section 2317.56 of the Revised Code have not been satisfied 3012
or with a heedless indifference as to whether those conditions 3013
have been satisfied, unless an affirmative defense as specified in 3014
division (H)(2) of that section would apply in a civil action 3015
authorized by division (H)(1) of that section; 3016

(24) The revocation, suspension, restriction, reduction, or 3017
termination of clinical privileges by the United States department 3018
of defense or department of veterans affairs or the termination or 3019
suspension of a certificate of registration to prescribe drugs by 3020
the drug enforcement administration of the United States 3021
department of justice; 3022

(25) Termination or suspension from participation in the 3023
medicare or medicaid programs by the department of health and 3024
human services or other responsible agency for any act or acts 3025
that also would constitute a violation of division (B)(2), (3), 3026
(6), (8), or (19) of this section; 3027

(26) Impairment of ability to practice according to 3028
acceptable and prevailing standards of care because of habitual or 3029
excessive use or abuse of drugs, alcohol, or other substances that 3030
impair ability to practice. 3031

For the purposes of this division, any individual authorized 3032

to practice by this chapter accepts the privilege of practicing in 3033
this state subject to supervision by the board. By filing an 3034
application for or holding a certificate to practice under this 3035
chapter, an individual shall be deemed to have given consent to 3036
submit to a mental or physical examination when ordered to do so 3037
by the board in writing, and to have waived all objections to the 3038
admissibility of testimony or examination reports that constitute 3039
privileged communications. 3040

If it has reason to believe that any individual authorized to 3041
practice by this chapter or any applicant for certification to 3042
practice suffers such impairment, the board may compel the 3043
individual to submit to a mental or physical examination, or both. 3044
The expense of the examination is the responsibility of the 3045
individual compelled to be examined. Any mental or physical 3046
examination required under this division shall be undertaken by a 3047
treatment provider or physician who is qualified to conduct the 3048
examination and who is chosen by the board. 3049

Failure to submit to a mental or physical examination ordered 3050
by the board constitutes an admission of the allegations against 3051
the individual unless the failure is due to circumstances beyond 3052
the individual's control, and a default and final order may be 3053
entered without the taking of testimony or presentation of 3054
evidence. If the board determines that the individual's ability to 3055
practice is impaired, the board shall suspend the individual's 3056
certificate or deny the individual's application and shall require 3057
the individual, as a condition for initial, continued, reinstated, 3058
or renewed certification to practice, to submit to treatment. 3059

Before being eligible to apply for reinstatement of a 3060
certificate suspended under this division, the impaired 3061
practitioner shall demonstrate to the board the ability to resume 3062
practice in compliance with acceptable and prevailing standards of 3063
care under the provisions of the practitioner's certificate. The 3064

demonstration shall include, but shall not be limited to, the 3065
following: 3066

(a) Certification from a treatment provider approved under 3067
section 4731.25 of the Revised Code that the individual has 3068
successfully completed any required inpatient treatment; 3069

(b) Evidence of continuing full compliance with an aftercare 3070
contract or consent agreement; 3071

(c) Two written reports indicating that the individual's 3072
ability to practice has been assessed and that the individual has 3073
been found capable of practicing according to acceptable and 3074
prevailing standards of care. The reports shall be made by 3075
individuals or providers approved by the board for making the 3076
assessments and shall describe the basis for their determination. 3077

The board may reinstate a certificate suspended under this 3078
division after that demonstration and after the individual has 3079
entered into a written consent agreement. 3080

When the impaired practitioner resumes practice, the board 3081
shall require continued monitoring of the individual. The 3082
monitoring shall include, but not be limited to, compliance with 3083
the written consent agreement entered into before reinstatement or 3084
with conditions imposed by board order after a hearing, and, upon 3085
termination of the consent agreement, submission to the board for 3086
at least two years of annual written progress reports made under 3087
penalty of perjury stating whether the individual has maintained 3088
sobriety. 3089

(27) A second or subsequent violation of section 4731.66 or 3090
4731.69 of the Revised Code; 3091

(28) Except as provided in division (N) of this section: 3092

(a) Waiving the payment of all or any part of a deductible or 3093
copayment that a patient, pursuant to a health insurance or health 3094

care policy, contract, or plan that covers the individual's 3095
services, otherwise would be required to pay if the waiver is used 3096
as an enticement to a patient or group of patients to receive 3097
health care services from that individual; 3098

(b) Advertising that the individual will waive the payment of 3099
all or any part of a deductible or copayment that a patient, 3100
pursuant to a health insurance or health care policy, contract, or 3101
plan that covers the individual's services, otherwise would be 3102
required to pay. 3103

(29) Failure to use universal blood and body fluid 3104
precautions established by rules adopted under section 4731.051 of 3105
the Revised Code; 3106

(30) Failure to provide notice to, and receive acknowledgment 3107
of the notice from, a patient when required by section 4731.143 of 3108
the Revised Code prior to providing nonemergency professional 3109
services, or failure to maintain that notice in the patient's 3110
file; 3111

(31) Failure of a physician supervising a physician assistant 3112
to maintain supervision in accordance with the requirements of 3113
Chapter 4730. of the Revised Code and the rules adopted under that 3114
chapter; 3115

(32) Failure of a physician or podiatrist to enter into a 3116
standard care arrangement with a clinical nurse specialist, 3117
certified nurse-midwife, or certified nurse practitioner with whom 3118
the physician or podiatrist is in collaboration pursuant to 3119
section 4731.27 of the Revised Code or failure to fulfill the 3120
responsibilities of collaboration after entering into a standard 3121
care arrangement; 3122

(33) Failure to comply with the terms of a consult agreement 3123
entered into with a pharmacist pursuant to section 4729.39 of the 3124
Revised Code; 3125

(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, 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 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;	3126 3127 3128 3129 3130 3131 3132 3133 3134
(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for supervision of an acupuncturist;	3135 3136 3137
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	3138 3139 3140
(37) Assisting suicide as defined in section 3795.01 of the Revised Code;	3141 3142
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	3143 3144
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	3145 3146 3147
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	3148 3149 3150
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	3151 3152 3153 3154
(42) Failure to comply with the standards and procedures	3155

established in rules under section 4731.054 of the Revised Code 3156
for providing supervision, direction, and control of individuals 3157
at a pain management clinic; 3158

(43) Failure to comply with the requirements of section 3159
4729.79 of the Revised Code, unless the state board of pharmacy no 3160
longer maintains a drug database pursuant to section 4729.75 of 3161
the Revised Code; 3162

~~(41)~~(44) Failure to comply with the requirements of section 3163
2919.171 of the Revised Code or failure to submit to the 3164
department of health in accordance with a court order a complete 3165
report as described in section 2919.171 of the Revised Code. 3166

(C) Disciplinary actions taken by the board under divisions 3167
(A) and (B) of this section shall be taken pursuant to an 3168
adjudication under Chapter 119. of the Revised Code, except that 3169
in lieu of an adjudication, the board may enter into a consent 3170
agreement with an individual to resolve an allegation of a 3171
violation of this chapter or any rule adopted under it. A consent 3172
agreement, when ratified by an affirmative vote of not fewer than 3173
six members of the board, shall constitute the findings and order 3174
of the board with respect to the matter addressed in the 3175
agreement. If the board refuses to ratify a consent agreement, the 3176
admissions and findings contained in the consent agreement shall 3177
be of no force or effect. 3178

A telephone conference call may be utilized for ratification 3179
of a consent agreement that revokes or suspends an individual's 3180
certificate to practice. The telephone conference call shall be 3181
considered a special meeting under division (F) of section 121.22 3182
of the Revised Code. 3183

If the board takes disciplinary action against an individual 3184
under division (B) of this section for a second or subsequent plea 3185
of guilty to, or judicial finding of guilt of, a violation of 3186

section 2919.123 of the Revised Code, the disciplinary action 3187
shall consist of a suspension of the individual's certificate to 3188
practice for a period of at least one year or, if determined 3189
appropriate by the board, a more serious sanction involving the 3190
individual's certificate to practice. Any consent agreement 3191
entered into under this division with an individual that pertains 3192
to a second or subsequent plea of guilty to, or judicial finding 3193
of guilt of, a violation of that section shall provide for a 3194
suspension of the individual's certificate to practice for a 3195
period of at least one year or, if determined appropriate by the 3196
board, a more serious sanction involving the individual's 3197
certificate to practice. 3198

(D) For purposes of divisions (B)(10), (12), and (14) of this 3199
section, the commission of the act may be established by a finding 3200
by the board, pursuant to an adjudication under Chapter 119. of 3201
the Revised Code, that the individual committed the act. The board 3202
does not have jurisdiction under those divisions if the trial 3203
court renders a final judgment in the individual's favor and that 3204
judgment is based upon an adjudication on the merits. The board 3205
has jurisdiction under those divisions if the trial court issues 3206
an order of dismissal upon technical or procedural grounds. 3207

(E) The sealing of conviction records by any court shall have 3208
no effect upon a prior board order entered under this section or 3209
upon the board's jurisdiction to take action under this section 3210
if, based upon a plea of guilty, a judicial finding of guilt, or a 3211
judicial finding of eligibility for intervention in lieu of 3212
conviction, the board issued a notice of opportunity for a hearing 3213
prior to the court's order to seal the records. The board shall 3214
not be required to seal, destroy, redact, or otherwise modify its 3215
records to reflect the court's sealing of conviction records. 3216

(F)(1) The board shall investigate evidence that appears to 3217
show that a person has violated any provision of this chapter or 3218

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, inspect and copy any books, accounts, papers, records, or documents, 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 probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that

the records sought are relevant to the alleged violation and 3251
material to the investigation. The subpoena may apply only to 3252
records that cover a reasonable period of time surrounding the 3253
alleged violation. 3254

On failure to comply with any subpoena issued by the board 3255
and after reasonable notice to the person being subpoenaed, the 3256
board may move for an order compelling the production of persons 3257
or records pursuant to the Rules of Civil Procedure. 3258

A subpoena issued by the board may be served by a sheriff, 3259
the sheriff's deputy, or a board employee designated by the board. 3260
Service of a subpoena issued by the board may be made by 3261
delivering a copy of the subpoena to the person named therein, 3262
reading it to the person, or leaving it at the person's usual 3263
place of residence. When the person being served is a person whose 3264
practice is authorized by this chapter, service of the subpoena 3265
may be made by certified mail, restricted delivery, return receipt 3266
requested, and the subpoena shall be deemed served on the date 3267
delivery is made or the date the person refuses to accept 3268
delivery. 3269

A sheriff's deputy who serves a subpoena shall receive the 3270
same fees as a sheriff. Each witness who appears before the board 3271
in obedience to a subpoena shall receive the fees and mileage 3272
provided for under section 119.094 of the Revised Code. 3273

(4) All hearings and investigations of the board shall be 3274
considered civil actions for the purposes of section 2305.252 of 3275
the Revised Code. 3276

(5) Information received by the board pursuant to an 3277
investigation is confidential and not subject to discovery in any 3278
civil action. 3279

The board shall conduct all investigations and proceedings in 3280
a manner that protects the confidentiality of patients and persons 3281

who file complaints with the board. The board shall not make 3282
public the names or any other identifying information about 3283
patients or complainants unless proper consent is given or, in the 3284
case of a patient, a waiver of the patient privilege exists under 3285
division (B) of section 2317.02 of the Revised Code, except that 3286
consent or a waiver of that nature is not required if the board 3287
possesses reliable and substantial evidence that no bona fide 3288
physician-patient relationship exists. 3289

The board may share any information it receives pursuant to 3290
an investigation, including patient records and patient record 3291
information, with law enforcement agencies, other licensing 3292
boards, and other governmental agencies that are prosecuting, 3293
adjudicating, or investigating alleged violations of statutes or 3294
administrative rules. An agency or board that receives the 3295
information shall comply with the same requirements regarding 3296
confidentiality as those with which the state medical board must 3297
comply, notwithstanding any conflicting provision of the Revised 3298
Code or procedure of the agency or board that applies when it is 3299
dealing with other information in its possession. In a judicial 3300
proceeding, the information may be admitted into evidence only in 3301
accordance with the Rules of Evidence, but the court shall require 3302
that appropriate measures are taken to ensure that confidentiality 3303
is maintained with respect to any part of the information that 3304
contains names or other identifying information about patients or 3305
complainants whose confidentiality was protected by the state 3306
medical board when the information was in the board's possession. 3307
Measures to ensure confidentiality that may be taken by the court 3308
include sealing its records or deleting specific information from 3309
its records. 3310

(6) On a quarterly basis, the board shall prepare a report 3311
that documents the disposition of all cases during the preceding 3312
three months. The report shall contain the following information 3313

for each case with which the board has completed its activities: 3314

(a) The case number assigned to the complaint or alleged 3315
violation; 3316

(b) The type of certificate to practice, if any, held by the 3317
individual against whom the complaint is directed; 3318

(c) A description of the allegations contained in the 3319
complaint; 3320

(d) The disposition of the case. 3321

The report shall state how many cases are still pending and 3322
shall be prepared in a manner that protects the identity of each 3323
person involved in each case. The report shall be a public record 3324
under section 149.43 of the Revised Code. 3325

(G) If the secretary and supervising member determine both of 3326
the following, they may recommend that the board suspend an 3327
individual's certificate to practice without a prior hearing: 3328

(1) That there is clear and convincing evidence that an 3329
individual has violated division (B) of this section; 3330

(2) That the individual's continued practice presents a 3331
danger of immediate and serious harm to the public. 3332

Written allegations shall be prepared for consideration by 3333
the board. The board, upon review of those allegations and by an 3334
affirmative vote of not fewer than six of its members, excluding 3335
the secretary and supervising member, may suspend a certificate 3336
without a prior hearing. A telephone conference call may be 3337
utilized for reviewing the allegations and taking the vote on the 3338
summary suspension. 3339

The board shall issue a written order of suspension by 3340
~~certified mail~~ a delivery system or in person in accordance with 3341
section 119.07 of the Revised Code. The order shall not be subject 3342
to suspension by the court during pendency of any appeal filed 3343

under section 119.12 of the Revised Code. If the individual 3344
subject to the summary suspension requests an adjudicatory hearing 3345
by the board, the date set for the hearing shall be within fifteen 3346
days, but not earlier than seven days, after the individual 3347
requests the hearing, unless otherwise agreed to by both the board 3348
and the individual. 3349

Any summary suspension imposed under this division shall 3350
remain in effect, unless reversed on appeal, until a final 3351
adjudicative order issued by the board pursuant to this section 3352
and Chapter 119. of the Revised Code becomes effective. The board 3353
shall issue its final adjudicative order within seventy-five days 3354
after completion of its hearing. A failure to issue the order 3355
within seventy-five days shall result in dissolution of the 3356
summary suspension order but shall not invalidate any subsequent, 3357
final adjudicative order. 3358

(H) If the board takes action under division (B)(9), (11), or 3359
(13) of this section and the judicial finding of guilt, guilty 3360
plea, or judicial finding of eligibility for intervention in lieu 3361
of conviction is overturned on appeal, upon exhaustion of the 3362
criminal appeal, a petition for reconsideration of the order may 3363
be filed with the board along with appropriate court documents. 3364
Upon receipt of a petition of that nature and supporting court 3365
documents, the board shall reinstate the individual's certificate 3366
to practice. The board may then hold an adjudication under Chapter 3367
119. of the Revised Code to determine whether the individual 3368
committed the act in question. Notice of an opportunity for a 3369
hearing shall be given in accordance with Chapter 119. of the 3370
Revised Code. If the board finds, pursuant to an adjudication held 3371
under this division, that the individual committed the act or if 3372
no hearing is requested, the board may order any of the sanctions 3373
identified under division (B) of this section. 3374

(I) The certificate to practice issued to an individual under 3375

this chapter and the individual's practice in this state are 3376
automatically suspended as of the date of the individual's second 3377
or subsequent plea of guilty to, or judicial finding of guilt of, 3378
a violation of section 2919.123 of the Revised Code, or the date 3379
the individual pleads guilty to, is found by a judge or jury to be 3380
guilty of, or is subject to a judicial finding of eligibility for 3381
intervention in lieu of conviction in this state or treatment or 3382
intervention in lieu of conviction in another jurisdiction for any 3383
of the following criminal offenses in this state or a 3384
substantially equivalent criminal offense in another jurisdiction: 3385
aggravated murder, murder, voluntary manslaughter, felonious 3386
assault, kidnapping, rape, sexual battery, gross sexual 3387
imposition, aggravated arson, aggravated robbery, or aggravated 3388
burglary. Continued practice after suspension shall be considered 3389
practicing without a certificate. 3390

The board shall notify the individual subject to the 3391
suspension by ~~certified mail~~ a delivery system or in person in 3392
accordance with section 119.07 of the Revised Code. If an 3393
individual whose certificate is automatically suspended under this 3394
division fails to make a timely request for an adjudication under 3395
Chapter 119. of the Revised Code, the board shall do whichever of 3396
the following is applicable: 3397

(1) If the automatic suspension under this division is for a 3398
second or subsequent plea of guilty to, or judicial finding of 3399
guilt of, a violation of section 2919.123 of the Revised Code, the 3400
board shall enter an order suspending the individual's certificate 3401
to practice for a period of at least one year or, if determined 3402
appropriate by the board, imposing a more serious sanction 3403
involving the individual's certificate to practice. 3404

(2) In all circumstances in which division (I)(1) of this 3405
section does not apply, enter a final order permanently revoking 3406
the individual's certificate to practice. 3407

(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. A telephone conference call may be utilized for acceptance of the surrender of an individual's certificate to practice. The

telephone conference call shall be considered a special meeting 3440
under division (F) of section 121.22 of the Revised Code. 3441
Reinstatement of a certificate surrendered to the board requires 3442
an affirmative vote of not fewer than six members of the board. 3443

(2) An application for a certificate made under the 3444
provisions of this chapter may not be withdrawn without approval 3445
of the board. 3446

(3) Failure by an individual to renew a certificate of 3447
registration in accordance with this chapter shall not remove or 3448
limit the board's jurisdiction to take any disciplinary action 3449
under this section against the individual. 3450

(N) Sanctions shall not be imposed under division (B)(28) of 3451
this section against any person who waives deductibles and 3452
copayments as follows: 3453

(1) In compliance with the health benefit plan that expressly 3454
allows such a practice. Waiver of the deductibles or copayments 3455
shall be made only with the full knowledge and consent of the plan 3456
purchaser, payer, and third-party administrator. Documentation of 3457
the consent shall be made available to the board upon request. 3458

(2) For professional services rendered to any other person 3459
authorized to practice pursuant to this chapter, to the extent 3460
allowed by this chapter and rules adopted by the board. 3461

(O) Under the board's investigative duties described in this 3462
section and subject to division (F) of this section, the board 3463
shall develop and implement a quality intervention program 3464
designed to improve through remedial education the clinical and 3465
communication skills of individuals authorized under this chapter 3466
to practice medicine and surgery, osteopathic medicine and 3467
surgery, and podiatric medicine and surgery. In developing and 3468
implementing the quality intervention program, the board may do 3469
all of the following: 3470

(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.

Sec. 4734.36. A chiropractor who in this state pleads guilty to or is convicted of aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or who in another jurisdiction pleads guilty to or is convicted of any substantially equivalent criminal offense, is automatically suspended from practice in this state and the license issued under this chapter to practice chiropractic is automatically suspended as of the date of the guilty plea or conviction. If applicable, the chiropractor's certificate issued

under this chapter to practice acupuncture is automatically 3501
suspended at the same time. Continued practice after suspension 3502
under this section shall be considered practicing chiropractic 3503
without a license and, if applicable, acupuncture without a 3504
certificate. On receiving notice or otherwise becoming aware of 3505
the conviction, the state chiropractic board shall notify the 3506
individual of the suspension under this section by ~~certified mail~~ 3507
a delivery system or in person in accordance with section 119.07 3508
of the Revised Code. If an individual whose license and, if 3509
applicable, certificate to practice acupuncture is suspended under 3510
this section fails to make a timely request for an adjudication, 3511
the board shall enter a final order revoking the individual's 3512
license and, if applicable, certificate to practice acupuncture. 3513

Sec. 4734.37. If the state chiropractic board determines that 3514
there is clear and convincing evidence that a person who has been 3515
granted a license to practice chiropractic and, if applicable, 3516
certificate to practice acupuncture under this chapter has 3517
committed an act that subjects the person's license and, if 3518
applicable, certificate to board action under section 4734.31 of 3519
the Revised Code and that the person's continued practice presents 3520
a danger of immediate and serious harm to the public, the board 3521
may suspend the license and, if applicable, certificate without a 3522
prior hearing. A telephone conference call may be utilized for 3523
reviewing the matter and taking the vote. 3524

The board shall issue a written order of suspension by 3525
~~certified mail~~ a delivery system or in person in accordance with 3526
section 119.07 of the Revised Code. The order is not subject to 3527
suspension by the court during pendency of any appeal filed under 3528
section 119.12 of the Revised Code. If the person subject to the 3529
suspension requests an adjudication by the board, the date set for 3530
the adjudication shall be within twenty days, but not earlier than 3531
seven days, after the request, unless otherwise agreed to by both 3532

the board and the person subject to the suspension. 3533

Any summary suspension imposed under this section shall 3534
remain in effect, unless reversed on appeal, until a final 3535
adjudicative order issued by the board pursuant to section 4734.31 3536
and Chapter 119. of the Revised Code becomes effective. The board 3537
shall issue its final adjudicative order within sixty days after 3538
completion of its adjudication. A failure to issue the order 3539
within sixty days shall result in dissolution of the summary 3540
suspension order but shall not invalidate any subsequent, final 3541
adjudicative order. 3542

Sec. 4757.361. (A) As used in this section, with regard to 3543
offenses committed in Ohio, "aggravated murder," "murder," 3544
"voluntary manslaughter," "felonious assault," "kidnapping," 3545
"rape," "sexual battery," "gross sexual imposition," "aggravated 3546
arson," "aggravated robbery," and "aggravated burglary" mean such 3547
offenses as defined in Title XXIX of the Revised Code; with regard 3548
to offenses committed in other jurisdictions, the terms mean 3549
offenses comparable to offenses defined in Title XXIX of the 3550
Revised Code. 3551

(B) When there is clear and convincing evidence that 3552
continued practice by an individual licensed under this chapter 3553
presents a danger of immediate and serious harm to the public, as 3554
determined on consideration of the evidence by the professional 3555
standards committees of the counselor, social worker, and marriage 3556
and family therapist board, the appropriate committee shall impose 3557
on the individual a summary suspension without a hearing. 3558

Immediately following the decision to impose a summary 3559
suspension, the appropriate committee shall issue a written order 3560
of suspension and cause it to be delivered by ~~certified mail~~ a 3561
delivery system or in person in accordance with section 119.07 of 3562
the Revised Code. The order shall not be subject to suspension by 3563

the court during the pendency of any appeal filed under section 3564
119.12 of the Revised Code. If the individual subject to the 3565
suspension requests an adjudication, the date set for the 3566
adjudication shall be within fifteen days but not earlier than 3567
seven days after the individual makes the request, unless another 3568
date is agreed to by both the individual and the committee 3569
imposing the suspension. The summary suspension shall remain in 3570
effect, unless reversed by the committee, until a final 3571
adjudication order issued by the committee pursuant to this 3572
section and Chapter 119. of the Revised Code becomes effective. 3573

The committee shall issue its final adjudication order within 3574
ninety days after completion of the adjudication. If the committee 3575
does not issue a final order within the ninety-day period, the 3576
summary suspension shall be void, but any final adjudication order 3577
issued subsequent to the ninety-day period shall not be affected. 3578

(C) The license issued to an individual under this chapter is 3579
automatically suspended on that individual's conviction of, plea 3580
of guilty to, or judicial finding with regard to any of the 3581
following: aggravated murder, murder, voluntary manslaughter, 3582
felonious assault, kidnapping, rape, sexual battery, gross sexual 3583
imposition, aggravated arson, aggravated robbery, or aggravated 3584
burglary. The suspension shall remain in effect from the date of 3585
the conviction, plea, or finding until an adjudication is held 3586
under Chapter 119. of the Revised Code. If the appropriate 3587
committee has knowledge that an automatic suspension has occurred, 3588
it shall notify the individual subject to the suspension. If the 3589
individual is notified and either fails to request an adjudication 3590
within the time periods established by Chapter 119. of the Revised 3591
Code or fails to participate in the adjudication, the committee 3592
shall enter a final order permanently revoking the person's 3593
license or certificate. 3594

Sec. 4760.13. (A) The state medical board, by an affirmative 3595
vote of not fewer than six members, may revoke or may refuse to 3596
grant a certificate of registration as an anesthesiologist 3597
assistant to a person found by the board to have committed fraud, 3598
misrepresentation, or deception in applying for or securing the 3599
certificate. 3600

(B) The board, by an affirmative vote of not fewer than six 3601
members, shall, to the extent permitted by law, limit, revoke, or 3602
suspend an individual's certificate of registration as an 3603
anesthesiologist assistant, refuse to issue a certificate to an 3604
applicant, refuse to reinstate a certificate, or reprimand or 3605
place on probation the holder of a certificate for any of the 3606
following reasons: 3607

(1) Permitting the holder's name or certificate to be used by 3608
another person; 3609

(2) Failure to comply with the requirements of this chapter, 3610
Chapter 4731. of the Revised Code, or any rules adopted by the 3611
board; 3612

(3) Violating or attempting to violate, directly or 3613
indirectly, or assisting in or abetting the violation of, or 3614
conspiring to violate, any provision of this chapter, Chapter 3615
4731. of the Revised Code, or the rules adopted by the board; 3616

(4) A departure from, or failure to conform to, minimal 3617
standards of care of similar practitioners under the same or 3618
similar circumstances whether or not actual injury to the patient 3619
is established; 3620

(5) Inability to practice according to acceptable and 3621
prevailing standards of care by reason of mental illness or 3622
physical illness, including physical deterioration that adversely 3623
affects cognitive, motor, or perceptive skills; 3624

(6) Impairment of ability to practice according to acceptable 3625
and prevailing standards of care because of habitual or excessive 3626
use or abuse of drugs, alcohol, or other substances that impair 3627
ability to practice; 3628

(7) Willfully betraying a professional confidence; 3629

(8) Making a false, fraudulent, deceptive, or misleading 3630
statement in securing or attempting to secure a certificate of 3631
registration to practice as an anesthesiologist assistant. 3632

As used in this division, "false, fraudulent, deceptive, or 3633
misleading statement" means a statement that includes a 3634
misrepresentation of fact, is likely to mislead or deceive because 3635
of a failure to disclose material facts, is intended or is likely 3636
to create false or unjustified expectations of favorable results, 3637
or includes representations or implications that in reasonable 3638
probability will cause an ordinarily prudent person to 3639
misunderstand or be deceived. 3640

(9) The obtaining of, or attempting to obtain, money or a 3641
thing of value by fraudulent misrepresentations in the course of 3642
practice; 3643

(10) A plea of guilty to, a judicial finding of guilt of, or 3644
a judicial finding of eligibility for intervention in lieu of 3645
conviction for, a felony; 3646

(11) Commission of an act that constitutes a felony in this 3647
state, regardless of the jurisdiction in which the act was 3648
committed; 3649

(12) A plea of guilty to, a judicial finding of guilt of, or 3650
a judicial finding of eligibility for intervention in lieu of 3651
conviction for, a misdemeanor committed in the course of practice; 3652

(13) A plea of guilty to, a judicial finding of guilt of, or 3653
a judicial finding of eligibility for intervention in lieu of 3654

conviction for, a misdemeanor involving moral turpitude; 3655

(14) Commission of an act in the course of practice that 3656
constitutes a misdemeanor in this state, regardless of the 3657
jurisdiction in which the act was committed; 3658

(15) Commission of an act involving moral turpitude that 3659
constitutes a misdemeanor in this state, regardless of the 3660
jurisdiction in which the act was committed; 3661

(16) A plea of guilty to, a judicial finding of guilt of, or 3662
a judicial finding of eligibility for intervention in lieu of 3663
conviction for violating any state or federal law regulating the 3664
possession, distribution, or use of any drug, including 3665
trafficking in drugs; 3666

(17) Any of the following actions taken by the state agency 3667
responsible for regulating the practice of anesthesiologist 3668
assistants in another jurisdiction, for any reason other than the 3669
nonpayment of fees: the limitation, revocation, or suspension of 3670
an individual's license to practice; acceptance of an individual's 3671
license surrender; denial of a license; refusal to renew or 3672
reinstate a license; imposition of probation; or issuance of an 3673
order of censure or other reprimand; 3674

(18) Violation of the conditions placed by the board on a 3675
certificate of registration; 3676

(19) Failure to use universal blood and body fluid 3677
precautions established by rules adopted under section 4731.051 of 3678
the Revised Code; 3679

(20) Failure to cooperate in an investigation conducted by 3680
the board under section 4760.14 of the Revised Code, including 3681
failure to comply with a subpoena or order issued by the board or 3682
failure to answer truthfully a question presented by the board at 3683
a deposition or in written interrogatories, except that failure to 3684
cooperate with an investigation shall not constitute grounds for 3685

discipline under this section if a court of competent jurisdiction 3686
has issued an order that either quashes a subpoena or permits the 3687
individual to withhold the testimony or evidence in issue; 3688

(21) Failure to comply with any code of ethics established by 3689
the national commission for the certification of anesthesiologist 3690
assistants; 3691

(22) Failure to notify the state medical board of the 3692
revocation or failure to maintain certification from the national 3693
commission for certification of anesthesiologist assistants. 3694

(C) Disciplinary actions taken by the board under divisions 3695
(A) and (B) of this section shall be taken pursuant to an 3696
adjudication under Chapter 119. of the Revised Code, except that 3697
in lieu of an adjudication, the board may enter into a consent 3698
agreement with an anesthesiologist assistant or applicant to 3699
resolve an allegation of a violation of this chapter or any rule 3700
adopted under it. A consent agreement, when ratified by an 3701
affirmative vote of not fewer than six members of the board, shall 3702
constitute the findings and order of the board with respect to the 3703
matter addressed in the agreement. If the board refuses to ratify 3704
a consent agreement, the admissions and findings contained in the 3705
consent agreement shall be of no force or effect. 3706

(D) For purposes of divisions (B)(11), (14), and (15) of this 3707
section, the commission of the act may be established by a finding 3708
by the board, pursuant to an adjudication under Chapter 119. of 3709
the Revised Code, that the applicant or certificate holder 3710
committed the act in question. The board shall have no 3711
jurisdiction under these divisions in cases where the trial court 3712
renders a final judgment in the certificate holder's favor and 3713
that judgment is based upon an adjudication on the merits. The 3714
board shall have jurisdiction under these divisions in cases where 3715
the trial court issues an order of dismissal on technical or 3716
procedural grounds. 3717

(E) The sealing of conviction records by any court shall have 3718
no effect on a prior board order entered under the provisions of 3719
this section or on the board's jurisdiction to take action under 3720
the provisions of this section if, based upon a plea of guilty, a 3721
judicial finding of guilt, or a judicial finding of eligibility 3722
for intervention in lieu of conviction, the board issued a notice 3723
of opportunity for a hearing prior to the court's order to seal 3724
the records. The board shall not be required to seal, destroy, 3725
redact, or otherwise modify its records to reflect the court's 3726
sealing of conviction records. 3727

(F) For purposes of this division, any individual who holds a 3728
certificate of registration issued under this chapter, or applies 3729
for a certificate of registration, shall be deemed to have given 3730
consent to submit to a mental or physical examination when 3731
directed to do so in writing by the board and to have waived all 3732
objections to the admissibility of testimony or examination 3733
reports that constitute a privileged communication. 3734

(1) In enforcing division (B)(5) of this section, the board, 3735
on a showing of a possible violation, may compel any individual 3736
who holds a certificate of registration issued under this chapter 3737
or who has applied for a certificate of registration pursuant to 3738
this chapter to submit to a mental or physical examination, or 3739
both. A physical examination may include an HIV test. The expense 3740
of the examination is the responsibility of the individual 3741
compelled to be examined. Failure to submit to a mental or 3742
physical examination or consent to an HIV test ordered by the 3743
board constitutes an admission of the allegations against the 3744
individual unless the failure is due to circumstances beyond the 3745
individual's control, and a default and final order may be entered 3746
without the taking of testimony or presentation of evidence. If 3747
the board finds an anesthesiologist assistant unable to practice 3748
because of the reasons set forth in division (B)(5) of this 3749

section, the board shall require the anesthesiologist assistant to 3750
submit to care, counseling, or treatment by physicians approved or 3751
designated by the board, as a condition for an initial, continued, 3752
reinstated, or renewed certificate of registration. An individual 3753
affected by this division shall be afforded an opportunity to 3754
demonstrate to the board the ability to resume practicing in 3755
compliance with acceptable and prevailing standards of care. 3756

(2) For purposes of division (B)(6) of this section, if the 3757
board has reason to believe that any individual who holds a 3758
certificate of registration issued under this chapter or any 3759
applicant for a certificate of registration suffers such 3760
impairment, the board may compel the individual to submit to a 3761
mental or physical examination, or both. The expense of the 3762
examination is the responsibility of the individual compelled to 3763
be examined. Any mental or physical examination required under 3764
this division shall be undertaken by a treatment provider or 3765
physician qualified to conduct such examination and chosen by the 3766
board. 3767

Failure to submit to a mental or physical examination ordered 3768
by the board constitutes an admission of the allegations against 3769
the individual unless the failure is due to circumstances beyond 3770
the individual's control, and a default and final order may be 3771
entered without the taking of testimony or presentation of 3772
evidence. If the board determines that the individual's ability to 3773
practice is impaired, the board shall suspend the individual's 3774
certificate or deny the individual's application and shall require 3775
the individual, as a condition for an initial, continued, 3776
reinstated, or renewed certificate of registration, to submit to 3777
treatment. 3778

Before being eligible to apply for reinstatement of a 3779
certificate suspended under this division, the anesthesiologist 3780
assistant shall demonstrate to the board the ability to resume 3781

practice in compliance with acceptable and prevailing standards of 3782
care. The demonstration shall include the following: 3783

(a) Certification from a treatment provider approved under 3784
section 4731.25 of the Revised Code that the individual has 3785
successfully completed any required inpatient treatment; 3786

(b) Evidence of continuing full compliance with an aftercare 3787
contract or consent agreement; 3788

(c) Two written reports indicating that the individual's 3789
ability to practice has been assessed and that the individual has 3790
been found capable of practicing according to acceptable and 3791
prevailing standards of care. The reports shall be made by 3792
individuals or providers approved by the board for making such 3793
assessments and shall describe the basis for their determination. 3794

The board may reinstate a certificate suspended under this 3795
division after such demonstration and after the individual has 3796
entered into a written consent agreement. 3797

When the impaired anesthesiologist assistant resumes 3798
practice, the board shall require continued monitoring of the 3799
anesthesiologist assistant. The monitoring shall include 3800
monitoring of compliance with the written consent agreement 3801
entered into before reinstatement or with conditions imposed by 3802
board order after a hearing, and, on termination of the consent 3803
agreement, submission to the board for at least two years of 3804
annual written progress reports made under penalty of 3805
falsification stating whether the anesthesiologist assistant has 3806
maintained sobriety. 3807

(G) If the secretary and supervising member determine that 3808
there is clear and convincing evidence that an anesthesiologist 3809
assistant has violated division (B) of this section and that the 3810
individual's continued practice presents a danger of immediate and 3811
serious harm to the public, they may recommend that the board 3812

suspend the individual's certificate or registration without a 3813
prior hearing. Written allegations shall be prepared for 3814
consideration by the board. 3815

The board, on review of the allegations and by an affirmative 3816
vote of not fewer than six of its members, excluding the secretary 3817
and supervising member, may suspend a certificate without a prior 3818
hearing. A telephone conference call may be utilized for reviewing 3819
the allegations and taking the vote on the summary suspension. 3820

The board shall issue a written order of suspension by 3821
~~certified mail~~ a delivery system or in person in accordance with 3822
section 119.07 of the Revised Code. The order shall not be subject 3823
to suspension by the court during pendency of any appeal filed 3824
under section 119.12 of the Revised Code. If the anesthesiologist 3825
assistant requests an adjudicatory hearing by the board, the date 3826
set for the hearing shall be within fifteen days, but not earlier 3827
than seven days, after the anesthesiologist assistant requests the 3828
hearing, unless otherwise agreed to by both the board and the 3829
certificate holder. 3830

A summary suspension imposed under this division shall remain 3831
in effect, unless reversed on appeal, until a final adjudicative 3832
order issued by the board pursuant to this section and Chapter 3833
119. of the Revised Code becomes effective. The board shall issue 3834
its final adjudicative order within sixty days after completion of 3835
its hearing. Failure to issue the order within sixty days shall 3836
result in dissolution of the summary suspension order, but shall 3837
not invalidate any subsequent, final adjudicative order. 3838

(H) If the board takes action under division (B)(11), (13), 3839
or (14) of this section, and the judicial finding of guilt, guilty 3840
plea, or judicial finding of eligibility for intervention in lieu 3841
of conviction is overturned on appeal, on exhaustion of the 3842
criminal appeal, a petition for reconsideration of the order may 3843
be filed with the board along with appropriate court documents. On 3844

receipt of a petition and supporting court documents, the board 3845
shall reinstate the certificate of registration. The board may 3846
then hold an adjudication under Chapter 119. of the Revised Code 3847
to determine whether the individual committed the act in question. 3848
Notice of opportunity for hearing shall be given in accordance 3849
with Chapter 119. of the Revised Code. If the board finds, 3850
pursuant to an adjudication held under this division, that the 3851
individual committed the act, or if no hearing is requested, it 3852
may order any of the sanctions specified in division (B) of this 3853
section. 3854

(I) The certificate of registration of an anesthesiologist 3855
assistant and the assistant's practice in this state are 3856
automatically suspended as of the date the anesthesiologist 3857
assistant pleads guilty to, is found by a judge or jury to be 3858
guilty of, or is subject to a judicial finding of eligibility for 3859
intervention in lieu of conviction in this state or treatment of 3860
intervention in lieu of conviction in another jurisdiction for any 3861
of the following criminal offenses in this state or a 3862
substantially equivalent criminal offense in another jurisdiction: 3863
aggravated murder, murder, voluntary manslaughter, felonious 3864
assault, kidnapping, rape, sexual battery, gross sexual 3865
imposition, aggravated arson, aggravated robbery, or aggravated 3866
burglary. Continued practice after the suspension shall be 3867
considered practicing without a certificate. 3868

The board shall notify the individual subject to the 3869
suspension by ~~certified mail~~ a delivery system or in person in 3870
accordance with section 119.07 of the Revised Code. If an 3871
individual whose certificate is suspended under this division 3872
fails to make a timely request for an adjudication under Chapter 3873
119. of the Revised Code, the board shall enter a final order 3874
permanently revoking the individual's certificate of registration. 3875

(J) In any instance in which the board is required by Chapter 3876

119. of the Revised Code to give notice of opportunity for hearing 3877
and the individual subject to the notice does not timely request a 3878
hearing in accordance with section 119.07 of the Revised Code, the 3879
board is not required to hold a hearing, but may adopt, by an 3880
affirmative vote of not fewer than six of its members, a final 3881
order that contains the board's findings. In the final order, the 3882
board may order any of the sanctions identified under division (A) 3883
or (B) of this section. 3884

(K) Any action taken by the board under division (B) of this 3885
section resulting in a suspension shall be accompanied by a 3886
written statement of the conditions under which the 3887
anesthesiologist assistant's certificate may be reinstated. The 3888
board shall adopt rules in accordance with Chapter 119. of the 3889
Revised Code governing conditions to be imposed for reinstatement. 3890
Reinstatement of a certificate suspended pursuant to division (B) 3891
of this section requires an affirmative vote of not fewer than six 3892
members of the board. 3893

(L) When the board refuses to grant a certificate of 3894
registration as an anesthesiologist assistant to an applicant, 3895
revokes an individual's certificate of registration, refuses to 3896
renew a certificate of registration, or refuses to reinstate an 3897
individual's certificate of registration, the board may specify 3898
that its action is permanent. An individual subject to a permanent 3899
action taken by the board is forever thereafter ineligible to hold 3900
a certificate of registration as an anesthesiologist assistant and 3901
the board shall not accept an application for reinstatement of the 3902
certificate or for issuance of a new certificate. 3903

(M) Notwithstanding any other provision of the Revised Code, 3904
all of the following apply: 3905

(1) The surrender of a certificate of registration issued 3906
under this chapter is not effective unless or until accepted by 3907
the board. Reinstatement of a certificate surrendered to the board 3908

requires an affirmative vote of not fewer than six members of the board. 3909
3910

(2) An application made under this chapter for a certificate of registration may not be withdrawn without approval of the board. 3911
3912
3913

(3) Failure by an individual to renew a certificate of registration in accordance with section 4760.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual. 3914
3915
3916
3917

Sec. 4762.13. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a certificate to practice as an acupuncturist to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the certificate. 3918
3919
3920
3921
3922

(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 as an acupuncturist, refuse to issue a certificate to an applicant, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for any of the following reasons: 3923
3924
3925
3926
3927
3928
3929

(1) Permitting the holder's name or certificate to be used by another person; 3930
3931

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; 3932
3933
3934

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board; 3935
3936
3937
3938

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

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for patients or in securing or attempting to secure a certificate to practice as an acupuncturist.

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.

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

(10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of

practice;	3970
(11) A plea of guilty to, a judicial finding of guilt of, or	3971
a judicial finding of eligibility for intervention in lieu of	3972
conviction for, a felony;	3973
(12) Commission of an act that constitutes a felony in this	3974
state, regardless of the jurisdiction in which the act was	3975
committed;	3976
(13) A plea of guilty to, a judicial finding of guilt of, or	3977
a judicial finding of eligibility for intervention in lieu of	3978
conviction for, a misdemeanor committed in the course of practice;	3979
(14) A plea of guilty to, a judicial finding of guilt of, or	3980
a judicial finding of eligibility for intervention in lieu of	3981
conviction for, a misdemeanor involving moral turpitude;	3982
(15) Commission of an act in the course of practice that	3983
constitutes a misdemeanor in this state, regardless of the	3984
jurisdiction in which the act was committed;	3985
(16) Commission of an act involving moral turpitude that	3986
constitutes a misdemeanor in this state, regardless of the	3987
jurisdiction in which the act was committed;	3988
(17) A plea of guilty to, a judicial finding of guilt of, or	3989
a judicial finding of eligibility for intervention in lieu of	3990
conviction for violating any state or federal law regulating the	3991
possession, distribution, or use of any drug, including	3992
trafficking in drugs;	3993
(18) Any of the following actions taken by the state agency	3994
responsible for regulating the practice of acupuncture in another	3995
jurisdiction, for any reason other than the nonpayment of fees:	3996
the limitation, revocation, or suspension of an individual's	3997
license to practice; acceptance of an individual's license	3998
surrender; denial of a license; refusal to renew or reinstate a	3999

license; imposition of probation; or issuance of an order of 4000
censure or other reprimand; 4001

(19) Violation of the conditions placed by the board on a 4002
certificate to practice as an acupuncturist; 4003

(20) Failure to use universal blood and body fluid 4004
precautions established by rules adopted under section 4731.051 of 4005
the Revised Code; 4006

(21) Failure to cooperate in an investigation conducted by 4007
the board under section 4762.14 of the Revised Code, including 4008
failure to comply with a subpoena or order issued by the board or 4009
failure to answer truthfully a question presented by the board at 4010
a deposition or in written interrogatories, except that failure to 4011
cooperate with an investigation shall not constitute grounds for 4012
discipline under this section if a court of competent jurisdiction 4013
has issued an order that either quashes a subpoena or permits the 4014
individual to withhold the testimony or evidence in issue; 4015

(22) Failure to comply with the standards of the national 4016
certification commission for acupuncture and oriental medicine 4017
regarding professional ethics, commitment to patients, commitment 4018
to the profession, and commitment to the public; 4019

(23) Failure to have adequate professional liability 4020
insurance coverage in accordance with section 4762.22 of the 4021
Revised Code. 4022

(C) Disciplinary actions taken by the board under divisions 4023
(A) and (B) of this section shall be taken pursuant to an 4024
adjudication under Chapter 119. of the Revised Code, except that 4025
in lieu of an adjudication, the board may enter into a consent 4026
agreement with an acupuncturist or applicant to resolve an 4027
allegation of a violation of this chapter or any rule adopted 4028
under it. A consent agreement, when ratified by an affirmative 4029
vote of not fewer than six members of the board, shall constitute 4030

the findings and order of the board with respect to the matter 4031
addressed in the agreement. If the board refuses to ratify a 4032
consent agreement, the admissions and findings contained in the 4033
consent agreement shall be of no force or effect. 4034

(D) For purposes of divisions (B)(12), (15), and (16) of this 4035
section, the commission of the act may be established by a finding 4036
by the board, pursuant to an adjudication under Chapter 119. of 4037
the Revised Code, that the applicant or certificate holder 4038
committed the act in question. The board shall have no 4039
jurisdiction under these divisions in cases where the trial court 4040
renders a final judgment in the certificate holder's favor and 4041
that judgment is based upon an adjudication on the merits. The 4042
board shall have jurisdiction under these divisions in cases where 4043
the trial court issues an order of dismissal upon technical or 4044
procedural grounds. 4045

(E) The sealing of conviction records by any court shall have 4046
no effect upon a prior board order entered under the provisions of 4047
this section or upon the board's jurisdiction to take action under 4048
the provisions of this section if, based upon a plea of guilty, a 4049
judicial finding of guilt, or a judicial finding of eligibility 4050
for intervention in lieu of conviction, the board issued a notice 4051
of opportunity for a hearing prior to the court's order to seal 4052
the records. The board shall not be required to seal, destroy, 4053
redact, or otherwise modify its records to reflect the court's 4054
sealing of conviction records. 4055

(F) For purposes of this division, any individual who holds a 4056
certificate to practice issued under this chapter, or applies for 4057
a certificate to practice, shall be deemed to have given consent 4058
to submit to a mental or physical examination when directed to do 4059
so in writing by the board and to have waived all objections to 4060
the admissibility of testimony or examination reports that 4061
constitute a privileged communication. 4062

(1) In enforcing division (B)(5) of this section, the board, 4063
upon a showing of a possible violation, may compel any individual 4064
who holds a certificate to practice issued under this chapter or 4065
who has applied for a certificate pursuant to this chapter to 4066
submit to a mental examination, physical examination, including an 4067
HIV test, or both a mental and physical examination. The expense 4068
of the examination is the responsibility of the individual 4069
compelled to be examined. Failure to submit to a mental or 4070
physical examination or consent to an HIV test ordered by the 4071
board constitutes an admission of the allegations against the 4072
individual unless the failure is due to circumstances beyond the 4073
individual's control, and a default and final order may be entered 4074
without the taking of testimony or presentation of evidence. If 4075
the board finds an acupuncturist unable to practice because of the 4076
reasons set forth in division (B)(5) of this section, the board 4077
shall require the acupuncturist to submit to care, counseling, or 4078
treatment by physicians approved or designated by the board, as a 4079
condition for an initial, continued, reinstated, or renewed 4080
certificate to practice. An individual affected by this division 4081
shall be afforded an opportunity to demonstrate to the board the 4082
ability to resume practicing in compliance with acceptable and 4083
prevailing standards of care. 4084

(2) For purposes of division (B)(6) of this section, if the 4085
board has reason to believe that any individual who holds a 4086
certificate to practice issued under this chapter or any applicant 4087
for a certificate suffers such impairment, the board may compel 4088
the individual to submit to a mental or physical examination, or 4089
both. The expense of the examination is the responsibility of the 4090
individual compelled to be examined. Any mental or physical 4091
examination required under this division shall be undertaken by a 4092
treatment provider or physician qualified to conduct such 4093
examination and chosen by the board. 4094

Failure to submit to a mental or physical examination ordered 4095
by the board constitutes an admission of the allegations against 4096
the individual unless the failure is due to circumstances beyond 4097
the individual's control, and a default and final order may be 4098
entered without the taking of testimony or presentation of 4099
evidence. If the board determines that the individual's ability to 4100
practice is impaired, the board shall suspend the individual's 4101
certificate or deny the individual's application and shall require 4102
the individual, as a condition for an initial, continued, 4103
reinstated, or renewed certificate, to submit to treatment. 4104

Before being eligible to apply for reinstatement of a 4105
certificate suspended under this division, the acupuncturist shall 4106
demonstrate to the board the ability to resume practice in 4107
compliance with acceptable and prevailing standards of care. The 4108
demonstration shall include the following: 4109

(a) Certification from a treatment provider approved under 4110
section 4731.25 of the Revised Code that the individual has 4111
successfully completed any required inpatient treatment; 4112

(b) Evidence of continuing full compliance with an aftercare 4113
contract or consent agreement; 4114

(c) Two written reports indicating that the individual's 4115
ability to practice has been assessed and that the individual has 4116
been found capable of practicing according to acceptable and 4117
prevailing standards of care. The reports shall be made by 4118
individuals or providers approved by the board for making such 4119
assessments and shall describe the basis for their determination. 4120

The board may reinstate a certificate suspended under this 4121
division after such demonstration and after the individual has 4122
entered into a written consent agreement. 4123

When the impaired acupuncturist resumes practice, the board 4124
shall require continued monitoring of the acupuncturist. The 4125

monitoring shall include monitoring of compliance with the written 4126
consent agreement entered into before reinstatement or with 4127
conditions imposed by board order after a hearing, and, upon 4128
termination of the consent agreement, submission to the board for 4129
at least two years of annual written progress reports made under 4130
penalty of falsification stating whether the acupuncturist has 4131
maintained sobriety. 4132

(G) If the secretary and supervising member determine that 4133
there is clear and convincing evidence that an acupuncturist has 4134
violated division (B) of this section and that the individual's 4135
continued practice presents a danger of immediate and serious harm 4136
to the public, they may recommend that the board suspend the 4137
individual's certificate to practice without a prior hearing. 4138
Written allegations shall be prepared for consideration by the 4139
board. 4140

The board, upon review of the allegations and by an 4141
affirmative vote of not fewer than six of its members, excluding 4142
the secretary and supervising member, may suspend a certificate 4143
without a prior hearing. A telephone conference call may be 4144
utilized for reviewing the allegations and taking the vote on the 4145
summary suspension. 4146

The board shall issue a written order of suspension by 4147
~~certified mail~~ a delivery system or in person in accordance with 4148
section 119.07 of the Revised Code. The order shall not be subject 4149
to suspension by the court during pendency of any appeal filed 4150
under section 119.12 of the Revised Code. If the acupuncturist 4151
requests an adjudicatory hearing by the board, the date set for 4152
the hearing shall be within fifteen days, but not earlier than 4153
seven days, after the acupuncturist requests the hearing, unless 4154
otherwise agreed to by both the board and the certificate holder. 4155

A summary suspension imposed under this division shall remain 4156
in effect, unless reversed on appeal, until a final adjudicative 4157

order issued by the board pursuant to this section and Chapter 4158
119. of the Revised Code becomes effective. The board shall issue 4159
its final adjudicative order within sixty days after completion of 4160
its hearing. Failure to issue the order within sixty days shall 4161
result in dissolution of the summary suspension order, but shall 4162
not invalidate any subsequent, final adjudicative order. 4163

(H) If the board takes action under division (B)(11), (13), 4164
or (14) of this section, and the judicial finding of guilt, guilty 4165
plea, or judicial finding of eligibility for intervention in lieu 4166
of conviction is overturned on appeal, upon exhaustion of the 4167
criminal appeal, a petition for reconsideration of the order may 4168
be filed with the board along with appropriate court documents. 4169
Upon receipt of a petition and supporting court documents, the 4170
board shall reinstate the certificate to practice. The board may 4171
then hold an adjudication under Chapter 119. of the Revised Code 4172
to determine whether the individual committed the act in question. 4173
Notice of opportunity for hearing shall be given in accordance 4174
with Chapter 119. of the Revised Code. If the board finds, 4175
pursuant to an adjudication held under this division, that the 4176
individual committed the act, or if no hearing is requested, it 4177
may order any of the sanctions specified in division (B) of this 4178
section. 4179

(I) The certificate to practice of an acupuncturist and the 4180
acupuncturist's practice in this state are automatically suspended 4181
as of the date the acupuncturist pleads guilty to, is found by a 4182
judge or jury to be guilty of, or is subject to a judicial finding 4183
of eligibility for intervention in lieu of conviction in this 4184
state or treatment or intervention in lieu of conviction in 4185
another jurisdiction for any of the following criminal offenses in 4186
this state or a substantially equivalent criminal offense in 4187
another jurisdiction: aggravated murder, murder, voluntary 4188
manslaughter, felonious assault, kidnapping, rape, sexual battery, 4189

gross sexual imposition, aggravated arson, aggravated robbery, or 4190
aggravated burglary. Continued practice after the suspension shall 4191
be considered practicing without a certificate. 4192

The board shall notify the individual subject to the 4193
suspension by ~~certified mail~~ a delivery system or in person in 4194
accordance with section 119.07 of the Revised Code. If an 4195
individual whose certificate is suspended under this division 4196
fails to make a timely request for an adjudication under Chapter 4197
119. of the Revised Code, the board shall enter a final order 4198
permanently revoking the individual's certificate to practice. 4199

(J) In any instance in which the board is required by Chapter 4200
119. of the Revised Code to give notice of opportunity for hearing 4201
and the individual subject to the notice does not timely request a 4202
hearing in accordance with section 119.07 of the Revised Code, the 4203
board is not required to hold a hearing, but may adopt, by an 4204
affirmative vote of not fewer than six of its members, a final 4205
order that contains the board's findings. In the final order, the 4206
board may order any of the sanctions identified under division (A) 4207
or (B) of this section. 4208

(K) Any action taken by the board under division (B) of this 4209
section resulting in a suspension shall be accompanied by a 4210
written statement of the conditions under which the 4211
acupuncturist's certificate to practice may be reinstated. The 4212
board shall adopt rules in accordance with Chapter 119. of the 4213
Revised Code governing conditions to be imposed for reinstatement. 4214
Reinstatement of a certificate suspended pursuant to division (B) 4215
of this section requires an affirmative vote of not fewer than six 4216
members of the board. 4217

(L) When the board refuses to grant a certificate to practice 4218
as an acupuncturist to an applicant, revokes an individual's 4219
certificate, refuses to renew a certificate, or refuses to 4220
reinstate an individual's certificate, the board may specify that 4221

its action is permanent. An individual subject to a permanent 4222
action taken by the board is forever thereafter ineligible to hold 4223
a certificate to practice as an acupuncturist and the board shall 4224
not accept an application for reinstatement of the certificate or 4225
for issuance of a new certificate. 4226

(M) Notwithstanding any other provision of the Revised Code, 4227
all of the following apply: 4228

(1) The surrender of a certificate to practice as an 4229
acupuncturist issued under this chapter is not effective unless or 4230
until accepted by the board. Reinstatement of a certificate 4231
surrendered to the board requires an affirmative vote of not fewer 4232
than six members of the board. 4233

(2) An application made under this chapter for a certificate 4234
may not be withdrawn without approval of the board. 4235

(3) Failure by an individual to renew a certificate in 4236
accordance with section 4762.06 of the Revised Code shall not 4237
remove or limit the board's jurisdiction to take disciplinary 4238
action under this section against the individual. 4239

Sec. 4774.13. (A) The state medical board, by an affirmative 4240
vote of not fewer than six members, may revoke or may refuse to 4241
grant a certificate to practice as a radiologist assistant to an 4242
individual found by the board to have committed fraud, 4243
misrepresentation, or deception in applying for or securing the 4244
certificate. 4245

(B) The board, by an affirmative vote of not fewer than six 4246
members, shall, to the extent permitted by law, limit, revoke, or 4247
suspend an individual's certificate to practice as a radiologist 4248
assistant, refuse to issue a certificate to an applicant, refuse 4249
to reinstate a certificate, or reprimand or place on probation the 4250
holder of a certificate for any of the following reasons: 4251

(1) Permitting the holder's name or certificate to be used by another person;	4252 4253
(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;	4254 4255 4256
(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;	4257 4258 4259 4260
(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;	4261 4262 4263 4264
(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	4265 4266 4267 4268
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	4269 4270 4271 4272
(7) Willfully betraying a professional confidence;	4273
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a certificate to practice as a radiologist assistant.	4274 4275 4276
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,	4277 4278 4279 4280 4281

or includes representations or implications that in reasonable 4282
probability will cause an ordinarily prudent person to 4283
misunderstand or be deceived. 4284

(9) The obtaining of, or attempting to obtain, money or a 4285
thing of value by fraudulent misrepresentations in the course of 4286
practice; 4287

(10) A plea of guilty to, a judicial finding of guilt of, or 4288
a judicial finding of eligibility for intervention in lieu of 4289
conviction for, a felony; 4290

(11) Commission of an act that constitutes a felony in this 4291
state, regardless of the jurisdiction in which the act was 4292
committed; 4293

(12) A plea of guilty to, a judicial finding of guilt of, or 4294
a judicial finding of eligibility for intervention in lieu of 4295
conviction for, a misdemeanor committed in the course of practice; 4296

(13) A plea of guilty to, a judicial finding of guilt of, or 4297
a judicial finding of eligibility for intervention in lieu of 4298
conviction for, a misdemeanor involving moral turpitude; 4299

(14) Commission of an act in the course of practice that 4300
constitutes a misdemeanor in this state, regardless of the 4301
jurisdiction in which the act was committed; 4302

(15) Commission of an act involving moral turpitude that 4303
constitutes a misdemeanor in this state, regardless of the 4304
jurisdiction in which the act was committed; 4305

(16) A plea of guilty to, a judicial finding of guilt of, or 4306
a judicial finding of eligibility for intervention in lieu of 4307
conviction for violating any state or federal law regulating the 4308
possession, distribution, or use of any drug, including 4309
trafficking in drugs; 4310

(17) Any of the following actions taken by the state agency 4311

responsible for regulating the practice of radiologist assistants 4312
in another jurisdiction, for any reason other than the nonpayment 4313
of fees: the limitation, revocation, or suspension of an 4314
individual's license to practice; acceptance of an individual's 4315
license surrender; denial of a license; refusal to renew or 4316
reinstate a license; imposition of probation; or issuance of an 4317
order of censure or other reprimand; 4318

(18) Violation of the conditions placed by the board on a 4319
certificate to practice as a radiologist assistant; 4320

(19) Failure to use universal blood and body fluid 4321
precautions established by rules adopted under section 4731.051 of 4322
the Revised Code; 4323

(20) Failure to cooperate in an investigation conducted by 4324
the board under section 4774.14 of the Revised Code, including 4325
failure to comply with a subpoena or order issued by the board or 4326
failure to answer truthfully a question presented by the board at 4327
a deposition or in written interrogatories, except that failure to 4328
cooperate with an investigation shall not constitute grounds for 4329
discipline under this section if a court of competent jurisdiction 4330
has issued an order that either quashes a subpoena or permits the 4331
individual to withhold the testimony or evidence in issue; 4332

(21) Failure to maintain a license as a radiographer under 4333
Chapter 4773. of the Revised Code; 4334

(22) Failure to maintain certification as a registered 4335
radiologist assistant from the American registry of radiologic 4336
technologists, including revocation by the registry of the 4337
assistant's certification or failure by the assistant to meet the 4338
registry's requirements for annual registration, or failure to 4339
notify the board that the certification as a registered 4340
radiologist assistant has not been maintained; 4341

(23) Failure to comply with any of the rules of ethics 4342

included in the standards of ethics established by the American 4343
registry of radiologic technologists, as those rules apply to an 4344
individual who holds the registry's certification as a registered 4345
radiologist assistant. 4346

(C) Disciplinary actions taken by the board under divisions 4347
(A) and (B) of this section shall be taken pursuant to an 4348
adjudication under Chapter 119. of the Revised Code, except that 4349
in lieu of an adjudication, the board may enter into a consent 4350
agreement with a radiologist assistant or applicant to resolve an 4351
allegation of a violation of this chapter or any rule adopted 4352
under it. A consent agreement, when ratified by an affirmative 4353
vote of not fewer than six members of the board, shall constitute 4354
the findings and order of the board with respect to the matter 4355
addressed in the agreement. If the board refuses to ratify a 4356
consent agreement, the admissions and findings contained in the 4357
consent agreement shall be of no force or effect. 4358

(D) For purposes of divisions (B)(11), (14), and (15) of this 4359
section, the commission of the act may be established by a finding 4360
by the board, pursuant to an adjudication under Chapter 119. of 4361
the Revised Code, that the applicant or certificate holder 4362
committed the act in question. The board shall have no 4363
jurisdiction under these divisions in cases where the trial court 4364
renders a final judgment in the certificate holder's favor and 4365
that judgment is based upon an adjudication on the merits. The 4366
board shall have jurisdiction under these divisions in cases where 4367
the trial court issues an order of dismissal on technical or 4368
procedural grounds. 4369

(E) The sealing of conviction records by any court shall have 4370
no effect on a prior board order entered under the provisions of 4371
this section or on the board's jurisdiction to take action under 4372
the provisions of this section if, based upon a plea of guilty, a 4373
judicial finding of guilt, or a judicial finding of eligibility 4374

for intervention in lieu of conviction, the board issued a notice 4375
of opportunity for a hearing prior to the court's order to seal 4376
the records. The board shall not be required to seal, destroy, 4377
redact, or otherwise modify its records to reflect the court's 4378
sealing of conviction records. 4379

(F) For purposes of this division, any individual who holds a 4380
certificate to practice as a radiologist assistant issued under 4381
this chapter, or applies for a certificate to practice, shall be 4382
deemed to have given consent to submit to a mental or physical 4383
examination when directed to do so in writing by the board and to 4384
have waived all objections to the admissibility of testimony or 4385
examination reports that constitute a privileged communication. 4386

(1) In enforcing division (B)(5) of this section, the board, 4387
on a showing of a possible violation, may compel any individual 4388
who holds a certificate to practice as a radiologist assistant 4389
issued under this chapter or who has applied for a certificate to 4390
practice to submit to a mental or physical examination, or both. A 4391
physical examination may include an HIV test. The expense of the 4392
examination is the responsibility of the individual compelled to 4393
be examined. Failure to submit to a mental or physical examination 4394
or consent to an HIV test ordered by the board constitutes an 4395
admission of the allegations against the individual unless the 4396
failure is due to circumstances beyond the individual's control, 4397
and a default and final order may be entered without the taking of 4398
testimony or presentation of evidence. If the board finds a 4399
radiologist assistant unable to practice because of the reasons 4400
set forth in division (B)(5) of this section, the board shall 4401
require the radiologist assistant to submit to care, counseling, 4402
or treatment by physicians approved or designated by the board, as 4403
a condition for an initial, continued, reinstated, or renewed 4404
certificate to practice. An individual affected by this division 4405
shall be afforded an opportunity to demonstrate to the board the 4406

ability to resume practicing in compliance with acceptable and 4407
prevailing standards of care. 4408

(2) For purposes of division (B)(6) of this section, if the 4409
board has reason to believe that any individual who holds a 4410
certificate to practice as a radiologist assistant issued under 4411
this chapter or any applicant for a certificate to practice 4412
suffers such impairment, the board may compel the individual to 4413
submit to a mental or physical examination, or both. The expense 4414
of the examination is the responsibility of the individual 4415
compelled to be examined. Any mental or physical examination 4416
required under this division shall be undertaken by a treatment 4417
provider or physician qualified to conduct such examination and 4418
chosen by the board. 4419

Failure to submit to a mental or physical examination ordered 4420
by the board constitutes an admission of the allegations against 4421
the individual unless the failure is due to circumstances beyond 4422
the individual's control, and a default and final order may be 4423
entered without the taking of testimony or presentation of 4424
evidence. If the board determines that the individual's ability to 4425
practice is impaired, the board shall suspend the individual's 4426
certificate or deny the individual's application and shall require 4427
the individual, as a condition for an initial, continued, 4428
reinstated, or renewed certificate to practice, to submit to 4429
treatment. 4430

Before being eligible to apply for reinstatement of a 4431
certificate suspended under this division, the radiologist 4432
assistant shall demonstrate to the board the ability to resume 4433
practice in compliance with acceptable and prevailing standards of 4434
care. The demonstration shall include the following: 4435

(a) Certification from a treatment provider approved under 4436
section 4731.25 of the Revised Code that the individual has 4437
successfully completed any required inpatient treatment; 4438

(b) Evidence of continuing full compliance with an aftercare 4439
contract or consent agreement; 4440

(c) Two written reports indicating that the individual's 4441
ability to practice has been assessed and that the individual has 4442
been found capable of practicing according to acceptable and 4443
prevailing standards of care. The reports shall be made by 4444
individuals or providers approved by the board for making such 4445
assessments and shall describe the basis for their determination. 4446

The board may reinstate a certificate suspended under this 4447
division after such demonstration and after the individual has 4448
entered into a written consent agreement. 4449

When the impaired radiologist assistant resumes practice, the 4450
board shall require continued monitoring of the radiologist 4451
assistant. The monitoring shall include monitoring of compliance 4452
with the written consent agreement entered into before 4453
reinstatement or with conditions imposed by board order after a 4454
hearing, and, on termination of the consent agreement, submission 4455
to the board for at least two years of annual written progress 4456
reports made under penalty of falsification stating whether the 4457
radiologist assistant has maintained sobriety. 4458

(G) If the secretary and supervising member determine that 4459
there is clear and convincing evidence that a radiologist 4460
assistant has violated division (B) of this section and that the 4461
individual's continued practice presents a danger of immediate and 4462
serious harm to the public, they may recommend that the board 4463
suspend the individual's certificate to practice without a prior 4464
hearing. Written allegations shall be prepared for consideration 4465
by the board. 4466

The board, on review of the allegations and by an affirmative 4467
vote of not fewer than six of its members, excluding the secretary 4468
and supervising member, may suspend a certificate without a prior 4469

hearing. A telephone conference call may be utilized for reviewing 4470
the allegations and taking the vote on the summary suspension. 4471

The board shall issue a written order of suspension by 4472
~~certified mail~~ a delivery system or in person in accordance with 4473
section 119.07 of the Revised Code. The order shall not be subject 4474
to suspension by the court during pendency of any appeal filed 4475
under section 119.12 of the Revised Code. If the radiologist 4476
assistant requests an adjudicatory hearing by the board, the date 4477
set for the hearing shall be within fifteen days, but not earlier 4478
than seven days, after the radiologist assistant requests the 4479
hearing, unless otherwise agreed to by both the board and the 4480
certificate holder. 4481

A summary suspension imposed under this division shall remain 4482
in effect, unless reversed on appeal, until a final adjudicative 4483
order issued by the board pursuant to this section and Chapter 4484
119. of the Revised Code becomes effective. The board shall issue 4485
its final adjudicative order within sixty days after completion of 4486
its hearing. Failure to issue the order within sixty days shall 4487
result in dissolution of the summary suspension order, but shall 4488
not invalidate any subsequent, final adjudicative order. 4489

(H) If the board takes action under division (B)(10), (12), 4490
or (13) of this section, and the judicial finding of guilt, guilty 4491
plea, or judicial finding of eligibility for intervention in lieu 4492
of conviction is overturned on appeal, on exhaustion of the 4493
criminal appeal, a petition for reconsideration of the order may 4494
be filed with the board along with appropriate court documents. On 4495
receipt of a petition and supporting court documents, the board 4496
shall reinstate the certificate to practice as a radiologist 4497
assistant. The board may then hold an adjudication under Chapter 4498
119. of the Revised Code to determine whether the individual 4499
committed the act in question. Notice of opportunity for hearing 4500
shall be given in accordance with Chapter 119. of the Revised 4501

Code. If the board finds, pursuant to an adjudication held under 4502
this division, that the individual committed the act, or if no 4503
hearing is requested, it may order any of the sanctions specified 4504
in division (B) of this section. 4505

(I) The certificate to practice of a radiologist assistant 4506
and the assistant's practice in this state are automatically 4507
suspended as of the date the radiologist assistant pleads guilty 4508
to, is found by a judge or jury to be guilty of, or is subject to 4509
a judicial finding of eligibility for intervention in lieu of 4510
conviction in this state or treatment of intervention in lieu of 4511
conviction in another jurisdiction for any of the following 4512
criminal offenses in this state or a substantially equivalent 4513
criminal offense in another jurisdiction: aggravated murder, 4514
murder, voluntary manslaughter, felonious assault, kidnapping, 4515
rape, sexual battery, gross sexual imposition, aggravated arson, 4516
aggravated robbery, or aggravated burglary. Continued practice 4517
after the suspension shall be considered practicing without a 4518
certificate. 4519

The board shall notify the individual subject to the 4520
suspension by ~~certified mail~~ a delivery system or in person in 4521
accordance with section 119.07 of the Revised Code. If an 4522
individual whose certificate is suspended under this division 4523
fails to make a timely request for an adjudication under Chapter 4524
119. of the Revised Code, the board shall enter a final order 4525
permanently revoking the individual's certificate to practice. 4526

(J) In any instance in which the board is required by Chapter 4527
119. of the Revised Code to give notice of opportunity for hearing 4528
and the individual subject to the notice does not timely request a 4529
hearing in accordance with section 119.07 of the Revised Code, the 4530
board is not required to hold a hearing, but may adopt, by an 4531
affirmative vote of not fewer than six of its members, a final 4532
order that contains the board's findings. In the final order, the 4533

board may order any of the sanctions identified under division (A) 4534
or (B) of this section. 4535

(K) Any action taken by the board under division (B) of this 4536
section resulting in a suspension shall be accompanied by a 4537
written statement of the conditions under which the radiologist 4538
assistant's certificate may be reinstated. The board shall adopt 4539
rules in accordance with Chapter 119. of the Revised Code 4540
governing conditions to be imposed for reinstatement. 4541
Reinstatement of a certificate suspended pursuant to division (B) 4542
of this section requires an affirmative vote of not fewer than six 4543
members of the board. 4544

(L) When the board refuses to grant a certificate to practice 4545
as a radiologist assistant to an applicant, revokes an 4546
individual's certificate, refuses to renew a certificate, or 4547
refuses to reinstate an individual's certificate, the board may 4548
specify that its action is permanent. An individual subject to a 4549
permanent action taken by the board is forever thereafter 4550
ineligible to hold a certificate to practice as a radiologist 4551
assistant and the board shall not accept an application for 4552
reinstatement of the certificate or for issuance of a new 4553
certificate. 4554

(M) Notwithstanding any other provision of the Revised Code, 4555
all of the following apply: 4556

(1) The surrender of a certificate to practice as a 4557
radiologist assistant issued under this chapter is not effective 4558
unless or until accepted by the board. Reinstatement of a 4559
certificate surrendered to the board requires an affirmative vote 4560
of not fewer than six members of the board. 4561

(2) An application made under this chapter for a certificate 4562
to practice may not be withdrawn without approval of the board. 4563

(3) Failure by an individual to renew a certificate to 4564

practice in accordance with section 4774.06 of the Revised Code 4565
shall not remove or limit the board's jurisdiction to take 4566
disciplinary action under this section against the individual. 4567

Sec. 4779.29. If the state board of orthotics, prosthetics, 4568
and pedorthics determines that there is clear and convincing 4569
evidence that an individual licensed under this chapter is 4570
engaging or has engaged in conduct described in division (A) of 4571
section 4779.28 of the Revised Code and that the license holder's 4572
continued practice presents a danger of immediate and serious harm 4573
to the public, the board may suspend the individual's license 4574
without an adjudicatory hearing. A telephone conference call may 4575
be used for reviewing the matter and taking the vote. 4576

If the board votes to suspend an individual's license, the 4577
board shall issue a written order of suspension by ~~certified mail~~ 4578
a delivery system or in person in accordance with section 119.07 4579
of the Revised Code. The order is not subject to suspension by a 4580
court during ~~pendancy~~ pendency of any appeal filed under section 4581
119.12 of the Revised Code. If the license holder requests an 4582
adjudicatory hearing by the board, the date set for the hearing 4583
shall be not later than fifteen days, but not earlier than seven 4584
days, after the request, unless otherwise agreed to by the board 4585
and the license holder. 4586

Any suspension imposed under this section shall remain in 4587
effect, unless reversed on appeal, until a final adjudicative 4588
order issued by the board pursuant to section 119.12 of the 4589
Revised Code becomes effective. The board shall issue its final 4590
adjudicative order within sixty days after completion of its 4591
hearing. A failure to issue an order within sixty days shall 4592
result in the dissolution of the summary suspension order, but 4593
shall not invalidate any subsequent, final adjudicative order. 4594

Sec. 5123.0414. (A) When the director of developmental 4595
disabilities, under section 119.07 of the Revised Code, sends a 4596
party a notice ~~by registered mail, return receipt requested using~~ 4597
a delivery system or delivers a notice in person in accordance 4598
with that section, that the director intends to take action 4599
against the party authorized by section 5123.082, 5123.166, 4600
5123.168, 5123.19, 5123.45, 5123.51, or 5126.25 of the Revised 4601
Code and the notice is returned to the director with an 4602
endorsement indicating that the notice was refused or unclaimed, 4603
the director shall resend the notice by ordinary mail to the 4604
party. 4605

(B) If the original notice was refused, the notice shall be 4606
deemed received as of the date the director resends the notice. 4607

(C) If the original notice was unclaimed, the notice shall be 4608
deemed received as of the date the director resends the notice 4609
unless, not later than thirty days after the date the director 4610
sent the original notice, the resent notice is returned to the 4611
director for failure of delivery. 4612

If the notice concerns taking action under section 5123.51 of 4613
the Revised Code and the resent notice is returned to the director 4614
for failure of delivery not later than thirty days after the date 4615
the director sent the original notice, the director shall cause 4616
the notice to be published in a newspaper of general circulation 4617
in the county of the party's last known residence or business and 4618
shall mail a dated copy of the published notice to the party at 4619
the last known address. The notice shall be deemed received as of 4620
the date of the publication. 4621

If the notice concerns taking action under section 5123.082, 4622
5123.166, 5123.168, 5123.19, 5123.45, or 5126.25 of the Revised 4623
Code and the resent notice is returned to the director for failure 4624
of delivery not later than thirty days after the date the director 4625

sent the original notice, the director shall resend the notice to 4626
the party a second time. The notice shall be deemed received as of 4627
the date the director resends the notice the second time. 4628

Section 2. That existing sections 119.062, 119.07, 3711.14, 4629
4713.01, 4713.02, 4713.03, 4713.06, 4713.07, 4713.08, 4713.081, 4630
4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 4713.20, 4713.21, 4631
4713.22, 4713.24, 4713.25, 4713.26, 4713.28, 4713.29, 4713.30, 4632
4713.31, 4713.32, 4713.34, 4713.35, 4713.37, 4713.41, 4713.42, 4633
4713.44, 4713.45, 4713.48, 4713.55, 4713.56, 4713.58, 4713.60, 4634
4713.61, 4713.62, 4713.63, 4713.64, 4715.30, 4717.14, 4723.281, 4635
4725.24, 4730.25, 4731.22, 4734.36, 4734.37, 4757.361, 4760.13, 4636
4762.13, 4774.13, 4779.29, and 5123.0414 and sections 4713.17 and 4637
4713.39 of the Revised Code are hereby repealed. 4638

Section 3. (A) As used in this section, "braider" and 4639
"threader" have the same meanings as in section 4713.01 of the 4640
Revised Code. 4641

(B) Notwithstanding division (C)(1) of section 4713.14 of the 4642
Revised Code which, as a result of amendments made by this act, 4643
prohibits practicing braiding or threading without a current, 4644
valid license, a braider or threader may practice without a 4645
license until twelve months after the effective date of this act. 4646

(C) Notwithstanding division (D)(1) of section 4713.14 of the 4647
Revised Code which, as a result of amendments made by this act, 4648
prohibits employing a person to practice braiding or threading who 4649
does not have a current, valid license, a person may employ an 4650
unlicensed braider or unlicensed threader until twelve months 4651
after the effective date of this act. 4652

(D) Notwithstanding division (E) of section 4713.14 of the 4653
Revised Code which, as a result of amendments made by this act, 4654
prohibits managing a braiding or threading salon without a 4655

current, valid managing license, a braider or threader may manage 4656
a braiding or threading salon without a managing license until 4657
twelve months after the effective date of this act. 4658

(E) Notwithstanding division (F)(1) of section 4713.14 of the 4659
Revised Code which, as a result of amendments made by this act, 4660
prohibits teaching braiding or threading at a school of 4661
cosmetology without a current, valid instructor license, a braider 4662
or threader may teach at a school of cosmetology without an 4663
instructor license until twelve months after the effective date of 4664
this act. 4665

(F) Notwithstanding division (L)(1) of section 4713.14 of the 4666
Revised Code which, as a result of amendments made by this act, 4667
prohibits teaching braiding or threading at a salon without a 4668
current, valid practicing or managing license, a braider or 4669
threader may teach at a salon without a practicing or managing 4670
license until twelve months after the effective date of this act. 4671

Section 4. Section 4731.22 of the Revised Code is presented 4672
in this act as a composite of the section as amended by both H.B. 4673
78 and Am. Sub. H.B. 93 of the 129th General Assembly. The General 4674
Assembly, applying the principle stated in division (B) of section 4675
1.52 of the Revised Code that amendments are to be harmonized if 4676
reasonably capable of simultaneous operation, finds that the 4677
composite is the resulting version of the section in effect prior 4678
to the effective date of the section as presented in this act. 4679