

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 466

Representatives Gonzales, Sears

**Cosponsors: Representatives Becker, Blair, Blessing, Brown, Grossman,
Hill, Hood**

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A B I L L

To amend sections 109.572, 125.22, 4725.03, 4725.05, 1
4725.07, 4725.13, 4725.16, 4725.19, 4725.20, 2
4725.34, 4725.40, 4725.41, 4725.44, 4725.48, 3
4725.49, 4725.50, 4725.501, 4725.51, 4725.52, 4
4725.53, 4725.54, 4725.55, 4725.57, 4725.59, 5
4725.61, 4725.99, 4776.10, and 5903.12 to amend, 6
for the purpose of adopting new section numbers as 7
indicated in parentheses, sections 4725.44 8
(4725.42), 4725.48 (4725.43), 4725.49 (4725.44), 9
4725.50 (4725.45), 4725.501 (4725.46), 4725.51 10
(4725.47), 4725.52 (4725.48), 4725.53 (4725.49), 11
4725.54 (4725.50), 4725.55 (4725.51), 4725.56 12
(4725.52), 4725.57 (4725.53), 4725.58 (4725.54), 13
4725.59 (4725.55), and 4725.61 (4725.56), and to 14
repeal sections 4725.42, 4725.43, 4725.45, 15
4725.46, 4725.47, and 4725.531 of the Revised Code 16
to abolish the Ohio Optical Dispensers Board and 17
to transfer its duties to the State Board of 18
Optometry. 19

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

Section 1. That sections 109.572, 125.22, 4725.03, 4725.05, 20
4725.07, 4725.13, 4725.16, 4725.19, 4725.20, 4725.34, 4725.40, 21
4725.41, 4725.44, 4725.48, 4725.49, 4725.50, 4725.501, 4725.51, 22
4725.52, 4725.53, 4725.54, 4725.55, 4725.57, 4725.59, 4725.61, 23
4725.99, 4776.10, and 5903.12 be amended and sections 4725.44 24
(4725.42), 4725.48 (4725.43), 4725.49 (4725.44), 4725.50 25
(4725.45), 4725.501 (4725.46), 4725.51 (4725.47), 4725.52 26
(4725.48), 4725.53 (4725.49), 4725.54 (4725.50), 4725.55 27
(4725.51), 4725.56 (4725.52), 4725.57 (4725.53), 4725.58 28
(4725.54), 4725.59 (4725.55), and 4725.61 (4725.56) of the Revised 29
Code be amended for the purpose of adopting new section numbers as 30
indicated in parentheses to read as follows: 31

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 32
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 33
a completed form prescribed pursuant to division (C)(1) of this 34
section, and a set of fingerprint impressions obtained in the 35
manner described in division (C)(2) of this section, the 36
superintendent of the bureau of criminal identification and 37
investigation shall conduct a criminal records check in the manner 38
described in division (B) of this section to determine whether any 39
information exists that indicates that the person who is the 40
subject of the request previously has been convicted of or pleaded 41
guilty to any of the following: 42

(a) A violation of section 2903.01, 2903.02, 2903.03, 43
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 44
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 45
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 46
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 47
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 48
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 49
2925.06, or 3716.11 of the Revised Code, felonious sexual 50

penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

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

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified in section 3319.31 of the Revised Code.

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 83
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 84
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 85
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 86
2925.22, 2925.23, or 3716.11 of the Revised Code; 87

(b) An existing or former law of this state, any other state, 88
or the United States that is substantially equivalent to any of 89
the offenses listed in division (A)(2)(a) of this section. 90

(3) On receipt of a request pursuant to section 173.27, 91
173.38, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, or 92
5123.169 of the Revised Code, a completed form prescribed pursuant 93
to division (C)(1) of this section, and a set of fingerprint 94
impressions obtained in the manner described in division (C)(2) of 95
this section, the superintendent of the bureau of criminal 96
identification and investigation shall conduct a criminal records 97
check of the person for whom the request is made. The 98
superintendent shall conduct the criminal records check in the 99
manner described in division (B) of this section to determine 100
whether any information exists that indicates that the person who 101
is the subject of the request previously has been convicted of, 102
has pleaded guilty to, or (except in the case of a request 103
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 104
Code) has been found eligible for intervention in lieu of 105
conviction for any of the following, regardless of the date of the 106
conviction, the date of entry of the guilty plea, or (except in 107
the case of a request pursuant to section 5164.34, 5164.341, or 108
5164.342 of the Revised Code) the date the person was found 109
eligible for intervention in lieu of conviction: 110

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 111
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 112
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 113
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 114

2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09,	115
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32,	116
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04,	117
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12,	118
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21,	119
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44,	120
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51,	121
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123,	122
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12,	123
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35,	124
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161,	125
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04,	126
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14,	127
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56,	128
2927.12, or 3716.11 of the Revised Code;	129
(b) Felonious sexual penetration in violation of former	130
section 2907.12 of the Revised Code;	131
(c) A violation of section 2905.04 of the Revised Code as it	132
existed prior to July 1, 1996;	133
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	134
the Revised Code when the underlying offense that is the object of	135
the conspiracy, attempt, or complicity is one of the offenses	136
listed in divisions (A)(3)(a) to (c) of this section;	137
(e) A violation of an existing or former municipal ordinance	138
or law of this state, any other state, or the United States that	139
is substantially equivalent to any of the offenses listed in	140
divisions (A)(3)(a) to (d) of this section.	141
(4) On receipt of a request pursuant to section 2151.86 of	142
the Revised Code, a completed form prescribed pursuant to division	143
(C)(1) of this section, and a set of fingerprint impressions	144
obtained in the manner described in division (C)(2) of this	145

section, the superintendent of the bureau of criminal 146
identification and investigation shall conduct a criminal records 147
check in the manner described in division (B) of this section to 148
determine whether any information exists that indicates that the 149
person who is the subject of the request previously has been 150
convicted of or pleaded guilty to any of the following: 151

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 152
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 153
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 154
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 155
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 156
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 157
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 158
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 159
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 160
of the Revised Code, a violation of section 2905.04 of the Revised 161
Code as it existed prior to July 1, 1996, a violation of section 162
2919.23 of the Revised Code that would have been a violation of 163
section 2905.04 of the Revised Code as it existed prior to July 1, 164
1996, had the violation been committed prior to that date, a 165
violation of section 2925.11 of the Revised Code that is not a 166
minor drug possession offense, two or more OVI or OVUAC violations 167
committed within the three years immediately preceding the 168
submission of the application or petition that is the basis of the 169
request, or felonious sexual penetration in violation of former 170
section 2907.12 of the Revised Code; 171

(b) A violation of an existing or former law of this state, 172
any other state, or the United States that is substantially 173
equivalent to any of the offenses listed in division (A)(4)(a) of 174
this section. 175

(5) Upon receipt of a request pursuant to section 5104.012 or 176
5104.013 of the Revised Code, a completed form prescribed pursuant 177

to division (C)(1) of this section, and a set of fingerprint 178
impressions obtained in the manner described in division (C)(2) of 179
this section, the superintendent of the bureau of criminal 180
identification and investigation shall conduct a criminal records 181
check in the manner described in division (B) of this section to 182
determine whether any information exists that indicates that the 183
person who is the subject of the request has been convicted of or 184
pleaded guilty to any of the following: 185

(a) A violation of section 2903.01, 2903.02, 2903.03, 186
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 187
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 188
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 189
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 190
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 191
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 192
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 193
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 194
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 195
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 196
3716.11 of the Revised Code, felonious sexual penetration in 197
violation of former section 2907.12 of the Revised Code, a 198
violation of section 2905.04 of the Revised Code as it existed 199
prior to July 1, 1996, a violation of section 2919.23 of the 200
Revised Code that would have been a violation of section 2905.04 201
of the Revised Code as it existed prior to July 1, 1996, had the 202
violation been committed prior to that date, a violation of 203
section 2925.11 of the Revised Code that is not a minor drug 204
possession offense, a violation of section 2923.02 or 2923.03 of 205
the Revised Code that relates to a crime specified in this 206
division, or a second violation of section 4511.19 of the Revised 207
Code within five years of the date of application for licensure or 208
certification. 209

(b) A violation of an existing or former law of this state, 210
any other state, or the United States that is substantially 211
equivalent to any of the offenses or violations described in 212
division (A)(5)(a) of this section. 213

(6) Upon receipt of a request pursuant to section 5153.111 of 214
the Revised Code, a completed form prescribed pursuant to division 215
(C)(1) of this section, and a set of fingerprint impressions 216
obtained in the manner described in division (C)(2) of this 217
section, the superintendent of the bureau of criminal 218
identification and investigation shall conduct a criminal records 219
check in the manner described in division (B) of this section to 220
determine whether any information exists that indicates that the 221
person who is the subject of the request previously has been 222
convicted of or pleaded guilty to any of the following: 223

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

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

equivalent to any of the offenses listed in division (A)(6)(a) of 242
this section. 243

(7) On receipt of a request for a criminal records check from 244
an individual pursuant to section 4749.03 or 4749.06 of the 245
Revised Code, accompanied by a completed copy of the form 246
prescribed in division (C)(1) of this section and a set of 247
fingerprint impressions obtained in a manner described in division 248
(C)(2) of this section, the superintendent of the bureau of 249
criminal identification and investigation shall conduct a criminal 250
records check in the manner described in division (B) of this 251
section to determine whether any information exists indicating 252
that the person who is the subject of the request has been 253
convicted of or pleaded guilty to a felony in this state or in any 254
other state. If the individual indicates that a firearm will be 255
carried in the course of business, the superintendent shall 256
require information from the federal bureau of investigation as 257
described in division (B)(2) of this section. Subject to division 258
(F) of this section, the superintendent shall report the findings 259
of the criminal records check and any information the federal 260
bureau of investigation provides to the director of public safety. 261

(8) On receipt of a request pursuant to section 1321.37, 262
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 263
Code, a completed form prescribed pursuant to division (C)(1) of 264
this section, and a set of fingerprint impressions obtained in the 265
manner described in division (C)(2) of this section, the 266
superintendent of the bureau of criminal identification and 267
investigation shall conduct a criminal records check with respect 268
to any person who has applied for a license, permit, or 269
certification from the department of commerce or a division in the 270
department. The superintendent shall conduct the criminal records 271
check in the manner described in division (B) of this section to 272
determine whether any information exists that indicates that the 273

person who is the subject of the request previously has been 274
convicted of or pleaded guilty to any of the following: a 275
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 276
2925.03 of the Revised Code; any other criminal offense involving 277
theft, receiving stolen property, embezzlement, forgery, fraud, 278
passing bad checks, money laundering, or drug trafficking, or any 279
criminal offense involving money or securities, as set forth in 280
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 281
the Revised Code; or any existing or former law of this state, any 282
other state, or the United States that is substantially equivalent 283
to those offenses. 284

(9) On receipt of a request for a criminal records check from 285
the treasurer of state under section 113.041 of the Revised Code 286
or from an individual under section 4701.08, 4715.101, 4717.061, 287
4725.121, ~~4725.501~~ 4725.46, 4729.071, 4730.101, 4730.14, 4730.28, 288
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 289
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 290
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 291
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 292
accompanied by a completed form prescribed under division (C)(1) 293
of this section and a set of fingerprint impressions obtained in 294
the manner described in division (C)(2) of this section, the 295
superintendent of the bureau of criminal identification and 296
investigation shall conduct a criminal records check in the manner 297
described in division (B) of this section to determine whether any 298
information exists that indicates that the person who is the 299
subject of the request has been convicted of or pleaded guilty to 300
any criminal offense in this state or any other state. Subject to 301
division (F) of this section, the superintendent shall send the 302
results of a check requested under section 113.041 of the Revised 303
Code to the treasurer of state and shall send the results of a 304
check requested under any of the other listed sections to the 305
licensing board specified by the individual in the request. 306

(10) On receipt of a request pursuant to section 1121.23, 307
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 308
Code, a completed form prescribed pursuant to division (C)(1) of 309
this section, and a set of fingerprint impressions obtained in the 310
manner described in division (C)(2) of this section, the 311
superintendent of the bureau of criminal identification and 312
investigation shall conduct a criminal records check in the manner 313
described in division (B) of this section to determine whether any 314
information exists that indicates that the person who is the 315
subject of the request previously has been convicted of or pleaded 316
guilty to any criminal offense under any existing or former law of 317
this state, any other state, or the United States. 318

(11) On receipt of a request for a criminal records check 319
from an appointing or licensing authority under section 3772.07 of 320
the Revised Code, a completed form prescribed under division 321
(C)(1) of this section, and a set of fingerprint impressions 322
obtained in the manner prescribed in division (C)(2) of this 323
section, the superintendent of the bureau of criminal 324
identification and investigation shall conduct a criminal records 325
check in the manner described in division (B) of this section to 326
determine whether any information exists that indicates that the 327
person who is the subject of the request previously has been 328
convicted of or pleaded guilty or no contest to any offense under 329
any existing or former law of this state, any other state, or the 330
United States that is a disqualifying offense as defined in 331
section 3772.07 of the Revised Code or substantially equivalent to 332
such an offense. 333

(12) On receipt of a request pursuant to section 2151.33 or 334
2151.412 of the Revised Code, a completed form prescribed pursuant 335
to division (C)(1) of this section, and a set of fingerprint 336
impressions obtained in the manner described in division (C)(2) of 337
this section, the superintendent of the bureau of criminal 338

identification and investigation shall conduct a criminal records 339
check with respect to any person for whom a criminal records check 340
is required by that section. The superintendent shall conduct the 341
criminal records check in the manner described in division (B) of 342
this section to determine whether any information exists that 343
indicates that the person who is the subject of the request 344
previously has been convicted of or pleaded guilty to any of the 345
following: 346

(a) A violation of section 2903.01, 2903.02, 2903.03, 347
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 348
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 349
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 350
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 351
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 352
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 353
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 354
2925.22, 2925.23, or 3716.11 of the Revised Code; 355

(b) An existing or former law of this state, any other state, 356
or the United States that is substantially equivalent to any of 357
the offenses listed in division (A)(12)(a) of this section. 358

(B) Subject to division (F) of this section, the 359
superintendent shall conduct any criminal records check to be 360
conducted under this section as follows: 361

(1) The superintendent shall review or cause to be reviewed 362
any relevant information gathered and compiled by the bureau under 363
division (A) of section 109.57 of the Revised Code that relates to 364
the person who is the subject of the criminal records check, 365
including, if the criminal records check was requested under 366
section 113.041, 121.08, 173.27, 173.38, 1121.23, 1155.03, 367
1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 368
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 369
3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 370

5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 371
5153.111 of the Revised Code, any relevant information contained 372
in records that have been sealed under section 2953.32 of the 373
Revised Code; 374

(2) If the request received by the superintendent asks for 375
information from the federal bureau of investigation, the 376
superintendent shall request from the federal bureau of 377
investigation any information it has with respect to the person 378
who is the subject of the criminal records check, including 379
fingerprint-based checks of national crime information databases 380
as described in 42 U.S.C. 671 if the request is made pursuant to 381
section 2151.86, 5104.012, or 5104.013 of the Revised Code or if 382
any other Revised Code section requires fingerprint-based checks 383
of that nature, and shall review or cause to be reviewed any 384
information the superintendent receives from that bureau. If a 385
request under section 3319.39 of the Revised Code asks only for 386
information from the federal bureau of investigation, the 387
superintendent shall not conduct the review prescribed by division 388
(B)(1) of this section. 389

(3) The superintendent or the superintendent's designee may 390
request criminal history records from other states or the federal 391
government pursuant to the national crime prevention and privacy 392
compact set forth in section 109.571 of the Revised Code. 393

(4) The superintendent shall include in the results of the 394
criminal records check a list or description of the offenses 395
listed or described in division (A)(1), (2), (3), (4), (5), (6), 396
(7), (8), (9), (10), (11), or (12) of this section, whichever 397
division requires the superintendent to conduct the criminal 398
records check. The superintendent shall exclude from the results 399
any information the dissemination of which is prohibited by 400
federal law. 401

(5) The superintendent shall send the results of the criminal 402

records check to the person to whom it is to be sent not later 403
than the following number of days after the date the 404
superintendent receives the request for the criminal records 405
check, the completed form prescribed under division (C)(1) of this 406
section, and the set of fingerprint impressions obtained in the 407
manner described in division (C)(2) of this section: 408

(a) If the superintendent is required by division (A) of this 409
section (other than division (A)(3) of this section) to conduct 410
the criminal records check, thirty; 411

(b) If the superintendent is required by division (A)(3) of 412
this section to conduct the criminal records check, sixty. 413

(C)(1) The superintendent shall prescribe a form to obtain 414
the information necessary to conduct a criminal records check from 415
any person for whom a criminal records check is to be conducted 416
under this section. The form that the superintendent prescribes 417
pursuant to this division may be in a tangible format, in an 418
electronic format, or in both tangible and electronic formats. 419

(2) The superintendent shall prescribe standard impression 420
sheets to obtain the fingerprint impressions of any person for 421
whom a criminal records check is to be conducted under this 422
section. Any person for whom a records check is to be conducted 423
under this section shall obtain the fingerprint impressions at a 424
county sheriff's office, municipal police department, or any other 425
entity with the ability to make fingerprint impressions on the 426
standard impression sheets prescribed by the superintendent. The 427
office, department, or entity may charge the person a reasonable 428
fee for making the impressions. The standard impression sheets the 429
superintendent prescribes pursuant to this division may be in a 430
tangible format, in an electronic format, or in both tangible and 431
electronic formats. 432

(3) Subject to division (D) of this section, the 433

superintendent shall prescribe and charge a reasonable fee for 434
providing a criminal records check under this section. The person 435
requesting the criminal records check shall pay the fee prescribed 436
pursuant to this division. In the case of a request under section 437
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 438
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 439
the manner specified in that section. 440

(4) The superintendent of the bureau of criminal 441
identification and investigation may prescribe methods of 442
forwarding fingerprint impressions and information necessary to 443
conduct a criminal records check, which methods shall include, but 444
not be limited to, an electronic method. 445

(D) The results of a criminal records check conducted under 446
this section, other than a criminal records check specified in 447
division (A)(7) of this section, are valid for the person who is 448
the subject of the criminal records check for a period of one year 449
from the date upon which the superintendent completes the criminal 450
records check. If during that period the superintendent receives 451
another request for a criminal records check to be conducted under 452
this section for that person, the superintendent shall provide the 453
results from the previous criminal records check of the person at 454
a lower fee than the fee prescribed for the initial criminal 455
records check. 456

(E) When the superintendent receives a request for 457
information from a registered private provider, the superintendent 458
shall proceed as if the request was received from a school 459
district board of education under section 3319.39 of the Revised 460
Code. The superintendent shall apply division (A)(1)(c) of this 461
section to any such request for an applicant who is a teacher. 462

(F)(1) All information regarding the results of a criminal 463
records check conducted under this section that the superintendent 464
reports or sends under division (A)(7) or (9) of this section to 465

the director of public safety, the treasurer of state, or the 466
person, board, or entity that made the request for the criminal 467
records check shall relate to the conviction of the subject 468
person, or the subject person's plea of guilty to, a criminal 469
offense. 470

(2) Division (F)(1) of this section does not limit, restrict, 471
or preclude the superintendent's release of information that 472
relates to an adjudication of a child as a delinquent child, or 473
that relates to a criminal conviction of a person under eighteen 474
years of age if the person's case was transferred back to a 475
juvenile court under division (B)(2) or (3) of section 2152.121 of 476
the Revised Code and the juvenile court imposed a disposition or 477
serious youthful offender disposition upon the person under either 478
division, if either of the following applies with respect to the 479
adjudication or conviction: 480

(a) The adjudication or conviction was for a violation of 481
section 2903.01 or 2903.02 of the Revised Code. 482

(b) The adjudication or conviction was for a sexually 483
oriented offense, as defined in section 2950.01 of the Revised 484
Code, the juvenile court was required to classify the child a 485
juvenile offender registrant for that offense under section 486
2152.82, 2152.83, or 2152.86 of the Revised Code, and that 487
classification has not been removed. 488

(G) As used in this section: 489

(1) "Criminal records check" means any criminal records check 490
conducted by the superintendent of the bureau of criminal 491
identification and investigation in accordance with division (B) 492
of this section. 493

(2) "Minor drug possession offense" has the same meaning as 494
in section 2925.01 of the Revised Code. 495

(3) "OVI or OVUAC violation" means a violation of section 496

4511.19 of the Revised Code or a violation of an existing or 497
former law of this state, any other state, or the United States 498
that is substantially equivalent to section 4511.19 of the Revised 499
Code. 500

(4) "Registered private provider" means a nonpublic school or 501
entity registered with the superintendent of public instruction 502
under section 3310.41 of the Revised Code to participate in the 503
autism scholarship program or section 3310.58 of the Revised Code 504
to participate in the Jon Peterson special needs scholarship 505
program. 506

Sec. 125.22. (A) The department of administrative services 507
shall establish the central service agency to perform routine 508
support for the following boards and commissions: 509

(1) Architects board; 510

(2) Barber board; 511

(3) State chiropractic board; 512

(4) State board of cosmetology; 513

(5) Accountancy board; 514

(6) State dental board; 515

(7) State board of optometry; 516

(8) Ohio occupational therapy, physical therapy, and athletic 517
trainers board; 518

(9) State board of registration for professional engineers 519
and surveyors; 520

(10) State board of sanitarian registration; 521

(11) Board of embalmers and funeral directors; 522

(12) State board of psychology; 523

(13) ~~Ohio optical dispensers board;~~ 524

(14) Board of speech pathology and audiology;	525
(15) <u>(14)</u> Counselor, social worker, and marriage and family therapist board;	526 527
(16) <u>(15)</u> State veterinary medical licensing board;	528
(17) <u>(16)</u> Ohio board of dietetics;	529
(18) <u>(17)</u> Commission on Hispanic-Latino affairs;	530
(19) <u>(18)</u> Ohio respiratory care board;	531
(20) <u>(19)</u> Ohio commission on African-American males;	532
(21) <u>(20)</u> Chemical dependency professionals board.	533
(B)(1) Notwithstanding any other section of the Revised Code, the agency shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the director of administrative services:	534 535 536 537 538 539
(a) Preparing and processing payroll and other personnel documents;	540 541
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	542 543
(c) Maintaining ledgers of accounts and balances;	544
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	545 546
(e) Other routine support services that the director of administrative services considers appropriate to achieve efficiency.	547 548 549
(2) The agency may perform other services which a board or commission named in division (A) of this section delegates to the agency and the agency accepts.	550 551 552

(3) The agency may perform any service for any professional 553
or occupational licensing board not named in division (A) of this 554
section or any commission if the board or commission requests such 555
service and the agency accepts. 556

(C) The director of administrative services shall be the 557
appointing authority for the agency. 558

(D) The agency shall determine the fees to be charged to the 559
boards and commissions, which shall be in proportion to the 560
services performed for each board or commission. 561

(E) Each board or commission named in division (A) of this 562
section and any other board or commission requesting services from 563
the agency shall pay these fees to the agency from the general 564
revenue fund maintenance account of the board or commission or 565
from such other fund as the operating expenses of the board or 566
commission are paid. Any amounts set aside for a fiscal year by a 567
board or commission to allow for the payment of fees shall be used 568
only for the services performed by the agency in that fiscal year. 569
All receipts collected by the agency shall be deposited in the 570
state treasury to the credit of the central service agency fund, 571
which is hereby created. All expenses incurred by the agency in 572
performing services for the boards or commissions shall be paid 573
from the fund. 574

(F) Nothing in this section shall be construed as a grant of 575
authority for the central service agency to initiate or deny 576
personnel or fiscal actions for the boards and commissions. 577

Sec. 4725.03. (A) The governor, with the advice and consent 578
of the senate, shall appoint a state board of optometry consisting 579
of ~~six nonmedical~~ nine residents of this state, ~~five of whom shall~~ 580
be as follows: 581

(1) Six persons actually engaged in the practice of optometry 582

for five years preceding appointment and one of whom shall be a; 583

(2) One member of the public at least fifty years of age who 584
has no direct financial interest in or any other interest in the 585
provision of optical aids or the performance of optical dispensing 586
services; 587

(3) Two dispensing opticians, one of whom shall be a contact 588
lens dispensing optician and one of whom shall be a spectacle 589
dispensing optician, licensed under sections 4725.48 to 4725.51 of 590
the Revised Code. 591

(B) Terms of office shall be five years, commencing on the 592
twenty-sixth day of September and ending on the twenty-fifth day 593
of September. Each member shall hold office from the date of 594
appointment until the end of the term for which appointed. Any 595
member appointed to fill a vacancy occurring prior to the 596
expiration of the term for which the member's predecessor was 597
appointed shall hold office for the remainder of the term. A 598
member shall continue in office subsequent to the expiration date 599
of the member's term until the member's successor takes office, or 600
until a period of sixty days has elapsed, whichever occurs first. 601
No person shall serve as a member for more than two terms. 602

Sec. 4725.05. The state board of optometry shall employ an 603
executive director. Before entering upon the discharge of official 604
duties of office, the executive director shall give a bond, to be 605
approved by the board, in the sum of two thousand dollars 606
conditioned for the faithful discharge of the duties of the 607
office. The premium for such bond shall be paid as are other 608
expenditures of the board. The bond, with the approval of the 609
board and oath of office indorsed thereon, shall be deposited with 610
the secretary of state and kept in the secretary of state's 611
office. 612

The board may employ such assistants, inspectors, 613

investigators, and clerical help as are necessary to administer 614
and enforce ~~sections 4725.01 to 4725.34 of the Revised Code~~ this 615
chapter, the expenses thereof to be charged and paid as other 616
expenditures of the board. 617

Sec. 4725.07. The state board of optometry shall adopt a seal 618
and certificate of suitable design and shall keep a record of its 619
proceedings, a register of persons who have received certificates 620
of licensure for the practice of optometry, a register of licensed 621
optometrists who have received topical ocular pharmaceutical 622
agents certificates, a register of licensed optometrists who have 623
received therapeutic pharmaceutical agents certificates, and a 624
register of persons who have been subject to the board's 625
revocation of any of those certificates. 626

The board shall have an office in Columbus, where all its 627
permanent records shall be kept. The board may make requisition 628
upon the proper state officials for office rooms and supplies, 629
including stationery and furniture. All printing and binding 630
necessary for the work of the board shall be done upon an order 631
issued by the board through its president and executive director 632
to the department of administrative services. 633

Except as provided in division (C) of section 4725.22 and 634
division (C) of section 4725.23 of the Revised Code, the records 635
of the board, including its registers, shall be open to public 636
inspection at all reasonable times. A copy of an entry in such 637
records, certified by the executive director under the seal of the 638
board, shall be prima-facie evidence of the facts therein stated. 639

The board annually, on or before the first day of February, 640
shall make a report to the governor of all its official acts 641
during the preceding year, its receipts and disbursements, and a 642
complete report of the conditions of optometry in this state. 643

Sec. 4725.13. (A) The state board of optometry, by an affirmative vote of a majority of its members, shall issue certificates under its seal as follows:

(1) Every applicant who, prior to May 19, 1992, passed the licensing examination then in effect, and who otherwise complies with sections 4725.01 to 4725.34 of the Revised Code shall receive from the board a certificate of licensure authorizing the holder to engage in the practice of optometry as provided in division (A)(1) of section 4725.01 of the Revised Code.

(2) Every applicant who, prior to May 19, 1992, passed the general and ocular pharmacology examination then in effect, and who otherwise complies with sections 4725.01 to 4725.34 of the Revised Code, shall receive from the board a separate topical ocular pharmaceutical agents certificate authorizing the holder to administer topical ocular pharmaceutical agents as provided in division (A)(2) of section 4725.01 of the Revised Code and in accordance with sections 4725.01 to 4725.34 of the Revised Code.

(3) Every applicant who holds a valid certificate of licensure issued prior to May 19, 1992, and meets the requirements of section 4725.14 of the Revised Code shall receive from the board a separate therapeutic pharmaceutical agents certificate authorizing the holder to engage in the practice of optometry as provided in division (A)(3) of section 4725.01 of the Revised Code.

(4) Every applicant who, on or after May 19, 1992, passes all parts of the licensing examination accepted by the board under section 4725.11 of the Revised Code and otherwise complies with the requirements of sections 4725.01 to 4725.34 of the Revised Code shall receive from the board a certificate of licensure authorizing the holder to engage in the practice of optometry as provided in division (A)(1) of section 4725.01 of the Revised Code

and a separate therapeutic pharmaceutical agents certificate 675
authorizing the holder to engage in the practice of optometry as 676
provided in division (A)(3) of that section. 677

(B) Each person to whom a certificate is issued pursuant to 678
this section by the board shall keep the certificate displayed in 679
a conspicuous place in the location at which that person practices 680
optometry and shall whenever required exhibit the certificate to 681
any member or agent of the board. If an optometrist practices 682
outside of or away from the location at which the optometrist's 683
certificate of licensure is displayed, the optometrist shall 684
deliver to each person examined or fitted with optical accessories 685
by the optometrist, a receipt signed by the optometrist in which 686
the optometrist shall set forth the amounts charged, the 687
optometrist's post-office address, and the number assigned to the 688
optometrist's certificate of licensure. The information may be 689
provided as part of a prescription given to the person. 690

(C) A person who, on May 19, 1992, holds a valid certificate 691
of licensure or topical ocular pharmaceutical agents certificate 692
issued by the board may continue to engage in the practice of 693
optometry as provided by the certificate of licensure or topical 694
ocular pharmaceutical agents certificate if the person continues 695
to comply with sections 4725.01 to 4725.34 of the Revised Code as 696
required by the certificate of licensure or topical ocular 697
pharmaceutical agents certificate. 698

Sec. 4725.16. (A) Each certificate of licensure for the 699
practice of optometry, topical ocular pharmaceutical agents 700
certificate, and therapeutic pharmaceutical agents certificate 701
issued by the state board of optometry shall expire annually on 702
the last day of December, and may be renewed in accordance with 703
this section and the standard renewal procedure established under 704
Chapter 4745. of the Revised Code. 705

An optometrist seeking to continue to practice optometry 706
shall file with the board an application for license renewal. The 707
application shall be in such form and require such pertinent 708
professional biographical data as the board may require. 709

(B) All licensed optometrists shall annually complete 710
continuing education in subjects relating to the practice of 711
optometry, to the end that the utilization and application of new 712
techniques, scientific and clinical advances, and the achievements 713
of research will assure comprehensive care to the public. The 714
board shall prescribe by rule the continuing optometric education 715
that licensed optometrists must complete. The length of study 716
shall be twenty-five clock hours each year, including ten clock 717
hours of instruction in pharmacology to be completed by all 718
licensed optometrists. 719

Unless the continuing education required under this division 720
is waived or deferred under division (D) of this section, the 721
continuing education must be completed during the twelve-month 722
period beginning on the first day of October and ending on the 723
last day of September. If the board receives notice from a 724
continuing education program indicating that an optometrist 725
completed the program after the last day of September, and the 726
optometrist wants to use the continuing education completed after 727
that day to renew the license that expires on the last day of 728
December of that year, the optometrist shall pay the penalty 729
specified under section 4725.34 of the Revised Code for late 730
completion of continuing education. 731

At least once annually, the board shall post on its web site 732
and shall mail, or send by electronic mail, to each licensed 733
optometrist a list of courses approved in accordance with 734
standards prescribed by board rule. Upon the request of a licensed 735
optometrist, the executive director of the board shall supply a 736
list of additional courses that the board has approved subsequent 737

to the most recent web site posting, electronic mail transmission, 738
or mailing of the list of approved courses. 739

(C)(1) Annually, not later than the first day of November, 740
the board shall mail or send by electronic mail a notice regarding 741
license renewal to each licensed optometrist who may be eligible 742
for renewal. The notice shall be sent to the optometrist's most 743
recent electronic mail or mailing address shown in the board's 744
records. If the board knows that the optometrist has completed the 745
required continuing optometric education for the year, the board 746
may include with the notice an application for license renewal. 747

(2) Filing a license renewal application with the board shall 748
serve as notice by the optometrist that the continuing optometric 749
education requirement has been successfully completed. If the 750
board finds that an optometrist has not completed the required 751
continuing optometric education, the board shall disapprove the 752
optometrist's application. The board's disapproval of renewal is 753
effective without a hearing, unless a hearing is requested 754
pursuant to Chapter 119. of the Revised Code. 755

(3) The board shall refuse to accept an application for 756
renewal from any applicant whose license is not in good standing 757
or who is under disciplinary review pursuant to section 4725.19 of 758
the Revised Code. 759

(4) Notice of an applicant's failure to qualify for renewal 760
shall be served upon the applicant by mail. The notice shall be 761
sent not later than the fifteenth day of November to the 762
applicant's last address shown in the board's records. 763

(D) In cases of certified illness or undue hardship, the 764
board may waive or defer for up to twelve months the requirement 765
of continuing optometric education, except that in such cases the 766
board may not waive or defer the continuing education in 767
pharmacology required to be completed by optometrists who hold 768

topical ocular pharmaceutical agents certificates or therapeutic 769
pharmaceutical agents certificates. The board shall waive the 770
requirement of continuing optometric education for any optometrist 771
who is serving on active duty in the armed forces of the United 772
States or a reserve component of the armed forces of the United 773
States, including the Ohio national guard or the national guard of 774
any other state or who has received an initial certificate of 775
licensure during the nine-month period which ended on the last day 776
of September. 777

(E) An optometrist whose renewal application has been 778
approved may renew each certificate held by paying to the 779
treasurer of state the fees for renewal specified under section 780
4725.34 of the Revised Code. On payment of all applicable fees, 781
the board shall issue a renewal of the optometrist's certificate 782
of licensure, topical ocular pharmaceutical agents certificate, 783
and therapeutic pharmaceutical agents certificate, as appropriate. 784

(F) Not later than the fifteenth day of December, the board 785
shall mail or send by electronic mail a second notice regarding 786
license renewal to each licensed optometrist who may be eligible 787
for renewal but did not respond to the notice sent under division 788
(C)(1) of this section. The notice shall be sent to the 789
optometrist's most recent electronic mail or mailing address shown 790
in the board's records. If an optometrist fails to file a renewal 791
application after the second notice is sent, the board shall send 792
a third notice regarding license renewal prior to any action under 793
division (I) of this section to classify the optometrist's 794
certificates as delinquent. 795

(G) The failure of an optometrist to apply for license 796
renewal or the failure to pay the applicable annual renewal fees 797
on or before the date of expiration, shall automatically work a 798
forfeiture of the optometrist's authority to practice optometry in 799
this state. 800

(H) The board shall accept renewal applications and renewal fees that are submitted from the first day of January to the last day of April of the year next succeeding the date of expiration. An individual who submits such a late renewal application or fee shall pay the late renewal fee specified in section 4725.34 of the Revised Code.

(I)(1) If the certificates issued by the board to an individual have expired and the individual has not filed a complete application during the late renewal period, the individual's certificates shall be classified in the board's records as delinquent.

(2) Any optometrist subject to delinquent classification may submit a written application to the board for reinstatement. For reinstatement to occur, the applicant must meet all of the following conditions:

(a) Submit to the board evidence of compliance with board rules requiring continuing optometric education in a sufficient number of hours to make up for any delinquent compliance;

(b) Pay the renewal fees for the year in which application for reinstatement is made and the reinstatement fee specified under division (A)(8) of section 4725.34 of the Revised Code;

(c) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code as the board considers appropriate to determine whether the application for reinstatement should be approved;

(d) If the applicant has been practicing optometry in another state or country, submit evidence that the applicant's license to practice optometry in the other state or country is in good standing.

(3) The board shall approve an application for reinstatement if the conditions specified in division (I)(2) of this section are

met. An optometrist who receives reinstatement is subject to the 832
continuing education requirements specified under division (B) of 833
this section for the year in which reinstatement occurs. 834

Sec. 4725.19. (A) In accordance with Chapter 119. of the 835
Revised Code and by an affirmative vote of a majority of its 836
members, the state board of optometry, for any of the reasons 837
specified in division (B) of this section, shall refuse to grant a 838
certificate of licensure to practice optometry to an applicant and 839
may, with respect to a licensed optometrist, do one or more of the 840
following: 841

(1) Suspend the operation of any certificate of licensure, 842
topical ocular pharmaceutical agents certificate, or therapeutic 843
pharmaceutical agents certificate, or all certificates granted by 844
it to the optometrist; 845

(2) Permanently revoke any or all of the certificates; 846

(3) Limit or otherwise place restrictions on any or all of 847
the certificates; 848

(4) Reprimand the optometrist; 849

(5) Impose a monetary penalty. If the reason for which the 850
board is imposing the penalty involves a criminal offense that 851
carries a fine under the Revised Code, the penalty shall not 852
exceed the maximum fine that may be imposed for the criminal 853
offense. In any other case, the penalty imposed by the board shall 854
not exceed five hundred dollars. 855

(6) Require the optometrist to take corrective action 856
courses. 857

The amount and content of corrective action courses shall be 858
established by the board in rules adopted under section 4725.09 of 859
the Revised Code. 860

(B) The sanctions specified in division (A) of this section 861

may be taken by the board for any of the following reasons:	862
(1) Committing fraud in passing the licensing examination or	863
making false or purposely misleading statements in an application	864
for a certificate of licensure;	865
(2) Being at any time guilty of immorality, regardless of the	866
jurisdiction in which the act was committed;	867
(3) Being guilty of dishonesty or unprofessional conduct in	868
the practice of optometry;	869
(4) Being at any time guilty of a felony, regardless of the	870
jurisdiction in which the act was committed;	871
(5) Being at any time guilty of a misdemeanor committed in	872
the course of practice, regardless of the jurisdiction in which	873
the act was committed;	874
(6) Violating the conditions of any limitation or other	875
restriction placed by the board on any certificate issued by the	876
board;	877
(7) Engaging in the practice of optometry as provided in	878
division (A)(1), (2), or (3) of section 4725.01 of the Revised	879
Code when the certificate authorizing that practice is under	880
suspension, in which case the board shall permanently revoke the	881
certificate;	882
(8) Being denied a license to practice optometry in another	883
state or country or being subject to any other sanction by the	884
optometric licensing authority of another state or country, other	885
than sanctions imposed for the nonpayment of fees;	886
(9) Departing from or failing to conform to acceptable and	887
prevailing standards of care in the practice of optometry as	888
followed by similar practitioners under the same or similar	889
circumstances, regardless of whether actual injury to a patient is	890
established;	891

(10) Failing to maintain comprehensive patient records;	892
(11) Advertising a price of optical accessories, eye examinations, or other products or services by any means that would deceive or mislead the public;	893 894 895
(12) Being addicted to the use of alcohol, stimulants, narcotics, or any other substance which impairs the intellect and judgment to such an extent as to hinder or diminish the performance of the duties included in the person's practice of optometry;	896 897 898 899 900
(13) Engaging in the practice of optometry as provided in division (A)(2) or (3) of section 4725.01 of the Revised Code without authority to do so or, if authorized, in a manner inconsistent with the authority granted;	901 902 903 904
(14) Failing to make a report to the board as required by division (A) of section 4725.21 or section 4725.31 of the Revised Code;	905 906 907
(15) Soliciting patients from door to door or establishing temporary offices, in which case the board shall suspend all certificates held by the optometrist;	908 909 910
(16) Except as provided in division (D) of this section:	911
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optometric 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 optometrist.	912 913 914 915 916 917
(b) Advertising that the optometrist 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 optometric services, would otherwise be required	918 919 920 921

to pay. 922

(C) Any person who is the holder of a certificate of 923
licensure, or who is an applicant for a certificate of licensure 924
against whom is preferred any charges, shall be furnished by the 925
board with a copy of the complaint and shall have a hearing before 926
the board in accordance with Chapter 119. of the Revised Code. 927

(D) Sanctions shall not be imposed under division (B)(16) of 928
this section against any optometrist who waives deductibles and 929
copayments: 930

(1) In compliance with the health benefit plan that expressly 931
allows such a practice. Waiver of the deductibles or copayments 932
shall be made only with the full knowledge and consent of the plan 933
purchaser, payer, and third-party administrator. Documentation of 934
the consent shall be made available to the board upon request. 935

(2) For professional services rendered to any other 936
optometrist licensed by the board, to the extent allowed by 937
sections 4725.01 to 4725.34 of the Revised Code and the rules of 938
the board. 939

Sec. 4725.20. On receipt of a notice pursuant to section 940
3123.43 of the Revised Code, the state board of optometry shall 941
comply with sections 3123.41 to 3123.50 of the Revised Code and 942
any applicable rules adopted under section 3123.63 of the Revised 943
Code with respect to a any license or certificate issued by the 944
board under this chapter. 945

Sec. 4725.34. (A) The state board of optometry shall charge 946
the following nonrefundable fees: 947

(1) One hundred thirty dollars for application for a 948
certificate of licensure to practice optometry; 949

(2) Forty-five dollars for application for a therapeutic 950

pharmaceutical agents certificate, except when the certificate is 951
to be issued pursuant to division (A)(3) of section 4725.13 of the 952
Revised Code, in which case the fee shall be thirty-five dollars; 953

(3) One hundred thirty dollars for renewal of a certificate 954
of licensure to practice optometry; 955

(4) Forty-five dollars for renewal of a topical ocular 956
pharmaceutical agents certificate; 957

(5) Forty-five dollars for renewal of a therapeutic 958
pharmaceutical agents certificate; 959

(6) One hundred twenty-five dollars for late completion or 960
submission, or both, of continuing optometric education; 961

(7) One hundred twenty-five dollars for late renewal of one 962
or more certificates that have expired; 963

(8) Seventy-five dollars for reinstatement of one or more 964
certificates classified as delinquent under section 4725.16 of the 965
Revised Code, multiplied by the number of years the one or more 966
certificates have been classified as delinquent; 967

(9) Seventy-five dollars for reinstatement of one or more 968
certificates placed on inactive status under section 4725.17 of 969
the Revised Code; 970

(10) Seventy-five dollars for reinstatement under section 971
4725.171 of the Revised Code of one or more expired certificates; 972

(11) Additional fees to cover administrative costs incurred 973
by the board, including fees for replacing licenses issued by the 974
board and providing rosters of currently licensed optometrists. 975
Such fees shall be established at a regular meeting of the board 976
and shall comply with any applicable guidelines or policies set by 977
the department of administrative services or the office of budget 978
and management. 979

(B) The board, subject to the approval of the controlling 980

board, may establish fees in excess of the amounts specified in 981
division (A) of this section if the fees do not exceed the amounts 982
specified by more than fifty per cent. 983

(C) All receipts of the board, from any source, shall be 984
deposited in the state treasury to the credit of the occupational 985
licensing and regulatory fund. 986

Sec. 4725.40. As used in sections 4725.40 to ~~4725.59~~ 4725.55 987
of the Revised Code: 988

(A) "Optical aid" means both of the following: 989

(1) Spectacles or other instruments or devices that are not 990
contact lenses, if the spectacles or other instruments or devices 991
may aid or correct human vision and have been prescribed by a 992
physician or optometrist licensed by any state; 993

(2) Contact lenses, regardless of whether they address visual 994
function, if they are designed to fit over the cornea of the eye 995
or are otherwise designed for use in or on the eye or orbit. 996

All contact lenses shall be dispensed only in accordance with 997
a valid written prescription designated for contact lenses, 998
including the following: 999

(a) Zero-powered plano contact lenses; 1000

(b) Cosmetic contact lenses; 1001

(c) Performance-enhancing contact lenses; 1002

(d) Any other contact devices determined by the ~~Ohio optical~~ 1003
~~dispensers~~ state board of optometry to be contact lenses. 1004

(B) "Optical dispensing" means interpreting but not altering 1005
a prescription of a licensed physician or optometrist and 1006
designing, adapting, fitting, or replacing the prescribed optical 1007
aids, pursuant to such prescription, to or for the intended 1008
wearer; duplicating lenses, other than contact lenses, accurately 1009

as to power without a prescription; and duplicating 1010
nonprescription eyewear and parts of eyewear. "Optical dispensing" 1011
does not include selecting frames, transacting a sale, 1012
transferring an optical aid to the wearer after an optician has 1013
completed fitting it, or providing instruction in the general care 1014
and use of an optical aid, including placement, removal, hygiene, 1015
or cleaning. 1016

(C) "Licensed dispensing optician" means a person holding a 1017
current, valid license issued under sections ~~4725.47~~ 4725.43 to 1018
~~4725.51~~ 4725.47 of the Revised Code that authorizes the person to 1019
engage in optical dispensing. Nothing in this chapter shall be 1020
construed to permit a licensed dispensing optician to alter the 1021
specifications of a prescription. 1022

(D) "Licensed spectacle dispensing optician" means a licensed 1023
dispensing optician authorized to engage in the dispensing of 1024
optical aids other than contact lenses. 1025

(E) "Licensed contact lens dispensing optician" means a 1026
licensed dispensing optician authorized to engage only in the 1027
dispensing of contact lenses. 1028

(F) "Licensed spectacle-contact lens dispensing optician" 1029
means a licensed dispensing optician authorized to engage in the 1030
dispensing of any optical aid. 1031

(G) "Apprentice" means any person dispensing optical aids 1032
under the direct supervision of a licensed dispensing optician. 1033

(H) "Prescription" means the written or verbal directions or 1034
instructions as specified by a physician or optometrist licensed 1035
by any state for preparing an optical aid for a patient. 1036

(I) "Supervision" means the provision of direction and 1037
control through personal inspection and evaluation of work. 1038

(J) "Licensed ocularist" means a person holding a current, 1039

valid license issued under sections ~~4725.48~~ 4725.43 to ~~4725.51~~ 1040
4725.47 of the Revised Code to engage in the practice of 1041
designing, fabricating, and fitting artificial eyes or prostheses 1042
associated with the appearance or function of the human eye. 1043

Sec. 4725.41. ~~Beginning one year after March 22, 1979, no~~ No 1044
person shall engage in optical dispensing or hold ~~himself~~ self out 1045
as being engaged in optical dispensing, ~~except as authorized under~~ 1046
~~section 4725.47 of the Revised Code,~~ unless ~~he~~ the person has 1047
fulfilled the requirements of sections ~~4725.48~~ 4725.43 to ~~4725.51~~ 1048
4725.47 of the Revised Code and has been certified as a licensed 1049
dispensing optician by the ~~Ohio optical dispensers~~ state board of 1050
optometry created under section 4725.03 of the Revised Code. 1051

No person shall engage in the designing, fabricating, and 1052
fitting of an artificial eye or of prostheses associated with the 1053
appearance or function of the human eye unless ~~he~~ the person is 1054
licensed as an ocularist under ~~to~~ sections ~~4725.48~~ 4725.43 to 1055
~~4725.51~~ 4725.47 of the Revised Code. 1056

Sec. 4725.44 **4725.42.** (A) The ~~Ohio optical dispensers~~ state 1057
board of optometry shall be responsible for the administration of 1058
sections 4725.40 to ~~4725.59~~ 4725.55 of the Revised Code and, in 1059
particular, shall process applications for licensure as licensed 1060
dispensing opticians and ocularists; schedule, administer, and 1061
supervise the qualifying examinations for licensure or contract 1062
with a testing service to schedule, administer, and supervise the 1063
qualifying examination for licensure; issue licenses to qualified 1064
individuals; revoke and suspend licenses; and maintain adequate 1065
records with respect to its operations and responsibilities. 1066

(B) The board shall adopt, amend, or rescind rules, pursuant 1067
to Chapter 119. of the Revised Code, for the licensure of 1068
dispensing opticians and ocularists, and such other rules as are 1069

required by or necessary to carry out the responsibilities imposed 1070
by sections 4725.40 to ~~4725.59~~ 4725.55 of the Revised Code, 1071
including rules establishing criminal records check requirements 1072
under section 4776.03 of the Revised Code and rules establishing 1073
disqualifying offenses for licensure as a dispensing optician or 1074
certification as an apprentice dispensing optician pursuant to 1075
sections ~~4725.48~~ 4725.43, ~~4725.52~~ 4725.48, ~~4725.53~~ 4725.49, and 1076
4776.10 of the Revised Code. 1077

(C) The board shall have no authority to adopt rules 1078
governing the employment of dispensing opticians, the location or 1079
number of optical stores, advertising of optical products or 1080
services, or the manner in which optical products can be 1081
displayed. 1082

Sec. ~~4725.48~~ 4725.43. (A) Any person who desires to engage in 1083
optical dispensing, ~~except as provided in section 4725.47 of the~~ 1084
~~Revised Code,~~ shall file a properly completed written application 1085
for an examination with the ~~Ohio optical dispensers~~ state board of 1086
optometry or with the testing service the board has contracted 1087
with pursuant to section ~~4725.49~~ 4725.44 of the Revised Code. The 1088
application for examination shall be made on a form provided by 1089
the board or testing service and shall be accompanied by an 1090
examination fee the board shall establish by rule. Applicants must 1091
return the application to the board or testing service at least 1092
sixty days prior to the date the examination is scheduled to be 1093
administered. 1094

(B) ~~Except as provided in section 4725.47 of the Revised~~ 1095
~~Code, any~~ Any person who desires to engage in optical dispensing 1096
shall file a properly completed written application for a license 1097
with the board with a licensure application fee of fifty dollars. 1098

No person shall be eligible to apply for a license under this 1099
division, unless the person is at least eighteen years of age, is 1100

free of contagious or infectious disease, has received a passing 1101
score, as determined by the board, on the examination administered 1102
under division (A) of this section, is a graduate of an accredited 1103
high school of any state, or has received an equivalent education 1104
and has successfully completed either of the following: 1105

(1) Two years of supervised experience under a licensed 1106
dispensing optician, optometrist, or physician engaged in the 1107
practice of ophthalmology, up to one year of which may be 1108
continuous experience of not less than thirty hours a week in an 1109
optical laboratory; 1110

(2) A two-year college level program in optical dispensing 1111
that has been approved by the board and that includes, but is not 1112
limited to, courses of study in mathematics, science, English, 1113
anatomy and physiology of the eye, applied optics, ophthalmic 1114
optics, measurement and inspection of lenses, lens grinding and 1115
edging, ophthalmic lens design, keratometry, and the fitting and 1116
adjusting of spectacle lenses and frames and contact lenses, 1117
including methods of fitting contact lenses and post-fitting care. 1118

(C) Any person who desires to obtain a license to practice as 1119
an ocularist shall file a properly completed written application 1120
with the board accompanied by the appropriate fee and proof that 1121
the applicant has met the requirements for licensure. The board 1122
shall establish, by rule, the application fee and the minimum 1123
requirements for licensure, including education, examination, or 1124
experience standards recognized by the board as national standards 1125
for ocularists. The board shall issue a license to practice as an 1126
ocularist to an applicant who satisfies the requirements of this 1127
division and rules adopted pursuant to this division. 1128

(D)(1) Subject to divisions (D)(2), (3), and (4) of this 1129
section, the board shall not adopt, maintain, renew, or enforce 1130
any rule that precludes an individual from receiving or renewing a 1131
license as a dispensing optician issued under sections 4725.40 to 1132

~~4725.59~~ 4725.55 of the Revised Code due to any past criminal 1133
activity or interpretation of moral character, unless the 1134
individual has committed a crime of moral turpitude or a 1135
disqualifying offense as those terms are defined in section 1136
4776.10 of the Revised Code. If the board denies an individual a 1137
license or license renewal, the reasons for such denial shall be 1138
put in writing. 1139

(2) Except as otherwise provided in this division, if an 1140
individual applying for a license has been convicted of or pleaded 1141
guilty to a misdemeanor that is not a crime of moral turpitude or 1142
a disqualifying offense less than one year prior to making the 1143
application, the board may use its discretion in granting or 1144
denying the individual a license. Except as otherwise provided in 1145
this division, if an individual applying for a license has been 1146
convicted of or pleaded guilty to a felony that is not a crime of 1147
moral turpitude or a disqualifying offense less than three years 1148
prior to making the application, the board may use its discretion 1149
in granting or denying the individual a license. The provisions in 1150
this paragraph do not apply with respect to any offense unless the 1151
board, prior to ~~the effective date of this amendment~~ September 28, 1152
2012, was required or authorized to deny the application based on 1153
that offense. 1154

In all other circumstances, the board shall follow the 1155
procedures it adopts by rule that conform to division (D)(1) of 1156
this section. 1157

(3) In considering a renewal of an individual's license, the 1158
board shall not consider any conviction or plea of guilty prior to 1159
the initial licensing. However, the board may consider a 1160
conviction or plea of guilty if it occurred after the individual 1161
was initially licensed, or after the most recent license renewal. 1162

(4) The board may grant an individual a conditional license 1163
that lasts for one year. After the one-year period has expired, 1164

the license is no longer considered conditional, and the 1165
individual shall be considered fully licensed. 1166

(E) The board, subject to the approval of the controlling 1167
board, may establish examination fees in excess of the amount 1168
established by rule pursuant to this section, provided that the 1169
fees do not exceed the prior amount by more than fifty per cent. 1170

Sec. ~~4725.49~~ 4725.44. (A) The ~~Ohio optical dispensers state 1171
board of optometry~~ may provide for the examination of applicants 1172
by designing, preparing, and administering the qualifying 1173
examinations or by contracting with a testing service that is 1174
nationally recognized as being capable of determining competence 1175
to dispense optical aids as a licensed spectacle dispensing 1176
optician, a licensed contact lens dispensing optician, or a 1177
licensed spectacle-contact lens dispensing optician. Any 1178
examination used shall be designed to measure specific performance 1179
requirements, be professionally constructed and validated, and be 1180
independently and objectively administered and scored in order to 1181
determine the applicant's competence to dispense optical aids. 1182

(B) The board shall ensure that it, or the testing service it 1183
contracts with, does all of the following: 1184

(1) Provides public notice as to the date, time, and place 1185
for each examination at least ninety days prior to the 1186
examination; 1187

(2) Offers each qualifying examination at least twice each 1188
year in Columbus, except as provided in division (C) of this 1189
section; 1190

(3) Provides to each applicant all forms necessary to apply 1191
for examination; 1192

(4) Provides all materials and equipment necessary for the 1193
applicant to take the examination. 1194

(C) If the number of applicants for any qualifying examination is less than ten, the examination may be postponed. The board or testing service shall provide the applicant with written notification of the postponement and of the next date the examination is scheduled to be administered.

(D) No limitation shall be placed upon the number of times that an applicant may repeat any qualifying examination, except that, if an applicant fails an examination for a third time, the board may require that the applicant, prior to retaking the examination, undergo additional study in the areas of the examination in which the applicant experienced difficulty.

Sec. ~~4725.50~~ 4725.45. (A) Except for a person who qualifies for licensure as an ocularist, each person who qualifies for licensure under sections 4725.40 to ~~4725.59~~ 4725.55 of the Revised Code shall receive from the ~~Ohio optical dispensers~~ state board of optometry, under its seal, a certificate of licensure entitling the person to practice as a licensed spectacle dispensing optician, licensed contact lens dispensing optician, or a licensed spectacle-contact lens dispensing optician. The appropriate certificate of licensure shall be issued by the board no later than sixty days after it has notified the applicant of the applicant's approval for licensure.

(B) Each licensed dispensing optician shall display the licensed dispensing optician's certificate of licensure in a conspicuous place in the licensed dispensing optician's office or place of business. If a licensed dispensing optician maintains more than one office or place of business, the licensed dispensing optician shall display a duplicate copy of such certificate at each location. The board shall issue duplicate copies of the appropriate certificate of licensure for this purpose upon the filing of an application form therefor and the payment of a

five-dollar fee for each duplicate copy. 1226

Sec. ~~4725.501~~ 4725.46. (A) As used in this section, "license" 1227
and "applicant for an initial license" have the same meanings as 1228
in section 4776.01 of the Revised Code, except that "license" as 1229
used in both of those terms refers to the types of authorizations 1230
otherwise issued or conferred under this chapter. 1231

(B) In addition to any other eligibility requirement set 1232
forth in this chapter, each applicant for an initial license shall 1233
comply with sections 4776.01 to 4776.04 of the Revised Code. The 1234
~~Ohio optical dispensers~~ state board of optometry shall not grant a 1235
license to an applicant for an initial license unless the 1236
applicant complies with sections 4776.01 to 4776.04 of the Revised 1237
Code and the board, in its discretion, decides that the results of 1238
the criminal records check do not make the applicant ineligible 1239
for a license issued pursuant to section ~~4725.50~~ 4725.45 or 1240
~~4725.57~~ 4725.53 of the Revised Code. 1241

Sec. ~~4725.51~~ 4725.47. (A) Each license issued under sections 1242
4725.40 to ~~4725.59~~ 4725.55 of the Revised Code shall expire on the 1243
first day of January in the year after it was issued. Each person 1244
holding a valid, current license may apply to the ~~Ohio optical~~ 1245
~~dispensers~~ state board of optometry for the extension of the 1246
license under the standard renewal procedures of Chapter 4745. of 1247
the Revised Code. Each application for renewal shall be 1248
accompanied by a renewal fee the board shall establish by rule and 1249
shall contain evidence that the applicant has completed a 1250
continuing education program within the immediately preceding 1251
one-year period as follows: 1252

(1) Licensed spectacle dispensing opticians shall have 1253
pursued four hours of study in spectacle dispensing, approved by 1254
the board; 1255

(2) Licensed contact lens dispensing opticians shall have 1256
pursued eight hours of study in contact lens dispensing, approved 1257
by the board. 1258

(3) Licensed spectacle-contact lens dispensing opticians 1259
shall have pursued courses of study under divisions (A)(1) and (2) 1260
of this section. 1261

(4) Licensed ocularists shall have pursued courses of study 1262
as prescribed by rule of the board. 1263

(B) No person who fails to renew the person's license under 1264
division (A) of this section shall be required to take a 1265
qualifying examination under section ~~4725.48~~ 4725.43 of the 1266
Revised Code as a condition of renewal, provided that the 1267
application for renewal and proof of the requisite continuing 1268
education hours are submitted within ninety days from the date the 1269
license expired and the applicant pays the annual renewal fee and 1270
a penalty of seventy-five dollars. The board may provide, by rule, 1271
for an extension of the grace period for licensed dispensing 1272
opticians who are serving in the armed forces of the United States 1273
or a reserve component of the armed forces of the United States, 1274
including the Ohio national guard or the national guard of any 1275
other state and for waiver of the continuing education 1276
requirements or the penalty in cases of hardship or illness. 1277

(C) The board shall approve continuing education programs and 1278
shall adopt rules as necessary for approving the programs. 1279
Approved programs shall be scheduled, sponsored, and conducted in 1280
accordance with the board's rules. 1281

(D) Any license issued under former section 4725.47 of the 1282
Revised Code shall be renewed in accordance with this section. 1283

(E) The board, subject to the approval of the controlling 1284
board, may establish renewal fees in excess of the amount 1285
established by rule pursuant to this section, provided that the 1286

fees do not exceed the prior amount by more than fifty per cent. 1287

Sec. ~~4725.52~~ 4725.48. Any licensed dispensing optician may 1288
supervise a maximum of three apprentices who shall be permitted to 1289
engage in optical dispensing only under the supervision of the 1290
licensed dispensing optician. 1291

To serve as an apprentice, a person shall register with the 1292
~~Ohio optical dispensers~~ state board of optometry either on a form 1293
provided by the board or in the form of a statement giving the 1294
name and address of the supervising licensed dispensing optician, 1295
the location at which the apprentice will be employed, and any 1296
other information required by the board. For the duration of the 1297
apprenticeship, the apprentice shall register annually on the form 1298
provided by the board or in the form of a statement. 1299

Each apprentice shall pay an initial registration fee of 1300
twenty dollars. For each registration renewal thereafter, each 1301
apprentice shall pay a registration renewal fee of twenty dollars. 1302

The board shall not deny registration as an apprentice under 1303
this section to any individual based on the individual's past 1304
criminal history or an interpretation of moral character unless 1305
the individual has committed a disqualifying offense or crime of 1306
moral turpitude as those terms are defined in section 4776.10 of 1307
the Revised Code. Except as otherwise provided in this division, 1308
if an individual applying for a registration has been convicted of 1309
or pleaded guilty to a misdemeanor that is not a crime of moral 1310
turpitude or a disqualifying offense less than one year prior to 1311
making the application, the board may use its discretion in 1312
granting or denying the individual a registration. Except as 1313
otherwise provided in this division, if an individual applying for 1314
a registration has been convicted of or pleaded guilty to a felony 1315
that is not a crime of moral turpitude or a disqualifying offense 1316
less than three years prior to making the application, the board 1317

may use its discretion in granting or denying the individual a 1318
registration. The provisions in this paragraph do not apply with 1319
respect to any offense unless the board, prior to ~~the effective~~ 1320
~~date of this amendment~~ September 28, 2012, was required or 1321
authorized to deny the registration based on that offense. 1322

In all other circumstances, the board shall follow the 1323
procedures it adopts by rule that conform to this section. In 1324
considering a renewal of an individual's registration, the board 1325
shall not consider any conviction or plea of guilty prior to the 1326
initial registration. However, the board may consider a conviction 1327
or plea of guilty if it occurred after the individual was 1328
initially registered, or after the most recent registration 1329
renewal. If the board denies an individual for a registration or 1330
registration renewal, the reasons for such denial shall be put in 1331
writing. Additionally, the board may grant an individual a 1332
conditional registration that lasts for one year. After the 1333
one-year period has expired, the registration is no longer 1334
considered conditional, and the individual shall be considered 1335
fully registered. 1336

A person who is gaining experience under the supervision of a 1337
licensed optometrist or ophthalmologist that would qualify the 1338
person under division (B)(1) of section ~~4725.48~~ 4725.43 of the 1339
Revised Code to take the examination for optical dispensing is not 1340
required to register with the board. 1341

Sec. ~~4725.53~~ 4725.49. (A) The ~~Ohio optical dispensers state~~ 1342
~~board of optometry~~, by a majority vote of its members, may refuse 1343
to grant a license and, in accordance with Chapter 119. of the 1344
Revised Code, may suspend or revoke the license of a licensed 1345
dispensing optician or impose a fine or order restitution pursuant 1346
to division (B) of this section on any of the following grounds: 1347

(1) Conviction of a crime involving moral turpitude or a 1348

disqualifying offense as those terms are defined in section	1349
4776.10 of the Revised Code;	1350
(2) Obtaining or attempting to obtain a license by fraud or	1351
deception;	1352
(3) Obtaining any fee or making any sale of an optical aid by	1353
means of fraud or misrepresentation;	1354
(4) Habitual indulgence in the use of controlled substances	1355
or other habit-forming drugs, or in the use of alcoholic liquors	1356
to an extent that affects professional competency;	1357
(5) Finding by a court of competent jurisdiction that the	1358
applicant or licensee is incompetent by reason of mental illness	1359
and no subsequent finding by the court of competency;	1360
(6) Finding by a court of law that the licensee is guilty of	1361
incompetence or negligence in the dispensing of optical aids;	1362
(7) Knowingly permitting or employing a person whose license	1363
has been suspended or revoked or an unlicensed person to engage in	1364
optical dispensing;	1365
(8) Permitting another person to use the licensee's license;	1366
(9) Engaging in optical dispensing not pursuant to the	1367
prescription of a licensed physician or licensed optometrist, but	1368
nothing in this section shall prohibit the duplication or	1369
replacement of previously prepared optical aids, except contact	1370
lenses shall not be duplicated or replaced without a written	1371
prescription;	1372
(10) Violation of sections 4725.40 to 4725.59 <u>4725.55</u> of the	1373
Revised Code;	1374
(11) Waiving the payment of all or any part of a deductible	1375
or copayment that a patient, pursuant to a health insurance or	1376
health care policy, contract, or plan that covers optical	1377
dispensing services, would otherwise be required to pay if the	1378

waiver is used as an enticement to a patient or group of patients 1379
to receive health care services from that provider. 1380

(12) Advertising that the licensee will waive the payment of 1381
all or any part of a deductible or copayment that a patient, 1382
pursuant to a health insurance or health care policy, contract, or 1383
plan that covers optical dispensing services, would otherwise be 1384
required to pay. 1385

(B) The board may impose a fine of not more than five hundred 1386
dollars for a first occurrence of an action that is grounds for 1387
discipline under this section and of not less than five hundred 1388
nor more than one thousand dollars for a subsequent occurrence, or 1389
may order the licensee to make restitution to a person who has 1390
suffered a financial loss as a result of the licensee's failure to 1391
comply with sections 4725.40 to ~~4725.59~~ 4725.55 of the Revised 1392
Code. 1393

(C) Notwithstanding divisions (A)(11) and (12) of this 1394
section, sanctions shall not be imposed against any licensee who 1395
waives deductibles and copayments: 1396

(1) In compliance with the health benefit plan that expressly 1397
allows such a practice. Waiver of the deductibles or copays shall 1398
be made only with the full knowledge and consent of the plan 1399
purchaser, payer, and third-party administrator. Such consent 1400
shall be made available to the board upon request. 1401

(2) For professional services rendered to any other person 1402
licensed pursuant to this chapter to the extent allowed by this 1403
chapter and the rules of the board. 1404

Sec. ~~4725.54~~ 4725.50. (A) Any person having knowledge of a 1405
violation of sections 4725.40 to ~~4725.59~~ 4725.55 of the Revised 1406
Code by a licensed dispensing optician or an apprentice, or of any 1407
other ground specified in section ~~4725.53~~ 4725.49 of the Revised 1408

Code for denying, suspending, or revoking a license, may submit a written complaint, specifying the precise violations or grounds, to the ~~Ohio optical dispensers~~ state board of optometry. If the board determines, in accordance with the procedures of Chapter 119. of the Revised Code, that the charges are sustained by the evidence presented, it may suspend or revoke the license of the person against whom the charges were preferred.

(B) If the board discovers or is informed that any person is or has been engaged in optical dispensing without having received a license under sections 4725.40 to ~~4725.59~~ 4725.55 of the Revised Code, it shall inform the prosecuting attorney for the county in which the alleged unlicensed activity took place. The prosecuting attorney shall take all legal action necessary to terminate such illegal practice of optical dispensing and to prosecute the offender under section 4725.41 of the Revised Code.

(C) In addition to other remedies provided in this chapter, the board may request the attorney general or the prosecuting attorney of a county in which a violation of sections 4725.40 to ~~4725.59~~ 4725.55 of the Revised Code occurs to apply to the court of common pleas of the county for an injunction to restrain the activity that constitutes a violation.

Sec. ~~4725.55~~ 4725.51. No person shall do any of the following:

(A) Sell or barter, or offer to sell or barter, a certificate of licensure as a dispensing optician issued under sections 4725.40 to ~~4725.59~~ 4725.55 of the Revised Code;

(B) Use, or attempt to use, a license which is illegally purchased or acquired under division (A) of this section, obtained by fraud or deception, counterfeited, materially altered or otherwise modified without prior approval of the ~~Ohio optical dispensers~~ state board of optometry, or suspended or revoked under

section ~~4725.53~~ 4725.49 or ~~4725.54~~ 4725.50 of the Revised Code; 1440

(C) Materially alter or otherwise modify a license in any 1441
manner, unless authorized by the ~~Ohio optical dispensers~~ state 1442
board of optometry; 1443

(D) Willfully and knowingly make any false statement in an 1444
application required under sections 4725.40 to ~~4725.59~~ 4725.55 of 1445
the Revised Code. 1446

Sec. ~~4725.56~~ 4725.52. No licensed dispensing optician, or 1447
employee or agent of a licensed dispensing optician shall pay or 1448
offer to pay a rebate or commission of any nature, or offer any 1449
other thing of value, to a licensed physician or licensed 1450
optometrist for referring patients to the licensed dispensing 1451
optician. 1452

Sec. ~~4725.57~~ 4725.53. An applicant for licensure as a 1453
licensed dispensing optician who is licensed or registered in 1454
another state shall be accorded the full privileges of practice 1455
within this state, upon the payment of a fifty-dollar fee and the 1456
submission of a certified copy of the license or certificate 1457
issued by such other state, without the necessity of examination, 1458
if the board determines that the applicant meets the remaining 1459
requirements of division (B) of section ~~4725.48~~ 4725.43 of the 1460
Revised Code. The board may require that the applicant have 1461
received a passing score, as determined by the board, on an 1462
examination that is substantially the same as the examination 1463
described in division (A) of section ~~4725.48~~ 4725.43 of the 1464
Revised Code. 1465

Sec. ~~4725.58~~ 4725.54. After each licensed contact lens 1466
dispensing optician has dispensed contact lenses pursuant to the 1467
written prescription of a licensed physician or a licensed 1468
optometrist, the licensee shall, in writing, immediately inform 1469

the patient to return back to the prescribing physician or 1470
optometrist for final evaluation. 1471

Sec. ~~4725.59~~ 4725.55. (A) Sections 4725.40 to ~~4725.59~~ 4725.55 1472
of the Revised Code do not apply to: 1473

(1) A physician authorized under Chapter 4731. of the Revised 1474
Code to practice medicine and surgery or osteopathic medicine and 1475
surgery, or to persons while in the employment and under the 1476
supervision of a physician at the physician's office; 1477

(2) An optometrist licensed under sections 4725.01 to 4725.34 1478
of the Revised Code, or to persons while in the employment and 1479
under the supervision of an optometrist at the optometrist's 1480
office. 1481

(B) Nothing in sections 4725.40 to ~~4725.59~~ 4725.55 of the 1482
Revised Code shall prevent or restrict any individual, firm, or 1483
corporation from employing or from engaging in optical dispensing 1484
through persons licensed or registered under such sections. 1485

Sec. ~~4725.61~~ 4725.56. The state board of optometry ~~and the~~ 1486
~~Ohio optical dispensers board~~ shall comply with section 4776.20 of 1487
the Revised Code. 1488

Sec. 4725.99. (A) Whoever violates section 4725.02 of the 1489
Revised Code shall be fined not more than five hundred dollars for 1490
a first offense; for each subsequent offense such person shall be 1491
fined not less than five hundred nor more than one thousand 1492
dollars, or imprisoned not less than six months nor more than one 1493
year. 1494

(B) Whoever violates section 4725.41 of the Revised Code is 1495
guilty of a misdemeanor of the second degree for a first offense, 1496
and a misdemeanor of the first degree for each subsequent offense. 1497

(C) Whoever violates section ~~4725.55~~ 4725.51 or ~~4725.56~~ 1498

4725.52 of the Revised Code is guilty of a misdemeanor of the second degree. 1499
1500

(D) Whoever violates division (A) of section 4725.21 of the Revised Code is guilty of a minor misdemeanor for a first offense; for each subsequent offense, such person is guilty of a misdemeanor of the second degree. Any violation constitutes a separate offense on each successive day continued. 1501
1502
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(E) Whoever violates section 4725.32 of the Revised Code is guilty of a misdemeanor of the third degree. 1506
1507

(F) Whoever violates section 4725.22 of the Revised Code is guilty of a minor misdemeanor for a first offense; for each subsequent offense, such person shall be fined up to one thousand dollars. 1508
1509
1510
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Sec. 4776.10. As used in Chapters 4713., 4738., 4740., 4747., and 4749. and sections 4725.40 to ~~4725.59~~ 4725.55 of the Revised Code: 1512
1513
1514

(A) "Crime of moral turpitude" or "moral turpitude" means all of the following: 1515
1516

(1) A violation of section 2903.01 or 2903.02 of the Revised Code; 1517
1518

(2) A sexually oriented offense as defined in section 2950.01 of the Revised Code; 1519
1520

(3) An offense that is an offense of violence as defined in section 2901.01 of the Revised Code, if the offense is a felony of the first or second degree; 1521
1522
1523

(4) Complicity in committing an offense described in division (A)(1) of this section; 1524
1525

(5) An attempt or conspiracy to commit or complicity in committing any offense described in division (A)(1), (2), (3), or 1526
1527

(4) of this section if the attempt, conspiracy, or complicity is a 1528
felony of the first or second degree; 1529

(6) A violation of any former law of this state, any existing 1530
or former law applicable in a military court or in an Indian 1531
tribal court, or any existing or former law of any nation other 1532
than the United States that is or was substantially equivalent to 1533
any offense listed in division (A)(1), (2), (3), (4), or (5) of 1534
this section. 1535

(B) "Direct nexus" means that the nature of the offense for 1536
which the individual was convicted or to which the individual 1537
pleaded guilty has a direct bearing on the fitness or ability of 1538
the individual to perform one or more of the duties or 1539
responsibilities necessarily related to a particular occupation, 1540
profession, or trade. 1541

(C) "Disqualifying offense" means an offense that is a felony 1542
and that has a direct nexus to an individual's proposed or current 1543
field of licensure, certification, or employment. 1544

Sec. 5903.12. (A) As used in this section: 1545

(1) "Continuing education" means continuing education 1546
required of a licensee by law and includes, but is not limited to, 1547
the continuing education required of licensees under sections 1548
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 1549
4725.16, ~~4725.51~~ 4725.47, 4730.14, 4730.49, 4731.281, 4734.25, 1550
4735.141, 4736.11, 4741.16, 4741.19, 4751.07, 4755.63, 4757.33, 1551
4759.06, 4761.06, and 4763.07 of the Revised Code. 1552

(2) "License" means a license, certificate, permit, or other 1553
authorization issued or conferred by a licensing agency under 1554
which a licensee may engage in a profession, occupation, or 1555
occupational activity. 1556

(3) "Licensee" means a person to whom all of the following 1557

apply: 1558

(a) The person has been issued a license by a licensing 1559
agency. 1560

(b) The person has been a member of the armed forces of the 1561
United States, the Ohio national guard, the Ohio military reserve, 1562
the Ohio naval militia, the national guard of any other state, or 1563
a reserve component of the armed forces of the United States. 1564

(c) The person has served on active duty, whether inside or 1565
outside the United States, for a period in excess of thirty-one 1566
days. 1567

(4) "Licensing agency" means any state department, division, 1568
board, commission, agency, or other state governmental unit 1569
authorized by the Revised Code to issue a license. 1570

(5) "Reporting period" means the period of time during which 1571
a licensee must complete the number of hours of continuing 1572
education required of the licensee by law. 1573

(B) A licensee may submit an application to a licensing 1574
agency, stating that the licensee requires an extension of the 1575
current reporting period because the licensee has served on active 1576
duty as described in division (A)(3)(c) of this section during the 1577
current or a prior reporting period. The licensee shall submit 1578
proper documentation certifying the active duty service and the 1579
length of that active duty service. Upon receiving the application 1580
and proper documentation, the licensing agency shall extend the 1581
current reporting period by an amount of time equal to the total 1582
number of months that the licensee spent on active duty during the 1583
current reporting period. For purposes of this division, any 1584
portion of a month served on active duty shall be considered one 1585
full month. 1586

Section 2. That existing sections 109.572, 125.22, 4725.03, 1587

4725.05, 4725.07, 4725.13, 4725.16, 4725.19, 4725.20, 4725.34, 1588
4725.40, 4725.41, 4725.44, 4725.48, 4725.49, 4725.50, 4725.501, 1589
4725.51, 4725.52, 4725.53, 4725.54, 4725.55, 4725.57, 4725.59, 1590
4725.61, 4725.99, 4776.10, and 5903.12 and sections 4725.42, 1591
4725.43, 4725.45, 4725.46, 4725.47, and 4725.531 of the Revised 1592
Code are hereby repealed. 1593

Section 3. (A) The Ohio Optical Dispensers Board shall be 1594
abolished on the effective date of this act. The winding up of 1595
affairs of the Board shall be completed in accordance with section 1596
126.29 of the Revised Code. 1597

(B) Within thirty days after the effective date of this act, 1598
the Governor shall appoint, as additional members of the State 1599
Board of Optometry, all of the following: 1600

(1) One person who has been actively engaged as an 1601
optometrist for five years preceding appointment; 1602

(2) One of the contact lens dispensing opticians who served 1603
on the former Ohio Optical Dispensers Board existing on the day 1604
prior to the effective date of this act; 1605

(3) One of the spectacle dispensing opticians who served on 1606
the former Ohio Optical Dispensers Board existing on the day prior 1607
to the effective date of this act. 1608

The Governor shall establish staggered terms for the initial 1609
terms of office for the new members of the State Board of 1610
Optometry appointed pursuant to this section. After the expiration 1611
of the initial terms, all terms of office shall be for five years 1612
in accordance with section 4725.03 of the Revised Code, as amended 1613
by this act. 1614

Section 4. All rules, orders, and determinations made or 1615
undertaken pursuant to the authority and responsibilities of the 1616
Ohio Optical Dispensers Board shall continue in effect as rules, 1617

orders, and determinations of the State Board of Optometry until 1618
modified or rescinded by the State Board of Optometry. If 1619
necessary to ensure the integrity of the numbering system of the 1620
Administrative Code, the Director of the Legislative Service 1621
Commission shall renumber the rules relating to the Ohio Optical 1622
Dispensers Board to reflect the transfer of authority and 1623
responsibility of the State Board of Optometry. 1624

Section 5. Licenses issued by the Ohio Optical Dispensers 1625
Board in effect on the effective date of this act shall be valid 1626
for the regular life of the license. Any renewal of the license 1627
shall be issued by the State Board of Optometry pursuant to 1628
section 4725.51 (4725.47) of the Revised Code, as amended by this 1629
act. 1630

Section 6. Section 4725.16 of the Revised Code is presented 1631
in this act as a composite of the section as amended by both Am. 1632
Sub. H.B. 59 and Am. Sub. H.B. 98 of the 130th General Assembly. 1633
The General Assembly, applying the principle stated in division 1634
(B) of section 1.52 of the Revised Code that amendments are to be 1635
harmonized if reasonably capable of simultaneous operation, finds 1636
that the composite is the resulting version of the section in 1637
effect prior to the effective date of the section as presented in 1638
this act. 1639