

**As Passed by the House**

**129th General Assembly**

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**Sub. H. B. No. 453**

**Representative Grossman**

**Cosponsors: Representatives Martin, Stebelton, Thompson, Adams, J.,  
Hagan, C., Hackett, Roegner, Fedor, Adams, R., Baker, Barnes, Boose,  
Buchy, Combs, Hall, Johnson Speaker Batchelder**

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**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  
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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 4713.071, 4713.66, and 13  
4713.67; and to repeal sections 4713.17 and 14  
4713.39 of the Revised Code to make changes to the 15  
Cosmetology Licensing Law and to change the method 16  
by which state agencies send notice of a party's 17  
right to a hearing under the Administrative 18  
Procedure Act. 19

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

**Section 1.** That sections 119.062, 119.07, 3711.14, 4713.01, 20  
4713.02, 4713.03, 4713.06, 4713.07, 4713.08, 4713.081, 4713.09, 21  
4713.10, 4713.14, 4713.141, 4713.16, 4713.20, 4713.21, 4713.22, 22  
4713.24, 4713.25, 4713.26, 4713.28, 4713.29, 4713.30, 4713.31, 23  
4713.32, 4713.34, 4713.35, 4713.37, 4713.41, 4713.42, 4713.44, 24  
4713.45, 4713.48, 4713.55, 4713.56, 4713.58, 4713.60, 4713.61, 25  
4713.62, 4713.63, 4713.64, 4715.30, 4717.14, 4723.281, 4725.24, 26  
4730.25, 4731.22, 4734.36, 4734.37, 4757.361, 4760.13, 4762.13, 27  
4774.13, 4779.29, and 5123.0414 be amended and new section 4713.39 28  
and sections 4713.071, 4713.66, and 4713.67 of the Revised Code be 29  
enacted to read as follows: 30

**Sec. 119.062.** (A) Notwithstanding section 119.06 of the 31  
Revised Code, the registrar of motor vehicles is not required to 32  
hold any hearing in connection with an order canceling or 33  
suspending a motor vehicle driver's or commercial driver's license 34  
pursuant to section 2903.06, 2903.08, 2907.24, 2921.331, 4549.02, 35  
4549.021, or 5743.99 or any provision of Chapter 2925., 4509., 36  
4510., or 4511. of the Revised Code or in connection with an 37  
out-of-service order issued under Chapter 4506. of the Revised 38  
Code. 39

(B) Notwithstanding section 119.07 of the Revised Code, the 40  
registrar is not required to use ~~registered mail, return a~~ 41  
delivery system with traceable delivery and signature receipt 42  
~~requested, or to make personal delivery~~ in connection with an 43  
order canceling or suspending a motor vehicle driver's or 44  
commercial driver's license or a notification to a person to 45  
surrender a certificate of registration and registration plates. 46

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

opportunity for a hearing prior to the issuance of an order, the 50  
agency shall give notice to the party informing the party of the 51  
party's right to a hearing. Notice shall be given ~~by registered~~ 52  
~~mail, return receipt requested, and~~ using a delivery system that 53  
delivers letters, packages, and other materials in the ordinary 54  
course of business, with traceable delivery and signature receipt, 55  
or by personal delivery. The notice shall include the charges or 56  
other reasons for the proposed action, the law or rule directly 57  
involved, and a statement informing the party that the party is 58  
entitled to a hearing if the party requests it within thirty days 59  
of the time ~~of mailing~~ the notice is sent or personally delivered. 60  
The notice shall also inform the party that at the hearing the 61  
party may appear in person, by the party's attorney, or by such 62  
other representative as is permitted to practice before the 63  
agency, or may present the party's position, arguments, or 64  
contentions in writing and that at the hearing the party may 65  
present evidence and examine witnesses appearing for and against 66  
the party. A copy of the notice shall be mailed to attorneys or 67  
other representatives of record representing the party. This 68  
paragraph does not apply to situations in which such section 69  
provides for a hearing only when it is requested by the party. 70

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

representatives of record representing the party. 83

Whenever a party requests a hearing in accordance with this 84  
section and section 119.06 of the Revised Code, the agency shall 85  
immediately set the date, time, and place for the hearing and 86  
forthwith notify the party thereof. The date set for the hearing 87  
shall be within fifteen days, but not earlier than seven days, 88  
after the party has requested a hearing, unless otherwise agreed 89  
to by both the agency and the party. 90

When any notice sent ~~by registered mail, as required by~~ in 91  
accordance with sections 119.01 to 119.13 of the Revised Code, ~~is~~ 92  
returned because the party fails to claim the notice, the agency 93  
shall send the notice by ordinary mail to the party at the party's 94  
last known address and shall obtain a certificate of mailing. 95  
Service by ordinary mail is complete when the certificate of 96  
mailing is obtained unless the notice is returned showing failure 97  
of delivery. 98

If any notice ~~sent by registered or ordinary mail~~ is returned 99  
for failure of delivery, the agency either shall make personal 100  
delivery of the notice by an employee or agent of the agency or 101  
shall cause a summary of the substantive provisions of the notice 102  
to be published once a week for three consecutive weeks in a 103  
newspaper of general circulation in the county where the last 104  
known address of the party is located. When notice is given by 105  
publication, a proof of publication affidavit, with the first 106  
publication of the notice set forth in the affidavit, shall be 107  
mailed by ordinary mail to the party at the party's last known 108  
address and the notice shall be deemed received as of the date of 109  
the last publication. An employee or agent of the agency may make 110  
personal delivery of the notice upon a party at any time. 111

Refusal of delivery by personal service or by mail is not 112  
failure of delivery and service is deemed to be complete. Failure 113  
of delivery occurs only when a mailed notice is returned by the 114

~~postal authorities~~ delivering entity marked undeliverable, address 115  
or addressee unknown, or forwarding address unknown or expired. A 116  
party's last known address is the mailing address of the party 117  
appearing in the records of the agency. 118

The failure of an agency to give the notices for any hearing 119  
required by sections 119.01 to 119.13 of the Revised Code in the 120  
manner provided in this section shall invalidate any order entered 121  
pursuant to the hearing. 122

**Sec. 3711.14.** (A) In accordance with Chapter 119. of the 123  
Revised Code, the director of health may do any of the following: 124

(1) Impose a civil penalty of not less than one thousand 125  
dollars and not more than two hundred fifty thousand dollars on a 126  
person who violates a provision of this chapter or the rules 127  
adopted under it; 128

(2) Summarily suspend, in accordance with division (B) of 129  
this section, a license issued under this chapter if the director 130  
believes there is clear and convincing evidence that the continued 131  
operation of a maternity unit, newborn care nursery, or maternity 132  
home presents a danger of immediate and serious harm to the 133  
public; 134

(3) Revoke a license issued under this chapter if the 135  
director determines that a violation of a provision of this 136  
chapter or the rules adopted under it has occurred in such a 137  
manner as to pose an imminent threat of serious physical or 138  
life-threatening danger. 139

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

the court while an appeal filed under section 119.12 of the 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~~ 176  
~~engage in all branches of cosmetology. "Beauty salon" does not~~ 177  
~~include a barber shop licensed under Chapter 4709. of the Revised~~ 178  
~~Code in which a person engages in the practice of manicuring.~~ 179

"Biennial licensing period" means the two-year period 180  
beginning on the first day of February of an odd-numbered year and 181  
ending on the last day of January of the next odd-numbered year. 182

"Braider" means an individual who engages in the practice of 183  
braiding but no other branch of cosmetology. 184

"Braiding instructor" means ~~intertwining the hair in a~~ 185  
~~systematic motion to create patterns in a three dimensional form,~~ 186  
~~inverting the hair against the scalp along part of a straight or~~ 187  
~~curved row of intertwined hair, or twisting the hair in a~~ 188  
~~systematic motion, and includes extending the hair with natural or~~ 189  
~~synthetic hair fibers~~ an individual who teaches the theory and 190  
practice of braiding, but no other branch of cosmetology, at a 191  
school of cosmetology. 192

"Braiding salon" means a salon in which an individual engages 193  
in the practice of braiding but no other branch of cosmetology. 194

"Branch of cosmetology" means the practice of braiding, 195  
practice of cosmetology, practice of esthetics, practice of hair 196  
design, practice of manicuring, ~~or~~ practice of natural hair 197  
styling, or practice of threading. 198

"Cosmetic therapy" has the same meaning as in section 4731.15 199  
of the Revised Code. 200

"Cosmetologist" means ~~a person~~ an individual authorized to 201  
engage in all branches of cosmetology. 202

"Cosmetology" means the art or practice of embellishment, 203  
cleaning, beautification, and styling of hair, wigs, postiches, 204  
face, body, or nails and tanning of the skin. 205

"Cosmetology instructor" means ~~a person~~ an individual 206  
authorized to teach the theory and practice of all branches of 207  
cosmetology at a school of cosmetology. 208

"Esthetician" means ~~a person~~ an individual who engages in the 209  
practice of esthetics but no other branch of cosmetology. 210

"Esthetics instructor" means ~~a person~~ an individual who 211  
teaches the theory and practice of esthetics, but no other branch 212  
of cosmetology, at a school of cosmetology. 213

"Esthetics salon" means ~~any premises, building, or part of a~~ 214  
~~building~~ a salon in which ~~a person~~ an individual engages in the 215  
practice of esthetics but no other branch of cosmetology. 216

"Hair designer" means ~~a person~~ an individual who engages in 217  
the practice of hair design but no other branch of cosmetology. 218

"Hair design instructor" means ~~a person~~ an individual who 219  
teaches the theory and practice of hair design, but no other 220  
branch of cosmetology, at a school of cosmetology. 221

"Hair design salon" means ~~any premises, building, or part of~~ 222  
~~a building~~ a salon in which ~~a person~~ an individual engages in the 223  
practice of hair design but no other branch of cosmetology. 224

"Independent contractor license" means a license to practice 225  
a branch of cosmetology at a salon in which the license holder 226  
rents ~~booth~~ space. 227

"Instructor license" means a license to teach the theory and 228  
practice of a branch of cosmetology at a school of cosmetology. 229

"Managing braider" means an individual authorized to manage a 230  
braiding salon, but no other type of salon, and engage in the 231  
practice of braiding, but no other branch of cosmetology. 232

"Managing cosmetologist" means ~~a person~~ an individual 233  
authorized to manage a beauty salon and engage in all branches of 234  
cosmetology. 235

"Managing esthetician" means ~~a person~~ an individual 236  
authorized to manage an esthetics salon, but no other type of 237  
salon, and engage in the practice of esthetics, but no other 238  
branch of cosmetology. 239

"Managing hair designer" means ~~a person~~ an individual 240  
authorized to manage a hair design salon, but no other type of 241  
salon, and engage in the practice of hair design, but no other 242  
branch of cosmetology. 243

"Managing license" means a license to manage a salon ~~and~~ 244  
~~practice the~~ offering a branch of cosmetology ~~practiced at the~~ 245  
~~salon~~ appropriate to the license. 246

"Managing manicurist" means ~~a person~~ an individual authorized 247  
to manage a nail salon, but no other type of salon, and engage in 248  
the practice of manicuring, but no other branch of cosmetology. 249

"Managing natural hair stylist" means ~~a person~~ an individual 250  
authorized to manage a natural hair style salon, but no other type 251  
of salon, and engage in the practice of natural hair styling, but 252  
no other branch of cosmetology. 253

"Managing threader" means an individual authorized to manage 254  
a threading salon, but no other type of salon, and engage in the 255  
practice of threading, but no other branch of cosmetology. 256

"Manicurist" means ~~a person~~ an individual who engages in the 257  
practice of manicuring but no other branch of cosmetology. 258

"Manicurist instructor" means ~~a person~~ an individual who 259  
teaches the theory and practice of manicuring, but no other branch 260  
of cosmetology, at a school of cosmetology. 261

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

~~of the Revised Code in which a person engages in the practice of~~ 266  
~~manicuring.~~ 267

"Natural hair stylist" means ~~a person~~ an individual who 268  
engages in the practice of natural hair styling but no other 269  
branch of cosmetology. 270

"Natural hair style instructor" means ~~a person~~ an individual 271  
who teaches the theory and practice of natural hair styling, but 272  
no other branch of cosmetology, at a school of cosmetology. 273

"Natural hair style salon" means ~~any premises, building, or~~ 274  
~~part of a building~~ a salon in which ~~a person~~ an individual engages 275  
in the practice of natural hair styling but no other branch of 276  
cosmetology. 277

"Practice of braiding" means utilizing the technique of 278  
intertwining hair in a systematic motion to create patterns in a 279  
three dimensional form, including patterns that are inverted, 280  
upright, or singled against the scalp that follow along straight 281  
or curved partings. It may include twisting or locking the hair 282  
while adding bulk or length with human hair, synthetic hair, or 283  
both and using simple devices such as clips, combs, and hairpins. 284  
"Practice of braiding" does not include any of the following: 285  
application of weaving, bonding, and fusion of individual strands 286  
or wefts; application of dyes, reactive chemicals, or other 287  
preparations to alter the color or straighten, curl, or alter the 288  
structure of hair; embellishing or beautifying hair by cutting or 289  
singeing, except as needed to finish the ends of synthetic fibers 290  
used to add bulk to or lengthen hair. 291

"Practice of cosmetology" means the practice of all branches 292  
of cosmetology. 293

"Practice of esthetics" means the application of cosmetics, 294  
tonics, antiseptics, creams, lotions, or other preparations for 295  
the purpose of skin beautification and includes preparation of the 296

skin by manual massage techniques or by use of electrical, 297  
mechanical, or other apparatus. It also includes enhancing the 298  
skin by skin care, facials, body treatments, hair removal, and 299  
other treatments; applying permanent cosmetics to the eyes, 300  
eyebrows, and lips; and applying eyelash extensions. 301

"Practice of hair design" means embellishing or beautifying 302  
hair, wigs, or hairpieces by arranging, dressing, pressing, 303  
curling, waving, permanent waving, cleansing, cutting, singeing, 304  
bleaching, coloring, braiding, weaving, or similar work. "Practice 305  
of hair design" includes utilizing techniques performed by hand 306  
that result in tension on hair roots such as twisting, wrapping, 307  
weaving, extending, locking, or braiding of the hair. 308

"Practice of manicuring" means manicuring cleaning, trimming, 309  
shaping the free edge of, or applying polish to the nails of any 310  
person, individual; applying artificial or sculptured nails ~~to any~~ 311  
~~person;~~ massaging the hands and lower arms up to the elbow ~~of any~~ 312  
~~person;~~ massaging the feet and lower legs up to the knee ~~of any~~ 313  
~~person;~~ using lotions or softeners on the hands and feet; or any 314  
combination of these ~~four~~ types of services. 315

"Practice of natural hair styling" means utilizing techniques 316  
performed by hand that result in tension on hair roots such as 317  
twisting, wrapping, weaving, extending, locking, or braiding of 318  
the hair. "Practice of natural hair styling" does not include the 319  
application of dyes, reactive chemicals, or other preparations to 320  
alter the color or to straighten, curl, or alter the structure of 321  
the hair. "Practice of natural hair styling" also does not include 322  
embellishing or beautifying hair by cutting or singeing, except as 323  
needed to finish off the end of a braid, or by dressing, pressing, 324  
curling, waving, permanent waving, or similar work. 325

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

and depilatories. 329

"Practicing license" means a license to practice a branch of 330  
cosmetology. 331

"Salon" means ~~a beauty salon, esthetics salon, hair design~~ 332  
~~salon, nail salon, or natural hair style salon~~ any premises, 333  
building, or part of a building in which an individual engages in 334  
the practice of one or more branches of cosmetology. "Salon" does 335  
not include a barber shop licensed under Chapter 4709. of the 336  
Revised Code. "Salon" does not mean a tanning facility, although a 337  
tanning facility may be located in a salon. 338

"School of cosmetology" means any premises, building, or part 339  
of a building in which students are instructed in the theories and 340  
practices of one or more branches of cosmetology. 341

"Student" means ~~a person~~ an individual, other than an 342  
apprentice instructor, who is engaged in learning or acquiring 343  
knowledge of the practice of a branch of cosmetology at a school 344  
of cosmetology. 345

"Tanning facility" means ~~a room or booth that houses~~ any 346  
premises, building, or part of a building that contains one or 347  
more rooms or booths with equipment or beds used for tanning human 348  
skin by the use of fluorescent sun lamps using ultraviolet or 349  
other artificial radiation. 350

"Threading salon" means a salon in which an individual 351  
engages in the practice of threading but no other branch of 352  
cosmetology. 353

"Threader" means an individual who engages in the practice of 354  
threading but no other branch of cosmetology. 355

"Threading instructor" means an individual who teaches the 356  
theory and practice of threading, but no other branch of 357  
cosmetology, at a school of cosmetology. 358

Sec. 4713.02. (A) ~~There is hereby created the~~ The state board 359  
of cosmetology, ~~consisting of all of~~ is hereby created to regulate 360  
the practice of cosmetology and all of its branches to protect the 361  
public and individuals practicing in accordance with this chapter. 362  
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(B) The board shall consist of the following members 364  
appointed by the governor, with the advice and consent of the 365  
senate: 366

(1) One ~~person holding~~ individual who holds a current, valid 367  
cosmetologist, managing cosmetologist, or cosmetology instructor 368  
license at the time of appointment; 369

(2) Two ~~persons~~ individuals holding current, valid managing 370  
cosmetologist licenses and actively engaged in managing beauty 371  
salons at the time of appointment; 372

(3) One ~~person~~ individual who holds a current, valid 373  
independent contractor license at the time of appointment or the 374  
owner or manager of a licensed salon in which at least one ~~person~~ 375  
individual holding a current, valid independent contractor license 376  
practices a branch of cosmetology; 377

(4) One ~~person~~ individual who represents individuals who 378  
teach the theory and practice of a branch of cosmetology at a 379  
vocational school; 380

(5) One owner of a licensed school of cosmetology; 381

(6) One owner of at least five licensed salons; 382

(7) One ~~person~~ individual who is either a certified nurse 383  
practitioner or clinical nurse specialist holding a certificate of 384  
authority issued under Chapter 4723. of the Revised Code, or a 385  
physician authorized under Chapter 4731. of the Revised Code to 386  
practice medicine and surgery or osteopathic medicine and surgery; 387

(8) One ~~person~~ individual representing the general public. 388

~~(B)~~(C) The superintendent of public instruction shall 389  
nominate three ~~persons~~ individuals for the governor to choose from 390  
when making an appointment under division ~~(A)~~(B)(4) of this 391  
section. 392

~~(C)~~(D) All members shall be at least twenty-five years of 393  
age, residents of the state, and citizens of the United States. No 394  
more than two members, at any time, shall be graduates of the same 395  
school of cosmetology. 396

~~Except for the initial members appointed under divisions~~ 397  
~~(A)(3) and (4) of this section, terms~~ Terms of office are for five 398  
years. ~~The term of the initial member appointed under division~~ 399  
~~(A)(3) of this section shall be three years. The term of the~~ 400  
~~initial member appointed under division (A)(4) of this section~~ 401  
~~shall be four years.~~ Terms shall commence on the first day of 402  
November and end on the thirty-first day of October. Each member 403  
shall hold office from the date of appointment until the end of 404  
the term for which appointed. In case of a vacancy occurring on 405  
the board, the governor shall, in the same manner prescribed for 406  
the regular appointment to the board, fill the vacancy by 407  
appointing a member. Any member appointed to fill a vacancy 408  
occurring prior to the expiration of the term for which the 409  
member's predecessor was appointed shall hold office for the 410  
remainder of such term. Any member shall continue in office 411  
subsequent to the expiration date of the member's term until the 412  
member's successor takes office, or until a period of sixty days 413  
has elapsed, whichever occurs first. Before entering upon the 414  
discharge of the duties of the office of member, each member shall 415  
take, and file with the secretary of state, the oath of office 416  
required by Section 7 of Article XV, Ohio Constitution. 417

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

necessary expenses, and mileage for each mile necessarily  
traveled.

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

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

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

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

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

The executive director shall employ those staff members and consultants necessary to implement the board's regulatory purpose and the policies it develops. The executive director may employ inspectors, examiners, consultants on contents of examinations, and clerks, or other individuals as necessary for the administration of this chapter. All inspectors and examiners shall be licensed cosmetologists. 451  
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~~The board may appoint~~ executive director shall delegate to inspectors of authority to inspect and investigate all facilities regulated by this chapter, including tanning facilities as needed to make periodic inspections as the board specifies, to ensure compliance with this chapter, the rules adopted under it, and the board's policies. 458  
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**Sec. 4713.07. (A)** The state board of cosmetology shall do all of the following: 464  
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~~(A)~~(1) Regulate the practice of cosmetology and all of its branches in this state; 466  
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(2) Investigate or inspect in accordance with section 4713.67 of the Revised Code the activities or premises of a license holder or unlicensed person who is alleged to have violated any section of this chapter or any rule adopted under it; 468  
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(3) Adopt rules in accordance with section 4713.08 of the Revised Code; 472  
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(4) Prescribe and make available application forms to be used by ~~persons~~ individuals seeking admission to an examination conducted under section 4713.24 of the Revised Code or persons seeking a license issued under this chapter; 474  
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~~(B)~~(5) Prescribe and make available application forms to be used by persons seeking renewal of a license issued under this chapter; 478  
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480

~~(C)~~(6) Report to the proper prosecuting officer ~~all~~ 481  
violations of section 4713.14 of the Revised Code of which the 482  
board is aware; 483

~~(D)~~(7) Submit a written report annually to the governor that 484  
provides all of the following: 485

~~(1)~~(a) A discussion of the conditions in this state of the 486  
branches of cosmetology; 487

~~(2)~~(b) A brief summary of the board's proceedings during the 488  
year the report covers; 489

~~(3)~~(c) A statement of all money that the board received and 490  
expended during the year the report covers. 491

~~(E)~~(8) Keep a record of all of the following: 492

~~(1)~~(a) The board's proceedings; 493

~~(2)~~(b) The name and last known physical address, electronic 494  
mail address, and telephone number of each person issued a license 495  
under ~~section 4713.28, 4713.30, 4713.31, 4713.34, or 4713.39 of~~ 496  
~~the Revised Code~~ this chapter; 497

~~(3)~~ ~~The name and address of each salon issued a license under~~ 498  
~~section 4713.41 of the Revised Code and each school of cosmetology~~ 499  
~~issued a license under section 4713.44 of the Revised Code;~~ 500

~~(4)~~ ~~The name and address of each tanning facility issued a~~ 501  
~~permit under section 4713.48 of the Revised Code;~~ 502

~~(5)~~(c) The date and number of each license and permit that 503  
the board issues; 504

~~(F)~~(9) All other duties that this chapter imposes on the 505  
board. 506

(B) The board may delegate any of the duties listed in 507  
division (A) of this section to the executive director or to an 508  
individual designated by the executive director. 509

Sec. 4713.071. (A) Beginning one year after the effective 510  
date of this section and continuing for the next two years, the 511  
state board of cosmetology shall annually submit a written report 512  
to the governor, president of the senate, and speaker of the house 513  
of representatives. The report shall list all of the following for 514  
the preceding twelve-month period: 515

(1) The number of students enrolled in courses at licensed 516  
schools of cosmetology that are required for each of the following 517  
licenses: braider, threader, managing braider, managing threader, 518  
braiding instructor, and threading instructor; 519

(2) The number of applicants for each of the following 520  
licenses: braider, threader, managing braider, managing threader, 521  
braiding instructor, and threading instructor; 522

(3) The number of licenses issued for each of the following: 523  
braiders, threaders, managing braiders, managing threaders, 524  
braiding instructors, and threading instructors; 525

(4) The number of complaints received by the board related to 526  
the unlicensed practice of braiding or threading; 527

(5) The number of investigations conducted by the board 528  
related to the unlicensed practice of braiding or threading; 529

(6) The number of adjudications or other disciplinary action 530  
taken by the board related to the unlicensed practice of braiding 531  
or threading. 532

(B) The board shall include in the final report under 533  
division (A) of this section any recommendations it has for 534  
changes to this chapter that address both of the following: 535

(1) Compliance with this chapter by individuals involved in 536  
the practice of braiding or threading; 537

(2) The health and safety of those served by individuals 538  
involved in the practice of braiding or threading. 539

**Sec. 4713.08.** (A) The state board of cosmetology shall adopt 540  
rules in accordance with Chapter 119. of the Revised Code as 541  
necessary to implement this chapter. The rules shall do all of the 542  
following: 543

(1) Govern the practice of the branches of cosmetology and 544  
management of salons; 545

(2) Specify conditions a person must satisfy to qualify for a 546  
temporary pre-examination work permit under section 4713.22 of the 547  
Revised Code and the conditions and method of renewing a temporary 548  
pre-examination work permit under that section; 549

(3) Provide for the conduct of examinations under section 550  
4713.24 of the Revised Code; 551

(4) Specify conditions under which the board will take into 552  
account, under section 4713.32 of the Revised Code, instruction an 553  
applicant for a license under section 4713.28, 4713.30, or 4713.31 554  
of the Revised Code received more than five years before the date 555  
of application for the license; 556

(5) Provide for the granting of waivers under section 4713.29 557  
of the Revised Code; 558

(6) Specify conditions an applicant must satisfy for the 559  
board to issue the applicant a license under section 4713.34 of 560  
the Revised Code without the applicant taking an examination 561  
conducted under section 4713.24 of the Revised Code; 562

(7) Specify locations in which glamour photography services 563  
in which a branch of cosmetology is practiced may be provided; 564

(8) Establish conditions and the fee for a temporary special 565  
occasion work permit under section 4713.37 of the Revised Code and 566  
specify the amount of time such a permit is valid; 567

(9) Specify conditions an applicant must satisfy for the 568  
board to issue the applicant an independent contractor license 569

under section 4713.39 of the Revised Code and the fee for issuance	570
and renewal of the license;	571
(10) Establish conditions under which food may be sold at a	572
salon;	573
(11) Specify which professions regulated by a professional	574
regulatory board of this state may be practiced in a salon under	575
section 4713.42 of the Revised Code;	576
(12) Establish standards for the provision of cosmetic	577
therapy, massage therapy, or other professional service in a salon	578
pursuant to section 4713.42 of the Revised Code;	579
(13) Establish standards for board approval of, and the	580
granting of credits for, training in branches of cosmetology at	581
schools of cosmetology licensed in this state;	582
(14) Establish sanitary standards for the practice of the	583
branches of cosmetology, salons, and schools of cosmetology;	584
(15) Establish the application process for obtaining a	585
tanning facility permit under section 4713.48 of the Revised Code,	586
including the amount of the fee for an initial or renewed permit;	587
(16) Establish standards for installing and operating a	588
tanning facility in a manner that ensures the health and safety of	589
consumers, including standards that do all of the following:	590
(a) Establish a maximum safe time of exposure to radiation	591
and a maximum safe temperature at which sun lamps may be operated;	592
(b) Require consumers to wear protective eyeglasses and be	593
supervised as to the length of time consumers use the facility;	594
(c) Require the operator to prohibit consumers from standing	595
too close to sun lamps and to post signs warning consumers of the	596
potential effects of radiation on persons taking certain	597
medications and of the possible relationship of the radiation to	598
skin cancer;	599

- (d) Require the installation of protective shielding for sun lamps and handrails for consumers; 600  
601
- (e) Require floors to be dry during operation of lamps; 602
- (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. 603  
604  
605
- (17)(a) If the board, under section 4713.61 of the Revised Code, develops a procedure for classifying licenses ~~inactive~~ in escrow, do both of the following: 606  
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608
- (i) Establish a fee for having a license classified ~~inactive~~ in escrow that reflects the cost to the board of providing the ~~inactive~~ escrow license service; 609  
610  
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- (ii) Specify the continuing education that a person whose license has been classified ~~inactive~~ in escrow 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. 612  
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- (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~~ in escrow. 621  
622  
623  
624
- (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; 625  
626  
627
- (19) Anything else necessary to implement this chapter. 628
- (B)(1) The rules adopted under division (A)(2) of this 629

section may establish additional conditions for a temporary 630  
pre-examination work permit under section 4713.22 of the Revised 631  
Code that are applicable to persons who practice a branch of 632  
cosmetology in another state or country. 633

(2) The rules adopted under division (A)(17)(b) of this 634  
section may establish additional conditions for a temporary work 635  
permit that are applicable to persons who practice a branch of 636  
cosmetology in another state. 637

(C) The conditions specified in rules adopted under division 638  
(A)(6) of this section may include that an applicant is applying 639  
for a license to practice a branch of cosmetology for which the 640  
board determines an examination is unnecessary. 641

(D) The rules adopted under division (A)(11) of this section 642  
shall not include a profession if practice of the profession in a 643  
salon is a violation of a statute or rule governing the 644  
profession. 645

(E) The sanitary standards established under division (A)(14) 646  
of this section shall focus in particular on precautions to be 647  
employed to prevent infectious or contagious diseases being 648  
created or spread. The board shall consult with the Ohio 649  
department of health when establishing the sanitary standards. 650

(F) The fee established by rules adopted under division 651  
(A)(15) of this section shall cover the cost the board incurs in 652  
inspecting tanning facilities and enforcing the board's rules but 653  
may not exceed one hundred dollars per location of such 654  
facilities. 655

**Sec. 4713.081.** The state board of cosmetology shall furnish a 656  
copy of the sanitary standards established by rules adopted under 657  
section 4713.08 of the Revised Code to each person to whom the 658  
board issues a practicing license, managing license, or license to 659

operate a salon or school of cosmetology. The board also shall 660  
furnish a copy of the sanitary standards to each ~~person~~ individual 661  
providing cosmetic therapy, massage therapy, or other professional 662  
service in a salon under section 4713.42 of the Revised Code. A 663  
salon or school of cosmetology provided a copy of the sanitary 664  
standards shall post the standards in a public and conspicuous 665  
place in the salon or school. 666

**Sec. 4713.09.** The state board of cosmetology may adopt rules 667  
in accordance with ~~Chapter 119.~~ section 4713.08 of the Revised 668  
Code to establish a continuing education requirement, not to 669  
exceed ~~eight~~ twelve hours in a biennial licensing period, as a 670  
condition of renewal for a practicing license, managing license, 671  
or instructor license. In addition, the board shall require an 672  
independent contractor to complete instruction in business and tax 673  
as a condition of license renewal in an amount established by the 674  
board in rules, not to exceed four hours. 675

An individual's completion of any corrective action course 676  
required under division (B) of section 4713.64 of the Revised Code 677  
shall not be accepted by the board as meeting any part of a 678  
continuing education requirement established under this section or 679  
the instruction required by this section. 680

**Sec. 4713.10.** (A) The state board of cosmetology shall charge 681  
and collect the following fees: 682

~~(A)~~(1) For a temporary pre-examination work permit under 683  
section 4713.22 of the Revised Code, five dollars; 684

~~(B)~~(2) For initial application to take an examination under 685  
section 4713.24 of the Revised Code, twenty-one dollars; 686

~~(C)~~(3) For application to take an examination under section 687  
4713.24 of the Revised Code by an applicant who has previously 688

applied to take, but failed to appear for, the examination, forty 689  
dollars; 690

~~(D)~~(4) For application to re-take an examination under 691  
section 4713.24 of the Revised Code by an applicant who has 692  
previously appeared for, but failed to pass, the examination, 693  
twenty-one dollars; 694

~~(E)~~(5) For the issuance of a license under section 4713.28, 695  
4713.30, or 4713.31 of the Revised Code, thirty dollars; 696

~~(F)~~(6) For the issuance of a license under section 4713.34 of 697  
the Revised Code, sixty dollars; 698

~~(G)~~(7) For renewal of a license issued under section 4713.28, 699  
4713.30, 4713.31, or 4713.34 of the Revised Code, thirty dollars; 700

~~(H)~~(8) For the issuance or renewal of a cosmetology school 701  
license, two hundred fifty dollars; 702

~~(I)~~(9) For the inspection and issuance of a new salon license 703  
or the change of name or ownership of a salon license under 704  
section 4713.41 of the Revised Code, sixty dollars; 705

~~(J)~~(10) For the renewal of a salon license under section 706  
4713.41 of the Revised Code, fifty dollars; 707

~~(K)~~(11) For the restoration of ~~an expired a license that may~~ 708  
~~be restored pursuant to~~ under section 4713.63 of the Revised Code, 709  
~~and in addition to the payments for all~~ an amount equal to the sum 710  
of the following: the current renewal fee; any applicable late 711  
fees; and, if one or more renewal periods have elapsed since the 712  
license was valid, the lapsed renewal fees, ~~thirty dollars for not~~ 713  
more than three of those renewal periods; 714

~~(L)~~ (12) For the issuance of a duplicate of any license, 715  
fifteen dollars; 716

~~(M)~~(13) For the preparation and mailing of a licensee's 717  
records to another state for a reciprocity license, fifty dollars; 718

~~(N)~~(14) For the processing of any fees related to a check 719  
from a licensee returned to the board for insufficient funds, an 720  
additional twenty dollars. 721

(B) The board may establish an installment plan for the 722  
payment of fines and fees and may reduce fees as considered 723  
appropriate by the executive director. 724

(C) At the request of a person who is temporarily unable to 725  
pay a fee imposed under division (A) of this section, or on its 726  
own motion, the board may extend the date payment is due by up to 727  
ninety days. If the fee remains unpaid after the date payment is 728  
due, the amount of the fee shall be certified to the attorney 729  
general for collection in the form and manner prescribed by the 730  
attorney general. The attorney general may assess the collection 731  
cost to the amount certified in such a manner and amount as 732  
prescribed by the attorney general. 733

**Sec. 4713.14.** No person shall do any of the following: 734

(A) Use fraud or deceit in making application for a license 735  
or permit; 736

(B) Aid or abet any person: 737

(1) Violating this chapter or a rule adopted under it; 738

(2) Obtaining a license or permit fraudulently; 739

(3) Falsely pretending to hold a current, valid license or 740  
permit. 741

(C) Practice a branch of cosmetology, for pay, free, or 742  
otherwise, without one of the following authorizing the practice 743  
of that branch of cosmetology: 744

(1) A current, valid license under section 4713.28, 4713.30, 745  
or 4713.34 of the Revised Code; 746

(2) A current, valid temporary pre-examination work permit 747

issued under section 4713.22 of the Revised Code;	748
(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	749 750
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code.	751 752 753
(D) Employ <del>a person</del> <u>an individual</u> to practice a branch of cosmetology if the <del>person</del> <u>individual</u> does not hold one of the following authorizing the practice of that branch of cosmetology:	754 755 756
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	757 758
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	759 760
(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	761 762
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code.	763 764 765
(E) Manage a salon without a current, valid license <u>issued</u> under section 4713.30 or 4713.34 of the Revised Code to manage that type of salon;	766 767 768
(F) Except for apprentice instructors and as provided in section 4713.45 of the Revised Code, teach the theory or practice of a branch of cosmetology at a school of cosmetology without either of the following authorizing the teaching of that branch of cosmetology:	769 770 771 772 773
(1) A current, valid license under section 4713.31 or 4713.34 of the Revised Code;	774 775
(2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code.	776 777

(G) Advertise or operate a glamour photography service in 778  
which a branch of cosmetology is practiced unless the ~~person~~ 779  
individual practicing the branch of cosmetology holds either of 780  
the following authorizing the practice of that branch of 781  
cosmetology: 782

(1) A current, valid license under section 4713.28, 4713.30, 783  
or 4713.34 of the Revised Code; 784

(2) A current, valid temporary special occasion work permit 785  
issued under section 4713.37 of the Revised Code. 786

(H) Advertise or operate a glamour photography service in 787  
which a branch of cosmetology is practiced at a location not 788  
specified by rules adopted under section 4713.08 of the Revised 789  
Code; 790

(I) Practice a branch of cosmetology at a salon ~~in which the~~ 791  
~~person rents booth space~~ as an independent contractor without a 792  
current, valid independent contractor license issued under section 793  
4713.39 of the Revised Code; 794

(J) Operate a salon without a current, valid license under 795  
section 4713.41 of the Revised Code; 796

(K) Provide cosmetic therapy or massage therapy at a salon 797  
for pay, free, or otherwise without a current, valid certificate 798  
issued by the state medical board under section 4731.15 of the 799  
Revised Code or provide any other professional service at a salon 800  
for pay, free, or otherwise without a current, valid license or 801  
certificate issued by the professional regulatory board of this 802  
state that regulates the profession; 803

(L) Teach a branch of cosmetology at a salon, unless the 804  
~~person~~ individual receiving the instruction holds either of the 805  
following authorizing the practice of that branch of cosmetology: 806

(1) A current, valid license under section 4713.28, 4713.30, 807

or 4713.34 of the Revised Code; 808

(2) A current, valid temporary pre-examination work permit 809  
issued under section 4713.22 of the Revised Code. 810

(M) Operate a school of cosmetology without a current, valid 811  
license under section 4713.44 of the Revised Code; 812

(N) ~~At a salon or school of cosmetology, do either of the~~ 813  
~~following:~~ 814

~~(1)~~ Use or possess a cosmetic product containing an 815  
ingredient that the United States food and drug administration has 816  
prohibited by regulation; 817

~~(2)~~(O) Use a cosmetic product in a manner inconsistent with a 818  
restriction established by the United States food and drug 819  
administration by regulation; 820

~~(3)~~(P) Use or possess a liquid nail monomer containing any 821  
trace of methyl methacrylate (MMA). 822

~~(4)~~(Q) While in charge of a salon or school of cosmetology, 823  
permit any ~~person~~ individual to sleep in, or use for residential 824  
purposes, any room used wholly or in part as the salon or school 825  
of cosmetology; 826

~~(5)~~(R) Maintain, as an established place of business for the 827  
practice of one or more of the branches of cosmetology, a room 828  
used wholly or in part for sleeping or residential purposes; 829

~~(6)~~(S) Treat as an independent contractor for purposes of 830  
federal or state taxes or workers' compensation an individual the 831  
person hired, sets the schedule of, or compensates by commission 832  
or otherwise; 833

(T) Operate a tanning facility that is offered to the public 834  
for a fee or ~~other compensation~~ otherwise without a current, valid 835  
permit under section 4713.48 of the Revised Code; 836

(U) Use any of the services or arts that are part of the 837

practice of a branch of cosmetology to treat or attempt to cure a 838  
physical or mental disease or ailment. 839

**Sec. 4713.141.** An inspector employed by the state board of 840  
cosmetology may take a sample of a product used or sold in a salon 841  
or school of cosmetology for the purpose of examining the sample, 842  
or causing an examination of the sample to be made, to determine 843  
whether division (N), (O), or (P) of section 4713.14 of the 844  
Revised Code has been violated. 845

Should the results of the test prove that division (N), (O), 846  
or (P) of section 4713.14 of the Revised Code has been violated, 847  
the board shall take action in accordance with section 4713.64 of 848  
the Revised Code. A fine imposed under that section shall include 849  
the cost of the test. The person's license may be suspended or 850  
revoked. 851

**Sec. 4713.16.** (A) This chapter does not prohibit any of the 852  
following: 853

~~(A)~~(1) Practicing a branch of cosmetology without a license 854  
if the ~~person~~ individual does so for free at the ~~person's~~ 855  
individual's home for a family member who resides in the same 856  
household as the ~~person~~ individual; 857

~~(B)~~(2) The retail sale, or trial demonstration by application 858  
to the skin for purposes of retail sale, of cosmetics, 859  
preparations, tonics, antiseptics, creams, lotions, wigs, or 860  
hairpieces without a practicing license; 861

~~(C)~~(3) The retailing, at a salon, of cosmetics, preparations, 862  
tonics, antiseptics, creams, lotions, wigs, hairpieces, clothing, 863  
or any other items that pose no risk of creating unsanitary 864  
conditions at the salon; 865

~~(D)~~(4) The provision of glamour photography services at a 866  
licensed salon if either of the following is the case: 867

~~(1)~~(a) A branch of cosmetology is not practiced as part of the services. 868  
869

~~(2)~~(b) If a branch of cosmetology is practiced as part of the services, the part of the services that is a branch of cosmetology is performed by ~~a person~~ an individual who holds either of the following authorizing the ~~person~~ individual to practice that branch of cosmetology: 870  
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872  
873  
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~~(a)~~(i) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code; 875  
876

~~(b)~~(ii) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code. 877  
878

~~(E)~~(5) A student engaging, as a student, in work connected with a branch of cosmetology taught at the school of cosmetology at which the student is enrolled. 879  
880  
881

(B) The following are exempt from the provisions of this chapter, except, as applicable, section 4713.42 of the Revised Code: 882  
883  
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(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; 885  
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887  
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(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; 889  
890  
891  
892

(3) Barbers, insofar as their usual and ordinary vocation and profession is concerned; 893  
894

(4) Funeral directors, embalmers, and apprentices licensed or registered under Chapter 4717. of the Revised Code; 895  
896

(5) Persons who are engaged in the retail sale, cleaning, or 897

beautification of wigs and hairpieces but who do not engage in any 898  
other act constituting the practice of a branch of cosmetology; 899

(6) Volunteers of hospitals, and homes as defined in section 900  
3721.01 of the Revised Code, who render service to registered 901  
patients and inpatients who reside in such hospitals or homes. 902  
Such volunteers shall not use or work with any chemical products 903  
such as permanent wave, hair dye, or chemical hair relaxer, which 904  
without proper training would pose a health or safety problem to 905  
the patient. 906

(7) Nurse aides and other employees of hospitals and homes as 907  
defined in section 3721.01 of the Revised Code, who practice a 908  
branch of cosmetology on registered patients only as part of 909  
general patient care services and who do not charge patients 910  
directly on a fee for service basis; 911

(8) Cosmetic therapists and massage therapists who hold 912  
current, valid certificates to practice cosmetic or massage 913  
therapy issued by the state medical board under section 4731.15 of 914  
the Revised Code, to the extent their actions are authorized by 915  
their certificates to practice; 916

(9) Inmates who provide services related to a branch of 917  
cosmetology to other inmates, except when those services are 918  
provided in a licensed school of cosmetology within a state 919  
correctional institution for females. 920

(C) The director of rehabilitation and correction shall 921  
oversee the services described in division (B)(9) of this section 922  
with respect to sanitation and adopt rules governing those types 923  
of services provided by inmates. 924

**Sec. 4713.20.** ~~(A)~~ Each person individual who seeks admission 925  
to an examination conducted under section 4713.24 of the Revised 926  
Code ~~and each person who seeks a license under this chapter shall~~ 927

~~do all~~ submit both of the following: 928

~~(1) Submit to the state board of cosmetology a written application containing:~~ 929  
930

~~(A) As part of a license application, proof of the following:~~ 931

~~(a) If the person seeks admission to an examination, that the person individual satisfies all conditions to obtain the license for which the examination is conducted, other than the requirement to have passed the examination;~~ 932  
933  
934  
935

~~(b) If the person seeks a license, that the person satisfies all conditions for obtaining the license.~~ 936  
937

~~(2) Pay to the board the applicable fee;~~ 938

~~(3) Verify by oath that the application is true.~~ 939

~~(B) An application to operate a salon or school of cosmetology may be submitted by the owner, manager, or person in charge of the salon or school. A set of the individual's fingerprint impressions.~~ 940  
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**Sec. 4713.21.** Both of the following may apply again under section 4713.20 of the Revised Code for admission to an examination conducted under section 4713.24 of the Revised Code: 944  
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946

(A) ~~A person~~ An individual who failed to appear for an examination that the ~~person~~ individual was previously scheduled to take; 947  
948  
949

(B) ~~A person~~ An individual who appeared for a previously scheduled examination but failed to pass it. 950  
951

**Sec. 4713.22.** (A) The state board of cosmetology shall issue a temporary pre-examination work permit to ~~a person~~ an individual who applies under section 4713.20 of the Revised Code for admission to an examination conducted under section 4713.24 of the 952  
953  
954  
955

Revised Code, if the ~~person~~ individual satisfies all of the 956  
following conditions: 957

(1) Is seeking a practicing license; 958

(2) Has not previously failed an examination conducted under 959  
section 4713.24 of the Revised Code to determine the applicant's 960  
fitness to practice the branch of cosmetology for which the ~~person~~ 961  
individual seeks a license; 962

(3) Pays to the board the applicable fee; 963

(4) Satisfies all other conditions established by rules 964  
adopted under section 4713.08 of the Revised Code. 965

(B) ~~A person~~ An individual issued a temporary pre-examination 966  
work permit may practice the branch of cosmetology for which the 967  
~~person~~ individual seeks a license until the date the ~~person~~ 968  
individual is scheduled to take an examination under section 969  
4713.24 of the Revised Code. The ~~person~~ individual shall practice 970  
under the supervision of ~~a person~~ an individual holding a current, 971  
valid managing license ~~appropriate for the type of salon in which~~ 972  
~~the permit holder practices~~. A temporary pre-examination work 973  
permit is renewable in accordance with rules adopted under section 974  
4713.08 of the Revised Code. 975

**Sec. 4713.24.** (A) The state board of cosmetology shall 976  
conduct an examination for each ~~person~~ individual who satisfies 977  
the requirements established by section 4713.20 of the Revised 978  
Code for admission to the examination. The board may develop and 979  
administer the appropriate examination or enter into an agreement 980  
with a national testing service to develop the examination, 981  
administer it, or both. ~~The~~ 982

(B) The examination shall be specific to the type of license 983  
the ~~person~~ individual seeks and satisfy all of the following 984  
conditions: 985

<del>(A)</del> (1) Include both practical demonstrations and written or oral tests related to the type of license the <del>person</del> <u>individual</u> seeks;	986 987 988
<del>(B)</del> (2) Relate only to a branch of cosmetology, managing license, or both, but not be confined to any special system or method;	989 990 991
<del>(C)</del> (3) Be consistent in both practical and technical requirements for the type of license the <del>person</del> <u>individual</u> seeks;	992 993
<del>(D)</del> (4) Be of sufficient thoroughness to satisfy the board as to the <del>person's</del> <u>individual's</u> skill in and knowledge of the branch of cosmetology, managing license, or both, for which the examination is conducted.	994 995 996 997
<u>(C) The board shall adopt rules regarding the equipment or supplies an individual is required to bring to the examination.</u>	998 999
<u>(D) The questions developed for the examination and the practical demonstrations used in the testing process shall not be released by the board, except for the following purposes:</u>	1000 1001 1002
<u>(1) Review or rewriting of any part of the examination on a periodic basis as prescribed in rules adopted under section 4713.08 of the Revised Code;</u>	1003 1004 1005
<u>(2) Testing of individuals in another state for admission to the profession of cosmetology or any of its branches as required under a contract or by means of a license with that state.</u>	1006 1007 1008
<u>(E) The examination papers and the scored results of the practical demonstrations of each individual examined by the board shall be open for inspection by the individual or the individual's attorney for at least ninety days following the announcement of the individual's grade, except for papers that under the terms of a contract with a testing service are not available for inspection. On written request of an individual or the</u>	1009 1010 1011 1012 1013 1014 1015

individual's attorney made to the board not later than ninety days 1016  
after announcement of the individual's grade, the board shall have 1017  
the individual's examination papers re-graded manually. 1018

**Sec. 4713.25.** The state board of cosmetology may administer a 1019  
separate managing braider examination for individuals who complete 1020  
a managing braider training course separate from a braider 1021  
training course. The board may combine the managing braider 1022  
examination with the braider examination for individuals who 1023  
complete a combined three hundred-hour braider and managing 1024  
braider training course. 1025

The board may administer a separate managing cosmetologist 1026  
examination for ~~persons~~ individuals who complete a managing 1027  
cosmetologist training course separate from a cosmetologist 1028  
training course. The board may combine the managing cosmetologist 1029  
examination with the cosmetologist examination for ~~persons~~ 1030  
individuals who complete a combined eighteen hundred-hour 1031  
cosmetologist and managing cosmetologist training course. 1032

The board may administer a separate managing esthetician 1033  
examination for ~~persons~~ individuals who complete a managing 1034  
esthetician training course separate from an esthetician training 1035  
course. The board may combine the managing esthetician examination 1036  
with the esthetician examination for ~~persons~~ individuals who 1037  
complete a combined seven hundred fifty-hour esthetician and 1038  
managing esthetician training course. 1039

The board may administer a separate managing hair designer 1040  
examination for ~~persons~~ individuals who complete a managing hair 1041  
designer training course separate from a hair designer training 1042  
course. The board may combine the managing hair designer 1043  
examination with the hair designer examination for ~~persons~~ 1044  
individuals who complete a combined one thousand four hundred 1045  
forty-hour hair designer and managing hair designer training 1046

course. 1047

The board may administer a separate managing manicurist 1048  
examination for ~~persons~~ individuals who complete a managing 1049  
manicurist training course separate from a manicurist training 1050  
course. The board may combine the managing manicurist examination 1051  
with the manicurist examination for ~~persons~~ individuals who 1052  
complete a combined three hundred-hour manicurist and managing 1053  
manicurist training course. 1054

The board may administer a separate managing natural hair 1055  
stylist examination for ~~persons~~ individuals who complete a 1056  
managing natural hair stylist training course separate from a 1057  
natural hair stylist training course. The board may combine the 1058  
managing natural hair stylist examination with the natural hair 1059  
stylist examination for ~~persons~~ individuals who complete a 1060  
combined six hundred-hour natural hair stylist and managing 1061  
natural hair stylist training course. 1062

The board may administer a separate managing threader 1063  
examination for individuals who complete a managing threader 1064  
training course separate from a threader training course. The 1065  
board may combine the managing threader examination with the 1066  
threader examination for individuals who complete a combined three 1067  
hundred-hour threader and managing threader training course. 1068

**Sec. 4713.26.** Each ~~person~~ individual admitted to an 1069  
examination conducted under section 4713.24 of the Revised Code 1070  
shall furnish the ~~person's~~ individual's own model. 1071

**Sec. 4713.28.** (A) An individual who seeks a practicing 1072  
license from the state board of cosmetology shall submit a written 1073  
application on a form furnished by the board. The application 1074  
shall contain all of the following: 1075

(1) The name of the individual and any other identifying 1076

<u>information required by the board;</u>	1077
<u>(2) A recent photograph of the individual that meets specifications established by the board;</u>	1078
<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>	1080
<u>(4) Proof that the individual is qualified to take the applicable examination as required by section 4713.20 of the Revised Code;</u>	1083
<u>(5) An oath verifying the application is true;</u>	1086
<u>(6) The applicable fee.</u>	1087
<u>(B) The <del>state board of cosmetology</del> shall issue a practicing license to an applicant who, except as provided in section 4713.30 of the Revised Code, satisfies all of the following applicable conditions:</u>	1088
<u><del>(A)</del>(1) Is at least sixteen years of age;</u>	1089
<u><del>(B)</del>(2) Is of good moral character;</u>	1090
<u><del>(C)</del>(3) Has <u>graduated from an Ohio high school, has the equivalent of an Ohio public high school tenth grade education diploma, or has taken an ability-to-benefit test that is approved by the United States department of education and administered under the department's guidelines and has attained a score that the board considers to be satisfactory evidence of possessing at least a tenth-grade level education;</u></u>	1091
<u><del>(D)</del>(4) Passes an examination conducted under section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice;</u>	1094
<u><del>(E)</del>(5) Pays to the board the applicable fee;</u>	1095
<u><del>(F)</del>(6) Shows proof of legal residency in the United States;</u>	1096
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(7) In the case of an applicant for an initial braider 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, scalp care, anatomy, hair braiding, communication skills, and laws and rules governing the practice of cosmetology; 1106  
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(8) In the case of an applicant for an initial cosmetologist license, has successfully completed at least ~~fifteen~~ one thousand five hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of a person licensed as a barber under Chapter 4709. of the Revised Code; 1112  
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~~(G)~~(9) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state; 1119  
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~~(H)~~(10) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two hundred hours of board-approved hair designer training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state is required of a person licensed as a barber under Chapter 4709. of the Revised Code; 1123  
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~~(I)~~(11) In the case of an applicant for an initial manicurist license, has successfully completed at least two hundred hours of board-approved manicurist training in a school of cosmetology licensed in this state; 1131  
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~~(J)~~(12) In the case of an applicant for an initial natural hair stylist license, has successfully completed at least four 1135  
1136

hundred fifty hours of instruction in subjects relating to 1137  
sanitation, scalp care, anatomy, hair styling, communication 1138  
skills, and laws and rules governing the practice of cosmetology; 1139

(13) In the case of an applicant for an initial threader 1140  
license, has successfully completed at least one hundred fifty 1141  
hours of instruction in a school of cosmetology licensed in this 1142  
state in subjects related to sanitation, anatomy, threading, 1143  
communication skills, and laws and rules governing the practice of 1144  
cosmetology. 1145

**Sec. 4713.29.** In accordance with rules adopted under section 1146  
4713.08 of the Revised Code, the state board of cosmetology, upon 1147  
a vote of the majority of the board, may waive a condition 1148  
established by section 4713.28 of the Revised Code for a license 1149  
to practice a branch of cosmetology for an applicant who practices 1150  
that branch of cosmetology in a state or country that does not 1151  
license or register branches of cosmetology. 1152

**Sec. 4713.30.** (A) An individual who seeks a managing license 1153  
from the state board of cosmetology shall submit a written 1154  
application on a form furnished by the board. The application 1155  
shall contain all of the following: 1156

(1) The name of the individual and any other identifying 1157  
information required by the board; 1158

(2) A recent photograph of the individual that meets 1159  
specifications established by the board; 1160

(3) A photocopy of the individual's current driver's license 1161  
or other proof of legal residence in this state or a contiguous 1162  
state; 1163

(4) Proof that the individual is qualified to take the 1164  
applicable examination as required by section 4713.20 of the 1165  
Revised Code; 1166

- (5) An oath verifying the application is true; 1167
- (6) The applicable fee. 1168
- (B) The state board of cosmetology shall issue a managing 1169  
license to an applicant who satisfies all of the following 1170  
applicable conditions: 1171
- (A)(1) Is at least sixteen years of age; 1172
- (B)(2) Is of good moral character; 1173
- (C)(3) Has graduated from an Ohio high school, has the 1174  
equivalent of an Ohio public high school tenth-grade education 1175  
diploma, or has taken an ability-to-benefit test that is approved 1176  
by the United States department of education and administered 1177  
under the department's guidelines and has attained a score that 1178  
the board considers to be satisfactory evidence of possessing at 1179  
least a tenth-grade level education; 1180
- (D)(4) Pays to the board the applicable fee; 1181
- (E)(5) Passes the appropriate managing license examination; 1182
- (F)(6) Has a current, active practicing license or is 1183  
qualified to sit for an examination for both a practicing license 1184  
and a managing license at the same time; 1185
- (7) In the case of an applicant for an initial managing 1186  
braider license, does either of the following: 1187
- (a) Has the licensed managing braider, licensed managing 1188  
cosmetologist, or owner of a licensed braiding salon or licensed 1189  
beauty salon located in this or another state for whom the 1190  
applicant performed services in a licensed salon certify to the 1191  
board that the applicant has practiced braiding for at least two 1192  
thousand hours as a braider in a licensed braiding salon or as a 1193  
cosmetologist in a licensed beauty salon; 1194
- (b) Has a school of cosmetology licensed in this state 1195  
certify to the board that the applicant has successfully 1196

completed, in addition to the hours required for licensure as a braider or a cosmetologist, at least one hundred fifty hours of board-approved managing braider training.

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

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

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

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

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

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

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

~~(1)~~(a) Has the licensed managing hair designer, licensed 1228  
managing cosmetologist, or owner of a licensed hair design salon 1229  
or licensed beauty salon located in this or another state for whom 1230  
the applicant performed services in a licensed salon certify to 1231  
the board that the applicant has practiced hair design for at 1232  
least two thousand hours as a hair designer in a licensed hair 1233  
design salon or as a cosmetologist in a licensed beauty salon; 1234

~~(2)~~(b) Has a school of cosmetology licensed in this state 1235  
certify to the board that the applicant has successfully 1236  
completed, in addition to the hours required for licensure as a 1237  
hair designer or cosmetologist, at least two hundred forty hours 1238  
of board-approved managing hair designer training. 1239

~~(I)~~(11) In the case of an applicant for an initial managing 1240  
manicurist license, does either of the following: 1241

~~(1)~~(a) Has the licensed managing manicurist, licensed 1242  
managing cosmetologist, or owner of a licensed nail salon, 1243  
licensed beauty salon, or licensed barber shop located in this or 1244  
another state for whom the applicant performed services in a 1245  
licensed salon or barber shop certify to the board that the 1246  
applicant has practiced manicuring for at least two thousand hours 1247  
as a manicurist in a licensed nail salon or licensed barber shop 1248  
or as a cosmetologist in a licensed beauty salon or licensed 1249  
barber shop; 1250

~~(2)~~(b) Has a school of cosmetology licensed in this state 1251  
certify to the board that the applicant has successfully 1252  
completed, in addition to the hours required for licensure as a 1253  
manicurist or cosmetologist, at least one hundred hours of 1254  
board-approved managing manicurist training. 1255

~~(J)~~(12) In the case of an applicant for an initial managing 1256  
natural hair stylist license, does either of the following: 1257

~~(1)~~(a) Has the licensed managing natural hair stylist, 1258

licensed managing cosmetologist, or owner of a licensed natural 1259  
hair style salon or licensed beauty salon located in this or 1260  
another state for whom the applicant performed services in a 1261  
licensed salon certify to the board that the applicant has 1262  
practiced natural hair styling for at least two thousand hours as 1263  
a natural hair stylist in a licensed natural hair style salon or 1264  
as a cosmetologist in a licensed beauty salon; 1265

~~(2)~~(b) Has a school of cosmetology licensed in this state 1266  
certify to the board that the applicant has successfully 1267  
completed, in addition to the hours required for licensure as 1268  
natural hair stylist or cosmetologist, at least one hundred fifty 1269  
hours of board-approved managing natural hair stylist training. 1270

(13) In the case of an applicant for an initial managing 1271  
threader license, does either of the following: 1272

(a) Has the licensed managing threader, licensed managing 1273  
cosmetologist, or owner of a licensed threading salon or licensed 1274  
beauty salon in which the applicant has been employed in this or 1275  
another state for whom the applicant performed services in a 1276  
licensed salon certify to the board that the applicant has 1277  
practiced threading for at least two thousand hours as a threader 1278  
in a licensed threading salon or as a cosmetologist in a licensed 1279  
beauty salon; 1280

(b) Has a school of cosmetology licensed in this state 1281  
certify to the board that the applicant has successfully 1282  
completed, in addition to the hours required for licensure as a 1283  
threader or a cosmetologist, at least one hundred fifty hours of 1284  
board-approved managing threader training. 1285

**Sec. 4713.31.** (A) An individual who seeks an instructor 1286  
license from the state board of cosmetology shall submit a written 1287  
application on a form furnished by the board. The application 1288  
shall contain all of the following: 1289

<u>(1) The name of the individual and any other identifying information required by the board;</u>	1290 1291
<u>(2) A recent photograph of the individual that meets specifications established by the board;</u>	1292 1293
<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>	1294 1295 1296
<u>(4) Proof that the individual satisfies all conditions to obtain the license;</u>	1297 1298
<u>(5) An oath verifying the application is true;</u>	1299
<u>(6) The applicable fee.</u>	1300
<u>(B) The <del>state</del> board of <del>cosmetology</del> shall issue an instructor license to an applicant who satisfies all of the following applicable conditions:</u>	1301 1302 1303
<u><del>(A)</del>(1) Is at least eighteen years of age;</u>	1304
<u><del>(B)</del>(2) Is of good moral character;</u>	1305
<u><del>(C)</del>(3) Has <u>graduated from an Ohio high school, has the equivalent of an Ohio <del>public high school twelfth-grade education diploma, or has taken an ability-to-benefit test that is approved by the United States department of education and administered under the department's guidelines and has attained a score that the board considers to be satisfactory evidence of possessing at least a tenth-grade level education;</del></u></u>	1306 1307 1308 1309 1310 1311 1312
<u><del>(D)</del>(4) Pays to the board the applicable fee;</u>	1313
<u><del>(E)</del>(5) <u>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></u>	1314 1315 1316 1317
<u>(a) <u>Has the licensed managing braider, licensed managing</u></u>	1318

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

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

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

(1)(a) Has the licensed managing cosmetologist or owner of the 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 cosmetology in a licensed beauty salon for at least two thousand hours;

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

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

(1)(a) Has the licensed managing esthetician, licensed managing cosmetologist, or owner of the licensed esthetics salon or licensed beauty salon in which the applicant has been employed

in this or another state for whom the applicant performed services 1350  
in a licensed salon certify to the board that the applicant has 1351  
engaged in the practice of esthetics in a licensed esthetics salon 1352  
or practice of cosmetology in a licensed beauty salon for at least 1353  
two thousand hours; 1354

~~(2)~~(b) Has a school of cosmetology licensed in this state 1355  
certify to the board that the applicant has successfully completed 1356  
at least five hundred hours of board-approved esthetics instructor 1357  
training as an apprentice instructor. 1358

~~(G)~~(8) In the case of an applicant for an initial hair design 1359  
instructor license, holds a current, valid managing hair designer 1360  
or managing cosmetologist license and does either of the 1361  
following: 1362

~~(1)~~(a) Has the licensed managing hair designer, licensed 1363  
managing cosmetologist, or owner of the licensed hair design salon 1364  
or licensed beauty salon in which the applicant has been employed 1365  
in this or another state for whom the applicant performed services 1366  
in a licensed salon certify to the board that the applicant has 1367  
engaged in the practice of hair design in a licensed hair design 1368  
salon or practice of cosmetology in a licensed beauty salon for at 1369  
least two thousand hours; 1370

~~(2)~~(b) Has a school of cosmetology licensed in this state 1371  
certify to the board that the applicant has successfully completed 1372  
at least eight hundred hours of board-approved hair design 1373  
instructor's training as an apprentice instructor. 1374

~~(H)~~(9) In the case of an applicant for an initial manicurist 1375  
instructor license, holds a current, valid managing manicurist or 1376  
managing cosmetologist license and does either of the following: 1377

~~(1)~~(a) Has the licensed managing manicurist, licensed 1378  
managing cosmetologist, or owner of the licensed nail salon or 1379  
licensed beauty salon in which the applicant has been employed in 1380

this or another state for whom the applicant performed services in 1381  
a licensed salon certify to the board that the applicant has 1382  
engaged in the practice of manicuring in a licensed nail salon or 1383  
practice of cosmetology in a licensed beauty salon for at least 1384  
two thousand hours; 1385

~~(2)~~(b) Has a school of cosmetology licensed in this state 1386  
certify to the board that the applicant has successfully completed 1387  
at least three hundred hours of board-approved manicurist 1388  
instructor training as an apprentice instructor. 1389

~~(1)~~(10) In the case of an applicant for an initial natural 1390  
hair style instructor license, holds a current, valid managing 1391  
natural hair stylist or managing cosmetologist license and does 1392  
either of the following: 1393

~~(1)~~(a) Has the licensed managing natural hair stylist, 1394  
licensed managing cosmetologist, or owner of the licensed natural 1395  
hair style salon or licensed beauty salon in which the applicant 1396  
has been employed in this or another state for whom the applicant 1397  
performed services in a licensed salon certify to the board that 1398  
the applicant has engaged in the practice of natural hair styling 1399  
in a licensed natural hair style salon or practice of cosmetology 1400  
in a licensed beauty salon for at least two thousand hours; 1401

~~(2)~~(b) Has a school of cosmetology licensed in this state 1402  
certify to the board that the applicant has successfully completed 1403  
at least four hundred hours of board-approved natural hair style 1404  
instructor training as an apprentice instructor. 1405

(11) In the case of an applicant for an initial threading 1406  
instructor license, holds a current, valid managing threader 1407  
license or managing cosmetologist license and does either of the 1408  
following: 1409

(a) Has the licensed managing threader, licensed managing 1410  
cosmetologist, or owner of the licensed threading salon or 1411

licensed beauty salon in which the applicant has been employed in 1412  
this or another state for whom the applicant performed services in 1413  
a licensed salon certify to the board that the applicant has 1414  
engaged in the practice of threading in a licensed threading salon 1415  
or the practice of cosmetology in a licensed beauty salon for at 1416  
least two thousand hours; 1417

(b) Has a school of cosmetology licensed in this state 1418  
certify to the board that the applicant has successfully completed 1419  
at least one hundred fifty hours of board-approved threading 1420  
instructor training as an apprentice instructor. 1421

**Sec. 4713.32.** When determining the total hours of instruction 1422  
received by an applicant for a license under ~~section 4713.28,~~ 1423  
~~4713.30, or 4713.31 of the Revised Code~~ this chapter, the state 1424  
board of cosmetology shall not take into account more than ten 1425  
hours of instruction per day. The board shall take into account 1426  
instruction received more than five years prior to the date of 1427  
application for the license in accordance with rules adopted under 1428  
section 4713.08 of the Revised Code. 1429

**Sec. 4713.34.** The state board of cosmetology shall issue a 1430  
license to practice a branch of cosmetology, managing license, or 1431  
instructor license to an applicant who is licensed or registered 1432  
in another state or country to practice that branch of 1433  
cosmetology, manage that type of salon, or teach the theory and 1434  
practice of that branch of cosmetology, as appropriate, if all of 1435  
the following conditions are satisfied: 1436

- (A) The applicant satisfies all of the following conditions: 1437
- (1) Is not less than eighteen years of age; 1438
  - (2) Is of good moral character; 1439
  - (3) Shows proof of legal residence in the United States; 1440

(4) Provides a recent photograph of the applicant that meets 1441  
specifications established by the board; 1442

(5) In the case of an applicant for a practicing license or 1443  
managing license, passes ~~an~~ a practical and theory examination 1444  
conducted under section 4713.24 of the Revised Code for the 1445  
license the applicant seeks, unless the applicant satisfies 1446  
conditions specified in rules adopted under section 4713.08 of the 1447  
Revised Code for the board to issue the applicant a license 1448  
without taking the examination; 1449

~~(4)~~(6) Pays the applicable fee. 1450

(B) At the time the applicant obtained the license or 1451  
registration in the other state or country, the requirements in 1452  
this state for obtaining the license the applicant seeks were 1453  
substantially equal to the other state or country's requirements. 1454

(C) The jurisdiction that issued the applicant's license or 1455  
registration extends similar reciprocity to ~~persons~~ individuals 1456  
holding a license issued by the board. 1457

**Sec. 4713.35.** ~~A person~~ An individual who holds a current, 1458  
valid braider license issued by the state board of cosmetology may 1459  
engage in the practice of braiding but no other branch of 1460  
cosmetology. 1461

An individual who holds a current, valid cosmetologist 1462  
license issued by the ~~state board of cosmetology~~ may engage in the 1463  
practice of one or more branches of cosmetology as the ~~person~~ 1464  
individual chooses. 1465

~~A person~~ An individual who holds a current, valid esthetician 1466  
license issued by the board may engage in the practice of 1467  
esthetics ~~but no~~. The individual may not engage in any other 1468  
branch of cosmetology, except to the extent that the activities 1469  
included in the practice of threading are also part of the 1470

practice of esthetics. 1471

~~A person~~ An individual who holds a current, valid hair 1472  
designer license issued by the board may engage in the practice of 1473  
hair design ~~but no~~. The individual may not engage in any other 1474  
branch of cosmetology, except to the extent that the activities 1475  
included in the practice of braiding are also part of the practice 1476  
of hair design. 1477

~~A person~~ An individual who holds a current, valid manicurist 1478  
license issued by the board may engage in the practice of 1479  
manicuring but no other branch of cosmetology. 1480

~~A person~~ An individual who holds a current, valid natural 1481  
hair stylist license issued by the board may engage in the 1482  
practice of natural hair styling ~~but no~~. The individual may not 1483  
engage in any other branch of cosmetology, except to the extent 1484  
that the activities included in the practice of braiding are also 1485  
part of the practice of natural hair styling. 1486

An individual who holds a current, valid threading license 1487  
issued by the board may engage in the practice of threading but no 1488  
other branch of cosmetology. 1489

An individual who holds a current, valid managing braider 1490  
license issued by the board may manage a braiding salon, but no 1491  
other type of salon, and engage in the practice of braiding but no 1492  
other branch of cosmetology. 1493

~~A person~~ An individual who holds a current, valid managing 1494  
cosmetologist license issued by the board may manage all types of 1495  
salons and engage in the practice of one or more branches of 1496  
cosmetology as the ~~person~~ individual chooses. 1497

~~A person~~ An individual who holds a current, valid managing 1498  
esthetician license issued by the board may manage an esthetics 1499  
salon, but no other type of salon, ~~and~~. The individual may engage 1500  
in the practice of esthetics, but no may not engage in any other 1501

branch of cosmetology, except to the extent that the activities 1502  
included in the practice of threading are also part of the 1503  
practice of esthetics. 1504

~~A person~~ An individual who holds a current, valid managing 1505  
hair designer license issued by the board may manage a hair design 1506  
salon, but no other type of salon, ~~and~~. The individual may engage 1507  
in the practice of hair design, ~~but~~ may not engage in any other 1508  
branch of cosmetology, except to the extent that the activities 1509  
included in the practice of braiding are also part of the practice 1510  
of hair design. 1511

~~A person~~ An individual who holds a current, valid managing 1512  
manicurist license issued by the board may manage a nail salon, 1513  
but no other type of salon, and engage in the practice of 1514  
manicuring, but no other branch of cosmetology. 1515

~~A person~~ An individual who holds a current, valid managing 1516  
natural hair stylist license issued by the board may manage a 1517  
natural hair style salon, but no other type of salon, ~~and~~. The 1518  
individual may engage in the practice of natural hair styling, but 1519  
~~ne~~ may not engage in any other branch of cosmetology, except to 1520  
the extent that the activities included in the practice of 1521  
braiding are also part of the practice of natural hair styling. 1522

An individual who holds a current, valid managing threading 1523  
license issued by the board may manage a threading salon, but no 1524  
other type of salon, and engage in the practice of threading, but 1525  
no other branch of cosmetology. 1526

An individual who holds a current, valid braiding instructor 1527  
license issued by the board may teach at a school of cosmetology 1528  
the theory and practice of braiding, but no other branch of 1529  
cosmetology. 1530

~~A person~~ An individual who holds a current, valid cosmetology 1531  
instructor license issued by the board may teach the theory and 1532

practice of one or more branches of cosmetology at a school of 1533  
cosmetology as the ~~person~~ individual chooses. 1534

~~A person~~ An individual who holds a current, valid esthetics 1535  
instructor license issued by the board may teach at a school of 1536  
cosmetology the theory and practice of esthetics, but ~~he~~ may not 1537  
teach the theory and practice of any other branch of cosmetology, 1538  
at a school of cosmetology except to the extent that the theory 1539  
and practice of threading are also part of the theory and practice 1540  
of esthetics. 1541

~~A person~~ An individual who holds a current, valid hair design 1542  
instructor license issued by the board may teach at a school of 1543  
cosmetology the theory and practice of hair design, but ~~he~~ may not 1544  
teach the theory and practice of any other branch of cosmetology, 1545  
at a school of cosmetology except to the extent that the theory 1546  
and practice of braiding are also part of the theory and practice 1547  
of hair design. 1548

~~A person~~ An individual who holds a current, valid manicurist 1549  
instructor license issued by the board may teach the theory and 1550  
practice of manicuring, but no other branch of cosmetology, at a 1551  
school of cosmetology. 1552

~~A person~~ An individual who holds a current, valid natural 1553  
hair style instructor license issued by the board may teach at a 1554  
school of cosmetology the theory and practice of natural hair 1555  
styling, but ~~he~~ may not teach the theory and practice of any other 1556  
branch of cosmetology, at a school of cosmetology except to the 1557  
extent that the theory and practice of braiding are also part of 1558  
the theory and practice of natural hair styling. 1559

An individual who holds a current threading instructor 1560  
license issued by the board may teach the theory and practice of 1561  
threading, but no other branch of cosmetology, at a school of 1562  
cosmetology. 1563

**Sec. 4713.37.** (A) The state board of cosmetology may issue a 1564  
temporary special occasion work permit to ~~a person~~ an individual 1565  
who satisfies all of the following conditions: 1566

(1) Has been licensed or registered in another state or 1567  
country to practice a branch of cosmetology or teach the theory 1568  
and practice of a branch of cosmetology for at least five years; 1569

(2) Is a recognized expert in the practice or teaching of the 1570  
branch of cosmetology the ~~person~~ individual practices or teaches; 1571

(3) Is to practice that branch of cosmetology or teach the 1572  
theory and practice of that branch of cosmetology in this state as 1573  
part of a promotional or instructional program for not more than 1574  
the amount of time a temporary special occasion work permit is 1575  
effective; 1576

(4) Satisfies all other conditions for a temporary special 1577  
occasion work permit established by rules adopted under section 1578  
4713.08 of the Revised Code; 1579

(5) Pays the fee established by rules adopted under section 1580  
4713.08 of the Revised Code. 1581

(B) ~~A person~~ An individual issued a temporary special 1582  
occasion work permit may practice the branch of cosmetology the 1583  
~~person~~ individual practices in another state or country, or teach 1584  
the theory and practice of the branch of cosmetology the ~~person~~ 1585  
individual teaches in another state or country, until the 1586  
expiration date of the permit. A temporary special occasion work 1587  
permit is valid for the period of time specified in rules adopted 1588  
under section 4713.08 of the Revised Code. 1589

**Sec. 4713.39.** (A) An individual who holds a current valid 1590  
manager's license shall be granted a license to practice as an 1591  
independent contractor in the branch of cosmetology for which the 1592  
manager's license was issued if the individual does all of the 1593

following: 1594

(1) Completes an application on a form furnished by the state board of cosmetology that includes the individual's name, physical and electronic mail address, telephone number, and any other information required by rules adopted by the board under section 4713.08 of the Revised Code; 1595  
1596  
1597  
1598  
1599

(2) Submits to the board a signed statement attesting that the individual will comply with division (B) of this section. 1600  
1601

(B) The holder of an independent contractor license shall do all of the following: 1602  
1603

(1) Practice in a space the individual rents in a licensed salon and post the independent contractor license in that space; 1604  
1605

(2) Supply all of the supplies the individual will use in the practice; 1606  
1607

(3) Set the individual's own schedule; 1608

(4) Pay all applicable taxes and comply with any applicable state or federal law or local ordinance; 1609  
1610

(5) Pay for any insurance coverage. 1611

(C) An independent contractor who rents space in a salon shall enter into a contract with the salon or the salon's owner. The contract shall specify the business relationship between the parties and the responsibilities of each party. The salon or salon owner shall comply with all applicable state and federal laws and local ordinances. 1612  
1613  
1614  
1615  
1616  
1617

**Sec. 4713.41. (A) A person who seeks a license to operate a salon 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:** 1618  
1619  
1620  
1621

(1) The name of the person, the location of the salon, and any other identifying information required by the board; 1622  
1623

(2) A recent photograph of the individual signing the application that meets specifications established by the board; 1624  
1625

(3) A photocopy of the current driver's license of the individual signing the application or other proof of the individual's legal residence in this state or a contiguous state; 1626  
1627  
1628

(4) Proof that the person satisfies all conditions to obtain the license; 1629  
1630

(5) An oath verifying the application is true; 1631

(6) The applicable fee. 1632

An application for a license to operate a salon may be submitted by the owner, manager, or individual in charge of the salon. 1633  
1634  
1635

(B) The ~~state~~ board of ~~cosmetology~~ shall issue a license to operate a salon to an applicant who pays the applicable fee and affirms that all of the following conditions will be met: 1636  
1637  
1638

~~(A)~~(1) ~~A person~~ (a) An individual holding a current, valid managing cosmetologist license or license to manage that type of salon has charge of and immediate supervision over the salon at all times when the salon is open for business except as permitted under division ~~(A)(2)(B)(1)(b)~~ of this section. 1639  
1640  
1641  
1642  
1643

~~(2)(b)~~ A business establishment that is engaged primarily in retail sales but is also licensed as a salon shall have ~~a person~~ an individual holding a current, valid managing license for that type of salon in charge of and in immediate supervision of the salon during posted or advertised service hours, if the practice of cosmetology is restricted to those posted or advertised service hours. 1644  
1645  
1646  
1647  
1648  
1649  
1650

~~(B)(2)~~ The salon is equipped to do all of the following: 1651

~~(1)~~(a) Provide potable running hot and cold water and proper drainage; 1652  
1653

~~(2)~~(b) Sanitize all instruments and supplies used in the branch of cosmetology provided at the salon; 1654  
1655

~~(3)~~(c) If cosmetic therapy, massage therapy, or other professional service is provided at the salon under section 4713.42 of the Revised Code, sanitize all instruments and supplies used in the cosmetic therapy, massage therapy, or other professional service. 1656  
1657  
1658  
1659  
1660

~~(C)~~(3) Except as provided in sections 4713.42 and 4713.49 of the Revised Code, only the branch of cosmetology that the salon is licensed to provide is practiced at the salon. 1661  
1662  
1663

~~(D)~~(4) The salon is kept in a clean and sanitary condition and properly ventilated. 1664  
1665

~~(E)~~(5) No food is sold at the salon in a manner inconsistent with rules adopted under section 4713.08 of the Revised Code. 1666  
1667

**Sec. 4713.42.** ~~A person~~ An individual holding a current, valid certificate issued under section 4731.15 of the Revised Code to provide cosmetic therapy or massage therapy may provide cosmetic therapy or massage therapy, as appropriate, in a salon. ~~A person~~ An individual holding a current, valid license or certificate issued by a professional regulatory board of this state may practice the ~~person's~~ individual's profession in a salon if the ~~person's~~ individual's profession is authorized by rules adopted under section 4713.08 of the Revised Code to practice in a salon. 1668  
1669  
1670  
1671  
1672  
1673  
1674  
1675  
1676

~~A person~~ An individual providing cosmetic therapy, massage therapy, or other professional service in a salon pursuant to this section shall satisfy the standards established by rules adopted under section 4713.08 of the Revised Code. 1677  
1678  
1679  
1680

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

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

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

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

(4) An oath verifying the application is true;

(5) The applicable fee.

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.

(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:

~~(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;

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

~~(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; 1710

~~(D)~~(4) Notifies the board of the enrollment of each new 1711  
student, keeps a record devoted to the different practices, 1712  
establishes grades, and holds examinations in order to certify the 1713  
students' completion of the prescribed course of study before the 1714  
issuance of certificates of completion; 1715

~~(E)~~(5) In the case of a school of cosmetology that offers 1716  
clock hours for the purpose of satisfying minimum hours of 1717  
training and instruction, keeps a daily record of the attendance 1718  
of each student; 1719

~~(F)~~(6) On the date that an apprentice cosmetology instructor 1720  
begins cosmetology instructor training at the school, certifies 1721  
the name of the apprentice cosmetology instructor to the board 1722  
along with the date on which the apprentice's instructor training 1723  
began; 1724

~~(G)~~(7) Instructs not more than six apprentice cosmetology 1725  
instructors at any one time; 1726

~~(H)~~(8) Files with the board a good and sufficient surety bond 1727  
executed by the person, firm, or corporation operating the school 1728  
of cosmetology as principal and by a surety company as surety in 1729  
the amount of ten thousand dollars; ~~provided, except~~ that this 1730  
requirement does not apply to a vocational program conducted by a 1731  
city, exempted village, local, or joint vocational school 1732  
district. The bond shall be in the form prescribed by the board 1733  
and be conditioned upon the school's continued instruction in the 1734  
theory and practice of the branches of cosmetology. Every bond 1735  
shall continue in effect until notice of its termination is given 1736  
to the board by registered mail and every bond shall so provide. 1737

**Sec. 4713.45.** (A) A school of cosmetology may do the 1738  
following: 1739

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

(2) Allow an apprentice cosmetology instructor the regular quota of students prescribed by the state board of cosmetology if a cosmetology instructor is present;

(3) Compensate an apprentice cosmetology instructor;

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

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

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

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

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

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

(1) The applicant applies in accordance with the application process adopted by rules adopted under section 4713.08 of the

Revised Code. 1770

(2) The applicant pays to the treasurer of state the fee 1771  
established by those rules. 1772

(3) An initial inspection of the premises indicates that the 1773  
tanning facility has been installed and will be operated in 1774  
accordance with those rules. 1775

(B) A permit holder shall post the permit in a public and 1776  
conspicuous place on any premises where the tanning facility is 1777  
located. A person shall obtain a separate permit for each of the 1778  
premises owned or operated by that person at which the person 1779  
seeks to operate a tanning facility. 1780

(C) ~~A To continue operating,~~ a permit holder ~~may shall~~ 1781  
biennially renew a the permit by the last day of January of each 1782  
odd-numbered year ~~upon~~. The board shall renew the permit upon the 1783  
holder's payment to the treasurer of state of the biennial renewal 1784  
fee. 1785

**Sec. 4713.55.** Every license issued by the state board of 1786  
cosmetology shall be signed by the chairperson and attested by the 1787  
executive director thereof, with the seal of the board attached. 1788

The board shall specify on each practicing license that the 1789  
board issues the branch of cosmetology that the license entitles 1790  
the holder to practice. The board shall specify on each managing 1791  
license that the board issues the type of salon that the license 1792  
entitles the holder to manage and the branch of cosmetology that 1793  
the license entitles the holder to practice. The board shall 1794  
specify on each instructor license that the board issues the 1795  
branch of cosmetology that the license entitles the holder to 1796  
teach. The board shall specify on each salon license that the 1797  
board issues the branch of cosmetology that the license entitles 1798  
the holder to offer. The board shall specify on each independent 1799

contractor license that the board issues the branch of cosmetology 1800  
that the license entitles the holder to offer within a licensed 1801  
salon. Such licenses are prima-facie evidence of the right of the 1802  
holder to practice or teach the branch of cosmetology, or manage 1803  
the type of salon, that the license specifies. 1804

**Sec. 4713.56.** Every holder of a practicing license, managing 1805  
license, instructor license, or independent contractor license 1806  
issued by the state board of cosmetology shall display the license 1807  
in a public and conspicuous place in the place of employment of 1808  
the holder. 1809

Every holder of a license to operate a salon issued by the 1810  
board shall display the license in a public and conspicuous place 1811  
in the salon. 1812

Every holder of a license to operate a school of cosmetology 1813  
issued by the board shall display the license in a public and 1814  
conspicuous place in the school. 1815

Every ~~person~~ individual who provides cosmetic therapy, 1816  
massage therapy, or other professional service in a salon under 1817  
section 4713.42 of the Revised Code shall display the ~~person's~~ 1818  
individual's professional license or certificate in a public and 1819  
conspicuous place in the room used for the therapy or other 1820  
service. 1821

**Sec. 4713.58.** (A) Except as provided in division (B) of this 1822  
section, on payment of the renewal fee and submission of proof 1823  
satisfactory to the state board of cosmetology that any applicable 1824  
continuing education requirements have been completed, ~~a person~~ an 1825  
individual currently licensed as: 1826

(1) A braiding instructor who has previously been licensed as 1827  
a braider or a managing braider, is entitled to the reissuance of 1828  
a braider or managing braider license; 1829

(2) A cosmetology instructor who has previously been licensed 1830  
as a cosmetologist or a managing cosmetologist, is entitled to the 1831  
reissuance of a cosmetologist or managing cosmetologist license; 1832

~~(2)~~(3) An esthetics instructor who has previously been 1833  
licensed as an esthetician or a managing esthetician, is entitled 1834  
to the reissuance of an esthetician or managing esthetician 1835  
license; 1836

~~(3)~~(4) A hair design instructor who has previously been 1837  
licensed as a hair designer or a managing hair designer, is 1838  
entitled to the reissuance of a hair designer or managing hair 1839  
designer license; 1840

~~(4)~~(5) A manicurist instructor who has previously been 1841  
licensed as a manicurist or a managing manicurist, is entitled to 1842  
the reissuance of a manicurist or managing manicurist license; 1843

~~(5)~~(6) A natural hair style instructor who has previously 1844  
been licensed as a natural hair stylist or a managing natural hair 1845  
stylist, is entitled to the reissuance of a natural hair stylist 1846  
or managing natural hair stylist license; 1847

(7) A threading instructor who has previously been licensed 1848  
as a threader or a managing threader, is entitled to the 1849  
reissuance of a threader or managing threader license. 1850

(B) No ~~person~~ individual is entitled to the reissuance of a 1851  
license under division (A) of this section if the license was 1852  
revoked or suspended or the ~~person~~ individual has an outstanding 1853  
unpaid fine levied under section 4713.64 of the Revised Code. 1854

**Sec. 4713.60.** (A) Except as provided in division (C) of this 1855  
section, ~~a person~~ an individual seeking a renewal of a license to 1856  
practice a branch of cosmetology, managing license, or instructor 1857  
license shall include in the renewal application proof 1858  
satisfactory to the board of completion of any applicable 1859

continuing education requirements established by rules adopted 1860  
under section 4713.09 of the Revised Code. 1861

(B) If an applicant fails to provide satisfactory proof of 1862  
completion of any applicable continuing education requirements, 1863  
the board shall notify the applicant that the application is 1864  
incomplete. The board shall not renew the license until the 1865  
applicant provides satisfactory proof of completion of any 1866  
applicable continuing education requirements. The board may 1867  
provide the applicant with an extension of up to ninety days in 1868  
which to complete the continuing education requirement. In 1869  
providing for the extension, the board may charge the licensee a 1870  
fine of up to one hundred dollars. 1871

(C) The board may waive, or extend the period for completing, 1872  
any continuing education requirement if a licensee applies to the 1873  
board and provides proof satisfactory to the board of being unable 1874  
to complete the requirement within the time allowed because of any 1875  
of the following: 1876

(1) An emergency; 1877

(2) An unusual or prolonged illness; 1878

(3) Active duty service in any branch of the armed forces of 1879  
the United States. 1880

The board shall determine the period of time during which 1881  
each extension is effective and shall inform the applicant. The 1882  
board shall also inform the applicant of the continuing education 1883  
requirements that must be met to have the license renewed. If an 1884  
extension is granted for less than one year, the continuing 1885  
education requirement for that year, in addition to the required 1886  
continuing education for the succeeding year, must be completed in 1887  
the succeeding year. In all other cases the board may waive all or 1888  
part of the continuing education requirement on a case-by-case 1889  
basis. Any required continuing education shall be completed and 1890

satisfactory proof of its completion submitted to the board by a 1891  
date specified by the board. Every license which has not been 1892  
renewed in any odd-numbered year by the last day of January and 1893  
for which the continuing education requirement has not been waived 1894  
or extended shall be considered ~~expired~~ no longer valid. 1895

**Sec. 4713.61.** (A) If the state board of cosmetology adopts a 1896  
continuing education requirement under section 4713.09 of the 1897  
Revised Code, it may develop a procedure by which ~~a person~~ an 1898  
individual who holds a license to practice a branch of 1899  
cosmetology, managing license, or instructor license and who is 1900  
not currently engaged in the practice of the branch of 1901  
cosmetology, managing a salon, or teaching the theory and practice 1902  
of the branch of cosmetology, but who desires to be so engaged in 1903  
the future, may apply to the board to have the ~~person's~~ 1904  
individual's license classified ~~inactive~~ in escrow. If the board 1905  
develops such a procedure, ~~a person~~ an individual seeking to have 1906  
the ~~person's~~ individual's license classified ~~inactive~~ in escrow 1907  
shall apply to the board on a form provided by the board and pay 1908  
the fee established by rules adopted under section 4713.08 of the 1909  
Revised Code. 1910

(B) The board shall not restore ~~an inactive~~ a license in 1911  
escrow until the later of the following: 1912

(1) The date that the ~~person~~ individual holding the license 1913  
submits proof satisfactory to the board that the ~~person~~ individual 1914  
has completed the continuing education that a rule adopted under 1915  
section 4713.08 of the Revised Code requires; 1916

(2) The last day of January of the next odd-numbered year 1917  
following the year the license is classified ~~inactive~~ in escrow. 1918

(C) ~~A person~~ An individual who holds ~~an inactive~~ a license in 1919  
escrow may engage in the practice of a branch of cosmetology if 1920  
the ~~person~~ individual holds a temporary work permit as specified 1921

in rules adopted by the board under section 4713.08 of the Revised Code. 1922  
1923

**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 under section 4713.09 of the Revised Code only by completing continuing education programs approved under division (B) of this section or developed under division (C) of this section. 1924  
1925  
1926  
1927  
1928  
1929

(B) The state board of cosmetology shall approve a continuing education program if all of the following conditions are satisfied: 1930  
1931  
1932

(1) The person operating the program submits to the board a written application for approval. 1933  
1934

(2) The person operating the program pays to the board a fee established by rules adopted under section 4713.08 of the Revised Code. 1935  
1936  
1937

(3) The program is operated by an employee, officer, or director of a nonprofit professional association, college or university, vocational school, postsecondary proprietary school of cosmetology licensed by the board, salon licensed by the board, or manufacturer of supplies or equipment used in the practice of a branch of cosmetology. 1938  
1939  
1940  
1941  
1942  
1943

(4) The program will do at least one of the following: 1944

(a) Enhance the professional competency of the affected licensees; 1945  
1946

(b) Protect the public; 1947

(c) Educate the affected licensees in the application of the laws and rules regulating the practice of a branch of cosmetology. 1948  
1949

(5) The person operating the program provides the board a 1950

tentative schedule of when the program will be available so that 1951  
the board can make the schedule readily available to all licensees 1952  
throughout the state. 1953

**Sec. 4713.63.** A practicing license, managing license, or 1954  
instructor license that has not been renewed for any reason other 1955  
than because it has been revoked, suspended, or classified 1956  
~~inactive in escrow~~, or because the license holder has been given a 1957  
waiver or extension under section 4713.60 of the Revised Code, is 1958  
~~expired no longer valid. An expired~~ The license may be restored if 1959  
the ~~person~~ individual who held the license meets all of the 1960  
following applicable conditions: 1961

(A) Pays to the state board of cosmetology the restoration 1962  
fee, ~~the current renewal fee, and any applicable late fees~~ 1963  
specified in division (A)(11) of section 4713.10 of the Revised 1964  
Code; 1965

(B) ~~Pays a lapsed renewal fee of forty five dollars per~~ 1966  
~~license renewal period that has elapsed since the license was last~~ 1967  
~~issued or renewed;~~ 1968

~~(C)~~ In the case of a practicing license or managing license 1969  
that has not been ~~expired~~ valid for more than two consecutive 1970  
license renewal periods, completes eight hours of continuing 1971  
education for each license renewal period that has elapsed since 1972  
the license was last issued or renewed, up to a maximum of 1973  
twenty-four hours. At least four of those hours shall include a 1974  
course pertaining to sanitation and safety methods. 1975

~~The board shall deposit all fees it receives under division~~ 1976  
~~(B) of this section into the general revenue fund.~~ 1977

**Sec. 4713.64.** (A) ~~In accordance with Chapter 119. of the~~ 1978  
~~Revised Code, the~~ The state board of cosmetology may ~~deny, revoke,~~ 1979  
~~or suspend a license or permit issued by the board or impose a~~ 1980

<u>fine take disciplinary action</u> for any of the following:	1981
(1) Failure to comply with the requirements of this chapter or rules adopted under it;	1982 1983
(2) Continued practice by <del>a person</del> <u>an individual</u> knowingly having an infectious or contagious disease;	1984 1985
(3) Habitual drunkenness or addiction to any habit-forming drug;	1986 1987
(4) Willful false and fraudulent or deceptive advertising;	1988
(5) Falsification of any record or application required to be filed with the board;	1989 1990
(6) <u>Failure to cooperate with an investigation or an inspection;</u>	1991 1992
(7) <u>Failure to respond to a subpoena;</u>	1993
(8) Failure to pay a fine or abide by a suspension order issued by the board.	1994 1995
(B) <u>On determining that there is cause for disciplinary action, the board may do one or more of the following:</u>	1996 1997
(1) <u>Deny, revoke, or suspend a license or permit issued by the board;</u>	1998 1999
(2) <u>Impose a fine;</u>	2000
(3) <u>Require the holder of a license or permit to take corrective action courses.</u>	2001 2002
(C) <u>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</u>	2003 2004 2005 2006 2007 2008 2009

refuses to ratify a consent agreement, the admissions and findings 2010  
contained in it are of no effect and the case shall be scheduled 2011  
for adjudication under Chapter 119. of the Revised Code. 2012

(D) The amount and content of corrective action courses and 2013  
other relevant criteria shall be established by the board in rules 2014  
adopted under section 4713.08 of the Revised Code. 2015

(E)(1) The board may impose a separate fine for each offense 2016  
listed in division (A) of this section. The amount of a fine shall 2017  
be not more than five hundred dollars if the violator has not 2018  
previously been fined for that offense. The fine shall be not more 2019  
than one thousand dollars if the violator has been fined for the 2020  
same offense once before. The fine shall be not more than one 2021  
thousand five hundred dollars if the violator has been fined for 2022  
the same offense two or more times before. 2023

~~(C)~~(2) The board shall issue an order notifying a violator of 2024  
a fine imposed under division (E)(1) of this section. The notice 2025  
shall specify the date by which the fine is to be paid. The date 2026  
must be less than forty-five days after the order is issued. 2027

(3) At the request of a violator who is temporarily unable to 2028  
pay a fine, or on its own motion, the board may extend the date by 2029  
which the fine is to be paid to up to ninety days after the date 2030  
the order is issued. 2031

(4) If a violator fails to pay a fine not later than the date 2032  
specified in the board's order and does not request an extension 2033  
not later than ten days after the date the order is issued or 2034  
fails to pay the fine not later than the extended date, the board 2035  
shall add to the fine an additional penalty equal to ten per cent 2036  
of the fine. 2037

(5) If a violator fails to pay a fine not later than ninety 2038  
days after the board issues an order, the board shall add to the 2039  
fine interest at a rate specified by the board in rules adopted 2040

under section 4713.08 of the Revised Code. 2041

(6) If the fine, including any interest or additional 2042  
penalty, remains unpaid on the ninety-first day after the board 2043  
issues an order under division (E)(2) of this section, the amount 2044  
of the fine and any interest or additional penalty shall be 2045  
certified to the attorney general for collection in the form and 2046  
manner prescribed by the attorney general. The attorney general 2047  
may assess the collection cost to the amount certified in such a 2048  
manner and amount as prescribed by the attorney general. 2049

(F) If a person fails to request a hearing ~~within~~ or consent 2050  
agreement not later than thirty days ~~of~~ after the date the board, 2051  
in accordance with section 119.07 of the Revised Code, notifies 2052  
the person of the board's intent to act against the person under 2053  
division (A) of this section, the board by a majority vote of a 2054  
quorum of the board members may take the action against the person 2055  
without holding an adjudication hearing. 2056

~~(D)~~(G) The board, after a hearing in accordance with Chapter 2057  
119. of the Revised Code or pursuant to a consent agreement, may 2058  
suspend a ~~tanning facility~~ license or permit if the ~~owner~~ license 2059  
or ~~operator~~ permit holder fails to correct an unsafe condition 2060  
that exists in violation of the board's rules or fails to 2061  
cooperate in an inspection ~~of the tanning facility~~. ~~If~~ 2062

If a violation of this chapter or rules adopted under it has 2063  
resulted in a condition reasonably believed by an inspector to 2064  
create an immediate danger to the health and safety of any person 2065  
using ~~the tanning~~ a facility, the inspector may suspend the 2066  
license or permit of the facility or the person responsible for 2067  
the violation without a prior hearing or an opportunity for a 2068  
consent agreement until the condition is corrected or until a 2069  
hearing in accordance with Chapter 119. of the Revised Code is 2070  
held or a consent agreement is entered into and the board either 2071  
upholds the suspension or reinstates the license or permit. 2072

Sec. 4713.66. The state board of cosmetology or the executive 2073  
director acting for the board may compel, by order or subpoena, 2074  
the attendance of witnesses to testify in relation to any matter 2075  
over which the board has jurisdiction that is the subject of 2076  
inquiry or investigation by the board and may require the 2077  
production of any book, paper, document, or testimony pertaining 2078  
to that matter. For this purpose, the board or director has the 2079  
same power as the judge of a court of common pleas to administer 2080  
oaths and to compel the attendance of witnesses and punish 2081  
witnesses for refusal to testify. 2082

Service of a subpoena may be made by sheriffs or constables, 2083  
or by certified mail, return receipt requested. A subpoena shall 2084  
be considered served on the date delivery is made or the date the 2085  
intended recipient refuses to accept delivery. 2086

Witnesses shall receive, after their appearance, the fees and 2087  
mileage provided for in section 119.094 of the Revised Code. If 2088  
two or more witnesses travel together in the same vehicle, the 2089  
mileage fee shall be paid to only one of them, but the witnesses 2090  
may agree to divide the fee among them in any manner. 2091

Should a person fail to obey an order or subpoena issued 2092  
under this section, on application by the board or director 2093  
setting forth the failure, the court of common pleas of any county 2094  
may issue a subpoena or subpoena duces tecum ordering the person 2095  
to appear and testify before the board and produce books, records, 2096  
or papers, as required. On the filing of the order, the clerk of 2097  
court, under the court's seal, shall issue process of subpoena for 2098  
the person to appear before the board or the director at a time 2099  
and place named in the subpoena, and each day thereafter until the 2100  
examination of the person is completed. The subpoena may require 2101  
that the person bring to the examination any books, records, or 2102  
papers required by the order. The clerk shall also issue, under 2103

the seal of the court, such other orders, in reference to the 2104  
examination, appearance, and production of books, records, or 2105  
papers, as the court directs. If a person so summoned by subpoena 2106  
fails to obey the subpoena, to give testimony, to answer questions 2107  
as required, or to obey an order of the court, the court, on 2108  
motion supported by proof, may order an attachment for contempt to 2109  
be issued against the person. If the person is brought before the 2110  
court by virtue of the attachment and upon a hearing the 2111  
disobedience appears, the court may order the person to be 2112  
committed and kept in close custody. 2113

Sec. 4713.67. (A) The state board of cosmetology, on its own 2114  
motion or on receipt of a written complaint, may investigate or 2115  
inspect the activities or premises of a person who is alleged to 2116  
have violated this chapter or rules adopted under it, regardless 2117  
of whether the person holds a license issued under this chapter. 2118

(B) If, based on its investigation, the board determines that 2119  
there is reasonable cause to believe that a person has violated 2120  
this chapter or rules adopted under it, the board shall afford the 2121  
person an opportunity for a hearing. Notice shall be given and any 2122  
hearing conducted in accordance with Chapter 119. of the Revised 2123  
Code. 2124

(C) The board shall maintain a transcript of the hearing and 2125  
issue a written opinion to all parties, citing its findings and 2126  
ground for any action it takes. Any action shall be taken in 2127  
accordance with section 4713.64 of the Revised Code. 2128

Sec. 4715.30. (A) An applicant for or holder of a certificate 2129  
or license issued under this chapter is subject to disciplinary 2130  
action by the state dental board for any of the following reasons: 2131  
2132

(1) Employing or cooperating in fraud or material deception 2133

in applying for or obtaining a license or certificate;	2134
(2) Obtaining or attempting to obtain money or anything of value by intentional misrepresentation or material deception in the course of practice;	2135 2136 2137
(3) Advertising services in a false or misleading manner or violating the board's rules governing time, place, and manner of advertising;	2138 2139 2140
(4) Conviction of a misdemeanor committed in the course of practice or of any felony;	2141 2142
(5) Engaging in lewd or immoral conduct in connection with the provision of dental services;	2143 2144
(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;	2145 2146 2147 2148 2149
(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;	2150 2151 2152 2153 2154 2155 2156 2157 2158
(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;	2159 2160 2161 2162
(9) Violation of any provision of this chapter or any rule	2163

adopted thereunder;	2164
(10) Failure to use universal blood and body fluid precautions established by rules adopted under section 4715.03 of the Revised Code;	2165 2166 2167
(11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	2168 2169 2170 2171 2172 2173
(12) Advertising that the certificate or license holder will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay;	2174 2175 2176 2177 2178
(13) Failure to comply with section 4729.79 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code.	2179 2180 2181
(B) A manager, proprietor, operator, or conductor of a dental facility shall be subject to disciplinary action if any dentist, dental hygienist, expanded function dental auxiliary, or qualified personnel providing services in the facility is found to have committed a violation listed in division (A) of this section and the manager, proprietor, operator, or conductor knew of the violation and permitted it to occur on a recurring basis.	2182 2183 2184 2185 2186 2187 2188
(C) Subject to Chapter 119. of the Revised Code, the board may take one or more of the following disciplinary actions if one or more of the grounds for discipline listed in divisions (A) and (B) of this section exist:	2189 2190 2191 2192
(1) Censure the license or certificate holder;	2193

(2) Place the license or certificate on probationary status 2194  
for such period of time the board determines necessary and require 2195  
the holder to: 2196

(a) Report regularly to the board upon the matters which are 2197  
the basis of probation; 2198

(b) Limit practice to those areas specified by the board; 2199

(c) Continue or renew professional education until a 2200  
satisfactory degree of knowledge or clinical competency has been 2201  
attained in specified areas. 2202

(3) Suspend the certificate or license; 2203

(4) Revoke the certificate or license. 2204

Where the board places a holder of a license or certificate 2205  
on probationary status pursuant to division (C)(2) of this 2206  
section, the board may subsequently suspend or revoke the license 2207  
or certificate if it determines that the holder has not met the 2208  
requirements of the probation or continues to engage in activities 2209  
that constitute grounds for discipline pursuant to division (A) or 2210  
(B) of this section. 2211

Any order suspending a license or certificate shall state the 2212  
conditions under which the license or certificate will be 2213  
restored, which may include a conditional restoration during which 2214  
time the holder is in a probationary status pursuant to division 2215  
(C)(2) of this section. The board shall restore the license or 2216  
certificate unconditionally when such conditions are met. 2217

(D) If the physical or mental condition of an applicant or a 2218  
license or certificate holder is at issue in a disciplinary 2219  
proceeding, the board may order the license or certificate holder 2220  
to submit to reasonable examinations by an individual designated 2221  
or approved by the board and at the board's expense. The physical 2222  
examination may be conducted by any individual authorized by the 2223

Revised Code to do so, including a physician assistant, a clinical 2224  
nurse specialist, a certified nurse practitioner, or a certified 2225  
nurse-midwife. Any written documentation of the physical 2226  
examination shall be completed by the individual who conducted the 2227  
examination. 2228

Failure to comply with an order for an examination shall be 2229  
grounds for refusal of a license or certificate or summary 2230  
suspension of a license or certificate under division (E) of this 2231  
section. 2232

(E) If the board has reason to believe that a license or 2233  
certificate holder represents a clear and immediate danger to the 2234  
public health and safety if the holder is allowed to continue to 2235  
practice, or if the holder has failed to comply with an order 2236  
under division (D) of this section, the board may apply to the 2237  
court of common pleas of the county in which the holder resides 2238  
for an order temporarily suspending the holder's license or 2239  
certificate, without a prior hearing being afforded by the board, 2240  
until the board conducts an adjudication hearing pursuant to 2241  
Chapter 119. of the Revised Code. If the court temporarily 2242  
suspends a holder's license or certificate, the board shall give 2243  
written notice of the suspension personally or by certified mail 2244  
to the license or certificate holder. Such notice shall include 2245  
specific facts and reasons for finding a clear and immediate 2246  
danger to the public health and safety and shall inform the 2247  
license or certificate holder of the right to a hearing pursuant 2248  
to Chapter 119. of the Revised Code. 2249

(F) Any holder of a certificate or license issued under this 2250  
chapter who has pleaded guilty to, has been convicted of, or has 2251  
had a judicial finding of eligibility for intervention in lieu of 2252  
conviction entered against the holder in this state for aggravated 2253  
murder, murder, voluntary manslaughter, felonious assault, 2254  
kidnapping, rape, sexual battery, gross sexual imposition, 2255

aggravated arson, aggravated robbery, or aggravated burglary, or 2256  
who has pleaded guilty to, has been convicted of, or has had a 2257  
judicial finding of eligibility for treatment or intervention in 2258  
lieu of conviction entered against the holder in another 2259  
jurisdiction for any substantially equivalent criminal offense, is 2260  
automatically suspended from practice under this chapter in this 2261  
state and any certificate or license issued to the holder under 2262  
this chapter is automatically suspended, as of the date of the 2263  
guilty plea, conviction, or judicial finding, whether the 2264  
proceedings are brought in this state or another jurisdiction. 2265  
Continued practice by an individual after the suspension of the 2266  
individual's certificate or license under this division shall be 2267  
considered practicing without a certificate or license. The board 2268  
shall notify the suspended individual of the suspension of the 2269  
individual's certificate or license under this division by 2270  
~~certified mail~~ a delivery system or in person in accordance with 2271  
section 119.07 of the Revised Code. If an individual whose 2272  
certificate or license is suspended under this division fails to 2273  
make a timely request for an adjudicatory hearing, the board shall 2274  
enter a final order revoking the individual's certificate or 2275  
license. 2276

(G) Notwithstanding divisions (A)(11) and (12) of this 2277  
section, sanctions shall not be imposed against any licensee who 2278  
waives deductibles and copayments: 2279

(1) In compliance with the health benefit plan that expressly 2280  
allows such a practice. Waiver of the deductibles or copayments 2281  
shall be made only with the full knowledge and consent of the plan 2282  
purchaser, payer, and third-party administrator. Such consent 2283  
shall be made available to the board upon request. 2284

(2) For professional services rendered to any other person 2285  
licensed pursuant to this chapter to the extent allowed by this 2286  
chapter and the rules of the board. 2287

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

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

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

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

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

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

(5) The applicant or licensee knowingly permitted an unlicensed person, other than a person serving an apprenticeship,

to engage in the profession or business of embalming or funeral directing under the applicant's or licensee's supervision. 2318  
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(6) The applicant or licensee has been habitually intoxicated, or is addicted to the use of morphine, cocaine, or other habit-forming or illegal drugs. 2320  
2321  
2322

(7) The applicant or licensee has refused to promptly submit the custody of a dead human body upon the express order of the person legally entitled to the body. 2323  
2324  
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(8) The licensee loaned the licensee's own license, or the applicant or licensee borrowed or used the license of another person, or knowingly aided or abetted the granting of an improper license. 2326  
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(9) The applicant or licensee transferred a license to operate a funeral home, embalming facility, or crematory from one owner or operator to another, or from one location to another, without notifying the board. 2330  
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(10) The applicant or licensee ~~mislead~~ misled the public by using false or deceptive advertising. 2334  
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(B)(1) The board of embalmers and funeral directors shall refuse to grant or renew, or shall suspend or revoke, an embalmer's, funeral director's, funeral home, or embalming facility license only in accordance with Chapter 119. of the Revised Code. 2336  
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(2) The board shall send to the crematory review board written notice that it proposes to refuse to issue or renew, or proposes to suspend or revoke, a license to operate a crematory facility. If, after the conclusion of the adjudicatory hearing on the matter conducted under division (E) of section 4717.03 of the Revised Code, the board of embalmers and funeral directors finds that any of the circumstances described in divisions (A)(1) to (10) of this section apply to the person named in its proposed 2341  
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action, the board may issue a final order under division (E) of 2349  
section 4717.03 of the Revised Code refusing to issue or renew, or 2350  
suspending or revoking, the person's license to operate a 2351  
crematory facility. 2352

(C) If the board of embalmers and funeral directors 2353  
determines that there is clear and convincing evidence that any of 2354  
the circumstances described in divisions (A)(1) to (10) of this 2355  
section apply to the holder of a license issued under this chapter 2356  
and that the licensee's continued practice presents a danger of 2357  
immediate and serious harm to the public, the board may suspend 2358  
the licensee's license without a prior adjudicatory hearing. The 2359  
executive director of the board shall prepare written allegations 2360  
for consideration by the board. 2361

The board, after reviewing the written allegations, may 2362  
suspend a license without a prior hearing. 2363

The board shall issue a written order of suspension by 2364  
~~certified mail~~ a delivery system or in person in accordance with 2365  
section 119.07 of the Revised Code. Such an order is not subject 2366  
to suspension by the court during the pendency of any appeal filed 2367  
under section 119.12 of the Revised Code. If the holder of an 2368  
embalmer's, funeral director's, funeral home, or embalming 2369  
facility license requests an adjudicatory hearing by the board, 2370  
the date set for the hearing shall be within fifteen days, but not 2371  
earlier than seven days, after the licensee has requested a 2372  
hearing, unless the board and the licensee agree to a different 2373  
time for holding the hearing. 2374

Upon issuing a written order of suspension to the holder of a 2375  
license to operate a crematory facility, the board of embalmers 2376  
and funeral directors shall send written notice of the issuance of 2377  
the order to the crematory review board. The crematory review 2378  
board shall hold an adjudicatory hearing on the order under 2379  
division (E) of section 4717.03 of the Revised Code within fifteen 2380

days, but not earlier than seven days, after the issuance of the 2381  
order, unless the crematory review board and the licensee agree to 2382  
a different time for holding the adjudicatory hearing. 2383

Any summary suspension imposed under this division shall 2384  
remain in effect, unless reversed on appeal, until a final 2385  
adjudicatory order issued by the board of embalmers and funeral 2386  
directors pursuant to this division and Chapter 119. of the 2387  
Revised Code, or division (E) of section 4717.03 of the Revised 2388  
Code, as applicable, becomes effective. The board of embalmers and 2389  
funeral directors shall issue its final adjudicatory order within 2390  
sixty days after the completion of its hearing or, in the case of 2391  
the summary suspension of a license to operate a crematory 2392  
facility, within sixty days after completion of the adjudicatory 2393  
hearing by the crematory review board. A failure to issue the 2394  
order within that time results in the dissolution of the summary 2395  
suspension order, but does not invalidate any subsequent final 2396  
adjudicatory order. 2397

(D) If the board of embalmers and funeral directors suspends 2398  
or revokes a license held by a funeral director or a funeral home 2399  
for any reason identified in division (A) of this section, the 2400  
board may file a complaint with the court of common pleas in the 2401  
county where the violation occurred requesting appointment of a 2402  
receiver and the sequestration of the assets of the funeral home 2403  
that held the suspended or revoked license or the licensed funeral 2404  
home that employs the funeral director that held the suspended or 2405  
revoked license. If the court of common pleas is satisfied with 2406  
the application for a receivership, the court may appoint a 2407  
receiver. 2408

The board or a receiver may employ and procure whatever 2409  
assistance or advice is necessary in the receivership or 2410  
liquidation and distribution of the assets of the funeral home, 2411  
and, for that purpose, may retain officers or employees of the 2412

funeral home as needed. All expenses of the receivership or 2413  
liquidation shall be paid from the assets of the funeral home and 2414  
shall be a lien on those assets, and that lien shall be a priority 2415  
to any other lien. 2416

(E) Any holder of a license issued under this chapter who has 2417  
pleaded guilty to, has been found by a judge or jury to be guilty 2418  
of, or has had a judicial finding of eligibility for treatment in 2419  
lieu of conviction entered against the individual in this state 2420  
for aggravated murder, murder, voluntary manslaughter, felonious 2421  
assault, kidnapping, rape, sexual battery, gross sexual 2422  
imposition, aggravated arson, aggravated robbery, or aggravated 2423  
burglary, or who has pleaded guilty to, has been found by a judge 2424  
or jury to be guilty of, or has had a judicial finding of 2425  
eligibility for treatment in lieu of conviction entered against 2426  
the individual in another jurisdiction for any substantially 2427  
equivalent criminal offense, is hereby suspended from practice 2428  
under this chapter by operation of law, and any license issued to 2429  
the individual under this chapter is hereby suspended by operation 2430  
of law as of the date of the guilty plea, verdict or finding of 2431  
guilt, or judicial finding of eligibility for treatment in lieu of 2432  
conviction, regardless of whether the proceedings are brought in 2433  
this state or another jurisdiction. The board shall notify the 2434  
suspended individual of the suspension of the individual's license 2435  
by the operation of this division by ~~certified mail~~ a delivery 2436  
system or in person in accordance with section 119.07 of the 2437  
Revised Code. If an individual whose license is suspended under 2438  
this division fails to make a timely request for an adjudicatory 2439  
hearing, the board shall enter a final order revoking the license. 2440

(F) No person whose license has been suspended or revoked 2441  
under or by the operation of this section shall practice embalming 2442  
or funeral directing or operate a funeral home, embalming 2443  
facility, or crematory facility until the board has reinstated the 2444

person's license. 2445

**Sec. 4723.281.** (A) As used in this section, with regard to 2446  
offenses committed in Ohio, "aggravated murder," "murder," 2447  
"voluntary manslaughter," "felonious assault," "kidnapping," 2448  
"rape," "sexual battery," "gross sexual imposition," "aggravated 2449  
arson," "aggravated robbery," and "aggravated burglary" mean such 2450  
offenses as defined in Title XXIX of the Revised Code; with regard 2451  
to offenses committed in other jurisdictions, the terms mean 2452  
offenses comparable to offenses defined in Title XXIX of the 2453  
Revised Code. 2454

(B) When there is clear and convincing evidence that 2455  
continued practice by an individual licensed under this chapter 2456  
presents a danger of immediate and serious harm to the public, as 2457  
determined on consideration of the evidence by the president and 2458  
the executive director of the board of nursing, the president and 2459  
director shall impose on the individual a summary suspension 2460  
without a hearing. An individual serving as president or executive 2461  
director in the absence of the president or executive director may 2462  
take any action that this section requires or authorizes the 2463  
president or executive director to take. 2464

Immediately following the decision to impose a summary 2465  
suspension, the board shall issue a written order of suspension 2466  
and cause it to be delivered by ~~certified mail~~ a delivery system 2467  
or in person in accordance with section 119.07 of the Revised 2468  
Code. The order shall not be subject to suspension by the court 2469  
during the pendency of any appeal filed under section 119.12 of 2470  
the Revised Code. If the individual subject to the suspension 2471  
requests an adjudication, the date set for the adjudication shall 2472  
be within fifteen days but not earlier than seven days after the 2473  
individual makes the request, unless another date is agreed to by 2474  
both the individual and the board. The summary suspension shall 2475

remain in effect, unless reversed by the board, until a final 2476  
adjudication order issued by the board pursuant to this section 2477  
and Chapter 119. of the Revised Code becomes effective. 2478

The board shall issue its final adjudication order within 2479  
ninety days after completion of the adjudication. If the board 2480  
does not issue a final order within the ninety-day period, the 2481  
summary suspension shall be void, but any final adjudication order 2482  
issued subsequent to the ninety-day period shall not be affected. 2483

(C) The license or certificate issued to an individual under 2484  
this chapter is automatically suspended on that individual's 2485  
conviction of, plea of guilty to, or judicial finding with regard 2486  
to any of the following: aggravated murder, murder, voluntary 2487  
manslaughter, felonious assault, kidnapping, rape, sexual battery, 2488  
gross sexual imposition, aggravated arson, aggravated robbery, or 2489  
aggravated burglary. The suspension shall remain in effect from 2490  
the date of the conviction, plea, or finding until an adjudication 2491  
is held under Chapter 119. of the Revised Code. If the board has 2492  
knowledge that an automatic suspension has occurred, it shall 2493  
notify the individual subject to the suspension. If the individual 2494  
is notified and either fails to request an adjudication within the 2495  
time periods established by Chapter 119. of the Revised Code or 2496  
fails to participate in the adjudication, the board shall enter a 2497  
final order permanently revoking the person's license or 2498  
certificate. 2499

**Sec. 4725.24.** If the secretary of the state board of 2500  
optometry and the board's supervising member of investigations 2501  
determine that there is clear and convincing evidence that an 2502  
optometrist has violated division (B) of section 4725.19 of the 2503  
Revised Code and that the optometrist's continued practice 2504  
presents a danger of immediate and serious harm to the public, 2505  
they may recommend that the board suspend without a prior hearing 2506

the optometrist's certificate of licensure and any other 2507  
certificates held by the optometrist. Written allegations shall be 2508  
prepared for consideration by the full board. 2509

The board, upon review of those allegations and by an 2510  
affirmative vote of three members other than the secretary and 2511  
supervising member may order the suspension without a prior 2512  
hearing. A telephone conference call may be utilized for reviewing 2513  
the allegations and taking the vote on the summary suspension. 2514

The board shall issue a written order of suspension by 2515  
~~certified mail~~ a delivery system or in person in accordance with 2516  
section 119.07 of the Revised Code. The order shall not be subject 2517  
to suspension by the court during pendency of any appeal filed 2518  
under section 119.12 of the Revised Code. If the individual 2519  
subject to the summary suspension requests an adjudicatory hearing 2520  
by the board, the date set for the hearing shall be within fifteen 2521  
days, but not earlier than seven days, after the individual 2522  
requests the hearing, unless otherwise agreed to by both the board 2523  
and the individual. 2524

Any summary suspension imposed under this division shall 2525  
remain in effect, unless reversed on appeal, until a final 2526  
adjudicative order issued by the board pursuant to section 4725.19 2527  
of the Revised Code and Chapter 119. of the Revised Code becomes 2528  
effective. The board shall issue its final adjudicative order 2529  
within sixty days after completion of its hearing. A failure to 2530  
issue the order within sixty days shall result in dissolution of 2531  
the summary suspension order but shall not invalidate any 2532  
subsequent, final adjudicative order. 2533

**Sec. 4730.25.** (A) The state medical board, by an affirmative 2534  
vote of not fewer than six members, may revoke or may refuse to 2535  
grant a certificate to practice as a physician assistant or a 2536  
certificate to prescribe to a person found by the board to have 2537

committed fraud, misrepresentation, or deception in applying for 2538  
or securing the certificate. 2539

(B) The board, by an affirmative vote of not fewer than six 2540  
members, shall, to the extent permitted by law, limit, revoke, or 2541  
suspend an individual's certificate to practice as a physician 2542  
assistant or certificate to prescribe, refuse to issue a 2543  
certificate to an applicant, refuse to reinstate a certificate, or 2544  
reprimand or place on probation the holder of a certificate for 2545  
any of the following reasons: 2546

(1) Failure to practice in accordance with the conditions 2547  
under which the supervising physician's supervision agreement with 2548  
the physician assistant was approved, including the requirement 2549  
that when practicing under a particular supervising physician, the 2550  
physician assistant must practice only according to the physician 2551  
supervisory plan the board approved for that physician or the 2552  
policies of the health care facility in which the supervising 2553  
physician and physician assistant are practicing; 2554

(2) Failure to comply with the requirements of this chapter, 2555  
Chapter 4731. of the Revised Code, or any rules adopted by the 2556  
board; 2557

(3) Violating or attempting to violate, directly or 2558  
indirectly, or assisting in or abetting the violation of, or 2559  
conspiring to violate, any provision of this chapter, Chapter 2560  
4731. of the Revised Code, or the rules adopted by the board; 2561

(4) Inability to practice according to acceptable and 2562  
prevailing standards of care by reason of mental illness or 2563  
physical illness, including physical deterioration that adversely 2564  
affects cognitive, motor, or perceptive skills; 2565

(5) Impairment of ability to practice according to acceptable 2566  
and prevailing standards of care because of habitual or excessive 2567  
use or abuse of drugs, alcohol, or other substances that impair 2568

ability to practice;	2569
(6) Administering drugs for purposes other than those authorized under this chapter;	2570 2571
(7) Willfully betraying a professional confidence;	2572
(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a certificate to practice as a physician assistant, a certificate to prescribe, or approval of a supervision agreement.	2573 2574 2575 2576 2577 2578 2579 2580
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.	2581 2582 2583 2584 2585 2586 2587 2588
(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;	2589 2590 2591 2592
(10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	2593 2594 2595
(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 felony;	2596 2597 2598

(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	2599 2600 2601
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	2602 2603 2604
(14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	2605 2606 2607
(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;	2608 2609 2610
(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;	2611 2612 2613
(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;	2614 2615 2616 2617 2618
(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;	2619 2620 2621 2622 2623 2624 2625 2626
(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	2627 2628 2629

patient is established; 2630

(20) Violation of the conditions placed by the board on a 2631  
certificate to practice as a physician assistant, a certificate to 2632  
prescribe, a physician supervisory plan, or supervision agreement; 2633

(21) Failure to use universal blood and body fluid 2634  
precautions established by rules adopted under section 4731.051 of 2635  
the Revised Code; 2636

(22) Failure to cooperate in an investigation conducted by 2637  
the board under section 4730.26 of the Revised Code, including 2638  
failure to comply with a subpoena or order issued by the board or 2639  
failure to answer truthfully a question presented by the board at 2640  
a deposition or in written interrogatories, except that failure to 2641  
cooperate with an investigation shall not constitute grounds for 2642  
discipline under this section if a court of competent jurisdiction 2643  
has issued an order that either quashes a subpoena or permits the 2644  
individual to withhold the testimony or evidence in issue; 2645

(23) Assisting suicide as defined in section 3795.01 of the 2646  
Revised Code; 2647

(24) Prescribing any drug or device to perform or induce an 2648  
abortion, or otherwise performing or inducing an abortion. 2649

(C) Disciplinary actions taken by the board under divisions 2650  
(A) and (B) of this section shall be taken pursuant to an 2651  
adjudication under Chapter 119. of the Revised Code, except that 2652  
in lieu of an adjudication, the board may enter into a consent 2653  
agreement with a physician assistant or applicant to resolve an 2654  
allegation of a violation of this chapter or any rule adopted 2655  
under it. A consent agreement, when ratified by an affirmative 2656  
vote of not fewer than six members of the board, shall constitute 2657  
the findings and order of the board with respect to the matter 2658  
addressed in the agreement. If the board refuses to ratify a 2659  
consent agreement, the admissions and findings contained in the 2660

consent agreement shall be of no force or effect. 2661

(D) For purposes of divisions (B)(12), (15), and (16) of this 2662  
section, the commission of the act may be established by a finding 2663  
by the board, pursuant to an adjudication under Chapter 119. of 2664  
the Revised Code, that the applicant or certificate holder 2665  
committed the act in question. The board shall have no 2666  
jurisdiction under these divisions in cases where the trial court 2667  
renders a final judgment in the certificate holder's favor and 2668  
that judgment is based upon an adjudication on the merits. The 2669  
board shall have jurisdiction under these divisions in cases where 2670  
the trial court issues an order of dismissal upon technical or 2671  
procedural grounds. 2672

(E) The sealing of conviction records by any court shall have 2673  
no effect upon a prior board order entered under the provisions of 2674  
this section or upon the board's jurisdiction to take action under 2675  
the provisions of this section if, based upon a plea of guilty, a 2676  
judicial finding of guilt, or a judicial finding of eligibility 2677  
for intervention in lieu of conviction, the board issued a notice 2678  
of opportunity for a hearing prior to the court's order to seal 2679  
the records. The board shall not be required to seal, destroy, 2680  
redact, or otherwise modify its records to reflect the court's 2681  
sealing of conviction records. 2682

(F) For purposes of this division, any individual who holds a 2683  
certificate issued under this chapter, or applies for a 2684  
certificate issued under this chapter, shall be deemed to have 2685  
given consent to submit to a mental or physical examination when 2686  
directed to do so in writing by the board and to have waived all 2687  
objections to the admissibility of testimony or examination 2688  
reports that constitute a privileged communication. 2689

(1) In enforcing division (B)(4) of this section, the board, 2690  
upon a showing of a possible violation, may compel any individual 2691  
who holds a certificate issued under this chapter or who has 2692

applied for a certificate pursuant to this chapter to submit to a 2693  
mental examination, physical examination, including an HIV test, 2694  
or both a mental and physical examination. The expense of the 2695  
examination is the responsibility of the individual compelled to 2696  
be examined. Failure to submit to a mental or physical examination 2697  
or consent to an HIV test ordered by the board constitutes an 2698  
admission of the allegations against the individual unless the 2699  
failure is due to circumstances beyond the individual's control, 2700  
and a default and final order may be entered without the taking of 2701  
testimony or presentation of evidence. If the board finds a 2702  
physician assistant unable to practice because of the reasons set 2703  
forth in division (B)(4) of this section, the board shall require 2704  
the physician assistant to submit to care, counseling, or 2705  
treatment by physicians approved or designated by the board, as a 2706  
condition for an initial, continued, reinstated, or renewed 2707  
certificate. An individual affected under this division shall be 2708  
afforded an opportunity to demonstrate to the board the ability to 2709  
resume practicing in compliance with acceptable and prevailing 2710  
standards of care. 2711

(2) For purposes of division (B)(5) of this section, if the 2712  
board has reason to believe that any individual who holds a 2713  
certificate issued under this chapter or any applicant for a 2714  
certificate suffers such impairment, the board may compel the 2715  
individual to submit to a mental or physical examination, or both. 2716  
The expense of the examination is the responsibility of the 2717  
individual compelled to be examined. Any mental or physical 2718  
examination required under this division shall be undertaken by a 2719  
treatment provider or physician qualified to conduct such 2720  
examination and chosen by the board. 2721

Failure to submit to a mental or physical examination ordered 2722  
by the board constitutes an admission of the allegations against 2723  
the individual unless the failure is due to circumstances beyond 2724

the individual's control, and a default and final order may be 2725  
entered without the taking of testimony or presentation of 2726  
evidence. If the board determines that the individual's ability to 2727  
practice is impaired, the board shall suspend the individual's 2728  
certificate or deny the individual's application and shall require 2729  
the individual, as a condition for initial, continued, reinstated, 2730  
or renewed certification to practice or prescribe, to submit to 2731  
treatment. 2732

Before being eligible to apply for reinstatement of a 2733  
certificate suspended under this division, the physician assistant 2734  
shall demonstrate to the board the ability to resume practice or 2735  
prescribing in compliance with acceptable and prevailing standards 2736  
of care. The demonstration shall include the following: 2737

(a) Certification from a treatment provider approved under 2738  
section 4731.25 of the Revised Code that the individual has 2739  
successfully completed any required inpatient treatment; 2740

(b) Evidence of continuing full compliance with an aftercare 2741  
contract or consent agreement; 2742

(c) Two written reports indicating that the individual's 2743  
ability to practice has been assessed and that the individual has 2744  
been found capable of practicing according to acceptable and 2745  
prevailing standards of care. The reports shall be made by 2746  
individuals or providers approved by the board for making such 2747  
assessments and shall describe the basis for their determination. 2748

The board may reinstate a certificate suspended under this 2749  
division after such demonstration and after the individual has 2750  
entered into a written consent agreement. 2751

When the impaired physician assistant resumes practice or 2752  
prescribing, the board shall require continued monitoring of the 2753  
physician assistant. The monitoring shall include compliance with 2754  
the written consent agreement entered into before reinstatement or 2755

with conditions imposed by board order after a hearing, and, upon 2756  
termination of the consent agreement, submission to the board for 2757  
at least two years of annual written progress reports made under 2758  
penalty of falsification stating whether the physician assistant 2759  
has maintained sobriety. 2760

(G) If the secretary and supervising member determine that 2761  
there is clear and convincing evidence that a physician assistant 2762  
has violated division (B) of this section and that the 2763  
individual's continued practice or prescribing presents a danger 2764  
of immediate and serious harm to the public, they may recommend 2765  
that the board suspend the individual's certificate to practice or 2766  
prescribe without a prior hearing. Written allegations shall be 2767  
prepared for consideration by the board. 2768

The board, upon review of those allegations and by an 2769  
affirmative vote of not fewer than six of its members, excluding 2770  
the secretary and supervising member, may suspend a certificate 2771  
without a prior hearing. A telephone conference call may be 2772  
utilized for reviewing the allegations and taking the vote on the 2773  
summary suspension. 2774

The board shall issue a written order of suspension by 2775  
~~certified mail~~ a delivery system or in person in accordance with 2776  
section 119.07 of the Revised Code. The order shall not be subject 2777  
to suspension by the court during pendency of any appeal filed 2778  
under section 119.12 of the Revised Code. If the physician 2779  
assistant requests an adjudicatory hearing by the board, the date 2780  
set for the hearing shall be within fifteen days, but not earlier 2781  
than seven days, after the physician assistant requests the 2782  
hearing, unless otherwise agreed to by both the board and the 2783  
certificate holder. 2784

A summary suspension imposed under this division shall remain 2785  
in effect, unless reversed on appeal, until a final adjudicative 2786  
order issued by the board pursuant to this section and Chapter 2787

119. of the Revised Code becomes effective. The board shall issue 2788  
its final adjudicative order within sixty days after completion of 2789  
its hearing. Failure to issue the order within sixty days shall 2790  
result in dissolution of the summary suspension order, but shall 2791  
not invalidate any subsequent, final adjudicative order. 2792

(H) If the board takes action under division (B)(11), (13), 2793  
or (14) of this section, and the judicial finding of guilt, guilty 2794  
plea, or judicial finding of eligibility for intervention in lieu 2795  
of conviction is overturned on appeal, upon exhaustion of the 2796  
criminal appeal, a petition for reconsideration of the order may 2797  
be filed with the board along with appropriate court documents. 2798  
Upon receipt of a petition and supporting court documents, the 2799  
board shall reinstate the certificate to practice or prescribe. 2800  
The board may then hold an adjudication under Chapter 119. of the 2801  
Revised Code to determine whether the individual committed the act 2802  
in question. Notice of opportunity for hearing shall be given in 2803  
accordance with Chapter 119. of the Revised Code. If the board 2804  
finds, pursuant to an adjudication held under this division, that 2805  
the individual committed the act, or if no hearing is requested, 2806  
it may order any of the sanctions identified under division (B) of 2807  
this section. 2808

(I) The certificate to practice issued to a physician 2809  
assistant and the physician assistant's practice in this state are 2810  
automatically suspended as of the date the physician assistant 2811  
pleads guilty to, is found by a judge or jury to be guilty of, or 2812  
is subject to a judicial finding of eligibility for intervention 2813  
in lieu of conviction in this state or treatment or intervention 2814  
in lieu of conviction in another state for any of the following 2815  
criminal offenses in this state or a substantially equivalent 2816  
criminal offense in another jurisdiction: aggravated murder, 2817  
murder, voluntary manslaughter, felonious assault, kidnapping, 2818  
rape, sexual battery, gross sexual imposition, aggravated arson, 2819

aggravated robbery, or aggravated burglary. Continued practice 2820  
after the suspension shall be considered practicing without a 2821  
certificate. 2822

The board shall notify the individual subject to the 2823  
suspension by ~~certified mail~~ a delivery system or in person in 2824  
accordance with section 119.07 of the Revised Code. If an 2825  
individual whose certificate is suspended under this division 2826  
fails to make a timely request for an adjudication under Chapter 2827  
119. of the Revised Code, the board shall enter a final order 2828  
permanently revoking the individual's certificate to practice. 2829

(J) In any instance in which the board is required by Chapter 2830  
119. of the Revised Code to give notice of opportunity for hearing 2831  
and the individual subject to the notice does not timely request a 2832  
hearing in accordance with section 119.07 of the Revised Code, the 2833  
board is not required to hold a hearing, but may adopt, by an 2834  
affirmative vote of not fewer than six of its members, a final 2835  
order that contains the board's findings. In that final order, the 2836  
board may order any of the sanctions identified under division (A) 2837  
or (B) of this section. 2838

(K) Any action taken by the board under division (B) of this 2839  
section resulting in a suspension shall be accompanied by a 2840  
written statement of the conditions under which the physician 2841  
assistant's certificate may be reinstated. The board shall adopt 2842  
rules in accordance with Chapter 119. of the Revised Code 2843  
governing conditions to be imposed for reinstatement. 2844  
Reinstatement of a certificate suspended pursuant to division (B) 2845  
of this section requires an affirmative vote of not fewer than six 2846  
members of the board. 2847

(L) When the board refuses to grant to an applicant a 2848  
certificate to practice as a physician assistant or a certificate 2849  
to prescribe, revokes an individual's certificate, refuses to 2850  
issue a certificate, or refuses to reinstate an individual's 2851

certificate, the board may specify that its action is permanent. 2852  
An individual subject to a permanent action taken by the board is 2853  
forever thereafter ineligible to hold the certificate and the 2854  
board shall not accept an application for reinstatement of the 2855  
certificate or for issuance of a new certificate. 2856

(M) Notwithstanding any other provision of the Revised Code, 2857  
all of the following apply: 2858

(1) The surrender of a certificate issued under this chapter 2859  
is not effective unless or until accepted by the board. 2860  
Reinstatement of a certificate surrendered to the board requires 2861  
an affirmative vote of not fewer than six members of the board. 2862

(2) An application made under this chapter for a certificate, 2863  
approval of a physician supervisory plan, or approval of a 2864  
supervision agreement may not be withdrawn without approval of the 2865  
board. 2866

(3) Failure by an individual to renew a certificate in 2867  
accordance with section 4730.14 or section 4730.48 of the Revised 2868  
Code shall not remove or limit the board's jurisdiction to take 2869  
disciplinary action under this section against the individual. 2870

**Sec. 4731.22.** (A) The state medical board, by an affirmative 2871  
vote of not fewer than six of its members, may revoke or may 2872  
refuse to grant a certificate to a person found by the board to 2873  
have committed fraud during the administration of the examination 2874  
for a certificate to practice or to have committed fraud, 2875  
misrepresentation, or deception in applying for or securing any 2876  
certificate to practice or certificate of registration issued by 2877  
the board. 2878

(B) The board, by an affirmative vote of not fewer than six 2879  
members, shall, to the extent permitted by law, limit, revoke, or 2880  
suspend an individual's certificate to practice, refuse to 2881

register an individual, refuse to reinstate a certificate, or 2882  
reprimand or place on probation the holder of a certificate for 2883  
one or more of the following reasons: 2884

(1) Permitting one's name or one's certificate to practice or 2885  
certificate of registration to be used by a person, group, or 2886  
corporation when the individual concerned is not actually 2887  
directing the treatment given; 2888

(2) Failure to maintain minimal standards applicable to the 2889  
selection or administration of drugs, or failure to employ 2890  
acceptable scientific methods in the selection of drugs or other 2891  
modalities for treatment of disease; 2892

(3) Selling, giving away, personally furnishing, prescribing, 2893  
or administering drugs for other than legal and legitimate 2894  
therapeutic purposes or a plea of guilty to, a judicial finding of 2895  
guilt of, or a judicial finding of eligibility for intervention in 2896  
lieu of conviction of, a violation of any federal or state law 2897  
regulating the possession, distribution, or use of any drug; 2898

(4) Willfully betraying a professional confidence. 2899

For purposes of this division, "willfully betraying a 2900  
professional confidence" does not include providing any 2901  
information, documents, or reports to a child fatality review 2902  
board under sections 307.621 to 307.629 of the Revised Code and 2903  
does not include the making of a report of an employee's use of a 2904  
drug of abuse, or a report of a condition of an employee other 2905  
than one involving the use of a drug of abuse, to the employer of 2906  
the employee as described in division (B) of section 2305.33 of 2907  
the Revised Code. Nothing in this division affects the immunity 2908  
from civil liability conferred by that section upon a physician 2909  
who makes either type of report in accordance with division (B) of 2910  
that section. As used in this division, "employee," "employer," 2911  
and "physician" have the same meanings as in section 2305.33 of 2912

the Revised Code.	2913
(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board.	2914 2915 2916 2917 2918 2919 2920
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.	2921 2922 2923 2924 2925 2926 2927 2928
(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;	2929 2930 2931 2932
(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;	2933 2934 2935 2936
(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	2937 2938 2939
(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;	2940 2941 2942
(10) Commission of an act that constitutes a felony in this	2943

state, regardless of the jurisdiction in which the act was committed;	2944 2945
(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;	2946 2947 2948
(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;	2949 2950 2951
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	2952 2953 2954
(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	2955 2956 2957
(15) Violation of the conditions of limitation placed by the board upon a certificate to practice;	2958 2959
(16) Failure to pay license renewal fees specified in this chapter;	2960 2961
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	2962 2963 2964 2965
(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose certificate is being suspended	2966 2967 2968 2969 2970 2971 2972 2973

or revoked shall not be found to have violated any provision of a 2974  
code of ethics of an organization not appropriate to the 2975  
individual's profession. 2976

For purposes of this division, a "provision of a code of 2977  
ethics of a national professional organization" does not include 2978  
any provision that would preclude the making of a report by a 2979  
physician of an employee's use of a drug of abuse, or of a 2980  
condition of an employee other than one involving the use of a 2981  
drug of abuse, to the employer of the employee as described in 2982  
division (B) of section 2305.33 of the Revised Code. Nothing in 2983  
this division affects the immunity from civil liability conferred 2984  
by that section upon a physician who makes either type of report 2985  
in accordance with division (B) of that section. As used in this 2986  
division, "employee," "employer," and "physician" have the same 2987  
meanings as in section 2305.33 of the Revised Code. 2988

(19) Inability to practice according to acceptable and 2989  
prevailing standards of care by reason of mental illness or 2990  
physical illness, including, but not limited to, physical 2991  
deterioration that adversely affects cognitive, motor, or 2992  
perceptive skills. 2993

In enforcing this division, the board, upon a showing of a 2994  
possible violation, may compel any individual authorized to 2995  
practice by this chapter or who has submitted an application 2996  
pursuant to this chapter to submit to a mental examination, 2997  
physical examination, including an HIV test, or both a mental and 2998  
a physical examination. The expense of the examination is the 2999  
responsibility of the individual compelled to be examined. Failure 3000  
to submit to a mental or physical examination or consent to an HIV 3001  
test ordered by the board constitutes an admission of the 3002  
allegations against the individual unless the failure is due to 3003  
circumstances beyond the individual's control, and a default and 3004  
final order may be entered without the taking of testimony or 3005

presentation of evidence. If the board finds an individual unable 3006  
to practice because of the reasons set forth in this division, the 3007  
board shall require the individual to submit to care, counseling, 3008  
or treatment by physicians approved or designated by the board, as 3009  
a condition for initial, continued, reinstated, or renewed 3010  
authority to practice. An individual affected under this division 3011  
shall be afforded an opportunity to demonstrate to the board the 3012  
ability to resume practice in compliance with acceptable and 3013  
prevailing standards under the provisions of the individual's 3014  
certificate. For the purpose of this division, any individual who 3015  
applies for or receives a certificate to practice under this 3016  
chapter accepts the privilege of practicing in this state and, by 3017  
so doing, shall be deemed to have given consent to submit to a 3018  
mental or physical examination when directed to do so in writing 3019  
by the board, and to have waived all objections to the 3020  
admissibility of testimony or examination reports that constitute 3021  
a privileged communication. 3022

(20) Except when civil penalties are imposed under section 3023  
4731.225 or 4731.281 of the Revised Code, and subject to section 3024  
4731.226 of the Revised Code, violating or attempting to violate, 3025  
directly or indirectly, or assisting in or abetting the violation 3026  
of, or conspiring to violate, any provisions of this chapter or 3027  
any rule promulgated by the board. 3028

This division does not apply to a violation or attempted 3029  
violation of, assisting in or abetting the violation of, or a 3030  
conspiracy to violate, any provision of this chapter or any rule 3031  
adopted by the board that would preclude the making of a report by 3032  
a physician of an employee's use of a drug of abuse, or of a 3033  
condition of an employee other than one involving the use of a 3034  
drug of abuse, to the employer of the employee as described in 3035  
division (B) of section 2305.33 of the Revised Code. Nothing in 3036  
this division affects the immunity from civil liability conferred 3037

by that section upon a physician who makes either type of report 3038  
in accordance with division (B) of that section. As used in this 3039  
division, "employee," "employer," and "physician" have the same 3040  
meanings as in section 2305.33 of the Revised Code. 3041

(21) The violation of section 3701.79 of the Revised Code or 3042  
of any abortion rule adopted by the public health council pursuant 3043  
to section 3701.341 of the Revised Code; 3044

(22) Any of the following actions taken by an agency 3045  
responsible for authorizing, certifying, or regulating an 3046  
individual to practice a health care occupation or provide health 3047  
care services in this state or another jurisdiction, for any 3048  
reason other than the nonpayment of fees: the limitation, 3049  
revocation, or suspension of an individual's license to practice; 3050  
acceptance of an individual's license surrender; denial of a 3051  
license; refusal to renew or reinstate a license; imposition of 3052  
probation; or issuance of an order of censure or other reprimand; 3053

(23) The violation of section 2919.12 of the Revised Code or 3054  
the performance or inducement of an abortion upon a pregnant woman 3055  
with actual knowledge that the conditions specified in division 3056  
(B) of section 2317.56 of the Revised Code have not been satisfied 3057  
or with a heedless indifference as to whether those conditions 3058  
have been satisfied, unless an affirmative defense as specified in 3059  
division (H)(2) of that section would apply in a civil action 3060  
authorized by division (H)(1) of that section; 3061

(24) The revocation, suspension, restriction, reduction, or 3062  
termination of clinical privileges by the United States department 3063  
of defense or department of veterans affairs or the termination or 3064  
suspension of a certificate of registration to prescribe drugs by 3065  
the drug enforcement administration of the United States 3066  
department of justice; 3067

(25) Termination or suspension from participation in the 3068

medicare or medicaid programs by the department of health and 3069  
human services or other responsible agency for any act or acts 3070  
that also would constitute a violation of division (B)(2), (3), 3071  
(6), (8), or (19) of this section; 3072

(26) Impairment of ability to practice according to 3073  
acceptable and prevailing standards of care because of habitual or 3074  
excessive use or abuse of drugs, alcohol, or other substances that 3075  
impair ability to practice. 3076

For the purposes of this division, any individual authorized 3077  
to practice by this chapter accepts the privilege of practicing in 3078  
this state subject to supervision by the board. By filing an 3079  
application for or holding a certificate to practice under this 3080  
chapter, an individual shall be deemed to have given consent to 3081  
submit to a mental or physical examination when ordered to do so 3082  
by the board in writing, and to have waived all objections to the 3083  
admissibility of testimony or examination reports that constitute 3084  
privileged communications. 3085

If it has reason to believe that any individual authorized to 3086  
practice by this chapter or any applicant for certification to 3087  
practice suffers such impairment, the board may compel the 3088  
individual to submit to a mental or physical examination, or both. 3089  
The expense of the examination is the responsibility of the 3090  
individual compelled to be examined. Any mental or physical 3091  
examination required under this division shall be undertaken by a 3092  
treatment provider or physician who is qualified to conduct the 3093  
examination and who is chosen by the board. 3094

Failure to submit to a mental or physical examination ordered 3095  
by the board constitutes an admission of the allegations against 3096  
the individual unless the failure is due to circumstances beyond 3097  
the individual's control, and a default and final order may be 3098  
entered without the taking of testimony or presentation of 3099  
evidence. If the board determines that the individual's ability to 3100

practice is impaired, the board shall suspend the individual's 3101  
certificate or deny the individual's application and shall require 3102  
the individual, as a condition for initial, continued, reinstated, 3103  
or renewed certification to practice, to submit to treatment. 3104

Before being eligible to apply for reinstatement of a 3105  
certificate suspended under this division, the impaired 3106  
practitioner shall demonstrate to the board the ability to resume 3107  
practice in compliance with acceptable and prevailing standards of 3108  
care under the provisions of the practitioner's certificate. The 3109  
demonstration shall include, but shall not be limited to, the 3110  
following: 3111

(a) Certification from a treatment provider approved under 3112  
section 4731.25 of the Revised Code that the individual has 3113  
successfully completed any required inpatient treatment; 3114

(b) Evidence of continuing full compliance with an aftercare 3115  
contract or consent agreement; 3116

(c) Two written reports indicating that the individual's 3117  
ability to practice has been assessed and that the individual has 3118  
been found capable of practicing according to acceptable and 3119  
prevailing standards of care. The reports shall be made by 3120  
individuals or providers approved by the board for making the 3121  
assessments and shall describe the basis for their determination. 3122

The board may reinstate a certificate suspended under this 3123  
division after that demonstration and after the individual has 3124  
entered into a written consent agreement. 3125

When the impaired practitioner resumes practice, the board 3126  
shall require continued monitoring of the individual. The 3127  
monitoring shall include, but not be limited to, compliance with 3128  
the written consent agreement entered into before reinstatement or 3129  
with conditions imposed by board order after a hearing, and, upon 3130  
termination of the consent agreement, submission to the board for 3131

at least two years of annual written progress reports made under 3132  
penalty of perjury stating whether the individual has maintained 3133  
sobriety. 3134

(27) A second or subsequent violation of section 4731.66 or 3135  
4731.69 of the Revised Code; 3136

(28) Except as provided in division (N) of this section: 3137

(a) Waiving the payment of all or any part of a deductible or 3138  
copayment that a patient, pursuant to a health insurance or health 3139  
care policy, contract, or plan that covers the individual's 3140  
services, otherwise would be required to pay if the waiver is used 3141  
as an enticement to a patient or group of patients to receive 3142  
health care services from that individual; 3143

(b) Advertising that the individual will waive the payment of 3144  
all or any part of a deductible or copayment that a patient, 3145  
pursuant to a health insurance or health care policy, contract, or 3146  
plan that covers the individual's services, otherwise would be 3147  
required to pay. 3148

(29) Failure to use universal blood and body fluid 3149  
precautions established by rules adopted under section 4731.051 of 3150  
the Revised Code; 3151

(30) Failure to provide notice to, and receive acknowledgment 3152  
of the notice from, a patient when required by section 4731.143 of 3153  
the Revised Code prior to providing nonemergency professional 3154  
services, or failure to maintain that notice in the patient's 3155  
file; 3156

(31) Failure of a physician supervising a physician assistant 3157  
to maintain supervision in accordance with the requirements of 3158  
Chapter 4730. of the Revised Code and the rules adopted under that 3159  
chapter; 3160

(32) Failure of a physician or podiatrist to enter into a 3161

standard care arrangement with a clinical nurse specialist, 3162  
certified nurse-midwife, or certified nurse practitioner with whom 3163  
the physician or podiatrist is in collaboration pursuant to 3164  
section 4731.27 of the Revised Code or failure to fulfill the 3165  
responsibilities of collaboration after entering into a standard 3166  
care arrangement; 3167

(33) Failure to comply with the terms of a consult agreement 3168  
entered into with a pharmacist pursuant to section 4729.39 of the 3169  
Revised Code; 3170

(34) Failure to cooperate in an investigation conducted by 3171  
the board under division (F) of this section, including failure to 3172  
comply with a subpoena or order issued by the board or failure to 3173  
answer truthfully a question presented by the board at a 3174  
deposition or in written interrogatories, except that failure to 3175  
cooperate with an investigation shall not constitute grounds for 3176  
discipline under this section if a court of competent jurisdiction 3177  
has issued an order that either quashes a subpoena or permits the 3178  
individual to withhold the testimony or evidence in issue; 3179

(35) Failure to supervise an acupuncturist in accordance with 3180  
Chapter 4762. of the Revised Code and the board's rules for 3181  
supervision of an acupuncturist; 3182

(36) Failure to supervise an anesthesiologist assistant in 3183  
accordance with Chapter 4760. of the Revised Code and the board's 3184  
rules for supervision of an anesthesiologist assistant; 3185

(37) Assisting suicide as defined in section 3795.01 of the 3186  
Revised Code; 3187

(38) Failure to comply with the requirements of section 3188  
2317.561 of the Revised Code; 3189

(39) Failure to supervise a radiologist assistant in 3190  
accordance with Chapter 4774. of the Revised Code and the board's 3191  
rules for supervision of radiologist assistants; 3192

(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;	3193 3194 3195
(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;	3196 3197 3198 3199
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	3200 3201 3202 3203
(43) Failure to comply with the requirements of section 4729.79 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	3204 3205 3206 3207
<del>(41)</del> (44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 of the Revised Code.	3208 3209 3210 3211
(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.	3212 3213 3214 3215 3216 3217 3218 3219 3220 3221 3222 3223

A telephone conference call may be utilized for ratification 3224  
of a consent agreement that revokes or suspends an individual's 3225  
certificate to practice. The telephone conference call shall be 3226  
considered a special meeting under division (F) of section 121.22 3227  
of the Revised Code. 3228

If the board takes disciplinary action against an individual 3229  
under division (B) of this section for a second or subsequent plea 3230  
of guilty to, or judicial finding of guilt of, a violation of 3231  
section 2919.123 of the Revised Code, the disciplinary action 3232  
shall consist of a suspension of the individual's certificate to 3233  
practice for a period of at least one year or, if determined 3234  
appropriate by the board, a more serious sanction involving the 3235  
individual's certificate to practice. Any consent agreement 3236  
entered into under this division with an individual that pertains 3237  
to a second or subsequent plea of guilty to, or judicial finding 3238  
of guilt of, a violation of that section shall provide for a 3239  
suspension of the individual's certificate to practice for a 3240  
period of at least one year or, if determined appropriate by the 3241  
board, a more serious sanction involving the individual's 3242  
certificate to practice. 3243

(D) For purposes of divisions (B)(10), (12), and (14) of this 3244  
section, the commission of the act may be established by a finding 3245  
by the board, pursuant to an adjudication under Chapter 119. of 3246  
the Revised Code, that the individual committed the act. The board 3247  
does not have jurisdiction under those divisions if the trial 3248  
court renders a final judgment in the individual's favor and that 3249  
judgment is based upon an adjudication on the merits. The board 3250  
has jurisdiction under those divisions if the trial court issues 3251  
an order of dismissal upon technical or procedural grounds. 3252

(E) The sealing of conviction records by any court shall have 3253  
no effect upon a prior board order entered under this section or 3254  
upon the board's jurisdiction to take action under this section 3255

if, based upon a plea of guilty, a judicial finding of guilt, or a 3256  
judicial finding of eligibility for intervention in lieu of 3257  
conviction, the board issued a notice of opportunity for a hearing 3258  
prior to the court's order to seal the records. The board shall 3259  
not be required to seal, destroy, redact, or otherwise modify its 3260  
records to reflect the court's sealing of conviction records. 3261

(F)(1) The board shall investigate evidence that appears to 3262  
show that a person has violated any provision of this chapter or 3263  
any rule adopted under it. Any person may report to the board in a 3264  
signed writing any information that the person may have that 3265  
appears to show a violation of any provision of this chapter or 3266  
any rule adopted under it. In the absence of bad faith, any person 3267  
who reports information of that nature or who testifies before the 3268  
board in any adjudication conducted under Chapter 119. of the 3269  
Revised Code shall not be liable in damages in a civil action as a 3270  
result of the report or testimony. Each complaint or allegation of 3271  
a violation received by the board shall be assigned a case number 3272  
and shall be recorded by the board. 3273

(2) Investigations of alleged violations of this chapter or 3274  
any rule adopted under it shall be supervised by the supervising 3275  
member elected by the board in accordance with section 4731.02 of 3276  
the Revised Code and by the secretary as provided in section 3277  
4731.39 of the Revised Code. The president may designate another 3278  
member of the board to supervise the investigation in place of the 3279  
supervising member. No member of the board who supervises the 3280  
investigation of a case shall participate in further adjudication 3281  
of the case. 3282

(3) In investigating a possible violation of this chapter or 3283  
any rule adopted under this chapter, the board may administer 3284  
oaths, order the taking of depositions, inspect and copy any 3285  
books, accounts, papers, records, or documents, issue subpoenas, 3286  
and compel the attendance of witnesses and production of books, 3287

accounts, papers, records, documents, and testimony, except that a 3288  
subpoena for patient record information shall not be issued 3289  
without consultation with the attorney general's office and 3290  
approval of the secretary and supervising member of the board. 3291  
Before issuance of a subpoena for patient record information, the 3292  
secretary and supervising member shall determine whether there is 3293  
probable cause to believe that the complaint filed alleges a 3294  
violation of this chapter or any rule adopted under it and that 3295  
the records sought are relevant to the alleged violation and 3296  
material to the investigation. The subpoena may apply only to 3297  
records that cover a reasonable period of time surrounding the 3298  
alleged violation. 3299

On failure to comply with any subpoena issued by the board 3300  
and after reasonable notice to the person being subpoenaed, the 3301  
board may move for an order compelling the production of persons 3302  
or records pursuant to the Rules of Civil Procedure. 3303

A subpoena issued by the board may be served by a sheriff, 3304  
the sheriff's deputy, or a board employee designated by the board. 3305  
Service of a subpoena issued by the board may be made by 3306  
delivering a copy of the subpoena to the person named therein, 3307  
reading it to the person, or leaving it at the person's usual 3308  
place of residence. When the person being served is a person whose 3309  
practice is authorized by this chapter, service of the subpoena 3310  
may be made by certified mail, restricted delivery, return receipt 3311  
requested, and the subpoena shall be deemed served on the date 3312  
delivery is made or the date the person refuses to accept 3313  
delivery. 3314

A sheriff's deputy who serves a subpoena shall receive the 3315  
same fees as a sheriff. Each witness who appears before the board 3316  
in obedience to a subpoena shall receive the fees and mileage 3317  
provided for under section 119.094 of the Revised Code. 3318

(4) All hearings and investigations of the board shall be 3319

considered civil actions for the purposes of section 2305.252 of 3320  
the Revised Code. 3321

(5) Information received by the board pursuant to an 3322  
investigation is confidential and not subject to discovery in any 3323  
civil action. 3324

The board shall conduct all investigations and proceedings in 3325  
a manner that protects the confidentiality of patients and persons 3326  
who file complaints with the board. The board shall not make 3327  
public the names or any other identifying information about 3328  
patients or complainants unless proper consent is given or, in the 3329  
case of a patient, a waiver of the patient privilege exists under 3330  
division (B) of section 2317.02 of the Revised Code, except that 3331  
consent or a waiver of that nature is not required if the board 3332  
possesses reliable and substantial evidence that no bona fide 3333  
physician-patient relationship exists. 3334

The board may share any information it receives pursuant to 3335  
an investigation, including patient records and patient record 3336  
information, with law enforcement agencies, other licensing 3337  
boards, and other governmental agencies that are prosecuting, 3338  
adjudicating, or investigating alleged violations of statutes or 3339  
administrative rules. An agency or board that receives the 3340  
information shall comply with the same requirements regarding 3341  
confidentiality as those with which the state medical board must 3342  
comply, notwithstanding any conflicting provision of the Revised 3343  
Code or procedure of the agency or board that applies when it is 3344  
dealing with other information in its possession. In a judicial 3345  
proceeding, the information may be admitted into evidence only in 3346  
accordance with the Rules of Evidence, but the court shall require 3347  
that appropriate measures are taken to ensure that confidentiality 3348  
is maintained with respect to any part of the information that 3349  
contains names or other identifying information about patients or 3350  
complainants whose confidentiality was protected by the state 3351

medical board when the information was in the board's possession. 3352  
Measures to ensure confidentiality that may be taken by the court 3353  
include sealing its records or deleting specific information from 3354  
its records. 3355

(6) On a quarterly basis, the board shall prepare a report 3356  
that documents the disposition of all cases during the preceding 3357  
three months. The report shall contain the following information 3358  
for each case with which the board has completed its activities: 3359

(a) The case number assigned to the complaint or alleged 3360  
violation; 3361

(b) The type of certificate to practice, if any, held by the 3362  
individual against whom the complaint is directed; 3363

(c) A description of the allegations contained in the 3364  
complaint; 3365

(d) The disposition of the case. 3366

The report shall state how many cases are still pending and 3367  
shall be prepared in a manner that protects the identity of each 3368  
person involved in each case. The report shall be a public record 3369  
under section 149.43 of the Revised Code. 3370

(G) If the secretary and supervising member determine both of 3371  
the following, they may recommend that the board suspend an 3372  
individual's certificate to practice without a prior hearing: 3373

(1) That there is clear and convincing evidence that an 3374  
individual has violated division (B) of this section; 3375

(2) That the individual's continued practice presents a 3376  
danger of immediate and serious harm to the public. 3377

Written allegations shall be prepared for consideration by 3378  
the board. The board, upon review of those allegations and by an 3379  
affirmative vote of not fewer than six of its members, excluding 3380  
the secretary and supervising member, may suspend a certificate 3381

without a prior hearing. A telephone conference call may be 3382  
utilized for reviewing the allegations and taking the vote on the 3383  
summary suspension. 3384

The board shall issue a written order of suspension by 3385  
~~certified mail~~ a delivery system or in person in accordance with 3386  
section 119.07 of the Revised Code. The order shall not be subject 3387  
to suspension by the court during pendency of any appeal filed 3388  
under section 119.12 of the Revised Code. If the individual 3389  
subject to the summary suspension requests an adjudicatory hearing 3390  
by the board, the date set for the hearing shall be within fifteen 3391  
days, but not earlier than seven days, after the individual 3392  
requests the hearing, unless otherwise agreed to by both the board 3393  
and the individual. 3394

Any summary suspension imposed under this division shall 3395  
remain in effect, unless reversed on appeal, until a final 3396  
adjudicative order issued by the board pursuant to this section 3397  
and Chapter 119. of the Revised Code becomes effective. The board 3398  
shall issue its final adjudicative order within seventy-five days 3399  
after completion of its hearing. A failure to issue the order 3400  
within seventy-five days shall result in dissolution of the 3401  
summary suspension order but shall not invalidate any subsequent, 3402  
final adjudicative order. 3403

(H) If the board takes action under division (B)(9), (11), or 3404  
(13) of this section and the judicial finding of guilt, guilty 3405  
plea, or judicial finding of eligibility for intervention in lieu 3406  
of conviction is overturned on appeal, upon exhaustion of the 3407  
criminal appeal, a petition for reconsideration of the order may 3408  
be filed with the board along with appropriate court documents. 3409  
Upon receipt of a petition of that nature and supporting court 3410  
documents, the board shall reinstate the individual's certificate 3411  
to practice. The board may then hold an adjudication under Chapter 3412  
119. of the Revised Code to determine whether the individual 3413

committed the act in question. Notice of an opportunity for a 3414  
hearing shall be given in accordance with Chapter 119. of the 3415  
Revised Code. If the board finds, pursuant to an adjudication held 3416  
under this division, that the individual committed the act or if 3417  
no hearing is requested, the board may order any of the sanctions 3418  
identified under division (B) of this section. 3419

(I) The certificate to practice issued to an individual under 3420  
this chapter and the individual's practice in this state are 3421  
automatically suspended as of the date of the individual's second 3422  
or subsequent plea of guilty to, or judicial finding of guilt of, 3423  
a violation of section 2919.123 of the Revised Code, or the date 3424  
the individual pleads guilty to, is found by a judge or jury to be 3425  
guilty of, or is subject to a judicial finding of eligibility for 3426  
intervention in lieu of conviction in this state or treatment or 3427  
intervention in lieu of conviction in another jurisdiction for any 3428  
of the following criminal offenses in this state or a 3429  
substantially equivalent criminal offense in another jurisdiction: 3430  
aggravated murder, murder, voluntary manslaughter, felonious 3431  
assault, kidnapping, rape, sexual battery, gross sexual 3432  
imposition, aggravated arson, aggravated robbery, or aggravated 3433  
burglary. Continued practice after suspension shall be considered 3434  
practicing without a certificate. 3435

The board shall notify the individual subject to the 3436  
suspension by ~~certified mail~~ a delivery system or in person in 3437  
accordance with section 119.07 of the Revised Code. If an 3438  
individual whose certificate is automatically suspended under this 3439  
division fails to make a timely request for an adjudication under 3440  
Chapter 119. of the Revised Code, the board shall do whichever of 3441  
the following is applicable: 3442

(1) If the automatic suspension under this division is for a 3443  
second or subsequent plea of guilty to, or judicial finding of 3444  
guilt of, a violation of section 2919.123 of the Revised Code, the 3445

board shall enter an order suspending the individual's certificate 3446  
to practice for a period of at least one year or, if determined 3447  
appropriate by the board, imposing a more serious sanction 3448  
involving the individual's certificate to practice. 3449

(2) In all circumstances in which division (I)(1) of this 3450  
section does not apply, enter a final order permanently revoking 3451  
the individual's certificate to practice. 3452

(J) If the board is required by Chapter 119. of the Revised 3453  
Code to give notice of an opportunity for a hearing and if the 3454  
individual subject to the notice does not timely request a hearing 3455  
in accordance with section 119.07 of the Revised Code, the board 3456  
is not required to hold a hearing, but may adopt, by an 3457  
affirmative vote of not fewer than six of its members, a final 3458  
order that contains the board's findings. In that final order, the 3459  
board may order any of the sanctions identified under division (A) 3460  
or (B) of this section. 3461

(K) Any action taken by the board under division (B) of this 3462  
section resulting in a suspension from practice shall be 3463  
accompanied by a written statement of the conditions under which 3464  
the individual's certificate to practice may be reinstated. The 3465  
board shall adopt rules governing conditions to be imposed for 3466  
reinstatement. Reinstatement of a certificate suspended pursuant 3467  
to division (B) of this section requires an affirmative vote of 3468  
not fewer than six members of the board. 3469

(L) When the board refuses to grant a certificate to an 3470  
applicant, revokes an individual's certificate to practice, 3471  
refuses to register an applicant, or refuses to reinstate an 3472  
individual's certificate to practice, the board may specify that 3473  
its action is permanent. An individual subject to a permanent 3474  
action taken by the board is forever thereafter ineligible to hold 3475  
a certificate to practice and the board shall not accept an 3476  
application for reinstatement of the certificate or for issuance 3477

of a new certificate. 3478

(M) Notwithstanding any other provision of the Revised Code, 3479  
all of the following apply: 3480

(1) The surrender of a certificate issued under this chapter 3481  
shall not be effective unless or until accepted by the board. A 3482  
telephone conference call may be utilized for acceptance of the 3483  
surrender of an individual's certificate to practice. The 3484  
telephone conference call shall be considered a special meeting 3485  
under division (F) of section 121.22 of the Revised Code. 3486  
Reinstatement of a certificate surrendered to the board requires 3487  
an affirmative vote of not fewer than six members of the board. 3488

(2) An application for a certificate made under the 3489  
provisions of this chapter may not be withdrawn without approval 3490  
of the board. 3491

(3) Failure by an individual to renew a certificate of 3492  
registration in accordance with this chapter shall not remove or 3493  
limit the board's jurisdiction to take any disciplinary action 3494  
under this section against the individual. 3495

(N) Sanctions shall not be imposed under division (B)(28) of 3496  
this section against any person who waives deductibles and 3497  
copayments as follows: 3498

(1) In compliance with the health benefit plan that expressly 3499  
allows such a practice. Waiver of the deductibles or copayments 3500  
shall be made only with the full knowledge and consent of the plan 3501  
purchaser, payer, and third-party administrator. Documentation of 3502  
the consent shall be made available to the board upon request. 3503

(2) For professional services rendered to any other person 3504  
authorized to practice pursuant to this chapter, to the extent 3505  
allowed by this chapter and rules adopted by the board. 3506

(O) Under the board's investigative duties described in this 3507

section and subject to division (F) of this section, the board 3508  
shall develop and implement a quality intervention program 3509  
designed to improve through remedial education the clinical and 3510  
communication skills of individuals authorized under this chapter 3511  
to practice medicine and surgery, osteopathic medicine and 3512  
surgery, and podiatric medicine and surgery. In developing and 3513  
implementing the quality intervention program, the board may do 3514  
all of the following: 3515

(1) Offer in appropriate cases as determined by the board an 3516  
educational and assessment program pursuant to an investigation 3517  
the board conducts under this section; 3518

(2) Select providers of educational and assessment services, 3519  
including a quality intervention program panel of case reviewers; 3520

(3) Make referrals to educational and assessment service 3521  
providers and approve individual educational programs recommended 3522  
by those providers. The board shall monitor the progress of each 3523  
individual undertaking a recommended individual educational 3524  
program. 3525

(4) Determine what constitutes successful completion of an 3526  
individual educational program and require further monitoring of 3527  
the individual who completed the program or other action that the 3528  
board determines to be appropriate; 3529

(5) Adopt rules in accordance with Chapter 119. of the 3530  
Revised Code to further implement the quality intervention 3531  
program. 3532

An individual who participates in an individual educational 3533  
program pursuant to this division shall pay the financial 3534  
obligations arising from that educational program. 3535

**Sec. 4734.36.** A chiropractor who in this state pleads guilty 3536  
to or is convicted of aggravated murder, murder, voluntary 3537

manslaughter, felonious assault, kidnapping, rape, sexual battery, 3538  
gross sexual imposition, aggravated arson, aggravated robbery, or 3539  
aggravated burglary, or who in another jurisdiction pleads guilty 3540  
to or is convicted of any substantially equivalent criminal 3541  
offense, is automatically suspended from practice in this state 3542  
and the license issued under this chapter to practice chiropractic 3543  
is automatically suspended as of the date of the guilty plea or 3544  
conviction. If applicable, the chiropractor's certificate issued 3545  
under this chapter to practice acupuncture is automatically 3546  
suspended at the same time. Continued practice after suspension 3547  
under this section shall be considered practicing chiropractic 3548  
without a license and, if applicable, acupuncture without a 3549  
certificate. On receiving notice or otherwise becoming aware of 3550  
the conviction, the state chiropractic board shall notify the 3551  
individual of the suspension under this section by ~~certified mail~~ 3552  
a delivery system or in person in accordance with section 119.07 3553  
of the Revised Code. If an individual whose license and, if 3554  
applicable, certificate to practice acupuncture is suspended under 3555  
this section fails to make a timely request for an adjudication, 3556  
the board shall enter a final order revoking the individual's 3557  
license and, if applicable, certificate to practice acupuncture. 3558

**Sec. 4734.37.** If the state chiropractic board determines that 3559  
there is clear and convincing evidence that a person who has been 3560  
granted a license to practice chiropractic and, if applicable, 3561  
certificate to practice acupuncture under this chapter has 3562  
committed an act that subjects the person's license and, if 3563  
applicable, certificate to board action under section 4734.31 of 3564  
the Revised Code and that the person's continued practice presents 3565  
a danger of immediate and serious harm to the public, the board 3566  
may suspend the license and, if applicable, certificate without a 3567  
prior hearing. A telephone conference call may be utilized for 3568  
reviewing the matter and taking the vote. 3569

The board shall issue a written order of suspension by 3570  
~~certified mail~~ a delivery system or in person in accordance with 3571  
section 119.07 of the Revised Code. The order is not subject to 3572  
suspension by the court during pendency of any appeal filed under 3573  
section 119.12 of the Revised Code. If the person subject to the 3574  
suspension requests an adjudication by the board, the date set for 3575  
the adjudication shall be within twenty days, but not earlier than 3576  
seven days, after the request, unless otherwise agreed to by both 3577  
the board and the person subject to the suspension. 3578

Any summary suspension imposed under this section shall 3579  
remain in effect, unless reversed on appeal, until a final 3580  
adjudicative order issued by the board pursuant to section 4734.31 3581  
and Chapter 119. of the Revised Code becomes effective. The board 3582  
shall issue its final adjudicative order within sixty days after 3583  
completion of its adjudication. A failure to issue the order 3584  
within sixty days shall result in dissolution of the summary 3585  
suspension order but shall not invalidate any subsequent, final 3586  
adjudicative order. 3587

**Sec. 4757.361.** (A) As used in this section, with regard to 3588  
offenses committed in Ohio, "aggravated murder," "murder," 3589  
"voluntary manslaughter," "felonious assault," "kidnapping," 3590  
"rape," "sexual battery," "gross sexual imposition," "aggravated 3591  
arson," "aggravated robbery," and "aggravated burglary" mean such 3592  
offenses as defined in Title XXIX of the Revised Code; with regard 3593  
to offenses committed in other jurisdictions, the terms mean 3594  
offenses comparable to offenses defined in Title XXIX of the 3595  
Revised Code. 3596

(B) When there is clear and convincing evidence that 3597  
continued practice by an individual licensed under this chapter 3598  
presents a danger of immediate and serious harm to the public, as 3599  
determined on consideration of the evidence by the professional 3600

standards committees of the counselor, social worker, and marriage 3601  
and family therapist board, the appropriate committee shall impose 3602  
on the individual a summary suspension without a hearing. 3603

Immediately following the decision to impose a summary 3604  
suspension, the appropriate committee shall issue a written order 3605  
of suspension and cause it to be delivered by ~~certified mail~~ a 3606  
delivery system or in person in accordance with section 119.07 of 3607  
the Revised Code. The order shall not be subject to suspension by 3608  
the court during the pendency of any appeal filed under section 3609  
119.12 of the Revised Code. If the individual subject to the 3610  
suspension requests an adjudication, the date set for the 3611  
adjudication shall be within fifteen days but not earlier than 3612  
seven days after the individual makes the request, unless another 3613  
date is agreed to by both the individual and the committee 3614  
imposing the suspension. The summary suspension shall remain in 3615  
effect, unless reversed by the committee, until a final 3616  
adjudication order issued by the committee pursuant to this 3617  
section and Chapter 119. of the Revised Code becomes effective. 3618

The committee shall issue its final adjudication order within 3619  
ninety days after completion of the adjudication. If the committee 3620  
does not issue a final order within the ninety-day period, the 3621  
summary suspension shall be void, but any final adjudication order 3622  
issued subsequent to the ninety-day period shall not be affected. 3623

(C) The license issued to an individual under this chapter is 3624  
automatically suspended on that individual's conviction of, plea 3625  
of guilty to, or judicial finding with regard to any of the 3626  
following: aggravated murder, murder, voluntary manslaughter, 3627  
felonious assault, kidnapping, rape, sexual battery, gross sexual 3628  
imposition, aggravated arson, aggravated robbery, or aggravated 3629  
burglary. The suspension shall remain in effect from the date of 3630  
the conviction, plea, or finding until an adjudication is held 3631  
under Chapter 119. of the Revised Code. If the appropriate 3632

committee has knowledge that an automatic suspension has occurred, 3633  
it shall notify the individual subject to the suspension. If the 3634  
individual is notified and either fails to request an adjudication 3635  
within the time periods established by Chapter 119. of the Revised 3636  
Code or fails to participate in the adjudication, the committee 3637  
shall enter a final order permanently revoking the person's 3638  
license or certificate. 3639

**Sec. 4760.13.** (A) The state medical board, by an affirmative 3640  
vote of not fewer than six members, may revoke or may refuse to 3641  
grant a certificate of registration as an anesthesiologist 3642  
assistant to a person found by the board to have committed fraud, 3643  
misrepresentation, or deception in applying for or securing the 3644  
certificate. 3645

(B) The board, by an affirmative vote of not fewer than six 3646  
members, shall, to the extent permitted by law, limit, revoke, or 3647  
suspend an individual's certificate of registration as an 3648  
anesthesiologist assistant, refuse to issue a certificate to an 3649  
applicant, refuse to reinstate a certificate, or reprimand or 3650  
place on probation the holder of a certificate for any of the 3651  
following reasons: 3652

(1) Permitting the holder's name or certificate to be used by 3653  
another person; 3654

(2) Failure to comply with the requirements of this chapter, 3655  
Chapter 4731. of the Revised Code, or any rules adopted by the 3656  
board; 3657

(3) Violating or attempting to violate, directly or 3658  
indirectly, or assisting in or abetting the violation of, or 3659  
conspiring to violate, any provision of this chapter, Chapter 3660  
4731. of the Revised Code, or the rules adopted by the board; 3661

(4) A departure from, or failure to conform to, minimal 3662

standards of care of similar practitioners under the same or 3663  
similar circumstances whether or not actual injury to the patient 3664  
is established; 3665

(5) Inability to practice according to acceptable and 3666  
prevailing standards of care by reason of mental illness or 3667  
physical illness, including physical deterioration that adversely 3668  
affects cognitive, motor, or perceptive skills; 3669

(6) Impairment of ability to practice according to acceptable 3670  
and prevailing standards of care because of habitual or excessive 3671  
use or abuse of drugs, alcohol, or other substances that impair 3672  
ability to practice; 3673

(7) Willfully betraying a professional confidence; 3674

(8) Making a false, fraudulent, deceptive, or misleading 3675  
statement in securing or attempting to secure a certificate of 3676  
registration to practice as an anesthesiologist assistant. 3677

As used in this division, "false, fraudulent, deceptive, or 3678  
misleading statement" means a statement that includes a 3679  
misrepresentation of fact, is likely to mislead or deceive because 3680  
of a failure to disclose material facts, is intended or is likely 3681  
to create false or unjustified expectations of favorable results, 3682  
or includes representations or implications that in reasonable 3683  
probability will cause an ordinarily prudent person to 3684  
misunderstand or be deceived. 3685

(9) The obtaining of, or attempting to obtain, money or a 3686  
thing of value by fraudulent misrepresentations in the course of 3687  
practice; 3688

(10) A plea of guilty to, a judicial finding of guilt of, or 3689  
a judicial finding of eligibility for intervention in lieu of 3690  
conviction for, a felony; 3691

(11) Commission of an act that constitutes a felony in this 3692

state, regardless of the jurisdiction in which the act was committed;	3693 3694
(12) 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;	3695 3696 3697
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	3698 3699 3700
(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	3701 3702 3703
(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	3704 3705 3706
(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	3707 3708 3709 3710 3711
(17) Any of the following actions taken by the state agency responsible for regulating the practice of anesthesiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	3712 3713 3714 3715 3716 3717 3718 3719
(18) Violation of the conditions placed by the board on a certificate of registration;	3720 3721
(19) Failure to use universal blood and body fluid	3722

precautions established by rules adopted under section 4731.051 of 3723  
the Revised Code; 3724

(20) Failure to cooperate in an investigation conducted by 3725  
the board under section 4760.14 of the Revised Code, including 3726  
failure to comply with a subpoena or order issued by the board or 3727  
failure to answer truthfully a question presented by the board at 3728  
a deposition or in written interrogatories, except that failure to 3729  
cooperate with an investigation shall not constitute grounds for 3730  
discipline under this section if a court of competent jurisdiction 3731  
has issued an order that either quashes a subpoena or permits the 3732  
individual to withhold the testimony or evidence in issue; 3733

(21) Failure to comply with any code of ethics established by 3734  
the national commission for the certification of anesthesiologist 3735  
assistants; 3736

(22) Failure to notify the state medical board of the 3737  
revocation or failure to maintain certification from the national 3738  
commission for certification of anesthesiologist assistants. 3739

(C) Disciplinary actions taken by the board under divisions 3740  
(A) and (B) of this section shall be taken pursuant to an 3741  
adjudication under Chapter 119. of the Revised Code, except that 3742  
in lieu of an adjudication, the board may enter into a consent 3743  
agreement with an anesthesiologist assistant or applicant to 3744  
resolve an allegation of a violation of this chapter or any rule 3745  
adopted under it. A consent agreement, when ratified by an 3746  
affirmative vote of not fewer than six members of the board, shall 3747  
constitute the findings and order of the board with respect to the 3748  
matter addressed in the agreement. If the board refuses to ratify 3749  
a consent agreement, the admissions and findings contained in the 3750  
consent agreement shall be of no force or effect. 3751

(D) For purposes of divisions (B)(11), (14), and (15) of this 3752  
section, the commission of the act may be established by a finding 3753

by the board, pursuant to an adjudication under Chapter 119. of 3754  
the Revised Code, that the applicant or certificate holder 3755  
committed the act in question. The board shall have no 3756  
jurisdiction under these divisions in cases where the trial court 3757  
renders a final judgment in the certificate holder's favor and 3758  
that judgment is based upon an adjudication on the merits. The 3759  
board shall have jurisdiction under these divisions in cases where 3760  
the trial court issues an order of dismissal on technical or 3761  
procedural grounds. 3762

(E) The sealing of conviction records by any court shall have 3763  
no effect on a prior board order entered under the provisions of 3764  
this section or on the board's jurisdiction to take action under 3765  
the provisions of this section if, based upon a plea of guilty, a 3766  
judicial finding of guilt, or a judicial finding of eligibility 3767  
for intervention in lieu of conviction, the board issued a notice 3768  
of opportunity for a hearing prior to the court's order to seal 3769  
the records. The board shall not be required to seal, destroy, 3770  
redact, or otherwise modify its records to reflect the court's 3771  
sealing of conviction records. 3772

(F) For purposes of this division, any individual who holds a 3773  
certificate of registration issued under this chapter, or applies 3774  
for a certificate of registration, shall be deemed to have given 3775  
consent to submit to a mental or physical examination when 3776  
directed to do so in writing by the board and to have waived all 3777  
objections to the admissibility of testimony or examination 3778  
reports that constitute a privileged communication. 3779

(1) In enforcing division (B)(5) of this section, the board, 3780  
on a showing of a possible violation, may compel any individual 3781  
who holds a certificate of registration issued under this chapter 3782  
or who has applied for a certificate of registration pursuant to 3783  
this chapter to submit to a mental or physical examination, or 3784  
both. A physical examination may include an HIV test. The expense 3785

of the examination is the responsibility of the individual 3786  
compelled to be examined. Failure to submit to a mental or 3787  
physical examination or consent to an HIV test ordered by the 3788  
board constitutes an admission of the allegations against the 3789  
individual unless the failure is due to circumstances beyond the 3790  
individual's control, and a default and final order may be entered 3791  
without the taking of testimony or presentation of evidence. If 3792  
the board finds an anesthesiologist assistant unable to practice 3793  
because of the reasons set forth in division (B)(5) of this 3794  
section, the board shall require the anesthesiologist assistant to 3795  
submit to care, counseling, or treatment by physicians approved or 3796  
designated by the board, as a condition for an initial, continued, 3797  
reinstated, or renewed certificate of registration. An individual 3798  
affected by this division shall be afforded an opportunity to 3799  
demonstrate to the board the ability to resume practicing in 3800  
compliance with acceptable and prevailing standards of care. 3801

(2) For purposes of division (B)(6) of this section, if the 3802  
board has reason to believe that any individual who holds a 3803  
certificate of registration issued under this chapter or any 3804  
applicant for a certificate of registration suffers such 3805  
impairment, the board may compel the individual to submit to a 3806  
mental or physical examination, or both. The expense of the 3807  
examination is the responsibility of the individual compelled to 3808  
be examined. Any mental or physical examination required under 3809  
this division shall be undertaken by a treatment provider or 3810  
physician qualified to conduct such examination and chosen by the 3811  
board. 3812

Failure to submit to a mental or physical examination ordered 3813  
by the board constitutes an admission of the allegations against 3814  
the individual unless the failure is due to circumstances beyond 3815  
the individual's control, and a default and final order may be 3816  
entered without the taking of testimony or presentation of 3817

evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's certificate or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed certificate of registration, to submit to treatment.

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

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

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

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

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

When the impaired anesthesiologist assistant resumes practice, the board shall require continued monitoring of the anesthesiologist assistant. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent

agreement, submission to the board for at least two years of 3849  
annual written progress reports made under penalty of 3850  
falsification stating whether the anesthesiologist assistant has 3851  
maintained sobriety. 3852

(G) If the secretary and supervising member determine that 3853  
there is clear and convincing evidence that an anesthesiologist 3854  
assistant has violated division (B) of this section and that the 3855  
individual's continued practice presents a danger of immediate and 3856  
serious harm to the public, they may recommend that the board 3857  
suspend the individual's certificate or registration without a 3858  
prior hearing. Written allegations shall be prepared for 3859  
consideration by the board. 3860

The board, on review of the allegations and by an affirmative 3861  
vote of not fewer than six of its members, excluding the secretary 3862  
and supervising member, may suspend a certificate without a prior 3863  
hearing. A telephone conference call may be utilized for reviewing 3864  
the allegations and taking the vote on the summary suspension. 3865

The board shall issue a written order of suspension by 3866  
~~certified mail~~ a delivery system or in person in accordance with 3867  
section 119.07 of the Revised Code. The order shall not be subject 3868  
to suspension by the court during pendency of any appeal filed 3869  
under section 119.12 of the Revised Code. If the anesthesiologist 3870  
assistant requests an adjudicatory hearing by the board, the date 3871  
set for the hearing shall be within fifteen days, but not earlier 3872  
than seven days, after the anesthesiologist assistant requests the 3873  
hearing, unless otherwise agreed to by both the board and the 3874  
certificate holder. 3875

A summary suspension imposed under this division shall remain 3876  
in effect, unless reversed on appeal, until a final adjudicative 3877  
order issued by the board pursuant to this section and Chapter 3878  
119. of the Revised Code becomes effective. The board shall issue 3879  
its final adjudicative order within sixty days after completion of 3880

its hearing. Failure to issue the order within sixty days shall 3881  
result in dissolution of the summary suspension order, but shall 3882  
not invalidate any subsequent, final adjudicative order. 3883

(H) If the board takes action under division (B)(11), (13), 3884  
or (14) of this section, and the judicial finding of guilt, guilty 3885  
plea, or judicial finding of eligibility for intervention in lieu 3886  
of conviction is overturned on appeal, on exhaustion of the 3887  
criminal appeal, a petition for reconsideration of the order may 3888  
be filed with the board along with appropriate court documents. On 3889  
receipt of a petition and supporting court documents, the board 3890  
shall reinstate the certificate of registration. The board may 3891  
then hold an adjudication under Chapter 119. of the Revised Code 3892  
to determine whether the individual committed the act in question. 3893  
Notice of opportunity for hearing shall be given in accordance 3894  
with Chapter 119. of the Revised Code. If the board finds, 3895  
pursuant to an adjudication held under this division, that the 3896  
individual committed the act, or if no hearing is requested, it 3897  
may order any of the sanctions specified in division (B) of this 3898  
section. 3899

(I) The certificate of registration of an anesthesiologist 3900  
assistant and the assistant's practice in this state are 3901  
automatically suspended as of the date the anesthesiologist 3902  
assistant pleads guilty to, is found by a judge or jury to be 3903  
guilty of, or is subject to a judicial finding of eligibility for 3904  
intervention in lieu of conviction in this state or treatment of 3905  
intervention in lieu of conviction in another jurisdiction for any 3906  
of the following criminal offenses in this state or a 3907  
substantially equivalent criminal offense in another jurisdiction: 3908  
aggravated murder, murder, voluntary manslaughter, felonious 3909  
assault, kidnapping, rape, sexual battery, gross sexual 3910  
imposition, aggravated arson, aggravated robbery, or aggravated 3911  
burglary. Continued practice after the suspension shall be 3912

considered practicing without a certificate. 3913

The board shall notify the individual subject to the 3914  
suspension by ~~certified mail~~ a delivery system or in person in 3915  
accordance with section 119.07 of the Revised Code. If an 3916  
individual whose certificate is suspended under this division 3917  
fails to make a timely request for an adjudication under Chapter 3918  
119. of the Revised Code, the board shall enter a final order 3919  
permanently revoking the individual's certificate of registration. 3920

(J) In any instance in which the board is required by Chapter 3921  
119. of the Revised Code to give notice of opportunity for hearing 3922  
and the individual subject to the notice does not timely request a 3923  
hearing in accordance with section 119.07 of the Revised Code, the 3924  
board is not required to hold a hearing, but may adopt, by an 3925  
affirmative vote of not fewer than six of its members, a final 3926  
order that contains the board's findings. In the final order, the 3927  
board may order any of the sanctions identified under division (A) 3928  
or (B) of this section. 3929

(K) Any action taken by the board under division (B) of this 3930  
section resulting in a suspension shall be accompanied by a 3931  
written statement of the conditions under which the 3932  
anesthesiologist assistant's certificate may be reinstated. The 3933  
board shall adopt rules in accordance with Chapter 119. of the 3934  
Revised Code governing conditions to be imposed for reinstatement. 3935  
Reinstatement of a certificate suspended pursuant to division (B) 3936  
of this section requires an affirmative vote of not fewer than six 3937  
members of the board. 3938

(L) When the board refuses to grant a certificate of 3939  
registration as an anesthesiologist assistant to an applicant, 3940  
revokes an individual's certificate of registration, refuses to 3941  
renew a certificate of registration, or refuses to reinstate an 3942  
individual's certificate of registration, the board may specify 3943  
that its action is permanent. An individual subject to a permanent 3944

action taken by the board is forever thereafter ineligible to hold 3945  
a certificate of registration as an anesthesiologist assistant and 3946  
the board shall not accept an application for reinstatement of the 3947  
certificate or for issuance of a new certificate. 3948

(M) Notwithstanding any other provision of the Revised Code, 3949  
all of the following apply: 3950

(1) The surrender of a certificate of registration issued 3951  
under this chapter is not effective unless or until accepted by 3952  
the board. Reinstatement of a certificate surrendered to the board 3953  
requires an affirmative vote of not fewer than six members of the 3954  
board. 3955

(2) An application made under this chapter for a certificate 3956  
of registration may not be withdrawn without approval of the 3957  
board. 3958

(3) Failure by an individual to renew a certificate of 3959  
registration in accordance with section 4760.06 of the Revised 3960  
Code shall not remove or limit the board's jurisdiction to take 3961  
disciplinary action under this section against the individual. 3962

**Sec. 4762.13.** (A) The state medical board, by an affirmative 3963  
vote of not fewer than six members, may revoke or may refuse to 3964  
grant a certificate to practice as an acupuncturist to a person 3965  
found by the board to have committed fraud, misrepresentation, or 3966  
deception in applying for or securing the certificate. 3967

(B) The board, by an affirmative vote of not fewer than six 3968  
members, shall, to the extent permitted by law, limit, revoke, or 3969  
suspend an individual's certificate to practice as an 3970  
acupuncturist, refuse to issue a certificate to an applicant, 3971  
refuse to reinstate a certificate, or reprimand or place on 3972  
probation the holder of a certificate for any of the following 3973  
reasons: 3974

(1) Permitting the holder's name or certificate to be used by another person;	3975 3976
(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;	3977 3978 3979
(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;	3980 3981 3982 3983
(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;	3984 3985 3986 3987
(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;	3988 3989 3990 3991
(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;	3992 3993 3994 3995
(7) Willfully betraying a professional confidence;	3996
(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.	3997 3998 3999 4000
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	4001 4002 4003 4004

to create false or unjustified expectations of favorable results, 4005  
or includes representations or implications that in reasonable 4006  
probability will cause an ordinarily prudent person to 4007  
misunderstand or be deceived. 4008

(9) Representing, with the purpose of obtaining compensation 4009  
or other advantage personally or for any other person, that an 4010  
incurable disease or injury, or other incurable condition, can be 4011  
permanently cured; 4012

(10) The obtaining of, or attempting to obtain, money or a 4013  
thing of value by fraudulent misrepresentations in the course of 4014  
practice; 4015

(11) A plea of guilty to, a judicial finding of guilt of, or 4016  
a judicial finding of eligibility for intervention in lieu of 4017  
conviction for, a felony; 4018

(12) Commission of an act that constitutes a felony in this 4019  
state, regardless of the jurisdiction in which the act was 4020  
committed; 4021

(13) A plea of guilty to, a judicial finding of guilt of, or 4022  
a judicial finding of eligibility for intervention in lieu of 4023  
conviction for, a misdemeanor committed in the course of practice; 4024

(14) A plea of guilty to, a judicial finding of guilt of, or 4025  
a judicial finding of eligibility for intervention in lieu of 4026  
conviction for, a misdemeanor involving moral turpitude; 4027

(15) Commission of an act in the course of practice that 4028  
constitutes a misdemeanor in this state, regardless of the 4029  
jurisdiction in which the act was committed; 4030

(16) Commission of an act involving moral turpitude that 4031  
constitutes a misdemeanor in this state, regardless of the 4032  
jurisdiction in which the act was committed; 4033

(17) A plea of guilty to, a judicial finding of guilt of, or 4034

a judicial finding of eligibility for intervention in lieu of 4035  
conviction for violating any state or federal law regulating the 4036  
possession, distribution, or use of any drug, including 4037  
trafficking in drugs; 4038

(18) Any of the following actions taken by the state agency 4039  
responsible for regulating the practice of acupuncture in another 4040  
jurisdiction, for any reason other than the nonpayment of fees: 4041  
the limitation, revocation, or suspension of an individual's 4042  
license to practice; acceptance of an individual's license 4043  
surrender; denial of a license; refusal to renew or reinstate a 4044  
license; imposition of probation; or issuance of an order of 4045  
censure or other reprimand; 4046

(19) Violation of the conditions placed by the board on a 4047  
certificate to practice as an acupuncturist; 4048

(20) Failure to use universal blood and body fluid 4049  
precautions established by rules adopted under section 4731.051 of 4050  
the Revised Code; 4051

(21) Failure to cooperate in an investigation conducted by 4052  
the board under section 4762.14 of the Revised Code, including 4053  
failure to comply with a subpoena or order issued by the board or 4054  
failure to answer truthfully a question presented by the board at 4055  
a deposition or in written interrogatories, except that failure to 4056  
cooperate with an investigation shall not constitute grounds for 4057  
discipline under this section if a court of competent jurisdiction 4058  
has issued an order that either quashes a subpoena or permits the 4059  
individual to withhold the testimony or evidence in issue; 4060

(22) Failure to comply with the standards of the national 4061  
certification commission for acupuncture and oriental medicine 4062  
regarding professional ethics, commitment to patients, commitment 4063  
to the profession, and commitment to the public; 4064

(23) Failure to have adequate professional liability 4065

insurance coverage in accordance with section 4762.22 of the Revised Code.

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

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

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

the records. The board shall not be required to seal, destroy, 4098  
redact, or otherwise modify its records to reflect the court's 4099  
sealing of conviction records. 4100

(F) For purposes of this division, any individual who holds a 4101  
certificate to practice issued under this chapter, or applies for 4102  
a certificate to practice, shall be deemed to have given consent 4103  
to submit to a mental or physical examination when directed to do 4104  
so in writing by the board and to have waived all objections to 4105  
the admissibility of testimony or examination reports that 4106  
constitute a privileged communication. 4107

(1) In enforcing division (B)(5) of this section, the board, 4108  
upon a showing of a possible violation, may compel any individual 4109  
who holds a certificate to practice issued under this chapter or 4110  
who has applied for a certificate pursuant to this chapter to 4111  
submit to a mental examination, physical examination, including an 4112  
HIV test, or both a mental and physical examination. The expense 4113  
of the examination is the responsibility of the individual 4114  
compelled to be examined. Failure to submit to a mental or 4115  
physical examination or consent to an HIV test ordered by the 4116  
board constitutes an admission of the allegations against the 4117  
individual unless the failure is due to circumstances beyond the 4118  
individual's control, and a default and final order may be entered 4119  
without the taking of testimony or presentation of evidence. If 4120  
the board finds an acupuncturist unable to practice because of the 4121  
reasons set forth in division (B)(5) of this section, the board 4122  
shall require the acupuncturist to submit to care, counseling, or 4123  
treatment by physicians approved or designated by the board, as a 4124  
condition for an initial, continued, reinstated, or renewed 4125  
certificate to practice. An individual affected by this division 4126  
shall be afforded an opportunity to demonstrate to the board the 4127  
ability to resume practicing in compliance with acceptable and 4128  
prevailing standards of care. 4129

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

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

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

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

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

(c) Two written reports indicating that the individual's

ability to practice has been assessed and that the individual has 4161  
been found capable of practicing according to acceptable and 4162  
prevailing standards of care. The reports shall be made by 4163  
individuals or providers approved by the board for making such 4164  
assessments and shall describe the basis for their determination. 4165

The board may reinstate a certificate suspended under this 4166  
division after such demonstration and after the individual has 4167  
entered into a written consent agreement. 4168

When the impaired acupuncturist resumes practice, the board 4169  
shall require continued monitoring of the acupuncturist. The 4170  
monitoring shall include monitoring of compliance with the written 4171  
consent agreement entered into before reinstatement or with 4172  
conditions imposed by board order after a hearing, and, upon 4173  
termination of the consent agreement, submission to the board for 4174  
at least two years of annual written progress reports made under 4175  
penalty of falsification stating whether the acupuncturist has 4176  
maintained sobriety. 4177

(G) If the secretary and supervising member determine that 4178  
there is clear and convincing evidence that an acupuncturist has 4179  
violated division (B) of this section and that the individual's 4180  
continued practice presents a danger of immediate and serious harm 4181  
to the public, they may recommend that the board suspend the 4182  
individual's certificate to practice without a prior hearing. 4183  
Written allegations shall be prepared for consideration by the 4184  
board. 4185

The board, upon review of the allegations and by an 4186  
affirmative vote of not fewer than six of its members, excluding 4187  
the secretary and supervising member, may suspend a certificate 4188  
without a prior hearing. A telephone conference call may be 4189  
utilized for reviewing the allegations and taking the vote on the 4190  
summary suspension. 4191

The board shall issue a written order of suspension by 4192  
~~certified mail~~ a delivery system or in person in accordance with 4193  
section 119.07 of the Revised Code. The order shall not be subject 4194  
to suspension by the court during pendency of any appeal filed 4195  
under section 119.12 of the Revised Code. If the acupuncturist 4196  
requests an adjudicatory hearing by the board, the date set for 4197  
the hearing shall be within fifteen days, but not earlier than 4198  
seven days, after the acupuncturist requests the hearing, unless 4199  
otherwise agreed to by both the board and the certificate holder. 4200

A summary suspension imposed under this division shall remain 4201  
in effect, unless reversed on appeal, until a final adjudicative 4202  
order issued by the board pursuant to this section and Chapter 4203  
119. of the Revised Code becomes effective. The board shall issue 4204  
its final adjudicative order within sixty days after completion of 4205  
its hearing. Failure to issue the order within sixty days shall 4206  
result in dissolution of the summary suspension order, but shall 4207  
not invalidate any subsequent, final adjudicative order. 4208

(H) If the board takes action under division (B)(11), (13), 4209  
or (14) of this section, and the judicial finding of guilt, guilty 4210  
plea, or judicial finding of eligibility for intervention in lieu 4211  
of conviction is overturned on appeal, upon exhaustion of the 4212  
criminal appeal, a petition for reconsideration of the order may 4213  
be filed with the board along with appropriate court documents. 4214  
Upon receipt of a petition and supporting court documents, the 4215  
board shall reinstate the certificate to practice. The board may 4216  
then hold an adjudication under Chapter 119. of the Revised Code 4217  
to determine whether the individual committed the act in question. 4218  
Notice of opportunity for hearing shall be given in accordance 4219  
with Chapter 119. of the Revised Code. If the board finds, 4220  
pursuant to an adjudication held under this division, that the 4221  
individual committed the act, or if no hearing is requested, it 4222  
may order any of the sanctions specified in division (B) of this 4223

section. 4224

(I) The certificate to practice of an acupuncturist and the 4225  
acupuncturist's practice in this state are automatically suspended 4226  
as of the date the acupuncturist pleads guilty to, is found by a 4227  
judge or jury to be guilty of, or is subject to a judicial finding 4228  
of eligibility for intervention in lieu of conviction in this 4229  
state or treatment or intervention in lieu of conviction in 4230  
another jurisdiction for any of the following criminal offenses in 4231  
this state or a substantially equivalent criminal offense in 4232  
another jurisdiction: aggravated murder, murder, voluntary 4233  
manslaughter, felonious assault, kidnapping, rape, sexual battery, 4234  
gross sexual imposition, aggravated arson, aggravated robbery, or 4235  
aggravated burglary. Continued practice after the suspension shall 4236  
be considered practicing without a certificate. 4237

The board shall notify the individual subject to the 4238  
suspension by ~~certified mail~~ a delivery system or in person in 4239  
accordance with section 119.07 of the Revised Code. If an 4240  
individual whose certificate is suspended under this division 4241  
fails to make a timely request for an adjudication under Chapter 4242  
119. of the Revised Code, the board shall enter a final order 4243  
permanently revoking the individual's certificate to practice. 4244

(J) In any instance in which the board is required by Chapter 4245  
119. of the Revised Code to give notice of opportunity for hearing 4246  
and the individual subject to the notice does not timely request a 4247  
hearing in accordance with section 119.07 of the Revised Code, the 4248  
board is not required to hold a hearing, but may adopt, by an 4249  
affirmative vote of not fewer than six of its members, a final 4250  
order that contains the board's findings. In the final order, the 4251  
board may order any of the sanctions identified under division (A) 4252  
or (B) of this section. 4253

(K) Any action taken by the board under division (B) of this 4254  
section resulting in a suspension shall be accompanied by a 4255

written statement of the conditions under which the 4256  
acupuncturist's certificate to practice may be reinstated. The 4257  
board shall adopt rules in accordance with Chapter 119. of the 4258  
Revised Code governing conditions to be imposed for reinstatement. 4259  
Reinstatement of a certificate suspended pursuant to division (B) 4260  
of this section requires an affirmative vote of not fewer than six 4261  
members of the board. 4262

(L) When the board refuses to grant a certificate to practice 4263  
as an acupuncturist to an applicant, revokes an individual's 4264  
certificate, refuses to renew a certificate, or refuses to 4265  
reinstate an individual's certificate, the board may specify that 4266  
its action is permanent. An individual subject to a permanent 4267  
action taken by the board is forever thereafter ineligible to hold 4268  
a certificate to practice as an acupuncturist and the board shall 4269  
not accept an application for reinstatement of the certificate or 4270  
for issuance of a new certificate. 4271

(M) Notwithstanding any other provision of the Revised Code, 4272  
all of the following apply: 4273

(1) The surrender of a certificate to practice as an 4274  
acupuncturist issued under this chapter is not effective unless or 4275  
until accepted by the board. Reinstatement of a certificate 4276  
surrendered to the board requires an affirmative vote of not fewer 4277  
than six members of the board. 4278

(2) An application made under this chapter for a certificate 4279  
may not be withdrawn without approval of the board. 4280

(3) Failure by an individual to renew a certificate in 4281  
accordance with section 4762.06 of the Revised Code shall not 4282  
remove or limit the board's jurisdiction to take disciplinary 4283  
action under this section against the individual. 4284

**Sec. 4774.13.** (A) The state medical board, by an affirmative 4285

vote of not fewer than six members, may revoke or may refuse to 4286  
grant a certificate to practice as a radiologist assistant to an 4287  
individual found by the board to have committed fraud, 4288  
misrepresentation, or deception in applying for or securing the 4289  
certificate. 4290

(B) The board, by an affirmative vote of not fewer than six 4291  
members, shall, to the extent permitted by law, limit, revoke, or 4292  
suspend an individual's certificate to practice as a radiologist 4293  
assistant, refuse to issue a certificate to an applicant, refuse 4294  
to reinstate a certificate, or reprimand or place on probation the 4295  
holder of a certificate for any of the following reasons: 4296

(1) Permitting the holder's name or certificate to be used by 4297  
another person; 4298

(2) Failure to comply with the requirements of this chapter, 4299  
Chapter 4731. of the Revised Code, or any rules adopted by the 4300  
board; 4301

(3) Violating or attempting to violate, directly or 4302  
indirectly, or assisting in or abetting the violation of, or 4303  
conspiring to violate, any provision of this chapter, Chapter 4304  
4731. of the Revised Code, or the rules adopted by the board; 4305

(4) A departure from, or failure to conform to, minimal 4306  
standards of care of similar practitioners under the same or 4307  
similar circumstances whether or not actual injury to the patient 4308  
is established; 4309

(5) Inability to practice according to acceptable and 4310  
prevailing standards of care by reason of mental illness or 4311  
physical illness, including physical deterioration that adversely 4312  
affects cognitive, motor, or perceptive skills; 4313

(6) Impairment of ability to practice according to acceptable 4314  
and prevailing standards of care because of habitual or excessive 4315  
use or abuse of drugs, alcohol, or other substances that impair 4316

ability to practice;	4317
(7) Willfully betraying a professional confidence;	4318
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a certificate to practice as a radiologist assistant.	4319 4320 4321
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.	4322 4323 4324 4325 4326 4327 4328 4329
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	4330 4331 4332
(10) 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;	4333 4334 4335
(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	4336 4337 4338
(12) 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;	4339 4340 4341
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	4342 4343 4344
(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the	4345 4346

jurisdiction in which the act was committed; 4347

(15) Commission of an act involving moral turpitude that 4348  
constitutes a misdemeanor in this state, regardless of the 4349  
jurisdiction in which the act was committed; 4350

(16) A plea of guilty to, a judicial finding of guilt of, or 4351  
a judicial finding of eligibility for intervention in lieu of 4352  
conviction for violating any state or federal law regulating the 4353  
possession, distribution, or use of any drug, including 4354  
trafficking in drugs; 4355

(17) Any of the following actions taken by the state agency 4356  
responsible for regulating the practice of radiologist assistants 4357  
in another jurisdiction, for any reason other than the nonpayment 4358  
of fees: the limitation, revocation, or suspension of an 4359  
individual's license to practice; acceptance of an individual's 4360  
license surrender; denial of a license; refusal to renew or 4361  
reinstate a license; imposition of probation; or issuance of an 4362  
order of censure or other reprimand; 4363

(18) Violation of the conditions placed by the board on a 4364  
certificate to practice as a radiologist assistant; 4365

(19) Failure to use universal blood and body fluid 4366  
precautions established by rules adopted under section 4731.051 of 4367  
the Revised Code; 4368

(20) Failure to cooperate in an investigation conducted by 4369  
the board under section 4774.14 of the Revised Code, including 4370  
failure to comply with a subpoena or order issued by the board or 4371  
failure to answer truthfully a question presented by the board at 4372  
a deposition or in written interrogatories, except that failure to 4373  
cooperate with an investigation shall not constitute grounds for 4374  
discipline under this section if a court of competent jurisdiction 4375  
has issued an order that either quashes a subpoena or permits the 4376  
individual to withhold the testimony or evidence in issue; 4377

(21) Failure to maintain a license as a radiographer under 4378  
Chapter 4773. of the Revised Code; 4379

(22) Failure to maintain certification as a registered 4380  
radiologist assistant from the American registry of radiologic 4381  
technologists, including revocation by the registry of the 4382  
assistant's certification or failure by the assistant to meet the 4383  
registry's requirements for annual registration, or failure to 4384  
notify the board that the certification as a registered 4385  
radiologist assistant has not been maintained; 4386

(23) Failure to comply with any of the rules of ethics 4387  
included in the standards of ethics established by the American 4388  
registry of radiologic technologists, as those rules apply to an 4389  
individual who holds the registry's certification as a registered 4390  
radiologist assistant. 4391

(C) Disciplinary actions taken by the board under divisions 4392  
(A) and (B) of this section shall be taken pursuant to an 4393  
adjudication under Chapter 119. of the Revised Code, except that 4394  
in lieu of an adjudication, the board may enter into a consent 4395  
agreement with a radiologist assistant or applicant to resolve an 4396  
allegation of a violation of this chapter or any rule adopted 4397  
under it. A consent agreement, when ratified by an affirmative 4398  
vote of not fewer than six members of the board, shall constitute 4399  
the findings and order of the board with respect to the matter 4400  
addressed in the agreement. If the board refuses to ratify a 4401  
consent agreement, the admissions and findings contained in the 4402  
consent agreement shall be of no force or effect. 4403

(D) For purposes of divisions (B)(11), (14), and (15) of this 4404  
section, the commission of the act may be established by a finding 4405  
by the board, pursuant to an adjudication under Chapter 119. of 4406  
the Revised Code, that the applicant or certificate holder 4407  
committed the act in question. The board shall have no 4408  
jurisdiction under these divisions in cases where the trial court 4409

renders a final judgment in the certificate holder's favor and 4410  
that judgment is based upon an adjudication on the merits. The 4411  
board shall have jurisdiction under these divisions in cases where 4412  
the trial court issues an order of dismissal on technical or 4413  
procedural grounds. 4414

(E) The sealing of conviction records by any court shall have 4415  
no effect on a prior board order entered under the provisions of 4416  
this section or on the board's jurisdiction to take action under 4417  
the provisions of this section if, based upon a plea of guilty, a 4418  
judicial finding of guilt, or a judicial finding of eligibility 4419  
for intervention in lieu of conviction, the board issued a notice 4420  
of opportunity for a hearing prior to the court's order to seal 4421  
the records. The board shall not be required to seal, destroy, 4422  
redact, or otherwise modify its records to reflect the court's 4423  
sealing of conviction records. 4424

(F) For purposes of this division, any individual who holds a 4425  
certificate to practice as a radiologist assistant issued under 4426  
this chapter, or applies for a certificate to practice, shall be 4427  
deemed to have given consent to submit to a mental or physical 4428  
examination when directed to do so in writing by the board and to 4429  
have waived all objections to the admissibility of testimony or 4430  
examination reports that constitute a privileged communication. 4431

(1) In enforcing division (B)(5) of this section, the board, 4432  
on a showing of a possible violation, may compel any individual 4433  
who holds a certificate to practice as a radiologist assistant 4434  
issued under this chapter or who has applied for a certificate to 4435  
practice to submit to a mental or physical examination, or both. A 4436  
physical examination may include an HIV test. The expense of the 4437  
examination is the responsibility of the individual compelled to 4438  
be examined. Failure to submit to a mental or physical examination 4439  
or consent to an HIV test ordered by the board constitutes an 4440  
admission of the allegations against the individual unless the 4441

failure is due to circumstances beyond the individual's control, 4442  
and a default and final order may be entered without the taking of 4443  
testimony or presentation of evidence. If the board finds a 4444  
radiologist assistant unable to practice because of the reasons 4445  
set forth in division (B)(5) of this section, the board shall 4446  
require the radiologist assistant to submit to care, counseling, 4447  
or treatment by physicians approved or designated by the board, as 4448  
a condition for an initial, continued, reinstated, or renewed 4449  
certificate to practice. An individual affected by this division 4450  
shall be afforded an opportunity to demonstrate to the board the 4451  
ability to resume practicing in compliance with acceptable and 4452  
prevailing standards of care. 4453

(2) For purposes of division (B)(6) of this section, if the 4454  
board has reason to believe that any individual who holds a 4455  
certificate to practice as a radiologist assistant issued under 4456  
this chapter or any applicant for a certificate to practice 4457  
suffers such impairment, the board may compel the individual to 4458  
submit to a mental or physical examination, or both. The expense 4459  
of the examination is the responsibility of the individual 4460  
compelled to be examined. Any mental or physical examination 4461  
required under this division shall be undertaken by a treatment 4462  
provider or physician qualified to conduct such examination and 4463  
chosen by the board. 4464

Failure to submit to a mental or physical examination ordered 4465  
by the board constitutes an admission of the allegations against 4466  
the individual unless the failure is due to circumstances beyond 4467  
the individual's control, and a default and final order may be 4468  
entered without the taking of testimony or presentation of 4469  
evidence. If the board determines that the individual's ability to 4470  
practice is impaired, the board shall suspend the individual's 4471  
certificate or deny the individual's application and shall require 4472  
the individual, as a condition for an initial, continued, 4473

reinstated, or renewed certificate to practice, to submit to 4474  
treatment. 4475

Before being eligible to apply for reinstatement of a 4476  
certificate suspended under this division, the radiologist 4477  
assistant shall demonstrate to the board the ability to resume 4478  
practice in compliance with acceptable and prevailing standards of 4479  
care. The demonstration shall include the following: 4480

(a) Certification from a treatment provider approved under 4481  
section 4731.25 of the Revised Code that the individual has 4482  
successfully completed any required inpatient treatment; 4483

(b) Evidence of continuing full compliance with an aftercare 4484  
contract or consent agreement; 4485

(c) Two written reports indicating that the individual's 4486  
ability to practice has been assessed and that the individual has 4487  
been found capable of practicing according to acceptable and 4488  
prevailing standards of care. The reports shall be made by 4489  
individuals or providers approved by the board for making such 4490  
assessments and shall describe the basis for their determination. 4491

The board may reinstate a certificate suspended under this 4492  
division after such demonstration and after the individual has 4493  
entered into a written consent agreement. 4494

When the impaired radiologist assistant resumes practice, the 4495  
board shall require continued monitoring of the radiologist 4496  
assistant. The monitoring shall include monitoring of compliance 4497  
with the written consent agreement entered into before 4498  
reinstatement or with conditions imposed by board order after a 4499  
hearing, and, on termination of the consent agreement, submission 4500  
to the board for at least two years of annual written progress 4501  
reports made under penalty of falsification stating whether the 4502  
radiologist assistant has maintained sobriety. 4503

(G) If the secretary and supervising member determine that 4504

there is clear and convincing evidence that a radiologist 4505  
assistant has violated division (B) of this section and that the 4506  
individual's continued practice presents a danger of immediate and 4507  
serious harm to the public, they may recommend that the board 4508  
suspend the individual's certificate to practice without a prior 4509  
hearing. Written allegations shall be prepared for consideration 4510  
by the board. 4511

The board, on review of the allegations and by an affirmative 4512  
vote of not fewer than six of its members, excluding the secretary 4513  
and supervising member, may suspend a certificate without a prior 4514  
hearing. A telephone conference call may be utilized for reviewing 4515  
the allegations and taking the vote on the summary suspension. 4516

The board shall issue a written order of suspension by 4517  
~~certified mail~~ a delivery system or in person in accordance with 4518  
section 119.07 of the Revised Code. The order shall not be subject 4519  
to suspension by the court during pendency of any appeal filed 4520  
under section 119.12 of the Revised Code. If the radiologist 4521  
assistant requests an adjudicatory hearing by the board, the date 4522  
set for the hearing shall be within fifteen days, but not earlier 4523  
than seven days, after the radiologist assistant requests the 4524  
hearing, unless otherwise agreed to by both the board and the 4525  
certificate holder. 4526

A summary suspension imposed under this division shall remain 4527  
in effect, unless reversed on appeal, until a final adjudicative 4528  
order issued by the board pursuant to this section and Chapter 4529  
119. of the Revised Code becomes effective. The board shall issue 4530  
its final adjudicative order within sixty days after completion of 4531  
its hearing. Failure to issue the order within sixty days shall 4532  
result in dissolution of the summary suspension order, but shall 4533  
not invalidate any subsequent, final adjudicative order. 4534

(H) If the board takes action under division (B)(10), (12), 4535  
or (13) of this section, and the judicial finding of guilt, guilty 4536

plea, or judicial finding of eligibility for intervention in lieu 4537  
of conviction is overturned on appeal, on exhaustion of the 4538  
criminal appeal, a petition for reconsideration of the order may 4539  
be filed with the board along with appropriate court documents. On 4540  
receipt of a petition and supporting court documents, the board 4541  
shall reinstate the certificate to practice as a radiologist 4542  
assistant. The board may then hold an adjudication under Chapter 4543  
119. of the Revised Code to determine whether the individual 4544  
committed the act in question. Notice of opportunity for hearing 4545  
shall be given in accordance with Chapter 119. of the Revised 4546  
Code. If the board finds, pursuant to an adjudication held under 4547  
this division, that the individual committed the act, or if no 4548  
hearing is requested, it may order any of the sanctions specified 4549  
in division (B) of this section. 4550

(I) The certificate to practice of a radiologist assistant 4551  
and the assistant's practice in this state are automatically 4552  
suspended as of the date the radiologist assistant pleads guilty 4553  
to, is found by a judge or jury to be guilty of, or is subject to 4554  
a judicial finding of eligibility for intervention in lieu of 4555  
conviction in this state or treatment of intervention in lieu of 4556  
conviction in another jurisdiction for any of the following 4557  
criminal offenses in this state or a substantially equivalent 4558  
criminal offense in another jurisdiction: aggravated murder, 4559  
murder, voluntary manslaughter, felonious assault, kidnapping, 4560  
rape, sexual battery, gross sexual imposition, aggravated arson, 4561  
aggravated robbery, or aggravated burglary. Continued practice 4562  
after the suspension shall be considered practicing without a 4563  
certificate. 4564

The board shall notify the individual subject to the 4565  
suspension by ~~certified mail~~ a delivery system or in person in 4566  
accordance with section 119.07 of the Revised Code. If an 4567  
individual whose certificate is suspended under this division 4568

fails to make a timely request for an adjudication under Chapter 4569  
119. of the Revised Code, the board shall enter a final order 4570  
permanently revoking the individual's certificate to practice. 4571

(J) In any instance in which the board is required by Chapter 4572  
119. of the Revised Code to give notice of opportunity for hearing 4573  
and the individual subject to the notice does not timely request a 4574  
hearing in accordance with section 119.07 of the Revised Code, the 4575  
board is not required to hold a hearing, but may adopt, by an 4576  
affirmative vote of not fewer than six of its members, a final 4577  
order that contains the board's findings. In the final order, the 4578  
board may order any of the sanctions identified under division (A) 4579  
or (B) of this section. 4580

(K) Any action taken by the board under division (B) of this 4581  
section resulting in a suspension shall be accompanied by a 4582  
written statement of the conditions under which the radiologist 4583  
assistant's certificate may be reinstated. The board shall adopt 4584  
rules in accordance with Chapter 119. of the Revised Code 4585  
governing conditions to be imposed for reinstatement. 4586  
Reinstatement of a certificate suspended pursuant to division (B) 4587  
of this section requires an affirmative vote of not fewer than six 4588  
members of the board. 4589

(L) When the board refuses to grant a certificate to practice 4590  
as a radiologist assistant to an applicant, revokes an 4591  
individual's certificate, refuses to renew a certificate, or 4592  
refuses to reinstate an individual's certificate, the board may 4593  
specify that its action is permanent. An individual subject to a 4594  
permanent action taken by the board is forever thereafter 4595  
ineligible to hold a certificate to practice as a radiologist 4596  
assistant and the board shall not accept an application for 4597  
reinstatement of the certificate or for issuance of a new 4598  
certificate. 4599

(M) Notwithstanding any other provision of the Revised Code, 4600

all of the following apply: 4601

(1) The surrender of a certificate to practice as a 4602  
radiologist assistant issued under this chapter is not effective 4603  
unless or until accepted by the board. Reinstatement of a 4604  
certificate surrendered to the board requires an affirmative vote 4605  
of not fewer than six members of the board. 4606

(2) An application made under this chapter for a certificate 4607  
to practice may not be withdrawn without approval of the board. 4608

(3) Failure by an individual to renew a certificate to 4609  
practice in accordance with section 4774.06 of the Revised Code 4610  
shall not remove or limit the board's jurisdiction to take 4611  
disciplinary action under this section against the individual. 4612

**Sec. 4779.29.** If the state board of orthotics, prosthetics, 4613  
and pedorthics determines that there is clear and convincing 4614  
evidence that an individual licensed under this chapter is 4615  
engaging or has engaged in conduct described in division (A) of 4616  
section 4779.28 of the Revised Code and that the license holder's 4617  
continued practice presents a danger of immediate and serious harm 4618  
to the public, the board may suspend the individual's license 4619  
without an adjudicatory hearing. A telephone conference call may 4620  
be used for reviewing the matter and taking the vote. 4621

If the board votes to suspend an individual's license, the 4622  
board shall issue a written order of suspension by ~~certified mail~~ 4623  
a delivery system or in person in accordance with section 119.07 4624  
of the Revised Code. The order is not subject to suspension by a 4625  
court during ~~pendancy~~ pendency of any appeal filed under section 4626  
119.12 of the Revised Code. If the license holder requests an 4627  
adjudicatory hearing by the board, the date set for the hearing 4628  
shall be not later than fifteen days, but not earlier than seven 4629  
days, after the request, unless otherwise agreed to by the board 4630  
and the license holder. 4631

Any suspension imposed under this section shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to section 119.12 of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. A failure to issue an order within sixty days shall result in the dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

**Sec. 5123.0414.** (A) When the director of developmental disabilities, under section 119.07 of the Revised Code, sends a party a notice ~~by registered mail, return receipt requested~~ using a delivery system or delivers a notice in person in accordance with that section, that the director intends to take action against the party authorized by section 5123.082, 5123.166, 5123.168, 5123.19, 5123.45, 5123.51, or 5126.25 of the Revised Code and the notice is returned to the director with an endorsement indicating that the notice was refused or unclaimed, the director shall resend the notice by ordinary mail to the party.

(B) If the original notice was refused, the notice shall be deemed received as of the date the director resends the notice.

(C) If the original notice was unclaimed, the notice shall be deemed received as of the date the director resends the notice unless, not later than thirty days after the date the director sent the original notice, the resent notice is returned to the director for failure of delivery.

If the notice concerns taking action under section 5123.51 of the Revised Code and the resent notice is returned to the director for failure of delivery not later than thirty days after the date the director sent the original notice, the director shall cause the notice to be published in a newspaper of general circulation

in the county of the party's last known residence or business and 4663  
shall mail a dated copy of the published notice to the party at 4664  
the last known address. The notice shall be deemed received as of 4665  
the date of the publication. 4666

If the notice concerns taking action under section 5123.082, 4667  
5123.166, 5123.168, 5123.19, 5123.45, or 5126.25 of the Revised 4668  
Code and the resent notice is returned to the director for failure 4669  
of delivery not later than thirty days after the date the director 4670  
sent the original notice, the director shall resend the notice to 4671  
the party a second time. The notice shall be deemed received as of 4672  
the date the director resends the notice the second time. 4673

**Section 2.** That existing sections 119.062, 119.07, 3711.14, 4674  
4713.01, 4713.02, 4713.03, 4713.06, 4713.07, 4713.08, 4713.081, 4675  
4713.09, 4713.10, 4713.14, 4713.141, 4713.16, 4713.20, 4713.21, 4676  
4713.22, 4713.24, 4713.25, 4713.26, 4713.28, 4713.29, 4713.30, 4677  
4713.31, 4713.32, 4713.34, 4713.35, 4713.37, 4713.41, 4713.42, 4678  
4713.44, 4713.45, 4713.48, 4713.55, 4713.56, 4713.58, 4713.60, 4679  
4713.61, 4713.62, 4713.63, 4713.64, 4715.30, 4717.14, 4723.281, 4680  
4725.24, 4730.25, 4731.22, 4734.36, 4734.37, 4757.361, 4760.13, 4681  
4762.13, 4774.13, 4779.29, and 5123.0414 and sections 4713.17 and 4682  
4713.39 of the Revised Code are hereby repealed. 4683

**Section 3.** (A) As used in this section, "braider" and 4684  
"threader" have the same meanings as in section 4713.01 of the 4685  
Revised Code. 4686

(B) Notwithstanding division (C)(1) of section 4713.14 of the 4687  
Revised Code which, as a result of amendments made by this act, 4688  
prohibits practicing braiding or threading without a current, 4689  
valid license, a braider or threader may practice without a 4690  
license until twelve months after the effective date of this act. 4691

(C) Notwithstanding division (D)(1) of section 4713.14 of the 4692

Revised Code which, as a result of amendments made by this act, 4693  
prohibits employing a person to practice braiding or threading who 4694  
does not have a current, valid license, a person may employ an 4695  
unlicensed braider or unlicensed threader until twelve months 4696  
after the effective date of this act. 4697

(D) Notwithstanding division (E) of section 4713.14 of the 4698  
Revised Code which, as a result of amendments made by this act, 4699  
prohibits managing a braiding or threading salon without a 4700  
current, valid managing license, a braider or threader may manage 4701  
a braiding or threading salon without a managing license until 4702  
twelve months after the effective date of this act. 4703

(E) Notwithstanding division (F)(1) of section 4713.14 of the 4704  
Revised Code which, as a result of amendments made by this act, 4705  
prohibits teaching braiding or threading at a school of 4706  
cosmetology without a current, valid instructor license, a braider 4707  
or threader may teach at a school of cosmetology without an 4708  
instructor license until twelve months after the effective date of 4709  
this act. 4710

(F) Notwithstanding division (L)(1) of section 4713.14 of the 4711  
Revised Code which, as a result of amendments made by this act, 4712  
prohibits teaching braiding or threading at a salon without a 4713  
current, valid practicing or managing license, a braider or 4714  
threader may teach at a salon without a practicing or managing 4715  
license until twelve months after the effective date of this act. 4716

**Section 4.** Section 4731.22 of the Revised Code is presented 4717  
in this act as a composite of the section as amended by both H.B. 4718  
78 and Am. Sub. H.B. 93 of the 129th General Assembly. The General 4719  
Assembly, applying the principle stated in division (B) of section 4720  
1.52 of the Revised Code that amendments are to be harmonized if 4721  
reasonably capable of simultaneous operation, finds that the 4722  
composite is the resulting version of the section in effect prior 4723  
to the effective date of the section as presented in this act. 4724