

## ADDITIONAL OCCUPATIONAL REGULATIONS

LSC is required by law to issue reports regarding all occupations subject to regulation by the state over the six-year period from 2019 through 2024. Below are occupations that LSC determined, after the agency surveys were included in previous reports, are to be included in the report. Note that the agencies involved are not subject to review until the 137<sup>th</sup> or 138<sup>th</sup> General Assemblies.

### Department of Aging

#### Health services executive

##### Survey response (AGE)

###### Description

The Health Services Executive (HSE) license is a voluntary license that requires experience as an LNHA (licensed Nursing Home Administrator) and passage of three national examinations to prove an entry-level competency throughout the continuum of care from skilled nursing care to Assisted Living to Home and Community-Based services.

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	20
<b>Number renewed annually</b>	50
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No
<b>Education or training requirements</b>	An active, current nursing home administrator license.  There is a special pathway that does not require the three years' experience, and that is if the individual graduated from a NAB (National Association of Long-Term Care Administrator Boards)-accredited college or university with a degree in Long-Term Care Administration.
<b>Experience requirements</b>	Three years' experience as the administrator of record of a skilled nursing facility, or as an LNHA who actively directs the practice of other administrators of record.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	4 NAB examinations: The NHA (Nursing home), the RC/AL (residential care/assisted living), and the HCBS (Home and Community-Based Services). The exams are developed, maintained, and charged for by NAB, and the Board receives no income from them. NHA/CORE exams-\$440 if taken together, RC/AL exam-\$185, HCBS exam-\$185. The exams are created by the LOFT process, and no two exams are exactly the same due to the databank of questions.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	The license requires four continuing education (CE) hours per year (eight hours biennially) that are NAB or BELTSS approved. These hours are above the 20 annual/40 biennial CEs required to renew the LNHA.

If the regulation is a registration, certification, or license requirement, please complete the following:	
	The lists of approved NAB and BELTSS courses are available online. Course material must include NAB's domains of practice. BELTSS suggests CEs for the HSE license be in the area of home and community-based services, but this is not a requirement. CEs can be completed online or in-person, and proof of completion is submitted online.
<b>Initial fee</b>	\$100
<b>Duration</b>	One year
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$50, because there are also an additional four CE credit hours that must be submitted for renewal.
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	Yes
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	Yes, this voluntary license was established by NAB as a credential that states could choose to accept in order to try to make transferring between states easier, as each individual state has its own requirements for NHA licensure. The national credential from NAB was used to develop Ohio's license. Ohio is one of 27 states that currently recognize the HSE.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	No.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?**

Some, but the individual must meet the standards set by both NAB and the Board.

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

The Board of Executives of Long-Term Services and Supports, Chapters 4751 of the Ohio Revised and Administrative Codes.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$4,500. The fees are used to support the operations of BELTSS, as the Board receives no GRF and is 100% fee supported.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

Federal law requires nursing homes to be under the supervision of a LNHA, as further administered by the state, but the HSE is not federally regulated.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulation seeks to provide high-quality, well-educated administrators to operate skilled nursing facilities (SNFs) as the Board strongly believes that high quality care is directly linked to qualified nursing home administrators. Those who have the HSE have gone above and beyond the minimum licensure requirements to obtain the highest license in Ohio, the HSE.

The regulation seeks to prevent harm (such as fraud, abuse, neglect, financial exploitation, and other ethical violations) to the vulnerable populations served by LNHAs/HSEs, including older Ohioans and individuals with disabilities, and their families and loved ones.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the regulations are effective in preventing harm. As a voluntary license for an already credentialled LNHA, the HSE is the highest licensing standard the Board regulates. Further, the Board investigates complaints and issued disciplinary actions if necessary to protect long-term care residents, and requires continuing education, as the least restrictive way to prevent harm.

**Are there any changes the Department would like to see implemented?**

HB 509 from the previous General Assembly made changes to the licensing period for LNHA from one year to two years. To align with those changes, the Board recommends unifying the HSE licensing period with the LNHA and adjust the fee accordingly.

**Surrounding state comparison (LSC) (as of August 16, 2024)**

Health Services Executive						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License (License) <i>(R.C. 4751.21)</i>	No clear equivalent <sup>131</sup>	No clear equivalent <sup>132</sup>	No clear equivalent	No clear equivalent	No clear equivalent
Education or training	Licensed as a nursing home administrator and has obtained the health services executive	N/A	N/A	N/A	N/A	N/A

<sup>131</sup> While Indiana law authorizes an individual who holds an approved National Association of Long-Term Care Administrator Boards Health Services Executive license to receive a health facility administrator license or a residential care administrator license, it does not establish an independent health services executive license (see Ind. Code 25-19-1-10).

<sup>132</sup> While Kentucky law deems an individual seeking licensure as a long-term care administrator to have satisfied certain requirements if the applicant holds a health services executive license, it does not establish an independent health services executive license (see 201 Ky. Admin. Regs. 6:020).

Health Services Executive						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	qualification through the National Association of Long-Term Care Administrator Boards (NAB) <i>(R.C. 4751.21)</i>					
Experience	As part of the requirements to receive a qualification from NAB, one pathway requires three years of experience as a long-term care administrator of record <i>(R.C. 4751.21)</i>	N/A	N/A	N/A	N/A	N/A
Exam	Yes, exam required to obtain nursing home administrator license and exam administered by NAB	N/A	N/A	N/A	N/A	N/A

Health Services Executive						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(O.A.C. 4751-1-05 and 4751-1-10.2)</i>					
Continuing education	Eight hours every two years <i>(O.A.C. 4751-1-10.2)</i>	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$100 <i>(R.C. 4751.21; O.A.C. 4751-1-16)</i>	N/A	N/A	N/A	N/A	N/A
License duration	One year <i>(R.C. 4751.25)</i>	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$50 <i>(R.C. 4751.25)</i>	N/A	N/A	N/A	N/A	N/A

## State Chiropractic Board

### Animal chiropractor

Under Ohio law, no individual can act as an animal chiropractor unless the individual is a licensed chiropractor and holds a specified private certification.<sup>133</sup> Although the certificate is required to engage in the activity, it is not an “occupational regulation” and is beyond the scope of this report.

<sup>133</sup> R.C. 4734.151.



## **Counselor, Social Worker, and Marriage and Family Therapist Board**

### **Art therapist**

The requirement to obtain a license to engage in the practice of art therapy was enacted in H.B. 33 of the 135<sup>th</sup> General Assembly. As this licensure requirement is currently in the early stages of the implementation process, there is not enough information to include in the report.

### **Music therapist**

The requirement to obtain a license to engage in the practice of music therapy was enacted in H.B. 33 of the 135<sup>th</sup> General Assembly. As this licensure requirement is currently in the early stages of the implementation process, there is not enough information to include in the report.

## **State Dental Board**

Although these licenses were included in the State Dental Board’s survey response for the 133<sup>rd</sup> General Assembly Occupational Regulation Report, the surrounding state comparison for each license was not included. Those are below.

### **Dental temporary limited continuing education license**

#### **Surrounding state comparison (LSC) (as of August 16, 2024)**

Under Ohio law, a “dental temporary limited continuing education license” allows a dentist who is a resident of, and licensed in, another state to practice dentistry either: (1) on residents of the state in which the dentist is permanently licensed or (2) as part of a continuing education practicum that has endorsed the dentist for participation. For the practicum, the license holder may only practice dentistry on patients referred by a dentist to an instructing dentist (both licensed in Ohio), while participating in a required clinical exercise of the endorsing practicum on the premises of the facility where the practicum is being conducted. The license holder must be under the direct supervision and full professional responsibility of an instructing dentist and is limited to the performance of procedures necessary to complete the endorsing practicum. The license holder cannot exceed 30 days of actual patient treatment in any year.

To be eligible, the applicant must have a degree from an accredited dental college, have a license in good standing to practice dentistry in the applicant’s home state, and be registered to participate in the endorsing practicum. No examination is required. The initial license fee is \$127. The license is valid only when the dentist is participating in the practicum and expires at the end of one year.

If the dentist fails to complete the endorsing practicum within the one year, the Dental Board may, upon the dentist's application and payment of a \$94 renewal fee, renew the license for a consecutive one-year period. Only two renewals may be granted.<sup>134</sup>

It does not appear that any of the surrounding states issue this license.

## **Permit for a dental hygienist to provide services as part of the Oral Health Access Supervision Program**

### **Surrounding state comparison (LSC) (as of August 16, 2024)**

Under Ohio law, a dental hygienist may apply for a license from the Dental Board to practice under the Oral Health Access Supervision Program under the supervision of a dentist.<sup>135</sup> This program allows a dentist to authorize a dental hygienist to perform dental hygiene services at certain facilities when no dentist is present, such as nursing homes, clinics, and public schools. If a dental hygienist is not practicing under the program, a dentist must generally be present for the hygienist to perform dental hygiene services.<sup>136</sup> The program was created to help increase access to dental care for underserved populations.<sup>137</sup>

To be issued a license, an applying dental hygienist must be in good standing with the Dental Board and meet all of the following training, education, and experience requirements:

- Complete at least one year and attain a minimum of 1,500 hours of experience in the practice of dental hygiene;
- Complete, during the two years prior to the submission of the application, at least 24 hours of continuing dental hygiene education;
- Complete a course pertaining to the practice of dental hygiene under the oral health access supervision of a dentist that:
  - Eight hours in length;
  - Includes at a minimum, instruction in both: (1) the treatment of geriatric patients, medically compromised patients, developmentally disabled patients, and pediatric patients and (2) recordkeeping practices;

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<sup>134</sup> R.C. 4715.16.

<sup>135</sup> R.C. 4715.363 and 4715.364.

<sup>136</sup> LSC, [Final Analysis for H.B. 190 of the 128<sup>th</sup> General Assembly \(PDF\)](#).

<sup>137</sup> Ohio Dental Association, [Annual Session to Offer Free Oral Health Access Supervision Program Course](#).

- Be developed and offered by an institution accredited by the American Dental Association Commission on Dental Accreditation or a program provided by a sponsor of continuing education approved by the Dental Board; and
- Includes content that is separate and independent from the course content required for completion of dental hygiene education from an accredited dental hygiene school;
- Complete, during the two years prior to the submission of the application, a course pertaining to the identification and prevention of potential medical emergencies;
- Pay a \$25 license fee.<sup>138</sup>

The license expires on the 31<sup>st</sup> day of December of the odd-numbered year that occurs after the permit's issuance. It may be renewed for \$25. On renewal, the license is valid for two years.<sup>139</sup>

It does not appear that any of the surrounding states issue this license.

## **Permit for a dentist to supervise a dental hygienist for purposes of the Oral Health Access Supervision Program**

### **Surrounding state comparison (LSC) (as of August 16, 2024)**

Under Ohio law, a dentist may apply to the Dental Board for a permit to supervise a dental hygienist under the Oral Health Access Supervision Program.<sup>140</sup> To be eligible, the dentist must be in good standing with the Board and submit a form prescribed by the Board. There are no requirements related to education, experience, and training that are separate from the requirements to practice dentistry. Both the initial license fee and the license renewal fee are \$25.<sup>141</sup> Similar to the dental hygienist license under this program, the license expires on the 31<sup>st</sup> day of December of the odd-numbered year that occurs after the permit's issuance. Upon renewal, it is valid for two years.<sup>142</sup>

It does not appear that any of the surrounding states issue this license.

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<sup>138</sup> R.C. 4715.363 and 4715.372.

<sup>139</sup> R.C. 4715.37.

<sup>140</sup> R.C. 4715.362 and 4715.364.

<sup>141</sup> R.C. 4715.362 and 4719.369.

<sup>142</sup> R.C. 4715.369.

## Department of Developmental Disabilities

### County board of developmental disabilities (DD) business manager

#### Survey response (DDD)

<b>Description</b>	
The business manager is responsible for budgeting, financial reporting, preparing cost reports, and advancing informed and strategic decision-making by the county board.	
<b>Type</b> ( <i>License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.</i> )	
Government certification	
<b>If the regulation is a registration, certification, or license requirement, please complete the following:</b>	
<b>Number issued annually</b>	We do not have this information as these are all issued by the county boards of developmental disabilities.
<b>Number renewed annually</b>	We do not have this information as these are all issued by the county boards of developmental disabilities.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	We do not have this information as these are all issued by the county boards of developmental disabilities, however, each county board of developmental disabilities has only one business manager. Business manager certification was created January 1, 2019, in response to a request from county boards of developmental disabilities. No certifications were issued prior to that date.
<b>Education or training requirements</b>	For initial certification, a superintendent may issue business manager certification for an initial period of one year to an applicant who:  Holds a bachelor's degree or a master's degree from an accredited college or university in accounting, business administration, finance, public administration, or a related field of study  Or  Holds a bachelor's degree or a master's degree from an accredited college or university in any field of study and has at least two years of full-time (or equivalent part-time), supervised, paid work experience with demonstrated competency in accounting, financial management, and budgeting  Or  Is a certified public accountant
<b>Experience requirements</b>	See above scenarios for initial certification

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>No</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>Renewal of certification requires completion of 100 hours of continuing education. The department-provided annual training in cost report preparation and annual training in the rights of individuals with developmental disabilities and the requirements of rule 5123-17-02 count toward the 100 hours.</p>
<p><b>Initial fee</b></p>	<p>A superintendent may compel an applicant for business manager certification to pay an application fee to the county board which will not exceed \$75</p>
<p><b>Duration</b></p>	<p>Initial certification is one year; renewal certification is five years</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>A superintendent may compel an applicant for business manager certification to pay an application fee to the county board which will not exceed \$75</p>
<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>Yes, a superintendent of a county board is required to accept certification issued by the superintendent of another county board</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>None we are aware of</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	No, persons serving as business managers of county boards of developmental disabilities must hold certification
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	No, Section 5126.25 of the Revised Code sets forth that the superintendent of the county board of developmental disabilities is responsible for taking all actions regarding the certification
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	N/A

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

These certifications are subject to denial, suspension, or revocation by the County Board Superintendent.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

None, the certifications are issued by superintendents of county boards of developmental disabilities who may charge a fee not to exceed \$75

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

No

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulation's aim is to ensure that persons employed in the business manager role meet minimum qualifications. The business manager role is statutorily required per ORC 5126.054.



**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the regulation is effective. The rule ensures business managers meet minimum qualifications without being overly restrictive or costly.

**Are there any changes the Department would like to see implemented?**

No, rule 5123-5-08 was comprehensively reviewed in 2024. The currently effective rule reflects suggestions from county boards of developmental disabilities.

**Surrounding state comparison (LSC) (as of August 16, 2024)**

County Board of Developmental Disabilities Business Manager						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License (Certification) <i>(O.A.C. 5123-5-08)</i>	No clear equivalent <sup>143</sup>	No clear equivalent <sup>144</sup>	No clear equivalent	No clear equivalent	No clear equivalent <sup>145</sup>

<sup>143</sup> Indiana does not have a county board structure for the administration of services to individuals with developmental disabilities.

<sup>144</sup> Kentucky does not have a county board structure for the administration of services to individuals with developmental disabilities.

<sup>145</sup> West Virginia does not have a county board structure for the administration of services to individuals with developmental disabilities.

**County Board of Developmental Disabilities Business Manager**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
Education or training	If an individual was not serving as the business manager of a county DD board before January 1, 2019, must satisfy one of the following: (1) a bachelor’s degree or a master’s degree from an accredited college or university in accounting, business administration, finance, public administration, or a related field of study, (2) a bachelor’s degree or a master’s degree from an accredited college or university in any field of study and has at least two years of full-time (or	N/A	N/A	N/A	N/A	N/A

**County Board of Developmental Disabilities Business Manager**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
	equivalent part-time), supervised, paid work experience with demonstrated competency in accounting, financial management, and budgeting, or (3) a certified public accountant  <i>(O.A.C. 5123-5-08 (C)(3))</i>					
Experience	An individual must satisfy one of the following: (1) be employed as a business manager of a county DD board for one year or longer as of December 31, 2018, (2) be employed as a business manager of a county DD board for less	N/A	N/A	N/A	N/A	N/A

**County Board of Developmental Disabilities Business Manager**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
	<p>than one year as of that date, (3) not be employed as a business manager as of January 1, 2019, and meet the education and experience requirements specified above <i>(O.A.C. 5123-5-08 (C))</i></p>					
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	<p>Individuals serving as a business manager for at least one year as of December 31, 2018: 25 hours every five years  Individuals with less than one year experience as a business manager as of that date: 40 hours during the first five years,</p>	N/A	N/A	N/A	N/A	N/A

**County Board of Developmental Disabilities Business Manager**

	<b>Ohio</b>	<b>Indiana</b>	<b>Kentucky</b>	<b>Michigan</b>	<b>Pennsylvania</b>	<b>West Virginia</b>
	<p>then 25 hours during subsequent five-year periods</p> <p>Individuals first serving as a business manager after January 1, 2019: Completion of eight hours of orientation and 40 hours during the first five years, then 25 hours during subsequent five-year periods</p> <p><i>(O.A.C. 5123-5-08 (C))</i></p>					
Initial licensure fee	<p>\$75</p> <p><i>(O.A.C. 5123-5-08 (D))</i></p>	N/A	N/A	N/A	N/A	N/A
License duration	<p>Individuals serving as a business manager for at least one year as</p>	N/A	N/A	N/A	N/A	N/A

County Board of Developmental Disabilities Business Manager						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	of December 31, 2018: Five years All others: One year initial license and subsequent licenses five years (O.A.C. 5123-5-08 (C))					
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

## Board of Embalmers and Funeral Directors

### Funeral home operator

#### Survey response (FUN)

Description
<p>To operate a funeral home in this state, a funeral home license issued under Chapter 4717. is required, pursuant to Section 4717.06(A)(1) of the Ohio Revised Code.</p> <p>According to Rule 4717-7-01(A) of the Ohio Administrative Code, the business and practice of funeral directing and embalming shall be conducted from a fixed place or location which is licensed by the board.</p> <p>As per R.C. 4717.06(B)(1), the board of embalmers and funeral directors shall issue a license to operate a funeral home only to a licensed funeral director who is named in the application as the funeral director actually in charge and ultimately responsible for the funeral home. The board shall issue the license only for the address at which the funeral home is physically located and operated. The funeral home license and</p>

## Description

licenses of the embalmers and funeral directors employed by the funeral home shall be displayed in a conspicuous place within the funeral home.

(2) The funeral home shall have on the premises one of the following:

(a) If embalming will take place at the funeral home, an embalming room that is adequately equipped and maintained. The embalming room shall be kept in a clean and sanitary manner and used only for the embalming, preparation, or holding of dead human bodies. The embalming room shall contain only the articles, facilities, and instruments necessary for those purposes.

(b) If embalming will not take place at the funeral home, a holding room that is adequately equipped and maintained. The holding room shall be kept in a clean and sanitary manner and used only for the preparation, other than embalming, and holding of dead human bodies. The holding room shall contain only the articles and facilities necessary for those purposes.

(3) Each funeral home shall be directly supervised by a funeral director licensed under this chapter, who may supervise more than one funeral home.

Definitions related to funeral home licensure used in Chapter 4717. of the Revised Code include, but are not limited to:

R.C. 4717.01(B) "Funeral business" means a sole proprietorship, partnership, corporation, limited liability company, or other business entity that is engaged in funeral directing for profit or for free from one or more funeral homes licensed under this chapter.

R.C. 4717.01(D) "Funeral home" means a fixed place for the care, preparation for burial, or disposition of dead human bodies or the conducting of funerals. Each business location is a funeral home, regardless of common ownership or management.

R.C. 4717.01(F) "Funeral director" means a person who engages, in whole or in part, in funeral directing and who is licensed under this chapter.

Definitions related to funeral home licensure used in Chapter 4717. of the Administrative Code include, but are not limited to:

O.A.C. 4717-1-01(A) "Actually in charge," as used with regard to a funeral home license, means a licensed funeral director who has decision-making authority over the funeral home, including, but not limited to, hiring employees, disciplining employees, and making managerial decisions regarding daily operations.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Occupational license.

FH. – Funeral Home

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	Based on the total number of funeral home licenses issued in each of the preceding six state fiscal years, an average of 80 funeral home licenses were issued annually.
<b>Number renewed annually</b>	Biennial renewal. Based on the total number of active funeral home licenses eligible for renewal in each of the preceding three biennial renewal periods, an average of 1,141 funeral home licenses were renewed.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No.
<b>Education or training requirements</b>	There are no education or training requirements applicable to a funeral home license. However, the holder of a funeral home license must be a licensed funeral director in this state. To obtain a license to practice as a funeral director, an applicant must meet education and training requirements as per R.C. 4717.05 that includes being at least 18 years of age, holds at least a bachelor’s degree from a college or university, has satisfactorily completed at least a one-



<b>If the regulation is a registration, certification, or license requirement, please complete the following:</b>	
	<p>year apprenticeship under a licensed funeral director in this state and has participated in directing at least 25 funerals, or in lieu of mortuary science college training required for a funeral director's license under division (C)(1) of this section, the applicant may substitute a satisfactorily completed two-year apprenticeship under a licensed funeral director in this state assisting that person in directing at least fifty funerals.</p>
<b>Experience requirements</b>	<p>There are no experience requirements applicable to a funeral home license.</p>
<b>Examination requirements</b> <i>(Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?)</i>	<p>There are no examination requirements applicable to a funeral home license.</p> <p>However, the holder of a funeral home license must be a licensed funeral director in this state. To obtain a license to practice as a funeral director, an applicant must meet examination requirements as per R.C. 4717.05 that includes earning a passing score of 75% or higher on the National Board Examination Arts section and a passing score of 75% or higher on the Ohio laws and rules examination.</p> <p>Both exams are administered by The International Conference of Funeral Service Examining Boards (or "The Conference").</p> <p>Examination fees are assessed by The Conference. Currently, the fee to take the NBE Arts exam is \$285, and the fee to take the Ohio LRR exam is \$140. The Board of Embalmers and Funeral Directors does not receive proceeds of fees collected by The Conference.</p>
<b>Continuing education requirements</b> <i>(Including a description of the curriculum and the process of setting it.)</i>	<p>There are no continuing education requirements applicable to a funeral home license.</p> <p>However, the funeral director who holds the funeral home license must earn a minimum of 18 hours of continuing education programs approved by the board every two years, as per R.C. 4717.09 and Rule 4717-9-01 of the Ohio Administrative Code.</p>
<b>Initial fee</b>	<p>\$400.</p>

<b>If the regulation is a registration, certification, or license requirement, please complete the following:</b>	
	As per R.C. 4717.07(A)(4), for applying for an initial license to operate a funeral home, four hundred dollars and biennial renewal of a license to operate a funeral home, four hundred dollars.
<b>Duration</b>	Biennial.  As per R.C. 4717.08(A), every license and permit issued under this chapter expires on the last day of December of each even-numbered year and shall be renewed on or before that date according to the standard license renewal procedure set forth in Chapter 4745. of the Revised Code. Licenses and permits not renewed by the last day of December of each even-numbered year are lapsed.
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	Same as initial fee.
<b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b>	No, the board does not allow for reciprocity for a funeral home license.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b>	No.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?**

If an applicant submits a complete application for an initial funeral home licensure pursuant to R.C. 4717.06, there is no discretion in determining whether to issue the license to the individual, unless the applicant may be determined disqualified according with Section 9.79 of the Revised Code.

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

Chapter 4717. of the Ohio Revised Code authorizes the Board of Embalmers and Funeral Directors to have oversight and disciplinary authority of licensed funeral directors who hold a funeral home license.

R.C. 4717.04 authorizes the board to adopt rules for the administration and enforcement of Chapter 4717. The board's rules are contained in Chapter 4717 of the Ohio Administrative Code.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Based on the total number of funeral home licenses issued in each of the preceding six state fiscal years, an average of 80 funeral home licenses were issued annually, at \$400 fee per application, earning an average annual total of \$32,000 in revenue.

Based on the total number of active funeral home licenses eligible for renewal in each of the preceding three biennial renewal periods, an average of 1,141 funeral home licenses were renewed, at \$400 fee per renewal application, earning an average biennial total of \$456,400 in revenue.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Revenue collected by the Board of Embalmers and Funeral Directors is paid into the state treasury to the credit of the occupational licensing and regulatory fund, which was created for use in administering, among others, Chapter 4717. of the Revised Code. Operational funding for the board's licensing and enforcement services provided is sourced from this fund.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

No.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The Board of Embalmers and Funeral Directors allows only a funeral director licensed under Chapter 4717. of the Revised Code to apply for and to be issued a license to operate a funeral home in this state. The regulation intends to protect consumers from potential fraudulent practices and unsanitary facilities by an unlicensed person operating an unregulated funeral home.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, the regulation is effective at preventing the harm described above.

Are there any changes the Board would like to see implemented?

Not at this time.

**Surrounding state comparison (LSC) (as of August 7, 2024)**

Funeral Home Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License (License) <i>(R.C. 4717.06)</i>	License (License) (Funeral home license covers both funeral homes and embalming facilities)	License (License) <i>(Ky. Rev. Stat. 316.125)</i>	License (License) (Funeral establishment license covers both funeral homes and	License (License) (Funeral establishment license covers both funeral homes and	License (License) (Funeral establishment license covers both funeral homes and

Funeral Home Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>(Ind. Code 25-15-8-24)</i>		embalming facilities)  <i>(Mich. Comp. Laws 339.1804)</i>	embalming facilities)  <i>(63 Pa. Cons. Stat. 479.7; 49 Pa. Code 13.91)</i>	embalming facilities)  <i>(W. Va. Code 30-6-18)</i>
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	Hold a funeral director license  <i>(R.C. 4717.06)</i>	Hold a funeral director license  <i>(832 Ind. Admin. Code 5-2-4)</i>	Hold a funeral director license  <i>(Ky. Rev. Stat. 316.125; 201 Ky. Admin. Regs. 15:110)</i>	Hold a mortuary science license  <i>(Mich. Comp. Laws 339.1806 and 339.1809)</i>	Hold a funeral director license  <i>(49 Pa. Code 13.81)</i>	Hold a funeral director license  <i>(W. Va. Code 30-6-19)</i>
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$400  <i>(R.C. 4717.07)</i>	\$50  <i>(832 Ind. Admin. Code 2-1-2)</i>	\$500  <i>(201 Ky. Admin. Regs. 15:030)</i>	\$170 (one year) or \$225 (two years)  <i>(LARA, <a href="#">Mortuary Science – Fee Schedule (PDF)</a>)</i>	\$125 (sole proprietor) or \$150 (corporation or partnership)  <i>(49 Pa. Code 13.12)</i>	\$625  <i>(W. Va. Code R. 6-7-4)</i>

Funeral Home Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Two years <i>(R.C. 4717.08)</i>	Two years <i>(832 Ind. Admin. Code 4-2-4)</i>	One year <i>(Ky. Rev. Stat. Ann. 316.130)</i>	Two years <i>(LARA, <a href="#">Mortuary Science – Fee Schedule (PDF)</a>)</i>	Two years <i>(49 Pa. Code 13.231)</i>	Two years <i>(W. Va. Code R. 6-7-4)</i>
Renewal fee	\$400 <i>(R.C. 4717.07)</i>	\$50 <i>(832 Ind. Admin. Code 2-1-2)</i>	\$500 <i>(201 Ky. Admin. Regs. 15:030)</i>	\$110 <i>(LARA, <a href="#">Mortuary Science – Fee Schedule (PDF)</a>)</i>	\$400 <i>(49 Pa. Code 13.12)</i>	\$500 <i>(W. Va. Code R. 6-7-4)</i>

## Embalming facility operator

### Survey response (FUN)

Description
<p>To operate an embalming facility in this state, an embalming facility license issued under Chapter 4717. is required, pursuant to Section 4717.06(A)(1) of the Ohio Revised Code.</p> <p>According to Rule 4717-7-01(A) of the Ohio Administrative Code, the business and practice of funeral directing and embalming shall be conducted from a fixed place or location which is licensed by the board.</p> <p>As per R.C. 4717.06(C)(1), the board shall issue a license to operate an embalming facility only to a licensed embalmer who is actually in charge of and ultimately responsible for the embalming facility. The board shall issue the license only for the address at which the embalming facility is physically located and operated. The license shall be displayed in a conspicuous place within the facility.</p> <p>(2) The embalming facility shall be adequately equipped and maintained in a sanitary manner. The embalming room at such a facility shall contain only the articles, facilities, and instruments necessary for its stated purpose. The embalming room shall be kept in a clean and sanitary condition and used only for the care and preparation of dead human bodies.</p>

**Description**

Definitions related to embalming facility licensure used in Chapter 4717. of the Revised Code include, but are not limited to:

R.C. 4717.01(E) "Embalmer" means a person who engages, in whole or in part, in embalming and who is licensed under this chapter.

R.C. 4717.01(J) "Embalming facility" means a fixed location, separate from the funeral home, that is licensed under this chapter whose only function is the embalming and preparation of dead human bodies.

Definitions related to embalming facility licensure used in Chapter 4717. of the Administrative Code include, but are not limited to:

O.A.C. 4717-1-01(A) "Actually in charge," as used with regard to an embalming facility, means a licensed embalmer who has decision-making authority over the embalming facility, including, but not limited to, hiring employees, disciplining employees, and making managerial decisions regarding daily operations.

O.A.C. 4717-1-01(F) "Fixed place" means a physical structure, having a United States post office street, avenue, or road address.

O.A.C. 4717-1-01(O) "Preparation room" or "embalming room" means the area in a funeral home or embalming facility exclusively used for the care and preparation of dead human bodies for burial or final disposition.

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Occupational license.

EFAC. – Embalming facility

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Number issued annually**

Based on the total number of embalming facility licenses issued in each of the preceding six state fiscal years, an average of one embalming facility license was issued annually.



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Number renewed annually</b></p>	<p>Biennial renewal.</p> <p>Based on the total number of active embalming facility licenses eligible for renewal in each of the preceding three biennial renewal periods, an average of four embalming facility licenses were renewed.</p>
<p><b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b></p>	<p>No.</p>
<p><b>Education or training requirements</b></p>	<p>There are no education or training requirements applicable to an embalming facility license.</p> <p>However, the holder of an embalming facility license must be a licensed embalmer in this state. To obtain a license to practice as an embalmer, an applicant must meet education and training requirements as per R.C. 4717.05 that includes being at least 18 years of age, holds at least a bachelor’s degree from a college or university, has satisfactorily completed at least 12 months of mortuary science college training, has satisfactorily completed at least a one-year apprenticeship under a licensed embalmer in this state and has participated in embalming at least 15 dead human bodies.</p>
<p><b>Experience requirements</b></p>	<p>There are no experience requirements applicable to an embalming facility license.</p>
<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>There are no examination requirements applicable to an embalming facility license.</p> <p>However, the holder of an embalming facility license must be a licensed embalmer in this state. To obtain a license to practice as an embalmer, an applicant must meet examination requirements as per R.C. 4717.05 that includes earning a passing score of 75% or higher on the</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>National Board Examination Sciences section and a passing score of 75% or higher on the Ohio laws and rules examination.</p> <p>Both exams are administered by The International Conference of Funeral Service Examining Boards (or “The Conference”).</p> <p>Examination fees are assessed by The Conference. Currently, the fee to take the NBE Sciences exam is \$285, and the fee to take the Ohio LRR exam is \$140. The Board of Embalmers and Funeral Directors does not receive proceeds of fees collected by The Conference.</p>
<p><b>Continuing education requirements</b> <i>(Including a description of the curriculum and the process of setting it.)</i></p>	<p>There are no continuing education requirements applicable to an embalming facility license.</p> <p>However, the embalmer who holds the embalming facility license must earn a minimum of 18 hours of continuing education programs approved by the board every two years, as per R.C. 4717.09 and Rule 4717-9-01 of the Ohio Administrative Code.</p>
<p><b>Initial fee</b></p>	<p>\$400</p> <p>As per R.C. 4717.07(A)(7), for applying for an initial license to operate an embalming facility, four hundred dollars and biennial renewal of a license to operate an embalming facility, four hundred dollars.</p>
<p><b>Duration</b></p>	<p>Biennial.</p> <p>As per R.C. 4717.08(A), every license and permit issued under this chapter expires on the last day of December of each even-numbered year and shall be renewed on or before that date according to the standard license renewal procedure set forth in Chapter 4745. of the Revised Code. Licenses and permits not renewed by the last day of December of each even-numbered year are lapsed.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	Same as initial fee.
<b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b>	No, the board does not allow for reciprocity for an embalming facility license.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b>	No.
<b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	If an applicant submits a complete application for an initial embalming facility licensure pursuant to R.C. 4717.06, there is no discretion in determining whether to issue the license to the individual, unless the applicant may be determined disqualified according with Section 9.79 of the Revised Code.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

Chapter 4717. of the Ohio Revised Code authorizes the Board of Embalmers and Funeral Directors to have oversight and disciplinary authority of licensed embalmers who hold an embalming facility license.

R.C. 4717.04 authorizes the board to adopt rules for the administration and enforcement of Chapter 4717. The board's rules are contained in Chapter 4717 of the Ohio Administrative Code.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Based on the total number of embalming facility licenses issued in each of the preceding six state fiscal years, an average of one embalming facility license was issued annually, at \$400 fee per application, earning an average annual total of \$400 in revenue.

Based on the total number of active embalming facility licenses eligible for renewal in each of the preceding three biennial renewal periods, an average of four embalming facility licenses were renewed, at \$400 fee per renewal application, earning an average biennial total of \$1,600 in revenue.

Revenue collected by the Board of Embalmers and Funeral Directors is paid into the state treasury to the credit of the occupational licensing and regulatory fund, which was created for use in administering, among others, Chapter 4717. of the Revised Code. Operational funding for the board's licensing and enforcement services provided is sourced from this fund.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

No.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The Board of Embalmers and Funeral Directors allows only an embalmer licensed under Chapter 4717. of the Revised Code to apply for and to be issued a license to operate an embalming facility in this state. The regulation intends to protect consumers from potential fraudulent practices and unsanitary facilities by an unlicensed person operating an unregulated embalming facility.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the regulation is effective at preventing the harm described above.

**Are there any changes the Board would like to see implemented?**

Not at this time.

## Surrounding state comparison (LSC) (as of August 7, 2024)

In Ohio, a license is required to operate an embalming facility that is separate from a funeral home. The fees and biennial renewal requirement are identical to the funeral home operator license.<sup>146</sup>

As noted above, Indiana, Michigan, and Pennsylvania do not require a separate license for embalming facilities. In Kentucky, a facility can be licensed as either a “full-service” establishment (i.e., an establishment offering both embalming and funeral services), an embalming facility, or a “visitation and ceremonial” establishment, which does not authorize embalming. For any of those licenses, the fee is \$500 annually.<sup>147</sup> In West Virginia, a facility that performs only embalming services may be licensed as a “mortuary service” establishment. The fee for either an initial or biennial renewal license is \$500.<sup>148</sup>

### Crematory operator

#### Survey response (FUN)

Description
<p>To operate a crematory in this state, a crematory license issued under Chapter 4717. is required, pursuant to Section 4717.06(A)(1) of the Ohio Revised Code. Only a licensed crematory operator may hold the license.</p> <p>According to Rule 4717-7-04(A)(1) of the Ohio Administrative Code, the facility is at a fixed place or location.</p> <p>As per R.C. 4717.06(D)(1), the board shall issue a license to operate a crematory facility only to a crematory operator who is actually in charge and ultimately responsible for the crematory facility. The board shall issue the license only for the address at which the crematory facility is physically located and operated. The license shall be displayed in a conspicuous place within the crematory facility.</p> <p>(2) The crematory facility shall be adequately equipped and maintained in a clean and sanitary manner. The crematory facility may be located in a funeral home, embalming facility, cemetery building, or other building in which the crematory facility may lawfully operate. If a crematory facility engages in the cremation of animals, the crematory facility shall cremate animals in a cremation chamber that also is not used to cremate dead human bodies or human body parts and shall not cremate animals in a cremation chamber used for the cremation of dead human bodies and human body parts. Cremation chambers that are used for the cremation of dead human bodies or human body parts and</p>

<sup>146</sup> R.C. 4717.06, 4717.07, and 4717.08.

<sup>147</sup> Ky. Rev. Stat. 316.010, 316.125, and 316.130; 201 Ky. Admin. Regs. 15:030.

<sup>148</sup> W. Va. Code R. 6-1-2 and 6-7-4.

## Description

cremation chambers used for the cremation of animals may be located in the same area. Cremation chambers used for the cremation of animals shall have conspicuously displayed on the unit a notice that the unit is to be used for animals only.

(3) A license to operate a crematory facility shall be issued to the person actually in charge of the crematory facility. This section does not require the individual who is actually in charge of the crematory facility to be an embalmer or funeral director licensed under this chapter.

(4) Nothing in this section or rules adopted under section 4717.04 of the Revised Code precludes the establishment and operation of a crematory facility on or adjacent to the property on which a cemetery, funeral home, or embalming facility is located.

Definitions related to crematory facility licensure used in Chapter 4717. of the Revised Code include, but are not limited to:

R.C. 4717.01(K) "Crematory facility" means the physical location at which a cremation chamber is located and the cremation process takes place. "Crematory facility" does not include an infectious waste incineration facility for which a license is held under division (B) of section [3734.05](#) of the Revised Code, or a solid waste incineration facility for which a license is held under division (A) of that section that includes a notation pursuant to division (B)(3) of that section authorizing the facility to also treat infectious wastes, in connection with the incineration of body parts other than dead human bodies that were donated to science for purposes of medical education or research.

R.C. 4717.01(L) "Crematory" means the building or portion of a building that houses the holding facility and the cremation chamber.

R.C. 4717.01(M) "Cremation" means the technical process of using heat and flame to reduce human or animal remains to bone fragments or ashes or any combination thereof. "Cremation" includes processing and may include the pulverization of bone fragments.

R.C. 4717.01(N) "Cremation chamber" means the enclosed space within which cremation takes place.

R.C. 4717.01(O) "Cremated remains" means all human or animal remains recovered after the completion of the cremation process, which may include the residue of any foreign matter such as casket material, dental work, or eyeglasses that were cremated with the human or animal remains.

R.C. 4717.01(Q) "Crematory operator" means the person who engages, in whole or in part, in cremation from one or more crematories licensed under this chapter and who has been issued a crematory operator permit under this chapter.

Definitions related to funeral home licensure used in Chapter 4717. of the Administrative Code include, but are not limited to:

### Description

O.A.C. 4717-1-01(A) "Actually in charge," as used with regard to a crematory facility, means a licensed crematory operator who has decision-making authority over the crematory facility, including, but not limited to, hiring employees, disciplining employees, and making managerial decisions regarding daily operations.

O.A.C. 4717-1-01(F) "Fixed place" means a physical structure, having a United States post office street, avenue, or road address.

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Occupational license.

CREM. – Crematory facility

### If the regulation is a registration, certification, or license requirement, please complete the following:

#### Number issued annually

Based on the total number of crematory facility licenses issued in each of the preceding six state fiscal years, an average of 14 crematory facility licenses were issued annually.

#### Number renewed annually

Biennial renewal.

Based on the total number of active crematory facility licenses eligible for renewal in each of the preceding three biennial renewal periods, an average of 170 crematory facility licenses were renewed.



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b></p>	<p>No.</p>
<p><b>Education or training requirements</b></p>	<p>There are no education or training requirements applicable to a crematory facility license.</p> <p>However, the holder of a crematory facility license must be a licensed crematory operator in this state. To obtain a permit to practice as a crematory operator, an applicant must meet training requirements as per R.C. 4717.051 that includes being at least 18 years of age and has satisfactorily completed a crematory operation certification program.</p>
<p><b>Experience requirements</b></p>	<p>There are no experience requirements applicable to a crematory facility license.</p>
<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>There are no examination requirements applicable to a crematory facility license.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>There are no continuing education requirements applicable to a crematory facility license.</p> <p>However, the crematory operator who holds the crematory facility license shall maintain an active certification from a crematory operator certification program as a condition for renewal of the permit, according to R.C. 4717.09(D). Additionally, the crematory operator must successfully complete a two-hour continuing education course approved by the board consisting of laws and rules relevant to this state and specific to crematory operation every two years, as per R.C. 4717.09 and Rule 4717-15-02 of the Ohio Administrative Code.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Initial fee</b>	<p>\$400</p> <p>As per R.C. 4717.08(A)(9), for applying for a license to operate a crematory facility, four hundred dollars and biennial renewal of a license to operate a crematory facility, four hundred dollars.</p>
<b>Duration</b>	<p>Biennial.</p> <p>As per R.C. 4717.08(A), every license and permit issued under this chapter expires on the last day of December of each even-numbered year and shall be renewed on or before that date according to the standard license renewal procedure set forth in Chapter 4745. of the Revised Code. Licenses and permits not renewed by the last day of December of each even-numbered year are lapsed.</p>
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	Same as initial fee.
<b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b>	No, the board does not allow for reciprocity for a crematory facility license.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b>	No.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?**

If an applicant submits a complete application for an initial crematory facility licensure pursuant to R.C. 4717.06, there is no discretion in determining whether to issue the license to the individual, unless the applicant may be determined disqualified according with Section 9.79 of the Revised Code.

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

Chapter 4717. of the Ohio Revised Code authorizes the Board of Embalmers and Funeral Directors to have oversight and disciplinary authority of licensed crematory operators who hold a crematory facility license.

R.C. 4717.04 authorizes the board to adopt rules for the administration and enforcement of Chapter 4717. The board's rules are contained in Chapter 4717 of the Ohio Administrative Code.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Based on the total number of crematory facility licenses issued in each of the preceding six state fiscal years, an average of 14 crematory facility licenses were issued annually, at \$400 fee per application, earning an average annual total of \$5,800 in revenue.

Based on the total number of active crematory facility licenses eligible for renewal in each of the preceding three biennial renewal periods, an average of 170 crematory facility licenses were renewed, at \$400 fee per renewal application, earning an average biennial total of \$68,000 in revenue.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?  
How is that revenue used?**

Revenue collected by the Board of Embalmers and Funeral Directors is paid into the state treasury to the credit of the occupational licensing and regulatory fund, which was created for use in administering, among others, Chapter 4717. of the Revised Code. Operational funding for the board's licensing and enforcement services provided is sourced from this fund.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

No.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The Board of Embalmers and Funeral Directors allows only a crematory operator licensed under Chapter 4717. of the Revised Code to apply for and to be issued a license to operate a crematory facility in this state. The regulation intends to protect consumers from potential fraudulent practices and unsanitary facilities by an unlicensed person operating an unregulated crematory facility.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, the regulation is effective at preventing the harm described above.

Are there any changes the Board would like to see implemented?

Not at this time.

### **Surrounding state comparison (LSC)**

The surrounding state comparison for the crematory operator license is available in LSC's [Occupational Regulation Report](#) for the 133<sup>rd</sup> General Assembly.

## Combined funeral director/embalmer and funeral director/embalmer apprentice

### Survey response (FUN)

#### Description

The Board of Embalmers and Funeral Directors does not issue a combined funeral director and embalmer license. Applicants apply to the board for each license separately. The board issues each license separately to the applicant.

The board also does not issue a combined certification of funeral director apprenticeship and certification of embalmer apprenticeship. Applicants apply to the board for each certification separately. The board issues each certification separately to the applicant.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

If the regulation is a registration, certification, or license requirement, please complete the following:

<b>Number issued annually</b>	
<b>Number renewed annually</b>	

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b></p>	
<p><b>Education or training requirements</b></p>	
<p><b>Experience requirements</b></p>	
<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	
<p><b>Initial fee</b></p>	
<p><b>Duration</b></p>	
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Board recognize uniform licensure requirements or allow for reciprocity?	
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?	
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	



**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?  
How is that revenue used?**

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

**Are there any changes the Board would like to see implemented?**

## Surrounding state comparison (LSC) (as of August 7, 2024)

Ohio allows individuals to be licensed as both a funeral director and an embalmer, and to complete a “dual” funeral director and embalmer apprenticeship. The individual must meet all of the requirements of both licenses or both apprenticeships, as outlined in LSC’s [Occupational Regulation Report](#) for the 133<sup>rd</sup> General Assembly.<sup>149</sup>

Indiana, Michigan, Pennsylvania, and West Virginia do not offer separate licenses for funeral directors and embalmers or for funeral director apprentices and embalmer apprentices.<sup>150</sup> Like Ohio, Kentucky does offer separate licenses, but also allows applicants to request both funeral director and embalmer licenses, or both funeral director apprentice and embalmer apprentice licenses, at the same time. The applicant must meet the requirements necessary for both licenses.<sup>151</sup>

## State Fire Marshal

### Fountain device (fireworks) retailer

#### Survey response (COM)

Description
HB 172 of the 134 <sup>th</sup> General Assembly defined “Fountain Devices” as a specific type of 1.4G consumer grade firework that is all of the following: 1) Nonaerial and nonreport producing; Recognized and manufactured in accordance with sections 3.1.1 and 3.5 of APA standard 87-1 (2001 edition); 2) A ground-based or hand-held sparkler with one or more tubes containing a nonexplosive pyrotechnic mixture that produces a shower of sparks, with or without additional effects that may include a colored flame, audible crackling effect, audible whistle effect, or smoke; and 3) Containing no more than 75 grams of the pyrotechnic mixture in any individual tube and no more than 500 total grams of the mixture total in the case of multiple tubes. HB 172 further created a new fireworks retail sales license that allowed the sales of fountain devices by a significantly wider variety of retailers than can sell display grade and other consumer grade fireworks. Generally, the State Fire Marshal must issue a fountain device retailer license if the applicant submits: 1) a license fee of \$25; 2) An affidavit affirming that the applicant is in compliance with the National Fire Protection Association’s standard “NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (2006 Edition)” (NFPA 1124) or that they will be in compliance before engaging in the storage and sale of fountain devices; and 3) Proof of insurance.

<sup>149</sup> R.C. 4717.07; O.A.C. 4717-4-3 and 4717-5-01. See also FUN’s [Apprenticeship License Requirements](#).

<sup>150</sup> See [133<sup>rd</sup> General Assembly Occupational Regulation Report](#).

<sup>151</sup> See Kentucky Board of Embalmers & Funeral Directors’ [Application for Licensure \(PDF\)](#) and [Apprenticeship Application \(PDF\)](#).

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Per R.C. 3737.26, a fountain device retailer license is a state issued license.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	783
<b>Number renewed annually</b>	783
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	At the inception of this license, in March of 2023, the SFM Testing & Registration Bureau issued 705 initial licenses. As of October 1, 2024, that number increased to 783.
<b>Education or training requirements</b>	For employees of license holder after license issued, but not as a condition of licensure.
<b>Experience requirements</b>	None.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Examination requirements</b> (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>None.</p>
<p><b>Continuing education requirements</b> (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>None.</p>
<p><b>Initial fee</b></p>	<p>\$25</p>
<p><b>Duration</b></p>	<p>One year from December 1 through November 30 of the following year (the license year). Exception: Initial licenses can be obtained at any time during a license year and generally last until the following November 30<sup>th</sup> of the existing license year when the license was awarded.</p>
<p><b>Renewal fee</b> (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$25</p>
<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>This license is attached to a physical location that must be located in Ohio. Thus, this is not a license for which reciprocity applies.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>No.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b></p>	<p>No. Per R.C. 3743.60-.65, it is a crime to sell at retail any device meeting the definition of a “1.4G firework”, such as a fountain device as defined in R.C. 3743.01(H), without a state issued license. Similarly, no person can give away any 1.4G fireworks like fountains that they purchase from a licensed fountain device retailer.</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>This is not an individual occupational license. This is a business license. The Department has discretion, but it is limited.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>None.</p>

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

R.C. 3743.26 -.28 grants the State Fire Marshal authority to inspect a fountain device retailer’s premises, inventory, and retail sale records to ensure compliance with the Fireworks Law and the State Fire Marshal’s rules. If an inspection reveals noncompliance, the State Fire Marshal has discretion to do one or more of the following: 1) Order the retailer, in writing, to eliminate, correct, or otherwise remedy the issues by a certain date; 2) Order the retailer, in writing, to immediately cease the storage and sale of fountain devices; and 3) Revoke, or deny the renewal of a license pursuant to the Administrative Procedure Act. If a license is revoked, the State Fire Marshal must remove the retailer’s name from the list of licensed retailers and must notify local law enforcement of a revocation or refusal to renew.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

For 2023, approximately \$35,250.00 in revenue was derived in the first year which includes the initial licensure plus renewal fees associated with those licenses. T&R has not had a full second year of this license. The revenue has been used for State Fire Marshal and Agency budget.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

Federal regulatory oversight for fireworks wholesalers, manufacturers and fountain device retailers includes:

- the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): focuses on the international importing, domestic manufacturing and storage of display (1.3g) fireworks (not the 1.4g fountain device items).
- US DOTn: regulates the interstate transportation of all types of fireworks;
- Consumer Products Safety Commission (CPSC): regulates/educates the public in the safe usage of consumer items, such as consumer fireworks. No CPSC rules regulate the sale of consumer fireworks of Ohio.

Federal law does not require state level regulation of fireworks and does not preempt such regulations. Ohio fireworks laws set up an independent and robust regulatory program for both commercial grade and consumer level fireworks (including fountain devices). Except for required ATF licensed storage magazines on licensed manufacturer premises, Ohio fireworks laws have very little direct overlap with federal fireworks regulations and neither state nor federal regulations are predicated upon the other.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation seeks to prevent the unlawful or unsafe distribution, possession, storage and sale of the subcategory of consumer fireworks defined as fountain devices in Ohio. Fireworks, including fountain devices, are inherently dangerous and potentially deadly if not manufactured, packaged, distributed, tested, possessed, stored and sold in compliance with the very specific mandates of the Ohio Revised Code, Ohio Fire Code and Ohio Building Code provisions regulating the building structures on and storage magazines at a licensed premises where fountain devices are located, and individuals permitted to purchase fireworks. These regulations focus on preventing another tragedy similar to the events of July 3, 1996 at Scottown, Ohio, where a fire in a consumer grade fireworks store (the store sold fireworks containing similar levels of pyrotechnic compounds as fountain devices) led to 9 deaths and 11 injuries in a matter of seconds and other fatal, injury causing, or property damaging explosions fires associated with fireworks throughout Ohio history.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

As this is a new category of fireworks licensure that was implemented during the same time period as the legalization of the discharge of consumer fireworks in Ohio, it will take several licensure cycles to determine if fireworks injuries, particularly those associated with the increased sales and usage of fountain devices permitted under this regulatory program increase. These devices already could be sold under previous fireworks regulations at approximately 50 licensed wholesale and manufacturers, but now are be sold at 750+ locations, so increased sales and usage of these devices is expected. In general, the sales premise regulations are effective. There has not been a significant fire or explosion at a manufacturing or wholesaler premises (and now fountain device retailers) in over a decade. Being less restrictive will not prevent the harm as Ohio standards just meet or are below national standards for several parts of these operations. Some of the safety provisions that are most effective are strict construction and operational standards and regular inspections to ensure compliance. Additionally, changes in the licensed premises must be approved by SFM and inspected by Code Enforcement fire safety inspectors.

**Are there any changes the Department would like to see implemented?**

No.



## **Surrounding state comparison (LSC) (as of August 28, 2024)**

Ohio allows the sale of consumer-grade fireworks by licensed fireworks manufacturers and wholesalers, and those licensees may sell a wide variety of consumer-grade fireworks. Ohio also allows for registration with the State Fire Marshal as a “licensed fountain device retailer” for those who wish to sell a subset of consumer-grade fireworks called “fountain devices.” Those are ground-based or hand-held sparklers with one or multiple tubes that produce a shower of sparks. They may produce a colored flame, audible crackling or whistling effect, or smoke, but may not produce a report. Registration as a fountain device retailer is obtained on a per-location basis, lasts for one year at most, and requires a \$25 fee.<sup>152</sup>

Ohio’s surrounding states regulate fountain devices in various ways. Indiana, Michigan, and Pennsylvania exclude fountain devices from their definitions of consumer fireworks, allowing their sale without license or registration.<sup>153</sup> West Virginia has a similar limited one-year registration to Ohio, except it requires a \$15 fee per location, paid to the State Fire Marshal.<sup>154</sup> Kentucky does as well, with a \$25 fee per location paid to the State Fire Marshal, but Kentucky’s registration is only required if the potential seller does not operate a year-round business in which the sale of fountains is ancillary to the business; for those businesses no registration is required.<sup>155</sup>

## **Division of Industrial Compliance**

### **Elevator mechanic and temporary elevator mechanic**

The requirement to obtain a license to be an elevator mechanic or temporary elevator mechanic was enacted in H.B. 107 of the 134<sup>th</sup> General Assembly. As the licensure requirement is currently in the early stages of the implementation process, there is not enough information to include in the report.

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<sup>152</sup> R.C. 3743.01, 3743.26, and 3743.65; O.A.C. 1301:7-7-56.

<sup>153</sup> Ind. Code 22-11-14-1, 22-11-14-8, and 22-11-14-11; Mich. Comp. Laws 28.452 and 28.454; 3 Pa. Cons. Stat. 1101 and 1107; American Pyrotechnics Association, [APA Standard 87-1](#).

<sup>154</sup> W. Va. Code 29-3E-4.

<sup>155</sup> Ky. Rev. Stat. 227.702 and 227.715; 815 Ky. Admin. Regs. 10:070.

## Underground storage tank inspector

### Survey response (COM)

Description
License required for individuals to inspect the installation of, performance of major repairs on site to, closure-in-place of, removal of, performance of modifications of, placing out of service for more than ninety days of, or the change in service of an underground storage tank system.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
A certified underground storage tank systems inspector R.C. 3737.88(A)(1), is a license according to RC 4798.01.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	19
Number renewed annually	161

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Active licenses issued have slightly increased overall in the past six years.
<b>Education or training requirements</b>	Completion of a UST Installer training program and a UST Inspector training program.
<b>Experience requirements</b>	None.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Passing an exam is required for this license. Exam is administered by the State Fire Marshal (SFM). Exam material is determined by SFM subject matter experts. \$25 initial application fee, which includes the exam. Proceeds are used for SFM and agency budget.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	No.
<b>Initial fee</b>	\$25
<b>Duration</b>	Triennial (license is renewed every three years)
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$25

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b></p>	<p>No.</p>
<p><b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b></p>	<p>The Division is not aware of the existence of any similar national registrations, certifications of licenses that include competency in applicable sections of the Ohio Revised Code, Ohio Fire Code and Ohio Building Code. Therefore, no substitutions for this state issued license have been made.</p>
<p><b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b></p>	<p>No.</p>
<p><b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b></p>	<p>Yes.</p>
<p><b>Other information</b> (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>None.</p>

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

The SFM may deny suspend, revoke, or refuse to renew the license.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$475 annually from new applicants. \$4,025 triennially from renewals. Revenue is used for SFM and agency budget.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

Under our federal grant agreements, SFM/BUSTR is required to mandate a method of certification for UST Inspector type activity, and our licensing program satisfies this requirement.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation prevents the harm caused if inspectors were not required to pass an exam and complete education to show they possess satisfactory competency in the inspection of installs, major repairs on site to, closure-in-place, removal, modifications, placing out of service for more than 90 days, or change in service of an underground storage tank systems. USTs contain highly flammable and toxic substances such as gasoline, kerosene, etc. The mishandling of underground storage tanks can lead to spills, environmental contamination, fire and explosions.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The regulation is effective. Being less restrictive will not prevent the harm. Licensed inspectors must regularly file completed field inspection reports to the SFM. Facilities where licensed inspectors perform inspection on installation work are registered UST facilities with SFM. This provides further oversight for safety and prevention.

**Are there any changes the Department would like to see implemented?**

No.

**Surrounding state comparison (LSC) (as of August 30, 2024)**

Underground Storage Tank (UST) Systems Inspector						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License (UST systems inspector certificate) <i>(R.C. 3737.88(A); O.A.C. 1301:7-9-15)</i>	No clear equivalent	License (Underground petroleum storage tank contractor certificate) <i>(401 Ky. Admin. Regs. 042:020,</i>	No clear equivalent	License (Underground storage tank systems inspector certification) <i>(25 Pa. Code 245.102(b) and 245.112)</i>	License (Underground storage tank systems certificate) <i>(W. Va. Code R. 33-30-3.2)</i>

Underground Storage Tank (UST) Systems Inspector						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>section 17(3) and 815 Ky. Admin. Regs. 30:060, section 3)</i>			
Education or training	<p>Certification as a fire safety inspector</p> <p>Completion of a UST Installer training program and a UST Inspector training program</p> <p><i>(O.A.C. 1301:7-9-15(D)(4), (5), and (8))</i></p>	N/A	<p>Not required, but technical training approved by the SFM can reduce experience requirement, described below, be <math>\frac{1}{3}</math> and a bachelor's degree in certain engineering fields or license to practice engineering can reduce by <math>\frac{2}{3}</math></p> <p><i>(815 Ky. Admin. Regs. 30:060, section 6(1))</i></p>	N/A	<p>Certain certifications and training related to corrosion protection and tightness testing</p> <p><i>(25 Pa. Code 245.113)</i></p>	<p>Certain completed certifications required for different classes of certification</p> <p><i>(W. Va. Code R. 33-30-3.4.e and 33-30-3.4.f)</i></p>
Experience	<p>Must be at least 18 years of age</p> <p><i>(O.A.C. 1301:7-9-15(D)(2))</i></p>	N/A	<p>Must be at least 18 years of age</p> <p>Participation in at least five UST installations, repairs, or</p>	N/A	<p>Either (1) four years of experience or education or (2) two years of experience and a</p>	<p>For certain classes of certification, participation in at least ten UST installations,</p>

Underground Storage Tank (UST) Systems Inspector						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			removals or training and education described above <i>(815 Ky. Admin. Regs. 30:060, section 5(2) and (6))</i>		bachelor's degree in certain engineering fields <i>(25 Pa. Code 245.113)</i>	repairs, upgrades, testings, etc. <i>(W. Va. Code R. 33-30-3.4.d)</i>
Exam	Yes <i>(O.A.C. 1301:7-9-15(D)(9))</i>	N/A	Yes <i>(815 Ky. Admin. Regs. 30:060, section 8)</i>	N/A	Yes <i>(25 Pa. Code 245.105)</i>	Yes <i>(W. Va. Code R. 33-30-3.4.g)</i>
Continuing education	Required for renewal if SFM determines substantial law changes have been made <i>(O.A.C. 1301:7-9-15(G)(2))</i>	N/A	N/A	N/A	Department-approved inspector training, completed within two years before application submission <i>(25 Pa. Code 245.102(c) and 245.114(d))</i>	16 hours of Department-approved continuing education training courses per renewal <i>(W. Va. Code R. 33-30-3.5.a.2)</i>
Initial licensure fee	\$25 <i>(O.A.C. 1301:7-9-15(D)(1))</i>	N/A	\$350 <i>(815 Ky. Admin. Regs. 30:060,</i>	N/A	N/A	\$185



Underground Storage Tank (UST) Systems Inspector						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>section 5(1) and section 8(1))</i>			<i>(W. Va. Code R. 33-30-3.4.h and 33-30-3.4.i)</i>
License duration	Three years <i>(O.A.C. 1301:7-9-15(F)(1))</i>	N/A	One year <i>(815 Ky. Admin. Regs. 30:060, section 9(1))</i>	N/A	Three years <i>(25 Pa. Code 245.114(b))</i>	Three years <i>(W. Va. Code R. 33-30-3.5)</i>
Renewal fee	\$25 <i>(O.A.C. 1301:7-9-15(G)(1)(a))</i>	N/A	\$100 <i>(815 Ky. Admin. Regs. 30:060, section 9(1))</i>	N/A	N/A	\$125 <i>(W. Va. Code R. 33-30-3.5)</i>

## State Board of Nursing

### Doulas

The requirement to obtain a certification to use the title of “certified doula” was enacted in H.B. 33 of the 135<sup>th</sup> General Assembly. As this requirement is currently in the early stages of the implementation process, there is not enough information to include in the report.

# Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

## Authority to engage in the 3-D printing of open-source prosthetic kits

### Survey response (PYT)

<b>Description</b>	
Authority to engage in the 3-D printing of open-source prosthetic kits	
<b>Type</b> <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>	
Government certification	
<b>If the regulation is a registration, certification, or license requirement, please complete the following:</b>	
<b>Number issued annually</b>	1 per year
<b>Number renewed annually</b>	1-2 every two years

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	This authority has only existed since 2019. The Board has received two complete applications, with one of them being renewed.
<b>Education or training requirements</b>	The applicant must demonstrate proficiency in the use of 3-D printing applications. Examples of ways an applicant can demonstrate proficiency include: (a) 3-D printing coursework; (b) Relevant training or credentials that include knowledge of appropriate material use and an understanding of how a person with limb difference uses the printed device; and (c) Examples of experience printing 3-D products for individuals in the limb-different community.
<b>Experience requirements</b>	See above
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i> )	None
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	None
<b>Initial fee</b>	\$25
<b>Duration</b>	Two years

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$25
<b>Does the Board recognize uniform licensure requirements or allow for reciprocity?</b>	To the Board's knowledge, there is not another state with which there can be reciprocity.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Board?</b>	An individual who holds a current, valid license, certificate, or registration issued under Chapter 4723., 4729., 4730., 4731., 4734., or 4755. of the Revised Code and is practicing within the individual's scope of practice under statutes and rules regulating the individual's profession.  Also individuals licensed as prosthetists and prosthetist-orthotists have this as part of the main professional scope.
<b>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	There is some discretion in determining the adequacy of the education/experience in 3-D printing of open-source prosthetic kits.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	<ul style="list-style-type: none"> <li>• The applicant must keep on file the contact information of a medical professional for each person to whom a 3-D printed prosthetic is designed or provided. The applicant must agree to cooperate with the designated medical professional upon request to provide continuity of care. The medical professional must be an individual who holds a current, valid licensed, certificate, or registration issued under Chapter 4723., 4729., 4730., 4731., 4755., or 4779. of the Revised Code and in whose scope prosthetics is included.</li> <li>• The applicant must disclose in written form to each recipient of a 3-D printed prosthetic the following:</li> </ul>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

- That the applicant does not hold a license to practice prosthetics or prosthetics-orthotics under Chapter 4779. of the Revised Code; and
- If applicable, that the applicant does not carry liability insurance.

**Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.**

Via OAC 4755-70-01:

(H) The occupational therapy, physical therapy, and athletic trainers board, upon review of the application materials, may grant, deny, or revoke authority to engage in 3-D printing of open-source prosthetics kits.

(I) In accordance with Chapter 119. of the Revised Code, the Ohio occupational therapy, physical therapy, and athletic trainers board may suspend, revoke, or refuse to issue or renew the authority to engage in 3-D printing of open-source prosthetic kits, or reprimand, fine, place an authority holder on probation, or require the authority holder to take corrective action courses.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?  
How is that revenue used?**

\$25 – to contribute to the cost of processing the application.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

None. No.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

To work as a prosthetist, education in areas such as anatomy, skin integrity, measurement, impression-taking, model rectification, fabrication, fitting, structural integrity, and evaluating patients in the use and function of prosthetics are required. While technology has evolved to change how some prostheses may be built, fitting someone with a prosthesis requires some medical knowledge. The aim of providing the authority to 3-D print open source prosthetic kits is to allow for innovation to occur while protecting individuals with limb difference by ensuring at least minimal knowledge and skills and requiring a licensed medical professional to be aware. It is important for there to be some level of supervision from a medical professional to protect against patient harm.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The Board would be open to other, less restrictive ways. Given the low number of individuals who have applied, this is not a common activity.

### Are there any changes the Board would like to see implemented?

The Board has been discussing changes to this language. Please contact OTPTAT Board Executive Director Missy Anthony at [missy.anthony@otptat.ohio.gov](mailto:missy.anthony@otptat.ohio.gov) or 614-466-3474.

### Surrounding state comparison (LSC) (as of August 16, 2024)

The Occupational Therapy, Physical Therapy, and Athletic Trainers Board may grant to a person who is not licensed to practice prosthetics or orthotics and prosthetics the authority to engage in the 3-D printing of open-source prosthetic kits. An applicant must pay a \$25 fee and demonstrate proficiency in the use of 3-D printing applications. This may include the following:

- 3-D printing course work;
- Relevant training or credentials that include knowledge of appropriate material use and an understanding of how a person with limb differences uses the printed device; or
- Experience printing 3-D products for individuals in the limb-different community.

A license is valid for two or more years. The authority must be renewed by the 31<sup>st</sup> day of January in each even-numbered year. When the authority is issued on or after October 1<sup>st</sup> of an odd-numbered year, that authority is valid through January 31<sup>st</sup> of the second even-numbered year. The renewal fee is also \$25.<sup>156</sup>

It does not appear that any of the surrounding states issue this license.

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<sup>156</sup> R.C. 4779.40; O.A.C. 4755-70-01.

## Department of Public Safety

### Fire safety inspector instructor

#### Survey response (DPS)

##### Description

Fire safety inspector instructor means an individual who holds a certificate to teach Ohio fire safety inspector training courses issued by the chief executive officer of the State Board of Emergency Medical, Fire, and Transportation Services pursuant to section 4765.55 of the Revised Code and Chapter 4765-21 of the Administrative Code. Fire safety inspector instructors may only teach courses at the fire safety inspector or hazard recognition officer levels.

**NOTE: This certification level became inactive effective 7/7/2024 with OAC 4765-21 and 4765-24 revisions.**

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Certification

If the regulation is a registration, certification, or license requirement, please complete the following:

**Number issued annually**

The average number of new Fire Safety Inspector Instructor certificates issued annually over the past four fiscal years (FY 2021-FY 2024) has been 1 certificate/month. This includes an average of 0 certifications by reciprocity from other states or the military.

**Number renewed annually**

An average of 3 Fire Safety Inspector Instructor certificates were renewed annually from FY 2021 through FY 2024.



**If the regulation is a registration, certification, or license requirement, please complete the following:**

<p><b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b></p>	<p>No</p>
<p><b>Education or training requirements</b></p>	<p>Fire safety inspector instructor course:</p> <p>A fire safety inspector instructor course shall consist of a minimum of sixty hours and shall include all of the following training requirements:</p> <p>A minimum of forty hours in instruction of adult students and basic teaching techniques as set forth in the "Ohio Fire and EMS Instructor Curriculum";</p> <p>Two hours credited toward completion of the instructional methods examination;</p> <p>Completion of the eight hour "Fire Safety Inspector Training Module";</p> <p>Ten hours of supervised teaching in the presence of a fire safety inspector instructor trainer under the auspices of a chartered program.</p> <p>A minimum of six hours of the required teaching time shall be classroom lecture.</p> <p>Up to four hours of teaching time may be practical skills instruction.</p> <p>The forty hours in instruction of adult students as set forth in paragraph (A)(1)(a) of this rule and the instructional methods examination as set forth in paragraph (A)(1)(b) of this rule shall be successfully completed prior to the requirements as set forth in paragraphs (A)(1)(c) to (A)(1)(e) of this rule.</p> <p>The eight-hour training module as set forth in paragraphs (A)(1)(c) to (A)(1)(d) of this rule shall be completed prior to the requirements as set forth in paragraph (A)(1)(e) of this rule.</p> <p>An EMS Instructor or Fire Instructor seeking Fire Safety Inspector Instructor certification shall receive credit for the forty hours in instruction of adult students and basic teaching techniques, the instructional methods examination, and ten hours of supervised teaching.</p>

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Experience requirements**

Prior to admission into an Ohio fire safety inspector instructor course, an individual shall meet all of the following requirements:

In the preceding seven years, have at least five years of experience as an Ohio-certified fire safety inspector;

Possess a current and valid Ohio fire safety inspector certificate issued under section 4765.55 of the Ohio Revised Code and 4765-20-03 of the Ohio Administrative Code that is in good standing;

Successfully pass the Ohio instructor knowledge examination as set forth in rule 4765-21-05 of the Ohio Administrative Code at the fire safety inspector level, within one year prior to admission into a fire safety inspector instructor course.

**Examination requirements** (*Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?*)

The initial examinations required for a fire safety inspector instructor certificate shall consist of a knowledge examination and instructional methods examination approved by the executive director, with the advice and counsel of the committee.

The knowledge examination is administered by previously approved and designated proctors at any of the 62 approved fire charters in Ohio. The examination is developed by the Division of EMS and delivered via computer as scheduled through the fire charters. The examination is delivered free of charge and scored immediately at the conclusion of the examination.

The knowledge examination for fire safety inspector instructor shall meet the following:

The knowledge examination shall be taken within one year prior to the start of a fire safety inspector instructor course;

The knowledge examination shall be taken at the fire safety inspector level;

A passing score of at least eighty per cent on the knowledge examination is required for admission into a fire safety inspector instructor course;

If an applicant is unable to pass the knowledge examination within three attempts, the applicant shall wait for a time period of six months and complete a new fire safety inspector training course as set forth in rule 4765-24-14 of the Administrative Code before attempting the examination again.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

	<p>The instructional methods examination shall meet the following:</p> <p>The instructional methods examination is administered by previously approved and designated proctors at any of the approved fire charters and EMS accredited programs in Ohio. The examination is developed by the Division of EMS and delivered via computer as scheduled through the fire charters. The examination is delivered free of charge and scored immediately at the conclusion of the examination.</p> <p>A passing score of at least seventy per cent on the instructional methods examination is required for certification;</p> <p>The instructional methods examination required for certification shall be passed within three attempts;</p> <p>If an applicant is unable to pass the instructional methods examination within three attempts, the applicant shall complete a new fire safety inspector instructor training course as set forth in rule 4765-24-15 of the Administrative Code and meet all criteria for a fire safety inspector instructor as set forth in rule 4765-21-03 of the Administrative Code.</p>
<p><b>Continuing education requirements</b> <i>(Including a description of the curriculum and the process of setting it.)</i></p>	<p>24 hours of instruction related to fire safety inspector training;</p> <p>AND one of the following:</p> <p>6 hours of instructional methodology CE</p> <p>OR pass an instructional methods exam.</p>
<p><b>Initial fee</b></p>	<p>There currently is no legislative authority for the Division of EMS to charge a certification fee.</p>
<p><b>Duration</b></p>	<p>A certification cycle is for a three-year period after the initial certification cycle. The initial certification cycle establishes an expiration date that falls on the birthday of the applicant and, when applicable, aligns with the year of expiration of other active certificates issued to the applicant by the Board.</p> <p>The continuing education requirements for the initial certification cycle are prorated based on the length of the certification cycle.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	There currently is no legislative authority for the Division of EMS to charge a certification fee. However, if the certification lapses, a reinstatement fee of \$75.00 is charged on re-application.
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	No, due to Ohio-specific fire codes.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	Yes No
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	No
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes. The Board may suspend, revoke, refuse to grant, limit, or refuse to renew any certificate/permit/license issued by the board, impose a fine, or issue a written reprimand if an individual has violated ORC 4765 and the rules promulgated thereunder.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

The Board utilizes the Division of EMS-Office of Investigative Services for oversight and disciplinary actions involving EMS providers. The Board's authority over EMS matters for this occupation is derived from Ohio Revised Codes 4765 and the rules promulgated thereunder. The Office of Investigative Services staff issues discipline on the behalf of the Board and monitors the individuals for compliance.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

There currently is no legislative authority for the Division of EMS to charge an initial or renewal application fee. The \$75.00 fee charged to applicants certified through reinstatement generates minimal income. Any revenue generated is included in the operational fund for the Division of EMS and the Board.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Licensure of instructors for fire safety Inspectors is designed to protect all future fire safety inspector students from delivering any sub-optimal fire prevention and/or inspection services which could present serious and immediate risk to both personal and public health and safety, including death. It is fair to assume that a large proportion of the public these students will eventually be called on to manage do not possess the knowledge or technical expertise needed to properly evaluate the qualifications of those who arrive to manage a complex fire scene and its related hazards. Those entrusted with this great educational responsibility must be competent providers themselves in addition to possessing an understanding and capability of applying related adult teaching methodologies in order to best prepare today's students to safely provide appropriate, competent response in the future no matter what hazards or life safety threats are involved.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Where the state finds it is necessary to displace competition, the state will use the least restrictive regulation to protect consumers from present, significant, and substantiated harms that threaten public health, safety, or welfare. Through course approval by the Division of EMS, utilizing instructor educational resources to improve our courses (e.g., National Association of EMS Educators instructor courses, NFPA 1041 standards for instructors), close monitoring of program graduation rates, student performance on the National EMS Certification examinations, student feedback on instructors and programs, and employer feedback all support these strategies and provide related metrics to conclude that effective educational preparation of practitioners has resulted in graduates' abilities to provide safe and effective care at the entry level of competency for the profession.

**Are there any changes the Department would like to see implemented?**

A background check requirement for initial application and renewals for certification, including Rapback notification, would be of value to the Board in its mission to protect those served by our licensees. As many of the disciplinary matters involve prior and/or non-disclosed criminal convictions, this would aid the Division's Office of Investigative Services in identifying and completing a review of these convictions and addressing the issues in a timely fashion. Currently, the Board and the Division rely on the individuals (certificate holders) to voluntarily disclose any convictions. By instituting a background check component, this would only strengthen the public's trust in the occupation and protect the public from potential bad actors.

The State Board of Emergency Medical, Fire, and Transportation Services is the only regulatory board that does not currently charge fees for issuance of certificates to practice for Ohio EMS and fire personnel. Modification of ORC 4765.55 to create fee parity with existing EMS regulations in ORC 4765.11(A)(3) and 4765.11(A)(4) is necessary before rule promulgation to charge fees in order to cover the administrative costs for issuing fire certifications.

### Are there any changes the Department would like to see implemented?

The Division of EMS has subsequently completed development of a Fire and Emergency Services Instructor course to enable crossover between instructors from the law enforcement, fire, and EMS communities. Instructional methodology objectives between the three disciplines are very similar and this should efficiently reinforce instructor volume and course capacity within all of Ohio's public safety services programs. The new Fire and Emergency Services Instructor I and II certifications were implemented effective July 7, 2024, consequently all Fire Safety Inspector Instructor certifications were migrated to the Fire and Emergency Services Instructor II certification. At the same time, the legacy Fire Safety Inspector Instructor certification was retired.

### Surrounding state comparison (LSC) (as of August 30, 2024)

Ohio certifies Fire Safety Inspector Instructors at two levels, though the certification legally functions as a license. Fire Safety Inspector Instructors I are certified to teach courses for Fire Safety Inspector certification, and Fire Safety Inspector Instructors II are certified to teach courses for Fire Safety Inspector or Fire Safety Inspector Instructor.<sup>157</sup> Those seeking certification must hold a current Fire Safety Inspector Certification, either complete the Fire and Emergency Services Instructor I and, if applicable, II course or possess a bachelor's degree in education.<sup>158</sup> Within 180 days of course completion, or approval to test based on possession of a bachelor's degree, applicants must pass an instructional methods examination.<sup>159</sup> Certification also requires current certification as a Fire Safety Inspector, such certification during five of the seven preceding years, and, for Instructor II, current certification as Instructor I or satisfaction of job performance requirements during a combined Inspector I and II course.<sup>160</sup> Certification lasts three years, generally, but runs concurrently with the underlying Fire Safety Inspector certification, so an initial certification may be for a shorter period. Certificate holders must complete 24 hours of continuing education per renewal cycle but may complete an additional six hours to obtain waiver of an otherwise required instructional methods examination.<sup>161</sup>

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<sup>157</sup> R.C. 4765.55; O.A.C. 4765-21-01, 4765-21-03, 4765-24-15, and 4765-24-17.

<sup>158</sup> O.A.C. 4765-21-03 and 4765-24-15.

<sup>159</sup> O.A.C. 4765-21-03 and 4765-24-15.

<sup>160</sup> O.A.C. 4765-24-02 and 4765-25-02; Ohio Department of Public Safety, Division of Emergency Services, [Fire and Emergency Services Instructor I & II Course Packet \(PDF\)](#).

<sup>161</sup> R.C. 4765.55; O.A.C. 4765-20-16, 4765-21-06, and 4765-21-15.

Ohio's surrounding states do not appear to have any direct equivalent certifications. Both Indiana and West Virginia certify fire service instructors generally, and instructors can teach approved curriculum, including for fire inspectors, but neither state, nor Michigan, Pennsylvania, and Kentucky certify fire inspector instructors specifically.<sup>162</sup>

## **Miscellaneous**

### **Euthanasia technician certificate**

Under Ohio law, no animal shelter employee or agent or county dog warden or employee may perform euthanasia by means of lethal injection on an animal or administer pre-euthanasia drugs that induce anesthesia, sedation, or unconsciousness unless the agent or employee or county dog warden has received certification after successfully completing a euthanasia technician certification course. Although the certificate is required to engage in the activity, it is not an "occupational regulation" and is beyond the scope of this report.

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<sup>162</sup> 655 Ind. Admin. Code 1-1-5.2 and 1-1-6.1; W. Va. Code R. 87-8-3.